



Republic of Namibia  
Annotated Statutes

## REGULATIONS

---

REGULATIONS SURVIVING IN TERMS OF

# Civil Aviation Act 6 of 2016

section 236(2)

---

## Namibian Civil Aviation Regulations (NAM-CARS), 2001

Government Notice 1 of 2001

[\(GG 2467\)](#)

came into force on 2 March 2001 (GN 1/2001)

These regulations were made in terms of section 22 of the Aviation Act 74 of 1962 (RSA), which was repealed by the Civil Aviation Act 6 of 2016. They survive pursuant to section 236(2) of the Civil Aviation Act 6 of 2016.

Note that the Air Navigation Regulations, 1963 were repealed by regulation 139.01.37 of the original regulations in GN 1/2001 ([GG 2467](#)); that regulation has since been substituted.

In addition, the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, were repealed in part by regulation 91.01.14 of the original regulations in GN 1/2001 ([GG 2467](#)) (which repealed Chapters 1, 2, 3, 4, 5, 10 and 11 of the 1975 regulations) and in part by regulation 172.01.10 of the original regulations in GN 1/2001 ([GG 2467](#)) (which repealed Chapters 6-9 inclusive of the 1975 regulations). The rules in question consisted of only 11 chapters, so these two provisions together constituted a full repeal. Both of these original regulations have since been substituted.

The Government Notice which publishes these regulations notes that they were made, where necessary, after consultation with the Minister of Finance.

**as amended by**

### Government Notice 57 of 2006 ([GG 3615](#))

came into force on date of publication: 1 April 2006

The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

### Government Notice 201 of 2006 ([GG 3741](#))

came into force on 1 December 2006 (GN 201/2006)

The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

### Government Notice 80 of 2017 ([GG 6281](#))

came into force on date of publication: 4 April 2017

The Government Notice which publishes these amendments notes that they were made with the concurrence of the Minister responsible for finance.

### Government Notice 210 of 2018 ([GG 6696](#))

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**came into force 90 days after date of publication (date of publication: 31 August 2018)**

The Government Notice which publishes these amendments notes that they were made on the recommendation of the Board of Directors of the Namibia Civil Aviation Authority and with the concurrence of the Minister responsible for finance.

**Government Notice 293 of 2018 (GG 6763)**

**as amended by Government Notice 369 of 2018 (GG 6816),**

**Government Notice 409 of 2019 (GG 7086),**

**Government Notice 112 of 2020 (GG 7199),**

**Government Notice 137 of 2021 (GG 7567),**

**Government Notice 90 of 2022 (GG 7775) and**

**Government Notice 294 of 2022 (GG 7917);**

**came into force on date of publication: 8 November 2018,**

**with the exception of substituted Part 139, which comes into effect as follows:**

- (i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, came into operation on **31 March 2023** [Note that Part 139 was amended at the same time that GN 293/2018 came into force by GN 55/2023, which came into force in part on 31 March 2023.];
- (ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the **interim period** regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and
- (iii) all the other provisions of Part 139 came into effect on **1 May 2020**.

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals the Civil Aviation Security Regulations, 1996 contained in GN 181/1996 (GG 1348) and made in terms of the Civil Aviation Offences Act 10 of 1972.

**Government Notice 410 of 2019 (GG 7086)**

**came into force on date of publication: 30 December 2019**

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority.

**Government Notice 89 of 2020 (GG 7157)**

**came into force 90 days after date of publication (date of publication: 27 March 2020)**

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals (i) the Air Navigation Regulations, 1976 published under RSA GN R.141/1976 (RSA GG 4975), as amended by RSA GN R.1283/1976 (RSA GG 5234), RSA GN R.2380/1977 (RSA GG 5804), GN 225/1995 (GG 1204) and GN 60/1998 (GG 1825); and (ii) Safety Directive No. DCA 97-1 published in General Notice 223/1997 (GG 1639).

**Government Notice 236 of 2020 (GG 7348)**

**came into force 6 months after date of publication (date of publication: 30 September 2020),**

**with the exception of Part 21: Subparts 2, 3, 5, 6 and 7 and other provisions of Part 21**

**that make reference to type certification, which will be brought into force**

**on a date set by the Minister by notice in the Government Gazette**

The Government Notice which publishes these amendments notes that they were made under sections 54-57 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. This Government Notice states that these regulations were amended by Government Notice 112/2020. This is incorrect; Government Notice 112/2020 amends Government Notice 293/2018 as recorded above, not Government Notice 1/2001.

**Government Notice 55 of 2023 (GG 8056)**

**came into force on date of publication: 31 March 2023,**

**with the exception of the substitution of Part 139: Subpart 5,**

**which comes into force 18 months after the date of publication**

The Government Notice which publishes these amendments notes that they were made under section 54 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. Government Notice 55/2023 states that these regulations were amended by Government Notices 369/2018, 409/2019, 112/2020, 137/2021, 90/2022 and 294/2022. This is incorrect; these Government Notices amend Government Notice 293/2018 as recorded above, not Government Notice 1/2001. Government Notice 55/2023 also fails to note the amendments made by

Government Notices 410/2019, 89/2020 and GN 236/2020.

**Government Notice 178 of 2023 (GG 8119)**

**came into force on date of publication: 26 June 2023, with certain exceptions:**

**regulations 65.01.6 and 65.01.8 in Part 65, regulation 66.01.12 in Part 66 and**

**the regulations in Subpart 4 of Part 66 commenced “after twelve months from the date of commencement of these regulations” (ie, on 26 June 2024)**

**Government Notice 11 of 2024 (GG 8299)**

**came into force “eight months after the date of publication”; date of publication: 29 Jan 2024**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- \* The Government Notice which publishes these amendments notes that they were made under sections 54-57 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. GN 178/2023 lists GN 409/2020 as a previous amendment to the regulations, but in fact it amends a commencement date in GN 293/2018.
- \* GN 178/2023 contains a transitional provision which applies to the amendments that came into force on the date of publication of that Government Notice; it provides that “a licence, permit or authorisation relating to a matter covered under these regulations and which was issued in terms of the Act or deemed to have been issued in terms of the Act before the commencement of these regulations remains valid for the period for which it was issued, unless revoked or suspended in terms of the Act” (GN 178/2023, section 1(1)(a)).

[The original regulations were presented in a format that is somewhat different from that used in other sets of regulations. However, recent amendments adopt a format that follows other post-Independence regulations more closely. The format utilised here replicates the more modern style.]

GN 89/2020 amends the regulations globally to substitute the expressions:

- \* “authorised officer, inspector or authorised person” and
- \* “authorised officer, inspector and authorised person”

for the expressions:

- \* “designated inspector, authorised officer or authorised person” and
- \* “designated inspector, authorised officer and authorised person”.

The plural forms of these two expressions have been replaced by the plural forms of the substituted expressions, and where the previous expression was preceded by the word “a” (“a designated...”), this has been replaced with the word “an” (“an authorised...”) for grammatical consistency.

GN 178/2023 amends the regulations globally to substitute the term “flight simulation training device” for the terms “simulator” and “synthetic flight trainer”. No instances of the term “synthetic flight trainer” were located. The substitution has not been made in any provisions which were inserted or substituted by GN 178/2023, on the theory that they were already adjusted.

---

The following notes concern inconsistencies in certain terms in the regulations and minor editorial adjustments which are not annotated:

- \* “ab initio” appears with and without being italicised (“ab initio”)
- \* “air speed” (two words) is used interchangeably with “airspeed” (one word)
- \* “ATSU” and “ATS unit” are both used to refer to “air traffic service unit”
- \* “coordination” sometimes appears with a hyphen (“co-ordination”)
- \* “en route” (two words) also appears as “enroute” (one word) and “en-route” (hyphenated)
- \* “fire fighting” (two words) also appears as “firefighting” (one word) and “fire-fighting” (hyphenated)
- \* “flight simulator or training device” appears interchangeably with “flight simulator or flight training device” (with the word “flight” repeated)
- \* “gear box” (two words) also appears as “gearbox” (one word)
- \* “kilogram” and “kilogramme” are used interchangeably
- \* “licence” and “license” are used interchangeably
- \* “microlight” sometimes appears as two words (“micro light”)
- \* “on board” occasionally appears as “on-board”
- \* “operator” is sometimes capitalised and sometimes not capitalised
- \* “power-units” sometimes appears without a hyphen (“power units”)
- \* “pre-flight” appears both with a hyphen and as one unhyphenated word (“preflight”)
- \* the American word forms “refueling” and “defueling” (one “l”) are used interchangeably with the British word forms “refuelling” and “defuelling” (two “l”s)
- \* “re-issued” sometimes appears as one word (“reissued”)
- \* “signaling” (with one “l”) is used interchangeably with “signalling” (with two “l”s)
- \* “skills test” (“skills” plural) is used interchangeably with “skill test” (“skill” singular)
- \* “waybill” sometimes appears as two words (“way bill”).

The phrases “lift-off” and “take-off” appear inconsistently with and without a hyphen (“lift off” and “take off”). These words should appear *with* a hyphen when used as a noun or a compound adjective and *without* a hyphen when used as a verb.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

The regulations variously use the phrases “aircraft maintenance engineer licence”, “aircraft maintenance engineers licence”, “aircraft maintenance engineer’s licence” and “aircraft maintenance engineers’ licence”. The term “aircraft maintenance engineer licence” appears to be the preferred form (as used in the heading of Part 66).

The regulations variously use the phrases “one engine inoperative / two engines inoperative” (without any hyphens), “one-engine inoperative / two-engines inoperative” (with one hyphen) and “one-engine-inoperative / two-engines-inoperative” (with two hyphens).

Document names such as “Document NAM-CATS-FCL 61” sometimes appear in the *Government Gazettes* with a hyphen before the number and sometimes without a hyphen in that position. The hyphens between the acronyms in the document names are also sometimes omitted in the *Government Gazettes*. These names have been harmonised here to appear *with* hyphens between all the acronyms and *without* hyphens before the number, as the terms appear in the definition section of the regulations, to facilitate computer searches for the document names.

Missing hyphens in the phrases “pilot-in-command”, “pilot-in-command-under-supervision” and “powered-lift” have been added without annotation to facilitate computer searches for these terms. Capitalisation of the term “powered-lift” is reproduced as it appears in the *Government Gazette* in every case.

Many compound adjectives appear without hyphens, or inconsistently with and without hyphens. These are reproduced as they appear in the *Government Gazette* without annotation. Examples of inconsistent usage include “100-hour”/“100 hour”, “add-on”/“add on”, “amateur-built”/“amateur built”, “appropriately-rated”/“appropriately rated”, “cross-country”/“cross country”, “follow-up”/“follow up”, “ground-based”/“ground based”, “ground-to-ground”/“ground to ground”, “hand-held”/“hand held”, “life-limited”/“life limited”, “out-of-date”/“out of date”, “over-water”/“over water”, “passenger-carrying”/“passenger carrying”, “passport-size”/“passport size”, “power-assisted”/“power assisted”, “production-built”/“production built”, “propeller-driven”/“propeller driven”, “right-hand”/“right hand”, “single-engine”/“single engine”, “turbine-powered”/“turbine powered” and “up-to-date”/“up to date”.

The regulations use “a” rather than “an” before a number of acronyms where “an” would be the correct usage: “a ATPL”, “a ATS”, “a FI”, “a FIE”, “a FSTD”, “a MCM”, “a MP”, “a RPA”, “a SFE”, “a SFI(A)” and “a SFI(H)”. They also use “an” before some acronyms where “a” would be the correct usage: “a MEL”. These are reproduced as they appear in the *Government Gazettes*.

The abbreviation for “nautical miles” appears both as “NM” (capitalised) and “nm” (not capitalised). The regulation on definitions uses “nm” (not capitalised).

Numbers of 1 000 or more are all presented with a space after the numeral in the thousands position, regardless of how they appear in the *Government Gazette*, to facilitate computer searches; the *Gazettes* are inconsistent on this point.

---

Several regulations refer to specific annexes of the Chicago Convention.  
The Civil Aviation Act 6 of 2016 defines the “Chicago Convention” as follows:

“Chicago Convention” means the Convention on International Civil Aviation signed in Chicago on 7 December 1944, and adopted by section 1 of the Aviation Amendment Act, 1947 (Act No. 42 of 1947), and contained in Schedule 1, and includes -

- (a) any amendment to the Convention that has entered into force under Article 94(a) of the Convention and has been ratified by Namibia; and
- (b) any Annex or amendment to any Annex accepted under Article 90 of the Convention, to the extent ratified by Namibia; and
- (c) the international standards and procedures adopted and amended by the International Civil Aviation Organisation under Article 37 of the Convention, but subject to any notification of differences by Namibia pursuant to Article 38 of the Convention.

The Convention is supported by Annexes containing international standards and practices which are adopted by decisions of the International Civil Aviation Council and regularly amended by



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

means of a tacit acceptance procedure. While these international standards and recommended practices are viewed as authoritative technical specifications, most of them do not have the status of binding international law; Member States are expected to comply with them in terms of Article 37 of the Convention to “the highest practicable degree”. The International Civil Aviation Organisation provides a subscription service for up-to-date versions of the Annexes. For more information about the Annexes, see the entry on the *Convention on International Civil Aviation (Chicago Convention)*, 1944 in the Namlex Appendix.]

\*\*\*

**NAMIBIAN CIVIL AVIATION REGULATIONS, 2001**

[The table of contents is amended by GN 293/2018. Consequential adjustments have been made even where not specifically directed, following the same format as the other entries in the table of contents.]

**DEFINITIONS**

Part 1 Definitions and abbreviations

[Part 1 is amended by GN 210/2018, GN 293/2018, GN 89/2020, GN 236/2020 and GN 178/2023.]

**PROCEDURES**

Part 2 Units of measurement to be used in air and ground operations

[Part 2 is inserted by GN 293/2018.]

Part 3 Regulations making, issuing of technical standards, exemptions, directives, filing of differences and other procedures

[Part 3 is inserted by GN 293/2018.]

Part 11 Establishment of technical committees, panels and related procedures

[Part 11, including its heading, is substituted by GN 293/2018. In the text below, the heading of the substituted PART 11 is “Establishment of technical committees, panels and procedures” (without the word “related”).]

Part 13 Enforcement procedures

[Part 13 is substituted by GN 293/2018; GN 293/2018 also substitutes the heading of Part 13, but the substituted heading is the same as the previous one.]

**AIRCRAFT**

Part 21 Certification procedures for products and parts and Airworthiness of Aircraft

[Part 21, including its heading, is substituted by GN 236/2020.]

Part 24 Airworthiness requirements: non-type certificated aircraft

[Part 24 is inserted by GN 236/2020.]

Part 34 Engine emission certification

[Part 34, including its heading, is substituted by GN 236/2020.]

Part 36 Noise certification

[Part 36, including its heading, is substituted by GN 236/2020.]

Part 43 General maintenance rules

[Part 43, including its heading, is substituted by GN 236/2020.]

Part 44 Maintenance rules: non-type certificated aircraft

[Part 44 is inserted by GN 236/2020.]

Part 47 Registration and marking of aircraft

[Part 47, including its heading, is substituted by GN 236/2020.]

Part 48 Leasing of aircraft

[Part 48 is inserted by GN 11/2024.]

**FLIGHT SIMULATORS OR TRAINING DEVICES**

Part 60 Flight Simulators or Training Devices

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[Part 60 is inserted by GN 178/2023. It is not clear what heading the inserted part should fall under since the direction is merely to insert it “after Part 47”. However, since it does not appear to fit well under the preceding section on AIRCRAFT or the following section on PERSONNEL, it has been presented on its own under the heading “FLIGHT SIMULATORS OR TRAINING DEVICES”.]

## **PERSONNEL**

- Part 61 Pilot licensing  
[Part 61 is substituted by GN 178/2023.]
- Part 62 Recreational pilot licensing  
[Part 62 is inserted by GN 178/2023.]
- Part 63 Flight engineer licensing  
[Part 63 is substituted by GN 178/2023.]
- Part 64 Cabin crew licensing  
[Part 64 is substituted by GN 178/2023.]
- Part 65 Air traffic service personnel licensing  
[Part 65 is substituted by GN 178/2023.]
- Part 66 Aircraft maintenance engineer licensing  
[Part 66 is substituted by GN 178/2023.]
- Part 67 Medical certification  
[Part 67 is substituted by GN 178/2023.]

## **RULES OF THE AIR AND GENERAL OPERATING RULES**

- Part 71 Airspace and air routes  
[Part 71 is inserted by GN 89/2020.]
- Part 90 Performance-based navigation  
[Part 90 is inserted by GN 293/2018.]
- Part 91 General aviation and operating flight rules  
[Part 91, including its heading, is substituted by GN 11/2024.]
- Part 92 Safe transport of dangerous goods by air  
[Part 92, including its heading, is substituted by GN 293/2018.]
- Part 98 Operation of powered paragliders
- Part 100 Operation of gyroplanes
- Part 101 Operation of remotely piloted aircraft  
[Part 101, including its heading, is substituted by GN 89/2020.]
- Part 102 Operation of free balloons and airships
- Part 103 Operation of microlight aeroplanes
- Part 104 Operation of gliders
- Part 105 Operation of parachutes
- Part 106 Operation of hang gliders
- Part 107 Operation of amateur-built aircraft

## **AVIATION SECURITY**

- Part 108 Acceptance, forwarding, storage and carriage of cargo, mail and in-flight supplies  
[Part 108 is inserted by GN 293/2018.]
- Part 109 Aviation security training organisations  
[Part 109 is inserted by GN 293/2018.]
- Part 110 Aviation security screeners and instructors certification  
[Part 110 is inserted by GN 293/2018.]
- Part 111 Aviation security programmes and security measures  
[Part 111 is inserted by GN 293/2018.]
- Part 112 (Reserved for future use)
- Part 113 Aviation security service providers: certification  
[Part 113 is inserted by GN 293/2018.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- Part 114 Aviation security background checks  
[Part 114 is inserted by GN 293/2018.]

**CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS**

- Part 121 Air transport operations - carriage on aeroplanes of 20 or more passengers or cargo  
[Part 121, including its heading, is substituted by GN 11/2024.]
- Part 127 Commercial helicopter operations: passengers, cargo and mail  
[Part 127, including its heading, is substituted by GN 11/2024.]
- Part 133 Helicopter external - load operations
- Part 135 Air transport operations - carriage of less than 20 passengers or cargo  
[Part 135, including its heading, is substituted by GN 11/2024.]
- Part 137 Agricultural operations

**AERODROMES AND HELIPORTS**

- Part 139 Aerodromes  
[Part 139, including its heading, is substituted by GN 293/2018.]

**ORGANISATIONS**

- Part 140 Safety management systems and related matters (SMS)  
[Part 140 is inserted by GN 293/2018.]
- Part 141 Aviation training organisations  
[Part 141 is substituted by GN 178/2023.]
- Part 145 Aircraft maintenance organisations
- Part 147 Design organisations for products, parts and appliances
- Part 148 Manufacturing organisations
- Part 149 Aviation recreation organisations

**AIR TRAFFIC SERVICES [AIR NAVIGATION SERVICES]**

[The amendments made by GN 89/2020 did not amend the headings which appear above the groups of parts in the original regulations. However, it appears from the headings of Parts 170-179 in GN 89/2020 that they were intended to be grouped together under the overarching heading "Air Navigation Services". Furthermore, according to regulation 170.01.1, "air navigation services (ANS) Parts" means "Parts 171, 172, 173, 174, 175 and 179".]

- Part 170 General  
[Part 170 is inserted by GN 89/2020.]
- Part 171 Aeronautical telecommunication services  
[Part 171 is inserted by GN 89/2020.]
- Part 172 Air traffic services  
[Part 172, including its heading, is substituted by GN 89/2020.]
- Part 173 Flight procedure design services  
[Part 171 is inserted by GN 89/2020.]

**AERONAUTICAL INFORMATION AND RELATED SERVICES**

[As explained in the note under the previous boldface heading, it appears that the intention of GN 89/2020 was to delete this heading and group Parts 170-179 under the single heading AIR NAVIGATION SERVICES. However, GN 89/2020 provides no directions regarding the table of contents.]

- Part 174 Aviation meteorological services  
[Part 174, including its heading, is substituted by GN 89/2020.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- Part 175     Aeronautical information services and aeronautical charts  
                 **[Part 175, including its heading, is substituted by GN 89/2020.]**
- Part 179     Search and rescue services  
                 **[Part 179 is inserted by GN 89/2020.]**

**ADMINISTRATION**

- Part 183     General
- Part 185     Offences, fines and related matters  
                 **[Part 185, including its heading, is substituted by GN 293/2018.]**
- Part 187     Fees  
                 **[Part 187 is substituted by GN 57/2006, amended by GN 201/2006,  
                 substituted by GN 80/2017 and amended by GN 210/2018.]**

**[The headings in boldface type in the table of contents above do not appear in the text of the regulations. They have been inserted in the text below as an editorial addition, in green type, to guide the user.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**DEFINITIONS**

**PART 1**  
**DEFINITIONS:**  
**DEFINITIONS AND ABBREVIATIONS**

**LIST OF REGULATIONS**

- 1.00.1 Definitions
- 1.00.2 Abbreviations
- 1.00.3 Classification of aircraft
- 1.00.4 Categories of precision approach and landing conditions



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Definitions**

**1.00.1** In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

“ab initio training”, in relation to pilots, means initial training in an aircraft or a flight simulation training device;

“accelerate-stop distance available” means the length of the take-off run available plus the length of stopway, if provided;

“access control” means the application of means by which the entry of unauthorised persons or unauthorised vehicles or both may be restricted or prohibited;

[The definition of “access control” is inserted by GN 293/2018.]

[The definition of “accident” is deleted by GN 293/2018.]

[The definition of “accountable manager and compliance officer” is deleted by GN 293/2018.]

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

“acoustical change” means any voluntary change in type design which may increase the noise levels of the aircraft;

“acts of unlawful interference” means acts or attempted acts so as to jeopardise the safety of civil aviation and air transport, including -

- (a) unlawful seizure of aircraft in flight;
- (b) unlawful seizure of aircraft on the ground;
- (c) hostage-taking on board aircraft or on aerodromes;

[The phrase “on aerodromes” may have been intended to be “in aerodromes” or “at aerodromes”.]

- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) communication of false information such as to jeopardise the safety of an aircraft in flight or on the ground, of passengers, crew members, ground personnel or the general public, at an airport or on the premises of a civil aviation facility; and
- (g) use of an aircraft with intent to cause death or serious bodily injury to persons, serious damage to an aircraft or other property or serious damage to the environment;

[The definition of “acts of unlawful interference” is inserted by GN 293/2018.]

“administrative fines” are the category of fines referred to in section 54(2)(c)(ii) in the Act, and which are imposed by the Authority;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The definition of “administrative fines” is inserted by GN 293/2018.]**

“adviser” means a person designated by the Director, on the basis of his or her qualifications, for the purpose of assisting the investigator-in-charge in an investigation;

“advisory airspace” means an airspace of defined dimensions, or designated route, within which an air traffic advisory service is available;

“advisory area” means a designated area within a flight information region where air traffic advisory services are available;

“advisory route” means a designated route along which an air traffic advisory service is available;

“aerial work” means an aircraft operation in which the aircraft is used for specialised services, including -

- (a) an acrobatic operation;
- (b) an aerial advertising operation;
- (c) an aerial patrol, observation or survey operation;
- (d) an aerial recording operation by photographic or electronic means;
- (e) an agricultural operation;
- (f) a cloud spraying, seeding or dusting operation;
- (g) a construction operation;
- (h) an emergency medical service operation;
- (i) a fire spotting, control or fighting operation;
- (j) a game and livestock cull operation;
- (k) a parachute dropping operation;
- (l) a search and rescue operation;
- (m) a semi-acrobatic operation;
- (n) a spraying, seeding or dusting operation other than for agricultural purposes and clouds;
- (o) a tug operation; and
- (p) a helicopter external-load operation;

“aerobatic flight” means an acrobatic flight;

**[The definition of “aerodrome” is deleted by GN 293/2018.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The definition of “aerodrome control service” is deleted by GN 293/2018.]**

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

**[The definition of “aerodrome flight information service” is deleted by GN 293/2018.]**

“aerodrome manager” means the person appointed as aerodrome manager in terms of Part 139 by the holder of an aerodrome licence;

“aerodrome operating minima” means the limits of usability of an aerodrome for -

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of the operation; and
- (c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

“aerodrome reference point” means the designated geographical location of an aerodrome;

**[The definition of “aerodrome traffic” is deleted by GN 293/2018.]**

“aerodrome traffic area” means an airspace of defined dimensions at an aerodrome where an aerodrome flight information centre, established for the protection of aerodrome traffic, is in operation;

“aerodrome traffic zone” means an airspace of defined dimensions, established around an aerodrome for the protection of aerodrome traffic;

“Aeronautical Information Circular” means a notice issued by the -

- (a) Executive Director under these regulations and containing information that 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; or
- (b) Head of Air Navigation Services pursuant to regulation 3.04.1;

**[The definition of “Aeronautical Information Circular” is substituted by GN 293/2018.  
The word “flight” is misspelt in the *Government Gazette* in the term “flight safety”  
in paragraph (a) of the definition, as reproduced above.]**

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

“aeronautical information regulation and control” means a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

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

“aeroplane certificated for single-pilot operation” means a type of aircraft which the Executive Director has in terms of the Regulations and technical standards determined, during the certification process, can be operated safely with a minimum crew of one pilot;

**[The definition of “aeroplane certificated for single-pilot operation” is inserted by GN 178/2023.]**

“aeroplane required to be operated with a co-pilot” means type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;

**[The definition of “aeroplane required to be operated with a co-pilot” is inserted by GN 178/2023.  
The word “a” appears to have been omitted before the phrase “type of aircraft”.]**

“agricultural operation” means an operation in which the aircraft is used to provide a service to persons engaged in agriculture or farming, including topdressing, seeding, dusting, spraying, dropping or poison baits and laying of poison;

**[The phrase “dropping or poison baits” was probably intended to be “dropping of poison baits”.]**

“AIP Supplement” means temporary changes to the information contained in the AIP which are published by means of special pages;

“aircraft category” means a classification of an aircraft according to specified basic characteristics such as aeroplane, helicopter, glider or free balloon;

**[The definition of “aircraft category” is inserted as directed by GN 178/2023, but should appear after the definition of “air carrier” to maintain the system of alphabetical order used for the rest of the definitions.]**

“air carrier” means a person who operates an air service as defined in section 1 of the Air Services, 1949 (Act No. 51 of 1949);

**[The definition of “air carrier” is inserted by GN 293/2018.  
The word “Act” is omitted in the name of the “Air Services Act”.]**

**[The definition of “aircraft” is deleted by GN 293/2018.]**

“aircraft category” means a classification of an aircraft according to specified basic characteristics such as aeroplane, helicopter, glider or free balloon;

**[The definition of “aircraft category” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “air carrier”, to maintain the system of alphabetical order used for the rest of the definitions.]**

“aircraft component” means any component part of an aircraft up to and including a complete powerplant or any operational or emergency equipment;

“aircraft maintenance engineer” means a natural person who has been licensed and appropriately rated as an aircraft maintenance engineer in terms of Part 66;

**[The definition of “aircraft maintenance engineer” is inserted by GN 236/2020.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“aircraft maintenance organisation” means an organisation that has been approved and appropriately rated in terms of Part 145, to perform maintenance of aircraft or parts of the aircraft, and operating under supervision of the Executive Director;

**[The definition of “aircraft maintenance organisation” is inserted by GN 236/2020.]**

“aircraft in flight” means an aircraft from the moment when all its external doors are closed following embarkation until the moment when such doors are open for disembarkation;

**[The definition of “aircraft in flight” is inserted by GN 293/2018.]**

“aircraft proximity” means a situation in which, in the opinion of a pilot or an air traffic service personnel member, the distance between aircraft as well as their relative positions and speed, have been such that the safety of the aircraft involved may have been compromised;

“aircraft register” means the Namibia Register of Aircraft established under section 50 of the Act;

**[The definition of “aircraft register” is inserted by GN 236/2020.]**

“aircraft stand” means a designated area on an apron intended to be used for parking an aircraft;

“aircraft stand taxilane” means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of engines, and landing gear of an aircraft and their accessories and controls;

**[The definition of “air navigation facility” is deleted by GN 293/2018.]**

“airship” means a power-driven lighter-than-air aircraft;

“air operator certificate” means a certificate issued by the Director, authorising an operator to carry out specified commercial air transport operations;

“air racing” means participating in air races, including practising for such air races and flying to and from racing events;

“air side” means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof, access to which is controlled;

**[The definition of “air traffic” is deleted by GN 293/2018.]**

“Air Service Act” means the Air Service Act, 1949 (Act No. 51 of 1949);

**[The definition of “Air Service Act” is inserted by GN 11/2024.]**

“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;

**[The definition of “air traffic control service” is deleted by GN 293/2018.]**

“air traffic controller” means a person licensed in terms of Part 65 to provide an air traffic control service;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“air traffic control service” means an area control service, an approach control service or an aerodrome control 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 control surveillance service” means a service provided directly by means of an air traffic control surveillance system;

[The definition of “air traffic control surveillance service” is inserted below as directed by GN 178/2023, but should appear here, after the definition of “air traffic control service”, for correct alphabetical order.]

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

[The definition of “air traffic service” is deleted by GN 293/2018.]

“air traffic service assistant” means a person licensed in terms of Part 65 to provide assistant services to an air traffic controller;

“air traffic service incident” means an incident or serious incident associated with and related to the provision of air traffic services, including aircraft proximity or other serious difficulty resulting in a hazard to an aircraft, caused by faulty procedures, non-compliance with procedures, failure of ground facilities or any other similar cause;

“air traffic service personnel” means air traffic controllers and air traffic service assistants;

“air traffic service personnel member” means a person licensed in terms of Part 65 to provide air traffic control service;

[The definition of “air traffic service personnel member” is inserted by GN 178/2023.]

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

“air traffic service unit” means 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;

“airworthiness data” means any information necessary to ensure that the aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment as appropriate, is assured;

“airworthiness design standards” includes maintenance standards;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“airworthiness directive” means an airworthiness directive which the Executive Director is empowered to issue under section 38(3) of the Act;

[The definition of “airworthiness directive” is inserted by GN 293/2018.]

“airworthy” means, when used in relation to an aircraft, that the aircraft is serviceable and meets all the requirements prescribed for the issue of a certificate of airworthiness and such other requirements as have been prescribed for the continuing validity of such certificate;

“aisle” means a longitudinal passageway between aircraft seats;

[The definition of “alerting service” is deleted by GN 293/2018.]

“all weather operations” means any take-off, en route or landing operations in IMC and operated in accordance with IFR;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing, and includes a take-off alternate aerodrome, an en route alternate aerodrome and a destination alternate aerodrome;

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

“amateur-built aircraft” means an aircraft of which 51 per cent or more of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

“amphibious aeroplane” means an aeroplane designed and constructed to take-off and land from land surfaces as well as water surfaces;

“amphibious aircraft” means amphibious aeroplanes and amphibious helicopters;

“amphibious helicopter” means a helicopter equipped with wheels, skids, floats or other devices enabling it to land and take-off from land and the surface of water;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

“approach control office” means a unit established to provide an air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

[The definition of “approach control service” is deleted by GN 293/2018.]

“appropriate airworthiness requirements” means the comprehensive and detailed airworthiness standards and codes established, adopted or accepted by Namibia in terms of Part 21 or the class of aircraft, engine or propeller under consideration;

[The definition of “appropriate airworthiness requirements” is inserted by GN 178/2023.]

“appropriate authority”, for the purposes of these Regulations -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or
- (b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a), and which is recognised as such by the Director;

“approved”, unless the context indicates otherwise, means approved by the Executive Director in terms of the Regulations and technical standards;

**[The definition of “approved” is substituted by GN 178/2023.]**

“approved ATO” means an organisation approved in terms of Part 141 to perform functions required for the issuance of an aviation document;

**[The definition of “approved ATO” is inserted by GN 178/2023.]**

“approved training” means training conducted under special curricula and supervision approved by the Executive Director in terms of the Regulations and technical standards;

**[The definition of “approved training” is inserted as directed by GN 178/2023, but should appear after the definition of “approved standard” for correct alphabetical order.]**

“air traffic control surveillance service” means a service provided directly by means of an air traffic control surveillance system;

**[The definition of “air traffic control surveillance service” is inserted as directed by GN 178/2023, but should appear after the definition of “air traffic control service” for correct alphabetical order.]**

“ATS system” means air traffic services surveillance systems such as ADS-B, PSR, SSR or any comparable ground-based system referred to in Part 172 that enables the identification of an aircraft;

**[The definition of “ATS system” is inserted as directed by GN 178/2023, but should appear after the definition of “ATS route” for correct alphabetical order.]**

“approved person” means a natural person who has been authorised and appropriately rated in terms of Part 4 of Part 66 by the Executive Director or the designated organisation, as the case may be, to carry out maintenance inspections and repairs on a non-type certificated aircraft in compliance with the applicable aircraft maintenance schedule;

**[The definition of “approved person” is inserted by GN 236/2020.]**

“approved standard” means a manufacturing, design, maintenance or quality standard approved by the Director;

“approved training” means training conducted under special curricula and supervision approved by the Executive Director in terms of the Regulations and technical standards;

**[The definition of “approved training” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “approved standard”, for correct alphabetical order.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fueling, parking or maintenance;

“apron taxiway” means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

“area control centre” means a unit established to provide an air traffic control service to controlled flights in control areas under its jurisdiction;

**[The definition of “area control service” is deleted by GN 293/2018.]**

“Article 83bis agreement” means an agreement signed between contracting states in terms of Article 83bis of the Chicago Convention;

**[The definition of “Article 83bis agreement” is inserted by GN 11/2024.**

**The direction is to insert this definition after the definition of “area control service”, but this must have been intended to refer to the definition of “area control centre”; the definition of “area control service” is deleted by GN 293/2018.]**

“assistant services” means services of assisting air traffic controllers to discharge air traffic service-related duties, including coordination services, clearance delivery services, flight information services or aerodrome flight information services;

“ATS route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“ATS system” means air traffic services surveillance systems such as ADS-B, PSR, SSR or any comparable ground-based system referred to in Part 172 that enables the identification of an aircraft;

**[The definition of “ATS system” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “ATS route”, for correct alphabetical order.]**

“authorised officer” means a person designated as such under 37(1)(a) of the Act;

**[The definition of “authorised officer” is inserted by GN 89/2020.]**

“authorised person” means a person designated as such under 37(1)(b) of the Act;

**[The definition of “authorised person” is inserted by GN 89/2020.]**

“automatic activation device” means an automatic altitude and descent-rate activated device designated to self activate a parachute;

“automatic fixed emergency locator transmitter” means an emergency locator transmitter which is permanently attached to an aircraft;

“automatic portable emergency locator transmitter” means an emergency locator transmitter which is rigidly attached to an aircraft but readily removable from the aircraft after a crash;

“automatically deployable emergency locator transmitter” means an emergency locator transmitter which is rigidly attached to an aircraft and deployed automatically or manually in response to a crash;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“aviation directive” means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

[The definition of “aviation directive” is inserted as directed by GN 293/2018, but should appear after the definition of “available seat” for correct alphabetical order.]

“available seat” means the seat or space on an aircraft configured for the purposes of passenger use in relation to its scheduled flight;

[The definition of “available seat” is inserted by GN 210/2018.]

“aviation directive” means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

[The definition of “aviation directive” is inserted above as directed by GN 293/2018, but should appear here, after the definition of “available seat”, for correct alphabetical order.]

“aviation recreation” means microlight flying, gliding, ballooning, gyroplane flying, hang gliding, paragliding, powered paragliding, parachuting, powerflying and any other flying for the purpose of recreation or sport or involvement in aviation events;

“aviation security” means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise or have the potential to jeopardise the security of civil aviation;

[The definition of “aviation security” is inserted by GN 293/2018.]

“balloon” means a non-power-driven lighter-than-air aircraft, and for the purposes of Part 102, includes an airship;

“base jump” means a parachute descent from an object other than an aircraft;

“bogus part” means a part or material, intended for installation in a type certificated product, which has not been manufactured according to approved procedures, or does not conform to an approved type design or established civil aviation industry or Namibian civil aviation specifications, and includes -

- (a) a part which has been manufactured, reclaimed or reconditioned and marked by an unauthorised source and provided with documents which falsely indicate that the part is a genuine part and conforms to the specifications contained in a manufacturer’s authorised Illustrated Parts Catalogue;
- (b) a part which has not been maintained, overhauled or repaired in accordance with approved airworthiness data or the provisions of the Regulations, or which has been maintained, overhauled or repaired by persons who are not authorised to perform and certify such maintenance, overhaul or repair; and
- (c) a part which is directly supplied to a purchaser by a manufacturer, supplier or distributor, who does not hold an appropriate production certificate for the part and who has not been authorised by the type certificate holder to directly supply such part to the purchaser;

“bomb threat” means a communicated threat, anonymous or otherwise, which suggests or infers, whether true or false, that the safety of an aircraft in flight or on the ground or of any airport or civil aviation facility or any person may be in danger from an explosive or other item or device;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The definition of “bomb threat” is inserted by GN 293/2018.]**

“break”, for the purposes of Part 65, means a period not exceeding 60 minutes within the period of operational duty, during which an air traffic controller or an air traffic service assistant is released from all duties;

“cabin crew member” means a crew member licensed in terms of Part 64, who performs, in the interest of the safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who does not act as a flight crew member;

“cargo aircraft”, for the purposes of Part 92, means any aircraft, other than a passenger aircraft, which is carrying goods or property;

“cargo building” means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of “cargo building” is inserted below as directed by GN 293/2018, but should appear here, after the definition of “cargo aircraft”, for correct alphabetical order.]**

“causes”, for the purposes of Part 12, means actions, omissions, events, conditions or a combination thereof, which led to an accident or incident;

“cargo building” means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of “cargo building” is inserted as directed by GN 293/2018, but should appear after the definition of “cargo aircraft” for correct alphabetical order.]**

“ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6 000 metres, or 20 000 feet, covering more than half the sky;

“certify as airworthy” means to certify that an aircraft or parts of an aircraft comply with current airworthiness requirements after maintenance has been performed on the aircraft or parts of the aircraft;

**[The definition of “certify as airworthy” is inserted by GN 178/2023.]**

“charges” include the following categories of charges:

- (a) in relation to air navigation services provided by the Authority -
  - (i) “aerodrome charge”, or ADR, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight arriving, departing, transiting or undertaken within any control zone (CTR) or aerodrome traffic zone (ATZ);
  - (ii) “en-route charge” means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight undertaken within the Windhoek Flight Information Region as designated by the Authority; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) “terminal control area charge”, or TMA, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight entering, exiting, transiting or undertaken within any TMA for air navigation services provided by the Authority; and
- (b) in relation to international or domestic carriage, “civil aviation safety charge” means the amount payable, either in respect of a domestic or an international flight, for services by the Authority which are provided directly, related to, or ultimately beneficial for the Namibia Civil Aviation Authority System in accordance with the requirements of the Act, by the holder or participant, inclusive of an owner or operator, who provides air services departing on an aircraft from an aerodrome within the territory of Namibia to a destination within or outside the territory of Namibia;

[The definition of “charges” is inserted by GN 210/2018.]

“child” means an aircraft passenger who has reached his or her second but not his or her twelfth birthday;

“Civil Aviation Regulations” means the regulations contained in this schedule as amended from time to time;

[The schedule referred to is the Schedule to GN 1/2002,  
which published the original Civil Aviation Regulations.]

“Class C airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class D airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class E airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class G airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class A helicopter-load combination” means a helicopter-load combination in which the external load can not move freely, can not be jettisoned, and which does not extend below the landing gear;

[The term “cannot” normally appears as one word.]

“Class B helicopter-load combination” means a helicopter-load combination in which the external load is jettisonable and which is lifted free of land or water during the helicopter operation;

“Class C helicopter-load combination” means a helicopter-load combination in which the external load is jettisonable and which remains in contact with land or water during the helicopter operation;

“Class D helicopter-load combination” means a helicopter-load combination, other than a Class A, Class B or Class C helicopter-load combination, which has been specifically approved by the Director for that operation;

“Class I product” means a complete aircraft, aircraft engine or propeller, which -

- (a) has been type certificated in accordance with the provisions of these Regulations and for which Namibian Specifications or type certificate data sheets have been issued; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) is identical to a type certificated product referred to in paragraph (a) in all respects except as is otherwise acceptable to the appropriate authority of the importing State;

“Class II product” means -

- (a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces and installed equipment, the failure of which will jeopardise the safety of a Class I product; or
- (b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in Subpart 12 of Part 21;

“Class III product” means any part or component which is not a Class I or a Class II product and includes parts;

“clearance” means air traffic control clearance;

“clearance delivery service” means a service specifically dedicated to the issue of air traffic control clearances to pilots on behalf of one or more air traffic service units;

“clearway” means a defined rectangular area on the ground or water selected or prepared as a suitable area over which an aeroplane may make a portion of its initial climb to a specified height;

“close corporation” means a close corporation registered under the Close Corporations Act, 1988 (Act No. 26 of 1988);

“Co-Mail” means air carrier company mail, shipped within the company’s network of stations;

“Co-Mat” means air carrier company materials, shipped within the company’s network of stations;

[The definitions of “Co-Mail” and “Co-Mat” are inserted below as directed by GN 293/2018, but should appear here, after the definition of “close corporation”, to maintain the system of alphabetical order used for the other definitions.]

[The definition of “commercial air transport operation” is deleted by GN 293/2018.]

“command and control (C2) link” means the data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight;

[The definition of “command and control (C2) link” is inserted by GN 89/2020.]

“communication failure procedure” means a procedure prescribed by the International Civil Aviation Organisation, the full details of which are published in the AIP;

“company” means a company incorporated under the Companies Act, 1973 (Act No. 61 of 1973);

[The Companies Act 61 of 1973 has been replaced by the Companies Act 28 of 2004.]

“competency” means a combination of skills, knowledge and attitudes required to perform a task to the specified standards;

[The definition of “competency” is inserted by GN 178/2023.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“condition”, which may be imposed by the Director or any person, body or institution as a functionary, on, and which must be complied with by, any other person, organisation, body or institution in case of applications for approval, consent or permission in connection with any matter, object or activity, or in any other case with regard to anything else, means, subject to other relevant provisions of the Act, these Regulations or any other applicable and relevant law, a condition -

[The word “the” appears to have been omitted between the words “in” and “case”.]

- (a) which is clear, reasonable, practically executable and appropriate to the relevant matter;
- (b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these Regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest;
- (c) which may during the period of validity of the matter in respect of which the condition is imposed, if any, from time to time be amended on written application of the person, organisation, body or institution in respect of which the condition applies;
- (d) which provides that if the functionary imposing the condition is satisfied, after the person, organisation, body or institution referred to in paragraph (c) has been afforded a reasonable opportunity to be heard, that a contravention or failure to comply with the condition or a provision thereof has occurred, the functionary may, in his, her or its discretion, permit the person, organisation, body or institution within a stated period to cease the contravention or rectify the failure to comply, to the satisfaction of the functionary, or to notify that person, organisation, body or institution that the condition is deemed as having lapsed and that such person, organisation, body or institution shall forthwith cease carrying out any activity in respect of which the lapsed condition applied; and
- (e) which is to be reduced to writing, delivered to the other person, organisation, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

“configuration” means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

“consignment”, for the purposes of Part 92, one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

“contaminated runway”, for the purposes of these Regulations, means a runway of which more than 25 per cent of the runway surface area, whether in isolated areas or not, within the required length and width being used is covered by -

- (a) sand or other foreign objects, such as dung, sticks or grass;
- (b) surface water more than three millimetres deep;
- (c) slush or loose snow, equivalent to more than three millimetres of water;
- (d) snow which has been compressed into a solid mass which resists further compression and will hold together or break into lumps if picked up; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(e) ice, including wet ice;

“contracting state” means a state which has consented to be bound by the Chicago Convention;

[The definition of “contracting state” is inserted by GN 11/2024. The direction is to insert this definition after the definition of “contained runway”, but this must have been intended to refer to the definition of “contaminated runway”. For correct alphabetical order, the inserted definition should appear after the definition of “contracted AMO”.]

“contracted AMO” means an aircraft maintenance organisation (AMO) contracted by the owner or operator of an aircraft to carry out maintenance on an aircraft;

[The definition of “contracted AMO” is inserted by GN 236/2020.]

“contracting state” means a state which has consented to be bound by the Chicago Convention;

[The definition of “contracting state” is inserted above as directed by GN 11/2024, but it should appear here, after the definition of “contracted AMO”, for correct alphabetical order.]

“control area” means a controlled airspace extending upwards from a specified limit above the earth;

“control system” means a system by which the flight path, attitude or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

[The definition of “controlled airspace” is deleted by GN 293/2018.]

[The definition of “controlled flight” is deleted by GN 293/2018.]

“Convention” means the Convention on International Civil Aviation drawn up at Chicago on 7 December 1944, and includes any amendments thereof and additions thereto;

“conveyance by air” means conveyance in an aircraft in flight;

“coordination service” means a service of coordinating the discharge of air traffic service-related duties by an air traffic service assistant;

“co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

“Co-Mail” means air carrier company mail, shipped within the company’s network of stations;

“Co-Mat” means air carrier company materials, shipped within the company’s network of stations;

[The definitions of “Co-Mail” and “Co-Mat” are inserted as directed by GN 293/2018, but should appear after the definition of “close corporation” to maintain the system of alphabetical order used for the other definitions.]



**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“credit” means recognition of alternative means or prior qualifications

**[The definition of “credit” is inserted by GN 178/2023.]**

**[The definition of “crew member” is deleted by GN 293/2018.]**

“critical phases of flight” includes all ground operations involving taxi, take-off, climb up to cruise or 10 000 feet, as the case may be, and approach from cruise altitude or 10 000 feet, as appropriate;

“cross-country” means a flight between a point of departure and a point of arrival not less than the prescript distances apart following a pre-planned route using standard navigation procedures;

**[The definition of “cross-country” is inserted by GN 178/2023.]**

“cross country flight” when used in connection with the acquisition of flight experience required for a pilot licence, means a flight between a point of departure and a point of landing not less than 20 nautical miles apart;

“cull” includes selection, counting and herding;

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

“damp runway” means a runway of which the surface is not dry and on which the moisture does not give the runway a shiny appearance;

“danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

**[The definition of “dangerous goods” is deleted by GN 293/2018.]**

“dangerous goods accident” means an occurrence associated with and related to the conveyance of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

“dangerous goods incident” means -

- (a) an occurrence, other than a dangerous goods accident, associated with and related to the conveyance of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) any other occurrence, other than a dangerous goods accident, relating to the conveyance of dangerous goods which seriously jeopardises the aircraft or its occupants;

“date of application” when used in connection with the issue, renewal or reissue of a licence, certificate or rating, means the date on which the application is received in the prescribed form by the Director;

“day”, for the purposes of these Regulations, means the period from 15 minutes before sunrise to 15 minutes after sunset;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“decision altitude/height” means a specified altitude or height in a precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“defined point after take-off” means the point, within the take-off and initial climb phase, before which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“defined point before landing” means the point, within the approach and landing phase, after which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“design work”, in relation to a terminal instrument flight procedure, means any of the following work:

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing, amending or adapting the procedure; or
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b);

**[The definition of “design work” is inserted by GN 293/2018.]**

“diplomatic bag” means a shipping container having diplomatic immunity from search or seizure;

**[The definition of “diplomatic bag” is inserted as directed by GN 293/2018, but should appear after the definition of “destination alternate aerodrome” for correct alphabetical order.]**

“differences training” means training required to acquire additional knowledge and skills on an appropriate FSTD or the aircraft;

**[The definition of “differences training” is inserted as directed by GN 1783/2023, but should appear after the definition of “destination alternate aerodrome” and above the definition of “diplomatic bag”, for correct alphabetical order.]**

“designated” means designated by the Director;

“designated examiner” means a person designated by the Executive Director as such in terms of the regulations to conduct skill tests and proficiency checks on pilots and other persons for purposes specified in the Regulations;

**[The definition of “designated examiner” is inserted as directed by GN 178/2023, but should appear after the definition of “designated aviation medical examiner” for correct alphabetical order.]**

“designated aviation medical examiner” means an aviation medical examiner designated by the Director in terms of regulation 67.00.4;

**[The definition of “designated inspector, authorised officer or authorised person” is inserted by GN 293/2018 and deleted by GN 89/2020.]**

“designated examiner” means a person designated by the Executive Director as such in terms of the regulations to conduct skill tests and proficiency checks on pilots and other persons for purposes specified in the Regulations;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The definition of “designated examiner” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “designated aviation medical examiner”, for correct alphabetical order.]**

“designated organisation” means the body or institution that has been designated by the Executive Director under Part 149, to perform the functions assigned to it, or exercise the powers conferred on it, by or under these regulations;

**[The definition of “designated organisation” is inserted by GN 236/2020.]**

“destination alternate aerodrome” means an alternate aerodrome to which an aircraft may proceed should it become impossible or inadvisable to land at the aerodrome of intended landing;

“differences training” means training required to acquire additional knowledge and skills on an appropriate FSTD or the aircraft;

**[The definition of “differences training” is inserted above as directed by GN 1783/2023, but should appear here, after the definition of “destination alternate aerodrome”, for correct alphabetical order.]**

“diplomatic bag” means a shipping container having diplomatic immunity from search or seizure;

**[The definition of “diplomatic bag” is inserted above as directed by GN 293/2018, but should appear here, after the definition of “destination alternate aerodrome”, for correct alphabetical order.]**

“disembarkation” means the leaving of an aircraft after a landing, except by crew or passengers continuing on the next stage of the same through-flight;

“ditching” means the forced landing of an aircraft on water;

“Document “NAM-CATS-AAR” means a document on the Namibian Civil Aviation Technical Standards relating to Airspace and Air Routes which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-AAR” is inserted by GN 89/2020.]**

“Document NAM-CATS-AH” means a document on the Namibian Civil Aviation Technical Standards relating to Aerodromes and Heliports, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AIS” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Information Services which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-AIS” (Aeronautical Information Services) is substituted for the definition of “Document NAM-CATS-AIRS” (Aeronautical Information and Related Services) by GN 89/2020.]**

“Document NAM-CATS-AMEL” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Engineer Licensing, which is published by the Director in terms of section 22A of the Act;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“Document NAM-CATS-AMO” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AR” means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AR-NTCA” means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements for Non-Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-AR-NTCA” is inserted by GN 236/2020.]

“Document NAM-CATS-ARM” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ARO” means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Recreation Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ATEL” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Telecommunications Services which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-ATEL” is inserted by GN 89/2020.]

“Document NAM-CATS-ATO” means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Training Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-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 section 22A of the Act;

“Document NAM-CATS-ATSPL” means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Service Personnel Licensing, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-CCL” means a document on the Namibian Civil Aviation Technical Standards relating to Cabin Crew Licensing, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-DG” means a document on the Namibian Civil Aviation Technical Standards relating to the Conveyance of Dangerous Goods, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-DO” means a document on the Namibian Civil Aviation Technical Standards relating to Design Organisations, which is published by the Director in terms of section 22A of the Act;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“Document NAM-CATS-ENVIRO” means a document on the Namibian Civil Aviation Technical Standards relating to Environment Protection, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FCL 61” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Pilots, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FCL 62” means a document on the Namibian Civil Aviation Technical Standards relating to Recreational Pilot Licensing, which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-FCL 62” is inserted by GN 178/2023.]

“Document NAM-CATS-FCL 63” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Flight Engineers, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FPD” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Procedure Design which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-FPD” is inserted by GN 89/2020.  
The word “Flight” is misspelt in the *Government Gazette*, as reproduced above.]

“Document NAM-CATS-FSTD” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-FSTD” is inserted by GN 178/2023.]

“Document NAM-CATS-FSTD A” means a document on the Namibian Civil Aviation Technical Standards relating to Aeroplane Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-FSTD A” is inserted by GN 178/2023.]

“Document NAM-CATS-FSTD H” means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-FSTD H” is inserted by GN 178/2023.]

“Document NAM-CATS-GMR” means a document on the Namibian Civil Aviation Technical Standards relating to General Maintenance Rules, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-LA 48” means a document on the Namibian Civil Aviation Technical Standards relating to Leasing of Aircraft, which is published by the Executive Director in terms of section 227 of the Act;

[The definition of “Document NAM-CATS-LA 48” is inserted by GN 11/2024.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“Document NAM-CATS-MET” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Meteorological Services which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-MET” is inserted by GN 89/2020.]**

“Document NAM-CATS-MORG” means a document on the Namibian Civil Aviation Technical Standards relating to Manufacturing Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-MR” means a document on the Namibian Civil Aviation Technical Standards relating to Medical Requirements, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-MR-NTCA” means a document on the Namibian Civil Aviation Technical Standards relating to Maintenance Rules for Non-Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “NAM-CATS-MR-NTCA” is inserted by GN 236/2020.]**

“Document NAM-CATS-OPS 91” means a document on the Namibian Civil Aviation Technical Standards relating to General Operating and Flight Rules, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 98” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Powered Paragliders, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 100” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gyroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 102” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 103” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Microlight Aeroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 104” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gliders, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 105” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Parachutes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 106” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Hang Gliders, which is published by the Director in terms of section 22A of the Act;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“Document NAM-CATS-OPS 121” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Large Aeroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 127” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Helicopters, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 133” means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter External-load Operations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 135” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Small Aeroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 137” means a document on the Namibian Civil Aviation Technical Standards relating to Agricultural Operations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-PBN 90” means a document on the Namibian Civil Aviation Technical Standards relating to Performance-based Navigation, which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-PBN 90” is inserted by GN 293/2018.]**

“Document NAM-CATS-RPA” means a document on the Namibian Civil Aviation Technical Standards relating to Remote Piloted Aircraft and Remote Piloted Aircraft systems which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-RPA” is inserted by GN 89/2020.]**

“Document NAM-CATS-SAR” means a document on the Namibian Civil Aviation Technical Standards relating to Search and Rescue operations which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-SAR” is inserted by GN 89/2020.]**

“Document NAM-CATS-SMS 140” means a document on the Namibian Civil Aviation Technical Standards relating to the Safety Management Systems, which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-SMS 140” is inserted by GN 293/2018.]**

“Document NAM-CATS-UOM” means a document on the Namibian Civil Aviation Technical Standards relating to the Units of Measurement used in civil aviation, which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-UOM” is inserted by GN 293/2018.]**

“dry operating mass” means the total mass of the aircraft ready for a specific type of operation, excluding all usable fuel and traffic load, and includes -

- (a) crew and crew baggage;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) catering and removable passenger service equipment; and
- (c) portable water and lavatory chemicals;

“dry runway” means a runway which is neither wet nor contaminated, and includes those paved runways which have been specially prepared with grooves or porous pavement and maintained to retain “effective dry” braking action even when moisture is present;

“dual instruction time” means flight time during which a person is receiving flight instruction from -

- (a) an authorised pilot, on board the aircraft, or
- (b) an authorised remote pilot, using the remote pilot station during a remotely piloted aircraft flight;

**[The definition of “dual instruction time” is inserted by GN 178/2023.]**

“elevated heliport” means a heliport located on a raised structure on land;

“embarkation” means the boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers who have embarked on a previous stage of the same through-flight;

“emergency locator transmitter” means equipment which broadcast distinctive signals on designated frequencies and, depending on application, may either sense a crash and operate automatically or be manually activated, and includes an automatic fixed emergency locator transmitter, an automatic portable emergency locator transmitter, an automatically deployable emergency locator transmitter and a survival emergency locator transmitter;

“emergency parachute” means a parachute assembly designed and intended to be used by persons in an emergency;

“emission change” means any voluntary change in type design of the aircraft or engine which may increase fuel venting or engine emission;

“employment permit” means a permit issued under the Immigration Control Act, 1993 (Act No. 7 of 1993), to a person who intends to enter or reside in Namibia for the purpose of employment or conducting a business or carrying on a profession or occupation in Namibia;

“enforcement code” means the code referred to in regulation 13.01.1(2) that enables the Executive Director to enforce the Act and these regulations;

**[The definition of “enforcement code” is inserted by GN 293/2018.  
The Enforcement Code is contained in General Notice 28/2020 (GG 7100).]**

“en route alternate aerodrome” means an alternate aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;

“en route safe altitude” means an altitude which will ensure a separation height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“ensure”, in relation to any person, organisation, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

“estimated time of arrival” -

- (a) for IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and
- (b) for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

“exhibition” means exhibiting the aircraft’s flight capabilities, performance or unusual characteristics at air shows, motion picture, television and similar productions, and the maintenance of exhibition flight proficiency, including, for persons exhibiting aircraft, flying to and from such air shows and productions;

“experimental certificate” means a special certificate of airworthiness issued in terms of Part 21 for the purpose of -

- (a) research and development;
- (b) showing compliance with the Regulations;
- (c) flight crew training;
- (d) exhibition;
- (e) air racing;
- (f) market surveys;
- (g) operating amateur-built aircraft; or
- (h) operating production-built aircraft;

“extended range operation” means any flight by an aeroplane with two turbine power-units where the flight time at the one power-unit inoperative cruise speed, in ISA and still air conditions, from a point on the route to an adequate alternate aerodrome, is greater than 60 minutes;

“external-load” means a load that is carried, or extends, outside of the helicopter fuselage;

“external-load attaching means” means the structural components used to attach an external-load to a helicopter, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external-load;

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“facility” for the purposes of Part 172, means air navigation facility;

“familiarisation training” means training that requires the acquisition of additional knowledge;

**[The definition of “familiarisation training” is inserted by GN 178/2023.]**

“final approach” means that part of an instrument approach procedure which commences at the specified approach fix, or where such a fix is not specified -

- (a) at the end of the last procedure turn, base turn or inbound turn of a racetrack procedure, if specified; or
- (b) at the point of interception of the last track specified in the approach procedure,

and ends at a point in the vicinity of an aerodrome from which a landing can be made or a missed approach procedure is initiated;

“final approach fix” means that fix or point of an instrument approach procedure where the final approach segment commences;

“final approach segment” means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

“first aid” means first aid appropriate to the type of aircraft, and includes -

- (a) the recognition and treatment of food poisoning;
- (b) the recognition and treatment of contamination of the skin and eyes by aviation fuel and other fluids;
- (c) the recognition and treatment of hypoxia and hyperventilation;
- (d) first aid associated with survival training, appropriate to the routes to be operated; and
- (e) other related aeromedical aspects;

“flares”, for the purposes of Part 101, means flares other than flares used for air traffic control;

“flight crew member” means a crew member licenced in terms of Parts 61, 62, 63 and 64 and tasked with duties essential to the operation of an aircraft during a flight duty period;

**[The definition of “flight crew member” is substituted by GN 178/2023.]**

“flight information centre” means a unit established to provide flight information services and alerting services;

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

**[The definition of “flight information service” is deleted by GN 293/2018.]**

“flight instructor” means a pilot who is the holder of the appropriate flight instructor rating;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals and is separated from other such surfaces by specific pressure intervals;

“flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

“flight plan” means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;

“flight recorder” means any type of recorder installed in the aircraft for the purposes of complementing aviation accident or incident investigation, and for the purposes of Part 91, includes a flight data recorder and a cockpit voice recorder;

“flight simulators or training device” means any one of the following four types of apparatus in which flight conditions are simulated on the ground -

- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type or an accurate representation of the remotely piloted aircraft system (RPAs) to the extent that the mechanical, electrical, electronic aircraft systems, control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

**[The term “(RPAs)” in paragraph (a) should be “(RPAS)”.]**

- (b) a flight procedures trainer, which provides a realistic flight deck environment or realistic RPAS environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight or the RPAS environment in instrument flight conditions; or
- (d) ATC (Radar or aerodrome) or flight engineer training devices;

**[The definition of “flight simulators or training device” is inserted by GN 178/2023.]**

“flight time” -

- (a) in relation to aeroplanes, means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;
- (b) in relation to remotely piloted aircraft systems, means the total time from the moment a command and control (C2) link is established between the remote pilot station (RPS) and the remotely piloted aircraft (RPA) for the purpose of taking off or from the moment the remote pilot receives control following a handover until the moment the remote pilot completes a handover or the C2 link between the RPS and the RPA is terminated at the end of the flight;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) in relation to glider, means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;

**[The singular term “glider” in the phrase “in relation to glider” in paragraph (c) should be plural.]**

- (d) in relation to helicopter, the total time from the moment a helicopters rotor blades starts turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

**[The singular term “helicopter” in the phrase “in relation to helicopter” in paragraph (d) should be plural. The phrase “from the moment a helicopters rotor blades starts turning” should be “from the moment a helicopter’s rotor blades start turning”.]**

**[The definition of “flight time” is substituted by GN 178/2023.]**

“flight visibility” means the visibility forward from the cockpit of an aircraft in flight;

“forecast” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“glide path” means a descent profile determined for vertical guidance during a final approach;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight, and for the purposes of these Regulations, includes a motor glider;

“ground visibility” means the visibility at an aerodrome, as reported by an observer who is recognised by the Director for the purpose;

“gyroplane” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

“handicapped passenger” means a passenger who is physically or mentally handicapped due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

“handover” means the act of passing piloting control from one remote pilot station to another;

**[The definition of “handover” is inserted by GN 178/2023.]**

“hang glider” means a non-power-driven heavier-than-air aircraft capable of being carried, launched and landed solely by the energy of the pilot, having -

- (a) a rigid primary structure with pilot weightshift as the primary method of control; or
- (b) a rigid primary structure with movable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Part 106, includes a paraglider;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“hazard” means any act, omission, event or condition, or a combination thereof, that could lead to or result in an accident or incident;

“Head of Air Navigation Services” means the head of Air Navigation Services appointed in terms of section 49(2) of the Act;

**[The definition of “Head of Air Navigation Services” is inserted by GN 293/2018.]**

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“height” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“helicopter-load combination” means the combination of a helicopter and an external-load, including the external-load attaching means;

“helideck” means a heliport located on a floating or fixed off-shore structure;

“heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters;

“heliport operating minima” means the limits of usability of a heliport for -

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of operation; and
- (c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

“high-risk cargo or mail” means cargo or mail presented by an unknown entity and cargo or mail showing signs of tampering must be considered as high risk if, in addition, it meets either one of the following criteria:

- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
- (b) the cargo or mail shows anomalies that give rise to suspicion; or
- (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft;

**[The definition of “high-risk cargo or mail” is inserted by GN 293/2018.]**

“human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The definition of “human performance” is inserted by GN 178/2023.]

[The definition of “incident” is deleted by GN 293/2018.]

“industrial aid” means an operation in which an aircraft is operated solely for the benefit of a company or a group of companies, or any subsidiary thereof, in its commercial activities by a person who is a member or in the employ of such company or group of companies or subsidiary, and which is not offered for remuneration or hire to the public in general;

“infant” means an aircraft passenger who has not reached his or her second birthday;

“initial approach fix” means the fix determined in terms of instrument approach procedures which identifies the beginning of the initial approach segment;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with an approved standard;

“inspector” means a person designated as such under 37(1)(a) of the Act;

[The definition of “inspector” is inserted by GN 89/2020.]

“instructions for safe operation and continued airworthiness” means instructions prepared by the holder of a type certificate for a product, comprising descriptive data and accomplishment instructions;

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply;

“instrument approach and landing operations” means approach and landing operations using instrument approach procedures and classified as -

- (a) non-precision approach and landing operations; and
- (b) precision approach and landing operations;

“instrument flight time” means the time during which a pilot is piloting an aircraft, or a remote pilot is piloting a remotely piloted aircraft, solely by reference to instruments and without external reference points;

[The definition of “instrument flight time” is substituted by GN 178/2023.]

“instrument ground time” mean the time during which a pilot is practising, on the ground, simulated instrument flight in a flight simulator training device approved by the Executive Director;

[The definition of “instrument ground time” is substituted by GN 178/2023.  
The verb “mean” should be “means” to be grammatically correct.]



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“instrument meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“instrument time” means instrument flight time or instrument ground time;

“integrated training” means an uninterrupted training course, consisting of a theoretical and practical syllabus, designed to train a student with no knowledge of aviation, to the standard required for a commercial pilot licence or an airline transport pilot licence;

“Integrated Aeronautical Information Package” means a package which consists of the following elements:

- (a) AIP, including an amendment service;
- (b) supplements to the AIP;
- (c) NOTAM and pre-flight information bulletins;
- (d) AIC; and
- (e) checklists and summaries;

**[The definition of “international flight” is deleted by GN 293/2018.]**

“International Regulations for Preventing Collisions at Sea” means the International Regulations for Preventing Collisions at Sea made under the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972, set out in the Third Schedule to the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“in-flight supplies” means all items intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew members during a flight, other than -

- (a) cabin baggage;
- (b) items carried by persons other than passengers; and
- (c) air carrier company mail (Co-Mail) and company materials(Co-Mat);

**[The definition of “in-flight supplies” is inserted by GN 293/2018.]**

“in the vicinity of an aerodrome”, in relation to an aircraft, means when the aircraft is in, entering or leaving an aerodrome traffic circuit;

“investigation”, for the purposes of Regulations Regarding the Investigation of Accidents, 2000, means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;

“investigator” means a person designated by the Director in terms of Regulations Regarding the Investigation of Accidents, 2000;

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[This refers to the Regulations regarding the Investigation of Aircraft Accidents contained in GN 274/2020 (GG 7383).]**

“investigator-in-charge” means a person charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an investigation;

“kite” means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past it surfaces;

**[The word “it” in the phrase “it surfaces” should be “its” to be grammatically correct.]**

“known consigner”, relation to -

- (a) cargo, means the originator of property for transportation by air, and who has established business with a regulated agent or aircraft operator;
- (b) mail, means the originator of mail for transportation by air, and who has established business with a regulated postal authority or administration,

and who in either case, has been certificated by the Executive Director as such;

**[The definition of “known consigner” is inserted by GN 293/2018.  
The word “in” has been omitted in the introductory phrase: “in relation to”.]**

“known supplier of airport supplies” means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of airport supplies to a security restricted area;

**[The definition of “known supplier of airport supplies” is inserted by GN 293/2018.]**

“known supplier of in-flight supplies” means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;

**[The definition of “known supplier of in-flight supplies” is inserted by GN 293/2018.]**

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“landing decision point” means the point used in determining landing performance from which, a power unit failure occurring at this point, the landing may be safely continued or a balked landing initiated;

“landing distance available” means the length of the runway which is declared available and suitable for the ground run of an aeroplane landing;

“landside” means that area of an airport and buildings to which both travelling passengers and the non-travelling public have unrestricted access;

**[The definition of “landside” is inserted by GN 293/2018.]**

“large aeroplane” means an aeroplane with a maximum certificated take-off mass exceeding 5 700 kilogram;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The singular word “kilogram” should be plural.]**

“letter of TSO design approval” means a design approval for a foreign-manufactured article which complies with a specific TSO;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“likely” in the context of the medical provisions in Part 67 means with a probability of occurring that is unacceptable to the medical assessor;

**[The definition of “likely” is inserted by GN 178/2023.]**

“line flight” means a flight carried out under normal commercial operations by the holder of an air operator certificate;

“line flying” means flying done by flight crew under normal commercial operations;

“low-visibility procedures” means procedures applied at an aerodrome for the purpose of ensuring safe operations during Category II and III approaches and take-offs;

“low-visibility take-off” means a take-off where the runway visual range is less than 400 metres;

“Mach number” means the ratio of true airspeed to the speed of sound;

“mail” means dispatches of correspondence and other items tendered by, and intended for delivery to, postal services;

**[The definition of “mail” is inserted by GN 293/2018.]**

“main parachute” means a parachute which is designed and intended to be used as the primary parachute for a parachute descent;

“maintenance” in relation to the airworthiness of an aircraft, means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

**[The definition of “maintenance” is substituted by GN 178/2023.]**

“major change” means any change in the type design which is extensive enough to require a substantially complete investigation to determine compliance with the type certification basis;

“major modification” means a modification not listed in the aircraft, aircraft engine, or propeller specifications -

- (a) which may appreciably affect mass, balance, structural strength, performance, powerplant operations, flight characteristics, or other qualities affecting airworthiness; or
- (b) which is not done according to accepted practices or cannot be done by elementary operations;

“major repair” means a repair -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) which, if improperly done, may appreciably affect mass, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or
- (b) which is not done according to accepted practices or cannot be done by elementary operations;

“mandatory periodic inspection” means an inspection carried out and certified at intervals not exceeding 12 months or 100 hours of flight time, whichever occurs first, or any other approved inspection programme;

**[The definition of “manoeuvring area” is deleted by GN 293/2018.]**

“market surveys” means the use of aircraft for purposes of conducting market surveys, sales demonstrations and customer crew training;

“Master” means the Master of the High Court appointed in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

“master minimum equipment list” means a list established for a particular aircraft type by the manufacturer with the approval of the State of Manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight, and which may be associated with special operating conditions, limitations or procedures;

“maximum approved passenger seating configuration” means the maximum passenger seating capacity of an aircraft, excluding pilot seats, cockpit seats or flight deck seats and cabin crew seats as applicable, used by the operator in a commercial air transport operation, approved by the Director and specified in the operations manual;

“maximum certificated mass” means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

“maximum certificated take-off mass” means maximum certificated mass;

“maximum mass” means maximum certificated take-off mass;

“meteorological information” means any meteorological report, analysis, forecast and any other statement relating to existing or expected meteorological conditions;

“meteorological service” means any of the following services which provide meteorological information in support of aviation:

- (a) Climatology service, which is a service for the development and supply of climatological information for a specific place or airspace;
- (b) Forecast service, which is a service for the supply of forecast meteorological information for a specific area or portion of airspace;
- (c) Information dissemination service, which is a service for the collection and dissemination of meteorological information:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) Meteorological briefing service, which is a service for the supply of written and oral meteorological information on existing and expected meteorological conditions;
- (e) Meteorological reporting service, which is a service for the supply of routine meteorological reports: and
- (f) Meteorological watch service, which is a service for maintaining a watch over meteorological conditions affecting aircraft operations in a specific area;

“microlight aeroplane” means an aeroplane of which the maximum certificated mass does not exceed 450 kilogram;

**[The singular word “kilogram” should be plural.]**

“minimum descent altitude or minimum descent height” means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

“minimum equipment list” means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for the aircraft type;

“minor change” means any change in type design which has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics or other characteristics affecting the airworthiness of the product;

“minor modification” means a modification other than a major modification;

“missed approach point” means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

“missed approach procedure” means the procedure to be followed if the approach cannot be continued;

“model aircraft” means a heavier-than-air aircraft of limited dimensions, with or without a power source and not able to carry a human being, which can be sustained in the atmosphere by forces exerted on it by the air;

“modification” means the alteration of an aircraft or aircraft component in conformity with an approved standard;

“monitor” in relation to compliance by examiners with the regulations and technical standards, means a cognitive process to compare an actual state to an expected state;

**[The definition of “monitor” is inserted by GN 178/2023.]**

“motor glider” means an aircraft equipped with one or more engines which has, with the engine or engines not operating, the performance characteristics of a glider;

“movement area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“NAM-CATS-FSTD” means the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices which is published by the Executive Director in terms of section 227 of the Act;”;

[The definition of “NAM-CATS-FSTD” is inserted by GN 178/2023.]

“Namibian registered aircraft” means any aircraft which is registered by the Director in terms of regulation 47.00.6;

“NAM-TSO authorisation” means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

[The definition of “NAM-TSO authorisation” is inserted by GN 236/2020.]

“nautical mile” means the length equal to 1 852 metres exactly;

“newly overhauled”, when used to described a product, means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with the provisions of these Regulations;

[The word “described” should be “describe” to be grammatically correct.]

“night”, for the purposes of these Regulations, means the period from 15 minutes after sunset to 15 minutes before sunrise;

“night duty” means a period of not less than 4 hours between 20h00 and 06h00 of the next day;

“non-precision approach and landing operation” means an instrument approach and landing which does not utilize electronic glide path guidance;

“non-type certificated aircraft” means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 and includes any type certificated aircraft that has been scrapped, of which the original identification plate has to be removed and returned to the appropriate aviation authority and is rebuild as a fullscale replica;

[The definition of “non-type certificated aircraft” is inserted by GN 236/2020;  
the word “rebuild” should be “rebuilt” and the word “fullscale” should be “full-scale”.]

“Notice to Airmen” means a notice distributed by means of telecommunication 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;

“obstacle” means any fixed, whether temporary or permanent, or mobile object, or part thereof, that is located on an area intended for the surface movement of aircraft or that extends above a defined surface intended to protect aircraft in flight;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“operations personnel”, for the purposes of Subpart 11 of Part 91, means personnel assigned to or directly involved in ground and flight emergency medical service operations;

“operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

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

“ornithopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted;

“overhaul” means the restoration of an aircraft or aircraft component by inspection and replacement in conformity with an approved standard to extend the operational life;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

**[The definition of “owner” is deleted by GN 293/2018.]**

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for conveyance;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards prescribed in Part 92;

“packing” means the art and operation by which articles or substances are enveloped in wrappings, enclosed in packagings or otherwise secured;

“parachute” means any device comprising a flexible drag, or drag and lift, surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition;

“parachute assembly” means any parachute and its associated harness and container system, and other attached equipment for use by a person;

“parachute descent” means any descent made from an aircraft by a person with the prior intention of deploying a parachute;

“parachute drop zone” means a designated area of airspace in which parachute descents are intended to be made, and includes a parachute landing area;

“parachute landing area” means an area of ground or water onto which parachute landings are intended to be made;

“paraglider” means a hang glider with no rigid primary structure;

“passenger aircraft”, for the purposes of Part 92, means an aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorised officer or a person accompanying a consignment or other cargo;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“performance criteria” means a statement used to assess whether the required levels of performance have been achieved for a competency and performance criterion consists of an observable behaviour, condition and a competency standard;

[The definition of “performance criteria” is inserted by GN 178/2023.]

“period of operational duty” means the period during which an air traffic controller or an air traffic service assistant is actually exercising the privileges of the air traffic service licence;

“pilot” when used as a verb means to manipulate the flight controls of an aircraft during flight time;

[The definition of “pilot” is inserted by GN 178/2023 and substituted by GN 11/2024.  
The substituted definition is identical to the previous one, but the amendment direction in GN 11/2024 corrects an error regarding alphabetical order in the placement of the definition as directed by GN 178/2023.]

“pilot flying” means the pilot whose primary task is to control and manage the flight path, and the secondary tasks of the pilot flying are to perform non-flight path related actions such as radio communications, aircraft systems, other operational activities and to monitor other crew members;

[This definition of “pilot flying” is inserted by GN 178/2023 and substituted by GN 11/2024.  
The replacement definition is identical to the previous one, aside from removing the abbreviation “PF”, but the placement directed by GN 11/2024 corrects an error regarding alphabetical order in the placement of the definition as directed by GN 178/2023.]

“pilot-in-command” means the pilot responsible for the operation and safety of the aircraft during flight time;

[The definition of “pilot-in-command” is deleted by GN 293/2018.  
A definition of “pilot-in-command” is subsequently inserted by GN 11/2024.]

“pilot-in-command-under-supervision” means co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, in accordance with a method of supervision acceptable to the Executive Director;

[The definition of “pilot-in-command-under-supervision” is inserted by GN 178/2023. The direction in GN 178/2023 is to insert the new definition after the definition of “pilot-in-command”, but that definition was deleted by GN 293/2018 (and then subsequently inserted by GN 11/2024).]

“powered-lift” means a heavier-than-air aircraft capable of vertical take-off, vertical landing, and low-speed flight, which depends principally on engine-driven lift devices or engine thrust for the lift during these flight regimes and on nonrotating aerofoil for lift during horizontal flight;

[The definition of “powered-lift” is inserted by GN 178/2023.]

“proficiency check” means demonstration of skill to revalidate or renew ratings and this includes such oral examination as may be required;

[The definition of “proficiency check” is inserted as directed by GN 178/2023, but should appear after the definition of “production-built aircraft” for correct alphabetical order.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“precision approach and landing operation” means an instrument approach and landing using precision azimuth and glide path guidance with minima as determined by the category of operation specified in regulation 1.00.4;

“precision approach procedure” means an instrument approach procedure utilising azimuth and glide path information provided by ILS or PAR;

“pre-flight information bulletin” means a presentation of current NOTAM information of operational significance, prepared prior to flight;

“preliminary report” means the communication used for the prompt dissemination of data obtained in the early stages of the investigation;

“pressure altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the standard atmosphere;

“problematic use of substances” means the use of one or more psychoactive substances by flight crew, cabin crew, air traffic service personnel and aircraft maintenance engineers in a way which -

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;

“process release certificate or report” means a certificate or report which verifies compliance with a specific process standard;

“product”, for the purposes of Part 21, means an aircraft, aircraft engine or propeller;

“production-built aircraft” means an aircraft of which less than 51 per cent of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

“proficiency check” means demonstration of skill to revalidate or renew ratings and this includes such oral examination as may be required;

[The definition of “proficiency check” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “production-built aircraft”, for correct alphabetical order.]

“progressive inspection” means a sustained airworthiness inspection of an aircraft, its components, installed systems and equipment, at scheduled intervals in accordance with approved procedures;

“prohibited area” means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is prohibited;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

“psychoactive substance” includes alcohol, optoids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, but excludes coffee and tobacco;

[The word “optoids” was probably intended to be “opioids”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“rapid exit taxiway” means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimising runway occupancy times;

“rating” means an authorisation entered on or associated with a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;

“receptacle” means any container used for or capable of receiving and holding substances or articles, including any means of closing;

“register” means any register which is kept or required to be kept in terms of these regulations and which register forms part of the Civil Aviation Registry established in terms of section 52 of the Act;

**[The definition of “register” is substituted by GN 89/2020.]**

“registry manual” means the manual of the Civil Aviation Registry (CAR) referred to in regulation 3.01.1(3);

**[The definition of “registry manual” is inserted by GN 293/2018.]**

“regulated agent” means an agent, freight forwarder or any other entity who conducts business with an operator and provides and ensures security controls that are accepted or required by the Executive Director in respect of cargo, and mail and who has certificated by the Executive Director as such;

**[The definition of “regulated agent” is inserted by GN 293/2018.**

**The word “been” appears to have been omitted in the phrase “who has been certificated”.]**

“regulated supplier of in-flight supplies” means a supplier whose procedures meet the security rules prescribed in Part 108 to a standard sufficient to allow delivery of in-flight supplies directly to aircraft, and who has been certificated by the Executive Director as such;

**[The definition of “regulated supplier of in-flight supplies” is inserted by GN 293/2018.]**

“rejected take-off distance required” means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power-unit failure and rejection of the take-off at the take-off decision point;

“release to service” -

- (a) in relation to an aircraft, means -
  - (i) in respect of scheduled maintenance, the issue of a certificate of release to service or an aircraft release certificate, as the case may be; and
  - (ii) in respect of line maintenance, the appropriate entry in the technical logbook or technical log, as the case may be; and
- (b) in relation to an aircraft component, means the issuing of -
  - (i) a serviceable label; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(ii) an authorised release certificate;

“remotely piloted aircraft (RPA)” means an unmanned aircraft which is piloted from a remote pilot station;

[The definition of “remotely piloted aircraft (RPA)” is inserted by GN 89/2020.]

“remote pilot station” means the component of the RPA system containing the equipment used to pilot the RPA;

[The definition of “remote pilot station” is inserted by GN 89/2020.]

“renewal” means the administrative action taken by the Executive Director in terms of the regulations with respect to the validity of a licence, rating, authorisation or certificate that allows the holder to continue to exercise the privileges of a licence, rating, authorisation or certificate for a further specified period;

[The definition of “renewal” is inserted by GN 178/2023.]

“RPA system” means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design.

[The definition of “RPA system” is inserted as directed by GN 89/2020, but should appear after the definition of “rotorcraft” for correct alphabetical order. The full stop at the end of this definition in the *Government Gazette* should be a semicolon since the list of definitions continues.]

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“revalidation” means an administrative action taken by the Executive Director in terms of the regulations within the period of validity of a rating which allows the holder of the validation to continue to exercise the privileges of the rating for a further specified period;

[The definition of “revalidation” is inserted as directed by GN 178/2023, but should appear after the definition of “restricted area” for correct alphabetical order.]

“rescue co-ordination centre” means a unit responsible for promoting efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

“rescue subcentre” means a unit subordinate to a rescue co-ordination centre, established to complement the latter within a specified portion of a search and rescue region;

“research and development” means the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft;

“reserve parachute” means an emergency parachute assembly designed and approved to be used as the secondary parachute after the failure of a main parachute;

“resident of Namibia” means a person who has his or her ordinary residence in Namibia and who is a Namibian citizen or is in possession of a permanent residence permit or a temporary residence permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is restricted in accordance with certain specified conditions, and -

- (a) for the purposes of these Regulations, includes a danger area; and
- (b) for the purposes of Part 139, means air side;

“revalidation” means an administrative action taken by the Executive Director in terms of the regulations within the period of validity of a rating which allows the holder of the validation to continue to exercise the privileges of the rating for a further specified period;

**[The definition of “revalidation” is inserted above as directed by GN 178/2023, but should appear here, after the definition of “restricted area”, for correct alphabetical order.]**

“rigger” means a person who certifies parachute equipment;

“river” includes a canal;

“rocket” means -

- (a) an aircraft propelled by ejected expanding gases generated in the engine of the aircraft from self-contained propellants and not dependent on the intake of outside substances; and
- (b) any part of the aircraft which becomes separated from such aircraft during its operation,

and for the purposes of Part 101, includes pyrotechnics, missiles and flares;

“rotorcraft” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

“RPA system” means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design.

**[The definition of “RPA system” is inserted above as directed by GN 89/2020, but should appear here, after the definition of “rotorcraft”, for correct alphabetical order. The full stop at the end of this definition in the *Government Gazette* should be a semicolon since the list of definitions continues.]**

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“runway visual range” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“safety” means the freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property;

“safety recommendation” means a proposal of the Inspector of Accident based on information derived from the investigation or any other proposal made with the intention of preventing accidents or incidents;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“scheduled commercial air transport operation” means a commercial air transport operation in connection with which flights are undertaken -

- (a) (i) between the same two or more points; or
- (ii) with such a slight variation from the same two or more points that each flight can reasonably be regarded as being between the same two or more points;
- (b) (i) according to a published timetable; or
- (ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series; and
- (c) in such a manner that each flight is open to use by members of the public;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

**[The definition of “screening” is inserted by GN 293/2018.]**

“seaplane” means an aeroplane designed and constructed to take off from and land on water surfaces only;

“search and rescue region” means an area of defined dimensions within which search and rescue services are provided;

“security” means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

“security background check” means the procedures prescribed in section 134 of the Act, including a check of a person’s identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual’s fitness to implement a security control or for unescorted access to a security restricted area;

“security control” means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security equipment” means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

“security programme” means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The definitions of “security”, “security audit”, “security background check”, “security control”, “security equipment”, “security inspection” and “security programme” are inserted as directed by GN 293/2018, but should appear after the definition of “sector” for correct alphabetical order.]**

“sector” includes take-off, en route flight time and landing, but excludes circuit operations;

“security” means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

“security background check” means the procedures prescribed in section 134 of the Act, including a check of a person’s identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual’s fitness to implement a security control or for unescorted access to a security restricted area;

“security control” means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security equipment” means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

“security programme” means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

**[The definitions of “security”, “security audit”, “security background check”, “security control”, “security equipment”, “security inspection” and “security programme” are inserted above as directed by GN 293/2018, but should appear here, after the definition of “sector”, for correct alphabetical order.]**

“Selcal watch and Selcal callsign” means a selective calling system to effect communication with aircraft by the use of a specific code which is detected by apparatus in the aircraft;

“senior accountable manager” means the natural person of the participant or holder, including an owner or operator, who is to have or is likely to have control over the exercise of privileges under an aviation document, carries responsibility for day-to-day aviation activities and compliance of the participant or holder, performs the duties as required by the Act, these regulations and technical standards, and who meets the fit and proper person test and other relevant prescribed requirements in the manner contemplated in section 69 of the Act;

**[The definition of “senior accountable manager” is inserted by GN 293/2018.]**

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred, and for the purposes of these Regulations, includes -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a technical loss of separation, a near collision requiring an avoidance manoeuvre to avoid the collision or an unsafe situation or when an avoidance action would have been appropriate;
- (b) a controlled flight into terrain only marginally avoided;
- (c) a rejected take-off on a closed or engaged runway;
- (d) a take-off from a closed or engaged runway with marginal separation from an obstacle;
- (e) a landing or attempted landing on a closed or engaged runway;
- (f) a gross failure to achieve predicted performance during take-off or initial climb;
- (g) fire or smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;
- (h) an event requiring an emergency descent or the emergency use of oxygen by the flight crew;
- (i) an engine fails or is shut down as a precautionary measure;
- (j) an aircraft structural failure or engine disintegration not classified as an accident;
- (k) a multiple malfunction of one or more aircraft systems seriously affecting the operation of the aircraft;
- (l) any crew member whose duties are directly related to the safe operation of the aircraft is unable to perform its duties as a result of a physical incapacitation that poses a threat to the safety of any person, property or the environment;
- (m) a fuel shortage occurs that necessitates a diversion or requires approach and landing priority at the destination of the aircraft;
- (n) the aircraft is refueled with the incorrect type of fuel or contaminated fuel;
- (o) where the aircraft fails to remain within the landing or take-off area, lands with all or part of the landing gear retracted or drags a wingtip, an engine pool or any other part of the aircraft;
- (p) difficulties in controlling the aircraft are encountered owing to any aircraft system, malfunction, weather phenomena, wake turbulence, uncontrolled vibrations or operations outside the flight envelope;
- (q) a failure of more than one system in a redundancy system mandatory for flight guidance and navigation;
- (r) any dangerous goods are released in or from the aircraft;
- (s) a crew member declares an emergency or indicates any degree of emergency that requires priority handling by an air traffic control unit or the standing by of emergency response services;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (t) a transmission gearbox malfunction occurs; and
- (u) an external-load is released unintentionally, or as a precautionary or emergency measure;

“serious injury” means an injury which is sustained by a person in an accident and which -

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of any bone, except simple fractures of fingers, toes or nose;
- (c) involves lacerations which cause severe haemorrhage, or nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than five per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation;

“serviceable” means, when used in relation to an aircraft, that the aircraft has been maintained and inspected in accordance with the requirements of the approved maintenance schedule and that all adjustments and rectifications found to be necessary, have been satisfactorily made;

“shift” means the period between the actual commencement and the actual end of a period of duty during which an air traffic controller or an air traffic service assistant exercises, or may be called upon to exercise, the privileges of the rating at the air traffic service unit for which such rating is validated, and includes breaks and time spent on other duties including training, aerodrome inspection, administration, flight information service and any extension of duty;

“shift cycle” means a consecutive 28 day period;

“showing compliance with the Regulations” means conducting flight tests and other operations to show compliance with the regulations in Part 21, including flights to show compliance for the issue of type certificates and supplemental type certificates, flights to substantiate major design changes and flights to show compliance with the function and reliability requirements;

“shipper” means any person who prepares or offers a package or overpack of dangerous goods for conveyance by air;

“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;

“significant” in relation to the medical provisions in Part 67, means to a degree or of a nature that is likely to jeopardise flight safety;

[The definition of “significant” is inserted below as directed by GN 178/2023, but should appear here, after the definition of “SIGMET information”, for correct alphabetical order.]

[The definition of “simulator” is deleted by GN 178/2023.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“small aeroplane” means an aeroplane with a maximum certificated take-off mass of 5 700 kilogram or less;

[The singular word “kilogram” should be plural.]

“significant” in relation to the medical provisions in Part 67, means to a degree or of a nature that is likely to jeopardise flight safety;

[The definition of “significant” is inserted as directed by GN 178/2023, but should appear after the definition of “SIGMET information” for correct alphabetical order.]

“solo flight time” means flight time during which a student pilot is -

- (a) is the sole occupant of an aircraft;
- (b) remotely piloting an aircraft system; or
- (c) controlling the remotely piloted aircraft system, acting solo;

[The definition of “solo flight time” is inserted by GN 178/2023.]

“special flight permit” means a special certificate of airworthiness issued in terms of Part 21 for an aircraft which may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of -

- (a) flying the aircraft to a base where repairs, modifications or maintenance are to be performed, or to a point of storage;
- (b) delivering or exporting the aircraft;
- (c) production flight testing new production aircraft;
- (d) evacuating aircraft from areas of impending danger; or
- (e) conducting customer demonstration flights in new production aircraft which have satisfactorily completed production flight tests;

“special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

“standard training” means ongoing training;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design of the aircraft;

“State of Manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

“State of Registry” means the State on whose register the aircraft is entered;

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“stopway” means a defined rectangular area on the ground at the end of take-off run available prepared as a suitable area in which an aircraft can be stopped in the case of an abandoned take-off;

“stores” means articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies;

“student parachutist” means a person who is at the first level of training;

“student pilot-in-command instrument time” means flight time during which a flight instructor will only observe the student acting as pilot-in-command without influencing or controlling the flight of the aircraft;

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

“supplemental type certificate” means a certificate issued in terms of regulation 21.05.3, which authorises the holder thereof to alter a product for which such holder is not the type certificate holder, by introducing a major change in the type design which is not great enough to require a new application for a type certificate;

“survival emergency locator transmitter” means an emergency locator transmitter which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency and activated by survivors, or automatically activated;

**[The definition of “synthetic flight trainer” is deleted by GN 178/2023.]**

“take-off alternate aerodrome” means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;

“take-off decision point” means the point used in determining take-off performance from which, a power unit failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

“take-off distance available” means the length of the take-off run available plus the length of the clearway, if provided;

“take-off mass” means the mass of the aircraft, including everything and every person carried in the aircraft at the commencement of the take-off run or lift-off, as the case may be;

“take-off run available” means the length of runway declared available and suitable for the ground run of an aeroplane taking off;

“tandem master” means the person responsible for the direct control of a tandem parachute descent using a tandem parachute assembly when a tandem passenger is being carried and who has been authorised by an approved aviation recreation organisation;

“tandem parachute descent” means a parachute descent involving a tandem passenger and tandem master in a common tandem parachute assembly which is under the direct control of the tandem master;

“tandem pair” means a tandem master and tandem passenger;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“tandem passenger” means a person participating in a tandem parachute descent under the direct control of a tandem master using the secondary harness of a tandem harness system;

“taxi” means the movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, and includes an aircraft stand taxilane, an apron taxiway and a rapid exit taxiway;

“technical standard”, in relation to civil aviation, means any standard, including any rule, requirement, method, specification, characteristic or procedure, issued by the Executive Director in accordance with section 227 of the Act in respect of civil aircraft or aircraft components, or in respect of persons engaged in any civil aviation activity or in respect of civil aviation related services, facilities or equipment;

**[The definition of “technical standard” is inserted by GN 293/2018.]**

“Technical Standard Order” means a minimum performance standard issued by the Director for specified materials, parts, processes or appliances, used on aircraft;

“temporary training” means any intermittent training;

“terminal control area” means a control area normally established at the confluence of ATS routes in the vicinity of one or more major aerodromes;

“the Act” means the Civil Aviation Act, 2016 (Act No. 6 of 2016);

**[The definition of “the Act” is substituted by GN 293/2018.]**

“the Regulations” means the regulations contained in this Schedule in the several Parts of the Namibian Civil Aviation Regulations, including this Part, as amended from time to time;

“these Regulations” means the Regulations;

“threshold” means the beginning of that portion of the runway usable for landing;

“through-flight” means a particular operation of aircraft, identified by the operator by the use throughout of the same symbol from point of origin via any intermediate points to point of destination;

“total cosmic radiation” means the total of ionizing and neutron radiation of galactic and solar origin;

“touchdown and lift-off area” means a load bearing area on which a helicopter may touch down or lift off;

**[The phrase “touch down or lift off” was probably intended to be “touch down or lift off”.]**

“touchdown area available” means the length and width of the touchdown area which is declared available and suitable for the landing of a helicopter;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“traffic load” means the total mass of passengers, baggage and cargo, including any non-revenue load;

“training” means -

- (a) the training courses; or
- (b) the tests or verifications of skill or proficiency,

specified in these Regulations;

“TSO authorisation” means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

“type certificate” means a design approval for a Class I product, issued in terms of regulation 21.02.8;

“type of aircraft” means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

“unaccompanied baggage” means baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

**[The definition of “unaccompanied baggage” is inserted by GN 293/2018.]**

“unknown cargo” means any cargo for which there is no evidence that it has been subjected to the applicable screening procedures or continuous security controls specified in Part 108 and the NCASP;

**[The definition of “unknown cargo” is inserted by GN 293/2018.]**

“unit load device” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“valid” when used in connection with a licence, certificate or rating issued, renewed or reissued under these Regulations, means that all the requirements applicable to such licence, certificate or rating, as prescribed by these Regulations, have been complied with;

“validate in relation to a licence, means the action taken by the Executive Director in terms of the regulations and the technical standards, as an alternative to issuing a Namibian licence, in accepting a licence issued by a contracting state as the equivalent of its own licence;

**[GN 178/2023 directs the *substitution* of the definition of “validate”, but there is no such definition in the regulations to substitute; instead, the definition of “validate” has been *inserted* in the appropriate place. The closing quotation mark that should appear after the term “validate” is missing in the *Government Gazette*.]**

“validation”, for the purposes of Part 65, means an authorisation entered on a licence and forming part thereof, to exercise a specific rating at a specific air traffic service unit, containing special conditions, privileges or limitations pertaining to such rating;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“validation examiner” means an official validation examiner appointed by the Director or a validation examiner who has been designated in terms of regulation 65.01.9;

“veteran aircraft” means a previously type-certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which a valid type certificate is no longer held by any person;

[The definition of “veteran aircraft” is inserted by GN 236/2020.]

“violation” means the breach, including the contravention or failure to comply with, or manner of careless or incompetent manner in which the privileges or duties of an aviation document was carried out or utilised, or grossly negligent or wilful conduct in respect of, any provisions of the Act, a regulation, a technical standard or an aviation directive;

[The definition of “violation” is inserted by GN 293/2018. The words “manner of” before the phrase “careless or incompetent manner” appear to be superfluous.]

“visibility” means the ability, as determined by atmospheric conditions and expressed in units of measurement, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

“visual approach” means an approach when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

“visual meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

“wet runway” means a runway of which less than 25 per cent of the surface is covered with water, slush or loose snow or when there is sufficient moisture on the runway surface to cause it to appear reflective, but without significant areas of standing water.

[The full stop at the end of the definition of “wet runway” in the *Government Gazette* should be a semicolon since the list of definitions continues.]

“Windhoek Flight Information Region” is as defined in the current edition of Namibian AIP ENR Section.

## Abbreviations

**1.00.2** In these Regulations -

- (a) AGL means above ground level;
- (b) AIC means an Aeronautical Information Circular;
- (c) AIP means an Aeronautical Information Publication;
- (d) AIP SUP means an AIP Supplement;
- (e) AIRAC means aeronautical information regulation and control;
- (eA) A-MET means Aviation Meteorological Services;

[Paragraph (eA) is inserted by GN 89/2020.]



**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(eA) AME means aircraft maintenance engineer;

**[Paragraph (eA) is inserted by GN 236/2020 without deletion of the existing paragraph (eA); the result is that there are two paragraphs labelled as “(eA)”. The abbreviation “AME” should appear before the abbreviation “A-MET” for correct alphabetical order.]**

(eB) AIS means Aeronautical Information Services;

**[Paragraph (eB) is inserted by GN 89/2020.]**

(eB) AMO means aircraft maintenance organisation;

**[Paragraph (eB) is inserted by GN 236/2020 without deletion of the existing paragraph (eB); the result is that there are two paragraphs labelled as “(eB)”.]**

(eB) ASPL means Airship Pilot Licence;

**[Paragraph (eB) is inserted by GN 178/2023 without deletion of either of the existing paragraphs labelled (eB); the result is that there are three paragraphs labelled as “(eB)”.]**

(f) ATA means aerodrome traffic area;

(fA) ATEL means Aeronautical Telecommunications Services;

**[Paragraph (fA) is inserted by GN 89/2020.]**

(fB) ATO means Aviation Training Organisation;

**[Paragraph (fB) is inserted by GN 178/2023.]**

(fC) ATPL means Airline Transport Pilot;

**[Paragraph (fC) is inserted by GN 178/2023.]**

(g) ATS means air traffic service;

(h) ATZ means an aerodrome traffic zone;

(i) AVGAS means aviation gasoline;

(iA) CAR means the Civil Aviation Registry established under section 52 of the Act;

**[Paragraph (iA) is inserted by GN 293/2018.]**

(iB) CFBL means Commercial Free Balloon Pilot Licence;

**[Paragraph (iB) is inserted by GN 178/2023.]**

(j) COL means a configuration deviation list;

(jA) CASL means Commercial Airship Pilot Licence;

**[Paragraph (jA) is inserted by GN 178/2023.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(jB) CPL means Commercial Pilot Licence;

**[Paragraph (jB) is inserted by GN 178/2023.]**

(k) CTA means a control area;

(l) CTR means a control zone;

(m) DA/H means decision altitude/height;

(n) DAME means designated aviation medical examiner;

(nA) DFE means Designated Flight Examiner;

**[Paragraph (nA) is inserted by GN 178/2023.]**

(o) ELT means emergency locator transmitter;

(p) ELT (AF) means automatic fixed emergency locator transmitter;

(q) ELT (AP) means automatic portable emergency locator transmitter;

(r) ELT (AD) means automatic deployable emergency locator transmitter;

(s) ELT (S) means survival emergency locator transmitter;

(t) EROPS means extended range operations;

(u) ETOPS means extended range operations with twin-engine aircraft;

(uA) FBPL means Free Balloon Pilot Licence;

**[Paragraph (uA) is inserted by GN 178/2023.]**

(uB) FCL means Flight Crew Licence;

**[Paragraph (uB) is inserted by GN 178/2023.]**

(uC) FE means Flight Examiner;

**[Paragraph (uC) is inserted by GN 178/2023.]**

(v) FL means flight level;

(vA) FPD means Flight Procedure Design;

**[Paragraph (vA) is inserted by GN 89/2020.]**

(vB) FSTD means Flight Simulator Training Device;

**[Paragraph (vB) is inserted by GN 178/2023.]**

(vC) GPL means Glider Pilot Licence;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[Paragraph (vC) is inserted by GN 178/2023.]**

- (w) IAIP means an Integrated Aeronautical Information Package;
- (x) IFR means instrument flight rules;
- (y) ILS means instrument landing system;
- (yA) IR means Instrument Rating;

**[Paragraph (yA) is inserted by GN 178/2023.]**

- (z) JMC means instrument meteorological conditions;
- (aa) LDP means landing decision point;
- (bb) MCM means maximum certificated mass;
- (bbA) MCTOW means maximum certificated take-off weight;

**[Paragraph (bbA) is inserted by GN 236/2020.]**

- (cc) MDA means minimum descent altitude;
- (dd) MDA/H means minimum descent altitude/height;
- (ee) MDH means minimum descent height;
- (ff) MEL means a minimum equipment list;
- (gg) MMEL means a master minimum equipment list;
- (hh) MNPS means minimum navigation performance specifications;
- (ii) MSL means mean sea level;
- (iiA) NCASCQP means the Namibia Civil Aviation Security Quality Control Programme;
- (iiB) NCASP means the Namibia Civil Aviation Security Programme;
- (iiC) NCASTP means Namibia Civil Aviation Security Training Programme;

**[Paragraphs (iiA)-(iiC) are inserted by GN 293/2018.]**

- (jj) NAM-CARs means Namibian Civil Aviation Regulations;
- (jjA) NAM-PMA means Namibia Parts Manufacturing Approval;

**[Paragraph (jjA) is inserted by GN 236/2020]**

- (jjB) NAM-TSO means Namibia Technical Standard Order;

**[Paragraph (jjB) is inserted by GN 236/2020.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(kk) NOB means a non-directional radio beacon;

(ll) nm means nautical mile;

(mm) NOTAM means Notice to Airmen;

(mm) P1 means Captain or Pilot-In-Command;

**[Paragraph (mm) is inserted by GN 178/2023. There is already a paragraph labelled “(mm)”, which is not deleted by GN 178/2023; the result is that there are two paragraphs labelled as “(mm)”.]**

(nn) PI means pilot-in-command;

(nn) P2 means Co-Pilot;

**[Paragraph (nn) is inserted by GN 178/2023. There is already a paragraph labelled “(nn)”, which is not deleted by GN 178/2023; the result is that there are two paragraphs labelled as “(nn)”.]**

(oo) PII means co-pilot;

(ooA) P3 means Third Pilot or Cruise Relief Pilot;

**[Paragraph (ooA) is inserted by GN 178/2023.]**

(pp) PAR means Precision Approach Radar;

(ppA) PIC means Pilot-In-Command;

**[Paragraph (ppA) on PIC is inserted by GN 178/2023. It is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. This paragraph should appear after paragraph (rr) on PIB.]**

(qq) PBE means portable breathing equipment;

(qqA) PICUS means Pilot-In-Command-Under-Supervision;

**[Paragraph (qqA) on PICUS is inserted by GN 178/2023. It is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. This paragraph should appear after paragraph (ppA) on PIC - which is also currently in the wrong alphabetical order.]**

(qqB) PPL means Private Pilot Licence;

**[Paragraph (qqB) on PPL is inserted by GN 178/2023. It is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. This paragraph should appear after paragraph (ss) on PPI.]**

(rr) PIB means Pre-flight Information Bulletin;

(ss) PPI means a Plan Position Indicator;

(tt) RNP means the required navigation performance;

(ttA) RPA means remotely piloted aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[Paragraph (ttA) is inserted by GN 89/2020.]**

(ttA) RVSM means reduced vertical separation minima;

**[Paragraph (ttA) on is inserted by GN 236/2020 without deletion of the existing paragraph (ttA); the result is that there are two paragraphs labelled as “(ttA)”. The second paragraph (ttA) on RVSM is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. It should appear after paragraph (uu) on RVR.]**

(ttB) RPAS means Remotely Piloted Aircraft System;

**[Paragraph (ttB) on RPAS is inserted by GN 178/2023. It is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. This paragraph should appear immediately after the first paragraph (ttA) on RPA.]**

(ttC) RPL means Recreational Pilot Licence;

**[Paragraph (ttC) is inserted by GN 178/2023.]**

(ttD) RPS means Remote Pilot Station;

**[Paragraph (ttD) is inserted by GN 178/2023.]**

(uu) RVR means runway visual range;

(uuA) SI means the International System of Units;

(uuAA) SPL means Student Pilot Licence;

**[Paragraph (uuAA) is inserted by GN 178/2023.]**

(uuB) SSP means the State Safety Programme;

(uuBB) SOP means Standard Operating Procedure;

**[Paragraph (uuBB) on SOP is inserted by GN 178/2023. It is inserted in the correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order. This paragraph should appear after paragraph (uuA) on SI.]**

(vv) STOL means short take-off and landing;

(vvA) TEM means Threat and Error Management.

**[Paragraph (vvA) is inserted by GN 178/2023. The full stop at the end of this paragraph in the *Government Gazette* should be a semicolon since the list of abbreviations continues.]**

(ww) TOP means take-off decision point;

(xx) TLOF means touchdown and lift-off area;

(yy) TMA means a terminal control area;

(zz) TSO means Technical Standard Order;

(aaa) VFR means visual flight rules;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (bbb) VHF means very high frequency;
- (ccc) VMC means visual meteorological conditions;
- (ddd) VOR means VHF omnidirectional radio range.

**Classification of aircraft**

**1.00.3** Aircraft are classified as -

- (a) a lighter-than-air aircraft:
  - (i) a non-power-driven aircraft:
    - (aa) a free balloon- spherical or non-spherical; or
    - (bb) a captive balloon- spherical or non-spherical; and
  - (ii) a power-driven aircraft: an airship - rigid, semi-rigid or non-rigid; and
- (b) a heavier-than-air aircraft:
  - (i) a non-power-driven aircraft:
    - (aa) a glider - land or sea; or
    - (bb) a kite; and
  - (ii) a power-driven aircraft:
    - (aa) an aeroplane - land, sea or amphibian; or
    - (bb) a rotorcraft:
      - (A) a gyroplane- land, sea or amphibian; or
      - (B) a helicopter - land, sea or amphibian; and
    - (cc) an ornithopter - land, sea or amphibian.

**Categories of precision approach and landing operations**

**[The word "operations" is misspelt in the Government Gazette, as reproduced above.]**

**1.004** (1) The categories of precision approach and landing operations are the following:

- (a) Category I operation - a precision instrument approach and landing with a decision height not lower than 60 m, or 200 ft, and with either a visibility not less than 800 m or a runway visual range not less than 550 m;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) Category II operation a precision instrument approach and landing with a decision height lower than 60 m, or 200 ft, but not lower than 300 m, or 100 ft, and a runway visual range not less than 350 m;
- (c) Category IIIA operation - a precision instrument approach and landing with -
  - (i) a decision height lower than 30 m, or 100 ft, or no decision height; and
  - (ii) a runway visual range not less than 200 m;
- (d) Category IIIB operation - a precision instrument approach and landing with -
  - (i) a decision height lower than 15 m, or 50 ft, or no decision height; and
  - (ii) a runway visual range less than 200 m but not less than 50 m; and

[The word “visual” is misspelt in the *Government Gazette*, as reproduced above.]

- (e) Category IIIC operation - a precision instrument approach and landing with no decision height and no runway visual range limitations.

(2) Where decision height and runway visual range fall into different categories of operation, the instrument approach and landing operation shall be conducted in accordance with the requirements of the most demanding category.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PROCEDURES**

**PART 2**

**UNITS OF MEASUREMENT TO BE USED IN AIR AND GROUND OPERATIONS**

[Part 2 is inserted by GN 293/2018. GN 293/2018 directs that Parts 2 and 3 should be inserted after the heading “PROCEDURES” in the regulations. There is no such heading in the body of the regulations, but the table of contents of the regulations suggests that this heading should appear as shown above in green type.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

2.01.1      Applicability

**SUBPART 2: STANDARD APPLICATION OF UNITS OF MEASUREMENT**

- 2.02.1      Standard SI units
- 2.02.2      Non-SI units for permanent use with SI units
- 2.02.3      Additional non-SI alternative units for temporary use with SI
- 2.02.4      Application of specific units
- 2.02.5      Termination of use of non-SI alternative units

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**2.02.1** (1) This Part -

- (a) applies to all aspects of civil aviation air and ground operations in Namibia; and
- (b) contains specifications for the use of standardised system of units of measurement in civil aviation air and ground operations based on the international system of units (SI) and certain non-SI units considered necessary for use in Namibia to meet the requirements of civil aviation.

(2) The technical definitions of the SI of measurement are set out in Document NAM-CATS-UOM.

**SUBPART 2**  
**STANDARD APPLICATION OF UNITS OF MEASUREMENT**

**Standard SI units**

**2.02.1** (1) The SI developed and maintained by the General Conference of Weights and Measures (CGPM) must, subject to regulations 2.02.2 and 2.02.3, be used as the standard system of units of measurement for all aspects of civil aviation air and ground operations in Namibia.

(2) The prefixes and symbols referred to in subregulation (3) must be used to form names and symbols of the decimal multiples and submultiples of SI units and the use of the term SI units must include base units and derived units as well as their multiples and sub-multiples.

(3) The SI unit prefixes in accordance with subregulation (2) must be as prescribed in the Document NAM-CATS-UOM.

**Non-SI units for permanent use with SI units**

**2.02.2** The non-SI units to be used as primary units of measurement in addition to the SI units specified in regulation 2.02.1 must be as prescribed in Document NAM-CATS-UOM, and include units for measurement of specific quantities of -

- (a) mass;
- (b) plane angle;
- (c) temperature;
- (d) time; and
- (e) volume.

**Additional non-SI alternative units for temporary use with SI**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**2.02.3** The additional non-System International (non-SI) units to be used in Namibia with the SI must be as described in Document NAM-CATS-UOM and include the units for measuring the following:

- (a) distance (longitudinal);
- (b) elevation or distance (altitude, elevation, height, vertical speed);
- (c) speed (horizontal); and
- (d) speed (vertical).

**Application of specific units**

**2.02.4** (1) The application of units of measurement for certain quantities used in civil aviation air and ground operations including the means and provisions for design and training must be as prescribed in Document NAM-CATS-UOM.

(2) Means and provisions for design, procedures and training must be established for operations in environments involving the use of standard and non-SI alternatives of specific units of measurement or the transition between environments using different units, with due consideration to human performance.

**Termination of use of non-SI alternative units**

**2.02.5** The application of non-SI alternative units listed in this Part must continue to apply in Namibia until a decision is reached by the ICAO on the dates of termination of their use following an agreement on unified international application of the SI equivalent units.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 3  
REGULATIONS MAKING, ISSUING OF TECHNICAL STANDARDS, EXEMPTIONS,  
DIRECTIVES, FILING OF DIFFERENCES AND OTHER PROCEDURES**

[Part 3 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: PROCEDURES FOR MAKING REGULATIONS**

- 3.01.1 Applicability
- 3.01.2 Submission of documents
- 3.01.3 Regulations-making procedure – notice  
[The heading of this regulation in the text below is  
“Regulations-making procedure: notice” (with a colon).]
- 3.01.4 Proposals to initiate regulation-making process: notice
- 3.01.5 Written submissions
- 3.01.6 Oral hearings
- 3.01.7 Confidential information
- 3.01.8 Record of minutes
- 3.01.9 Publication of regulations
- 3.01.10 Reconsideration
- 3.01.11 Administration
- 3.01.12 Civil aviation regulations technical advisory panel
- 3.01.13 Subscriber notification service

**SUBPART 2: ISSUING OF TECHNICAL STANDARDS**

- 3.02.1 Procedure
- 3.02.2 Publication
- 3.02.3 Keeping and inspection of technical standards

**SUBPART 3: PROCEDURE FOR GRANTING EXEMPTIONS AND ACCEPTANCE  
OF ALTERNATIVE METHODS OF COMPLIANCE**

- 3.03.1 Applicability
- 3.03.2 Application for exemption
- 3.03.3 Processing of application for exemption
- 3.03.4 Granting or refusal of exemption
- 3.03.5 Application for extension of exemption
- 3.03.6 Acceptance of alternative means of compliance

**SUBPART 4: PUBLICATION OF AERONAUTICAL INFORMATION CIRCULARS,  
AVIATION DIRECTIVES, AVIATION NOTICES, TECHNICAL GUIDANCE  
MATERIAL AND PAMPHLETS**

- 3.04.1 Publication of aeronautical information circulars
- 3.04.2 Directives: aviation and airworthiness
- 3.04.3 Issue and publication of aviation notices
- 3.04.4 Issue and publication of technical guidance material, advisory pamphlets and other information
- 3.04.5 Amendment, suspension or withdrawal of aviation directives, aviation notices or advisory pamphlets

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

3.04.6 Maintenance of documents in CAR and related matters

**SUBPART 5: PROCEDURES FOR THE IDENTIFICATION AND NOTIFICATION OF DIFFERENCES**

[The word "IDENTIFICATION" is misspelt in the *Government Gazette*, as reproduced above.]

- 3.05.1 General
- 3.05.2 Identification of differences
- 3.05.3 Notification of differences
- 3.05.4 Publication of differences

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**PROCEDURES FOR MAKING REGULATIONS**

**Applicability**

**3.01.1** (1) This Part is applicable to the making, amendment and revocation of regulations (hereafter collectively referred to as “the making of regulations”).

(2) The Authority may amend these procedures, and similarly, any other regulations, after conducting a regulation-making procedure after the date of coming into force of these regulations.

(3) The documentation required under these regulations and any other Part, whether in physical or electronic form, must be registered with the CAR in accordance with the procedures set out in the registry manual approved by the Executive Director.

**Submission of documents**

**3.01.2** (1) In these regulations where a person is required to submit a document “in writing to the Authority”, he or she must submit that document either -

- (a) physically by hand to the head offices of the Authority, for the time being at the c/o No 12 Rudolf Hertzog Street, Windhoek;
- (b) by post to the head offices of the Authority, namely, Private Bag 12003 Ausspannplatz, Windhoek;
- (c) by electronic mail, to the following address: [legal@ncaa.com.na](mailto:legal@ncaa.com.na), and any other address as indicated by the Authority for the purpose of emailing;
- (d) by facsimile to the facsimile number as indicated by the Authority; or
- (e) in any other manner approved in writing by the Authority.

(2) The Authority may set out alternative addresses in the “Notice of Intention to Make Regulations”.

**Regulations-making procedure: notice**

**3.01.3** (1) The Authority must initiate a regulations-making process to make regulations required to be prescribed by the Act.

(2) The regulations process under subregulation (1) comprises the procedures set out in this Part to make regulations in a manner that is compliant with the Act, and necessary or expedient in order to implement the provisions of the Act.

(3) A regulations-making procedure under subregulation (1) must be initiated by the Authority by the publication of a “Notice of Intention to Make Regulations” uploaded to the website and intranet of the Authority, and in at least two newspapers circulating nationally in Namibia, or in the *Gazette*, as the Authority may consider appropriate.

- (4) The “Notice of Intention to Make Regulations” -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) must include a concise statement of the purpose and reason for the proposed regulations;
- (b) must, if not included in the publication mentioned in subregulation (3), indicate how a draft of the proposed regulations can be obtained; and
- (c) may, as part of subregulation (3), include a reference to an explanatory memorandum or other document, providing background information, defining issues or setting out the Authority's preliminary views.

(5) A "Notice of Intention to Make Regulations" must be registered with the CAR in the manner provided for in the registry manual and be available for scrutiny at the head offices of the Authority during normal business hours.

(6) Copies of the notice referred to in subregulation (5) may be made available to the public on payment of a prescribed fee determined in Part 187 or by way of download from the Authority's website or intranet, free of charge.

**Proposals to initiate regulation-making process: notice**

**3.01.4** (1) Any person may submit a proposed regulation in writing to the Authority and request the Authority to initiate the regulation-making process in accordance with the notice issued under regulation 3.01.3(3).

(2) The notice referred to in subregulation (1) must include a "Proposal to Initiate a Regulation" in the format acceptable to the Executive Director and must contain at least the following information:

- (a) the name and contact details of the person making the submission and the name and contact details of the person for whom the submission is made, if different;
- (b) explain the interests of the proposer;
- (c) state the contents of the regulation or the amendment proposed or specify the regulation which the proposer wishes to be withdrawn; and
- (d) a clear and concise statement setting out the purpose and reasons for the proposed regulation.

(3) If, in the opinion of the Authority, the submitted proposed regulation provide sufficient reasons for initiating a regulation-making process, the Authority must initiate the regulation-making process.

[The verb "provide" should be "provides" to accord with the subject "regulation".  
Alternatively, the singular word "regulation" should be plural.]

- (4) If, in the opinion of the Authority, the submitted proposed regulations -
  - (a) do not provide sufficient reasons for initiating regulation-making process;
  - (b) is frivolous or vexatious or malicious; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) will compromise civil civil aviation safety and security, the Authority must decline the request and notify the person who submitted the request in writing, stating the particular reasons the request is declined.

[The word “the” appears to have been omitted before “regulation-making process” in paragraph (a). The verb “is” in paragraph (b) should be “are” to be grammatically correct. The word “civil” in paragraph (c) is repeated before the word “aviation” in the *Government Gazette*.]

**Written submissions**

**3.01.5** (1) After the Authority publishes a “Notice of Intention to Make Regulations”, any person or group of persons may in writing submit comments to the Authority within the time set out in the “Notice of Intention to Make Regulations”, which time may not be less than 30 days from the date of publication the notice.

(2) For public consultations during the regulations-making process, and when considered appropriate, the Authority must also provide the opportunity for the submission of a reply to comments by the proposer of the regulation in a “Notice of Intention to Make Regulations”.

(3) Reply comments must be submitted in writing to the Authority within the time established by the Authority, which time may not be less than 14 days from the submission of written comments.

(4) The times for the submission of comments are to be determined by the Authority in light of the nature of the proposed regulation.

(5) The Authority may consider written submissions not timely filed if, in its opinion, it is practicable to do so.

(6) The Authority may request further written submissions to secure further information or clarification, which submissions must be provided to the Authority in the manner set out by the Authority.

(7) All written submissions must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority as set out in the “Notice of Intention to Make Regulations” or, if applicable, the relevant *Gazette* notice.

**Oral hearings**

**3.01.6** (1) Despite the provisions on public meetings of the Board contemplated by section 17(8) to (11) of the Act, if the Authority considers it appropriate, it may also hear oral submissions after compliance with regulations 3.01.3, 3.01.4 and 3.01.5.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Authority may invite members of the public to make oral submissions either in the “Notice of Intention to Make Regulations” or subsequently by notice at least once in two English language newspapers circulating nationally in Namibia or uploaded to the website or intranet of the Authority, provided that members of the public must be given at least 21 days’ notice prior to the scheduled date of the hearing.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the regulation-making process, except that the hearing may take on the character of a workshop or conference.

(5) All oral submissions must -

- (a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority as set out in the “Notice of Intention to Make Regulations”.

(6) The Authority may request further oral or written submissions to secure further information or clarification, which submissions must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, the secretariat referred to in regulation 3.01.11 must prepare a concise report summarising the oral submissions which report must be placed in the relevant regulation making file in the CAR in the manner set out in the registry manual.

**Confidential information**

**3.01.7** (1) A person making written submissions may designate information as confidential, but, if the Authority is of the opinion that the information is not confidential, it must inform the person that it may withdraw the information from the regulation-making process or agree with the person that the information will be treated as confidential.

(2) A person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, and a closed hearing must be treated as a confidential meeting.

**Record of minutes**

**3.01.8** (1) All documents considered relevant by the Authority to a regulation-making process, including “Proposals to Initiate a Regulation Making Process”, “Notices of Intention to Make Regulations”, written submissions, petitions for reconsideration and reports of oral hearings, and the Authority must maintain reports of confidential meetings in a regulation making file kept separately for each regulation-making process, physically at the CAR and where appropriate, electronically, for download from the Authority’s website or intranet.

(2) Except for confidential information, any person may examine a regulation making file at the CAR for scrutiny at the head offices of the Authority during normal business hours.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Copies of the file referred to subregulation (2) may be made available to the public on payment of a fee determined by the Authority under Part 187, and from the website or intranet of the Authority, where copies may be downloaded free of charge.

[The word “in” appears to have been omitted after the phrase “referred to”.]

### **Publication of regulations**

**3.01.9** (1) After considering all written submissions recorded as filed and oral recordings, if any, the Executive Director must submit the draft regulations for consideration by the Board, in compliance with a consultation procedure or its recommendation, as the case may be, and thereafter, to the Minister for approval and issue of the regulations in the *Gazette*, with or without changes to the draft regulations.

(2) The Authority must maintain copies and the originals, and a register, of regulations made or deemed to have been made under the Act, and physically at or in the database of the CAR for scrutiny in the manner provided for in the registry manual.

(3) Any person may examine the register of regulations and copies of regulations either -

- (a) at the CAR at the head offices of the Authority during normal business hours or copies may be made on payment of a fee determined by the Authority under Part 187; or
- (b) by download from the Authority’s website or intranet, free of charge.

### **Reconsideration**

**3.01.10** (1) The Authority may reconsider any regulations made in terms of the regulation-making procedures, within a period of 12 months after publication of the regulations.

(2) Any person (the “requesting party”) may submit a request in writing to the Authority to reconsider any regulation made or any technical standard or aviation directive issued, in terms of the regulation-making procedures, within 12 months of the publication of the final regulations in the *Gazette* or the publication of the technical standard or aviation directive, and the Authority must reconsider such regulation, technical standard or aviation directive within a period of 90 days from the date of receipt of the request.

(3) The requesting party must submit the request on a “Reconsideration Form” uploaded by the Authority and made available for download from the Authority’s website.

(4) The requesting party must indicate in the “Reconsideration Form” his or her direct or substantial interest in the matter and the safety and security considerations that form the basis for the request.

(5) If the Authority is satisfied that there are sufficient reasons to reconsider the regulations, it may grant the request and authorise a hearing on the reconsideration in the manner set out in regulation 3.01.6.

(6) The Authority must communicate to the requesting party its decision within 30 days of the filing of the request for reconsideration and the reasons for the decision.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) The Executive Director may decline the request for reconsideration on the same grounds as provided for in regulation 3.01.4(4).

**Administration**

**3.01.11** Any administrative work as well as secretarial work, in connection with the making of regulations must be carried out by staff members of the Authority designated for such purpose by the Executive Director.

**Civil aviation regulations technical advisory panel**

**3.01.12** The Civil Aviation Regulations Technical Advisory Panel which the Executive Director may establish for each or any regulation-making procedure in terms of Part 11 is responsible for the related actions and procedures set out in this Part.

**Subscriber notification service**

**3.01.13** To facilitate the consultation process in the process of making regulations the Executive Director may make available on the website or intranet of the Authority, a subscriber notification service to which interested persons may subscribe and unsubscribe at no cost and by which every subscriber must be notified by e-mail, of any proposal to amend any regulation by way of insertion, substitution, repeal, deletion or any other manner.

**SUBPART 2  
ISSUING OF TECHNICAL STANDARDS**

**Procedure**

**3.02.1** The procedure for making regulations in this Part applies, subject to necessary changes and modifications that may be required by the context, to the making of technical standards in the manner contemplated by section 227 of the Act.

**Publication**

**3.02.2** A technical standard must be published by upload on the website and intranet of the Authority for free downloading, but a person may also order the technical standard from the Authority in either hard copy or electronic format at a fee as may be determined by the Authority under Part 187.

**Keeping and inspection of technical standards**

**3.02.3** The Authority must keep originals and copies of published technical standards issued under these regulations and must register the standards with the CAR in the manner provided in the registry manual and make them available for inspection by any person.

**SUBPART 3  
PROCEDURE FOR GRANTING EXEMPTIONS AND ACCEPTANCE OF  
ALTERNATIVE METHODS OF COMPLIANCE**

**Applicability**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**3.03.1** The Executive Director may exempt an applicant from the requirements of these regulations or any other regulations made under sections 54 to 58 of the Act after having regard to either -

- (a) the requirement that has been substantially complied with and that further compliance is unnecessary;
- (b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement;

[The word “as” appears to have been omitted after the phrase “as effective”.]

- (c) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or
- (d) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case,

and that the risk to civil aviation safety and security is not or is not likely to be significantly increased by the granting of the exemption.

[The word “that” is superfluous both times that it appears in paragraph (a), and also in the closing phrase.]

**Application for exemption**

**3.03.2** (1) An application for an exemption must be made in writing to the Executive Director and must -

- (a) state the name, street and postal address of the applicant;
- (b) state the requirement from which exemption is requested;
- (c) explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;
- (d) contain any information, views or arguments supporting the application;
- (e) explain why the applicant believes that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect civil aviation safety and security; and
- (f) include a summary of the application which summary must contain a reference to the requirement from which exemption is requested and a brief description of the general nature of the exemption requested.

(2) An application for an exemption must be accompanied by the appropriate fee prescribed in Part 187 and -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) must be submitted at least 60 days or such shorter period as the Executive Director may allow on good cause shown, before the proposed effective date of the exemption; or
- (b) in the case of an urgent exemption, must be submitted five working days before the proposed effective date of the exemption or such shorter period as the Executive Director may allow on good cause shown.

(3) In cases where an application for exemption cannot be processed within the periods referred to in subregulation (2), the Executive Director must notify the applicant and in the case of urgent exemptions adjust the prescribed applicable fee to the amount as prescribed in Part 187.

**Processing of application for exemption**

**3.03.3** The Executive Director may, before deciding whether to grant or refuse an exemption, afford the applicant an opportunity to make representations either in writing or in person, regarding the exemption.

**Granting or refusal of exemption**

**3.03.4** (1) The Executive Director may in the manner contemplated in section 46 of the Act -

- (a) grant an exemption, subject to such conditions and for such period which the Executive Director may determine, which may not exceed 180 days; or
  - (b) refuse an exemption.
- (2) The Executive Director must give written notice to the applicant of -
- (a) the Executive Director's decision; and
  - (b) if the decision was to refuse to grant the exemption or to impose a condition not sought by the applicant, the reasons for the decision.

(3) The Executive Director must within five working days from the date from which any exemption has been granted, and in such manner as decided by the Executive Director, publish the full particulars thereof for download from the Authority website or intranet.

**Application for extension of exemption**

**3.03.5** (1) The Executive Director may not grant an exemption under this Part to a person in the same or similar terms as an exemption previously granted under this Part to the person unless that person -

- (a) applies, in accordance with regulation 3.03.2, for the new exemption; and
- (b) includes with the application a statement of the additional reasons why the exemption is necessary or the reasons why the continuation of the exemption is necessary.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may grant an extension to an exemption under such conditions and for such period which the Executive Director may determine, which may not exceed 180 days.

(3) An application for the extension of exemption must be accompanied by the fees prescribed in Part 187.

(4) The provisions of regulations 3.03.3 and 3.03.4 apply with the necessary changes in relation to the consideration of an application mentioned in subregulation (1).

**Acceptance of alternative method of compliance**

**3.03.6** (1) The Executive Director may, on good cause shown by an applicant, approve an alternative method of compliance, if the Executive Director is satisfied that civil aviation safety and security is not or is not likely to be compromised.

(2) An application for acceptance of an alternative method of compliance must be in the format, and dealt with in the same manner, as prescribed in regulations 3.03.2, 3.03.3 and 3.03.4.

**SUBPART 4**

**PUBLICATION OF AERONAUTICAL INFORMATION CIRCULARS,  
AVIATION DIRECTIVES, AVIATION NOTICES, TECHNICAL  
GUIDANCE MATERIAL AND PAMPHLETS**

**Publication of aeronautical information circulars**

**3.04.1** Subject to the securing of services as contemplated in section 10(6) of the Act, and the information services requirements contemplated in section 53 of the Act, and in compliance with Part 174 (Aeronautical Information Services), the Head of Air Navigation Services may publish aeronautical information circulars, containing information on -

- (a) technical standards, practices or procedures including methods that, for purposes of provision of air navigation services, are found to be acceptable for compliance with the associated regulations on air navigation services;
- (b) the differences to be notified in terms of Subpart 5, but with the approval of the Executive Director; and
- (c) issues that can properly and effectively be distributed to interested parties by any means whatsoever.

**Directives: aviation and airworthiness**

**3.04.2** (1) Whenever the Executive Director from time to time issues any aviation directive as contemplated in section 38(6) of the Act, the objective of the applicable regulatory requirement to be met thereby, and any change or amendment to the directive, if any, must be indicated in the relevant aviation directive.

(2) As a general requirement the aviation directive must explain that it -

- (a) is remedial and desirable in the context of the aviation activity in question;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) does not conflict with matters already authorised, prohibited or otherwise contemplated elsewhere in the Act or these regulations; and

(c) does not or is not likely to compromise civil aviation safety and security.

(3) An aviation directive must be of general application, or may be directed at a particular group of affected persons, and not be limited in its application to an individual civil aviation participant.

(4) The Executive Director must forthwith upload an airworthiness directive issued under section 38(3) of the Act or an aviation directive issued under section 38(6) of the Act, as the case may be, on the website or intranet of the Authority and, where appropriate, in such other place or manner as will, in the Executive Director's opinion, most effectively inform the public and those directly affected by the issue of the directive.

(5) An airworthiness directive or aviation directive must be registered with the CAR in the manner set out in the registry manual.

**Issue and publication of aviation notices**

**3.04.3** (1) The Executive Director may, in accordance with subregulation (2), issue civil aviation notices regarding any matter which the Executive Director may consider necessary or expedient to publish in order that the objects of the Act and these regulations may be achieved.

(2) Subject to subregulation (3), the Executive Director must upload notices referred to in subregulation (1) to the website or intranet of the Authority, and where appropriate publish it in such other place or manner as will, in the opinion of the Executive Director, most effectively inform the public and those affected by that notice.

(3) Where the Executive Director determines that the interests of aviation safety or security require immediate action, he or she may forego publication of an aviation notice under subregulations (1) and (2) but he or she must, to the extent practicable, advise affected persons of the issue of the notice.

**Issue and publication of technical guidance material, advisory pamphlets and other information**

**3.04.4** (1) The Executive Director may issue technical guidance material, advisory pamphlets containing information, other guidance and training material to assist authorised officers, inspectors or authorised persons, in the implementation and continued compliance with the Act, these regulations and technical standards pursuant to section 10(1)(l) and (m) of the Act.

(2) The Head of Air Navigation Services may, pursuant to regulation 3.04.1 but subject to Part 174, publish an advisory pamphlet in an Aeronautical Information Circular or in such other manner as will, in his or her opinion, most effectively inform the public and those affected on air navigation services.

**Amendment, suspension or withdrawal of aviation directives, aviation notices or advisory pamphlets**

**3.04.5** The Executive Director or the Head Air Navigation Services, as the case may be, may at any time amend, suspend or withdraw any directive, notice or advisory pamphlet issued



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

under this Part and must upload notification of any such amendment, suspension or withdrawal to the website or intranet of the Authority.

**Maintenance of documents in CAR and related matters**

**3.04.6** (1) With a view to the establishment of the CAR pursuant to section 52 of the Act, and for matters in relation to its administration, the Executive Director must designate a staff member of the Authority as head of the CAR who must at the same time be the designated person responsible for compliance with the provisions of sections 61(4) and 227(4), as the case may be, of the Act.

(2) The designated head of the CAR must keep the registry manual providing for the procedures for channelling, lodging and securing or archiving of the prescribed documents and issued out to the public, in the manner as set out in regulation 3.01.1.

(3) The designated head of the CAR must ensure the review, and monitor compliance with the registry manual, by the staff members of the Authority.

(4) The designated head of the CAR, must on behalf of the Executive Director, ensure the establishment and maintenance of the register of inspectors, authorised officers and authorised persons as designated in the manner contemplated in section 37 of the Act, to ensure compliance with section 36(d) of the Act.

(5) The head of the CAR must, on behalf of the Executive Director, issue any required measures on public access, copying, audit and inspection of such documents, and related matters in the manner contemplated in section 52(3) and (4) of the Act.

**SUBPART 5**  
**PROCEDURES FOR THE IDENTIFICATION**  
**AND NOTIFICATION OF DIFFERENCES**

**General**

**3.05.1** (1) The Authority must develop and implement procedures for the review of regulatory requirements to ensure the regulations or practices are in full accord, where practicable, with any established international standards or, where necessary, recommended practices, and in accordance with its prescribed procedures.

(2) If the Authority finds it impracticable to comply in all respects with any international standard or procedure or to bring its own regulations or practices into full accord with any international standards or procedures after amendment of the standards or procedures, a notification of difference may be filed in accordance with regulation 3.05.3.

(3) The responsibility under the Chicago Convention for the identification and notification of differences rests with the Authority.

(4) In the course of discharging the responsibility to notify, the Authority must, when necessary, liaise with other relevant agencies of the Government of Namibia on the identification and the notification functions set out in this Subpart.

(5) In the case of amendments to international standards, if the Authority does not make the appropriate amendments to its own regulations or practices, notice must be given to the ICAO

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

within 60 days for the adoption of the amendment to the international standard or an indication of the action which the Authority proposes to take.

(6) If the Authority considers it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, it must give immediate notification to the ICAO of the differences between its own practice and that established by the international standard.

**Identification of differences**

**3.05.2** The following differences may, without limitation, be identified by the Authority:

- (a) a category A identification: when a provision of these regulations is more stringent than the corresponding Standard and Recommended Practice (SARP) or imposes an obligation within the scope of the Annex which is not covered by an SARP;
- (b) a category B identification: when a provision of these regulations is different in character from the corresponding ICAO SARP or when the regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- (c) a category C identification: when a provision of these regulations is less protective than the corresponding SARP or when no regulation has been promulgated to address the corresponding SARP, in whole or in part.

**Notification of differences**

**3.05.3** (1) The notification of differences must be in the format as may be determined by the ICAO and, without limitation, must be notified by the Executive Director, in the following manner:

- (a) reference - the number of the paragraph or subparagraph in an Annex as amended which contains the Standard or Recommended Practice to which the difference relates;
- (b) category - indicate the category of the difference as mentioned in regulation 3.05.2;
- (c) description of the difference - clearly and concisely describe the difference and its effect;
- (d) remarks - indicate reasons for the difference and intentions including any planned date for implementation by Namibia.

(2) The notification of differences referred to in subregulation (1) must be submitted within the timelines indicated by ICAO, unless it is found to be impracticable due to circumstances as reported to or by and condoned by the Minister in terms of section 4(2) of the Act.

(3) The Executive Director must ensure that all identified differences are promptly recorded and notified -

- (a) by means of the ICAO on-line system for the electronic filing of differences; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) by the creation and maintenance of a printed register of differences within the CAR on the record to be designated as the “Register of Namibian Notification of Differences from ICAO Standards and Recommended Practices”.

(4) The Executive Director must, in accordance with the provisions of sections 52(4) and 53 of the Act, provide access to, and permit the copying of, documentation and information relating to the notification of differences by Namibia under the Chicago Convention.

**Publication of differences**

**3.05.4** (1) The Authority must publish in the Aeronautical Information Publication a list of significant differences between the national regulations and practices and the related ICAO Standards, Recommended Practices and Procedures, given in a form that would enable a user to differentiate readily between the requirements of Namibia and the related ICAO provisions -

- (a) by means of the ICAO on-line system for the electronic filing of differences; and
- (b) by the creation and maintenance of a printed register of differences within the CAR on the record to be designated as the “Register of Namibian Notification of Differences from ICAO Standards and Recommended Practices”.

(2) The Executive Director must, in accordance with the provisions of section 52(4) of the Act, provide access to, and permit the copying of, documentation and information relating to the notification of differences by Namibia under the Chicago Convention.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 11**

**ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND PROCEDURES**

[Part 11 is substituted by GN 293/2018. In the table of contents at the beginning of the regulations, as amended by GN 293/2018, the heading of the substituted Part 11 is “ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND RELATED PROCEDURES”.]

**LIST OF REGULATIONS**

**SUBPART 1: INTERNAL CIVIL AVIATION REGULATIONS, TECHNICAL COMMITTEES, PANELS AND RELATED PROCEDURES**

- 11.01.1 General
- 11.01.2 Meetings of internal committees
- 11.01.3 Secretariat, minutes and records
- 11.01.4 Remuneration of members

**SUBPART 2: NATIONAL AIRSPACE COMMITTEE**

- 11.02.1 Institution of Committee
- 11.02.2 Submission of proposals
- 11.02.3 Processing and consideration of proposals
- 11.02.4 Issuing of aeronautical information

**SUBPART 3: STATE SAFETY PROGRAMME STEERING COMMITTEE**

- 11.03.1 State Safety Programme
- 11.03.2 SSP Steering Committee: composition and functions

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**INTERNAL CIVIL AVIATION REGULATIONS, TECHNICAL COMMITTEES,**  
**PANELS AND RELATED PROCEDURES**

**General**

**11.01.1** (1) The Executive Director must establish internal technical committees or panels to advice and recommend appropriate regulatory measures to comply with the powers conferred on, or the functions or duties entrusted to, the Executive Director by or under the Act and these regulations, based on good corporate governance and the proper management and control of the affairs of the Authority.

(2) For the purposes of this Part the following internal technical aviation safety and security committees may be established on the basis of subregulation (1):

- (a) Civil Aviation Regulations Technical Advisory Panel (CARTAP);
- (b) National Airspace Committee (NAirC); and
- (c) National Safety Programme Steering Committee (NSPC)

[There should be a full stop at the end of paragraph (c).]

(3) The establishment of additional committees is done on the recommendation of a committee of the Board established in terms of section 20 of the Act.

**Meetings of internal committees**

**11.01.2** (1) Each committee established under this Part must be chaired by the Executive Director or a staff member of the Authority assigned by the Executive Director for the purposes of chairing a committee in the Executive Director's stead.

(2) The membership of a committee consists of not less than three staff members of the Authority designated by the Executive Director for respective purposes.

- (3) A committee may consist of representatives, designates or invitees from -
  - (a) the Namibian Police Force;
  - (b) the Namibian Defence Force ;
  - (c) the Namibia Revenue Agency established by the Namibia Revenue Agency Act, 2017 (Act No. 12 of 2017);
  - (d) the department of immigration control in the Ministry responsible for home affairs;
  - (e) an organisation or association representing aviation operators and owners associations;
  - (f) an organisation or association representing commercial aviation operators;
  - (g) an organisation or association representing recreational aviation operators;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (h) the Ministry;
- (i) the Air Navigation Services unit referred to in section 49 of the Act;
- (j) the Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998); and
- (k) any other organisation designated by the Executive Director.

(3) Each committee must make resolutions at its meetings on recommendations and advice to the Executive Director by way of consensus, and any divergent views must be formally recorded.

(4) Each committee must hold meetings at such times and places as may from time to time be determined by the chairperson, but at least three meetings each year must be held.

(5) The Executive Director may at any time call an extraordinary meeting of the committee in circumstances which the Executive Director considers it necessary.

**Secretariat, minutes and records**

**11.01.3** (1) Each committee must be supported by a secretariat which consists of staff of the Authority designated for that purpose by the Executive Director.

(2) The secretariat must cause minutes to be kept of every meeting of the respective committees, and which must in each case also be submitted as a report to the Executive Director indicating the matters discussed at the meeting.

(3) The minutes of a committee must be tabled for approval at an ensuing meeting of the committee and be filed with the CAR for recordkeeping by the secretariat.

(4) Subject to the provisions in this Part, a committee must develop its terms of reference determining the procedures to be followed in the performance of its functions and the procedures to be followed by any subcommittee, if any, in the performance of the functions of the subcommittee, for approval by the Executive Director.

(5) Committees may establish subcommittees of experts of limited duration and membership to provide technical guidance on the work or programme of a committee, and the secretariat referred to in subregulation (1) must provide secretarial services to any such subcommittee.

**Remuneration of members**

**11.01.4** A member of a committee established in terms of this Part, and a member of any subcommittee established in terms thereof, may not be remunerated in respect of the functions performed by such member as a member of the committee or a subcommittee, unless they have been assigned by the Executive Director to perform a task which requires specialist expertise or skills.

**SUBPART 2**  
**NATIONAL AIRSPACE COMMITTEE**

**Institution of Committee**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**11.02.1** (1) In accordance with the objectives set out in section 56 of the Act on navigable airspace, the National Airspace Committee (the Committee) must consider proposals made by users and service providers and provide guidelines and recommendations to the Executive Director on -

- (a) the designation of airspace and related matters for purposes of air navigation services;
- (b) the classification of such designated airspace and related matters for purposes of air navigation services;
- (c) the introduction, amendment or withdrawal of such airspaces;
- (d) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;
- (e) the validity of current airspace structures and associated air traffic services provided within such structures as defined in the national airspace master plan (NAMP);
- (f) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or air traffic management (ATM) facilities, where these affect the designation or classification of airspace or the NAMP;
- (g) the application for an aerodrome aviation document as well as any significant amendment thereof as required under Part 139, where such aerodrome is situated -
  - (i) within any portion of airspace designated as a control zone (CTR) or an aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace's boundary;
  - (ii) under any portion of airspace designated as a terminal control area (TMA);
- (h) proposals for significant amendments of aerodrome aviation documents for any airspace or manoeuvring changes;
- (i) the compliance and use of the airspace by any remotely piloted aviation system (RPAS) or any unmanned aerial vehicle system (UAVS), or any part thereof, for beyond visual line of sight (BVLOS) use; and
- (j) any matter relating to the national airspace, including such matter referred to it by the Executive Director.

(3) A representative of the Namibian Defence Force (Namibian Airforce referred to in section 2 of the Defence Act, 2001 (Act No. 1 of 2001) or a representative from that force designated for such a meeting, must be the chairperson of the Committee.

**[The phrase: "Namibian Defence Force (Namibian Airforce)" (which has no closing bracket) was probably intended to be "Namibian Defence Force: Namibian Air Force". See section 2 of the Defence Act 1 of 2001.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Subject to the provisions of the regulations in this Part, the Committee must, in consultation with the Executive Director, determine the procedures to be followed and the criteria to be taken into account when the Committee exercises its functions.

**Submission of proposals**

**11.02.2** (1) Any interested person may submit to the National Airspace Committee referred to in regulation 11.02.1, a proposal on -

- (a) the introduction, amendment or withdrawal of national airspace designation or classification;
- (b) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;
- (c) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or ATM facilities where these affect the designation or classification of airspace or the national airspace master plan (NAMP);
- (d) the application for an aerodrome aviation document as well as any significant amendment thereof as per regulation 139.03.8, in case of a certificate, and 139.04.8, in case of a licence, where such aerodrome is situated -

[The word “the” appears to have been omitted between the words “in” and “case” in both places where that phrase appears in paragraph (d).]

- (i) within any portion of airspace designated as a control zone (CTR) or aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace’s boundary; or
- (ii) under any portion of airspace designated as a terminal control area (TMA); or
- (e) the use of an RPAS or UAVS for BVLOS usage in designated airspace.

(2) The proposal referred to in subregulation (1) must be submitted in writing to the Authority, and must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority as set out in the “Notice of Intention to Amend Airspace Designation or Classification” issued by the Executive Director in the *Gazette*.

**Processing and consideration of proposals**

**11.02.3** (1) The secretariat of the Committee must put any received proposal on the agenda of the next meeting of the committee, as long as the agenda has not yet been closed, in which case it must be put on the agenda of the subsequent meeting.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The secretariat must notify the proposer in writing of the time and place of the meeting during which the proposal will be considered, to give the proposer the opportunity to motivate his or her proposal and to participate in the deliberations thereon in person or in support of a representative association, organisation or body, if he or she so wishes.

(3) The Committee must give due consideration to the proposal and take a position thereon, if necessary after obtaining additional information and advice.

(4) The secretariat must inform the proposer in writing of any decision by the Committee in respect of his or her proposal, and should the decision have been a rejection, stating the reasons therefore.

(5) The Committee must give due consideration to any comments received and make an appropriate recommendation to the Executive Director.

**Issuing of aeronautical information**

**11.02.4** The Executive Director must, if he or she is satisfied, after considering the recommendation made by the Committee in terms of regulation 11.02.1(1), that giving effect to the proposal is in the interest of aviation safety, publish the changes in the AIP.

**SUBPART 3**  
**STATE SAFETY PROGRAMME STEERING COMMITTEE**

**State Safety Programme**

**11.03.1** (1) The Authority is the custodian or placeholder organisation of the State Safety Programme (SSP) for aviation in Namibia in the manner contemplated in Annex 19 of the Chicago Convention.

(2) In compliance with subregulation (1), the Executive Director is responsible and accountable for the formulation of the SSP, and oversees its implementation and coordination within the Namibia civil aviation system contemplated in Part 10 (NCAS) of the Act, and in compliance with Part 140 and the technical standards prescribed in Document NAM-CATS-SMS 140.

**SSP Steering Committee: composition and functions**

**11.03.2** (1) The Executive Director must establish an SSP Steering committee, chaired by the designated head of safety in the Authority, that must coordinate the SSP implementation and continuous monitoring activities involving relevant national regulatory and administrative organisations.

**[The word “committee” in the phrase “SSP Steering Committee” should be capitalised.]**

(2) The SSP Steering Committee may further consist of -

- (a) the Director of Investigations in the Directorate or a person designated by him or her;
- (b) the head of meteorological services in the Ministry or a person designated by him or her;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a representative from the Government nominated by the Permanent Secretary of the Ministry;
  - (d) the senior accountable manager at the Air Namibia (Proprietary) Limited or a person designated by him or her;
  - (e) the senior accountable manager at the Namibian Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998) or a person designated by him or her;
  - (f) the president of the Aircraft Owners and Pilots Association of Namibia or a person designated by him or her;
  - (g) a representative from the Namibian Defence Force (Namibian Airforce); and
  - (h) the Head of the Air Navigation Services Unit of the Authority or a person designated by him or her.
- (3) The SSP Steering Committee may co-opt any expert body or person as adviser at its discretion.
- (4) The functions of the SSP Steering Committee include -
- (a) the development of policy and decisions pertaining to SSP activities as considered necessary;
  - (b) periodic review of the State safety policy, and its priorities and performance indicators;
  - (c) advise on, and review of, senior accountable management and key personnel requirements to meet the safety requirements of the Namibia civil aviation system, the enforcement policy and safety data protection and voluntary or mandatory information sharing;
- [The word “advise” should be “advice”.]**
- (d) the resolution of the issues pertaining to the implementation of the SSP; and
  - (e) the promotion of the SSP to applicable service providers.
- (5) The SSP Steering committee may meet as frequently as may be necessary to ensure resolution of safety concerns.

**[The word “committee” in the phrase “SSP Steering Committee” should be capitalised.]**

- (6) The Executive Director must ensure that the decisions taken during proceedings of the committee are communicated to relevant entities, and monitor the implementation of decisions in accordance with acceptable management practices.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 13**  
**ENFORCEMENT PROCEDURES**

[Part 13 is substituted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: ENFORCEMENT POWERS OF EXECUTIVE DIRECTOR, DESIGNATED INSPECTORS, AUTHORISED OFFICERS AND AUTHORISED PERSONS AND PROCEDURES FOR INVESTIGATIONS**

[The heading of SUBPART 1 in the text below is “ENFORCEMENT POWERS OF EXECUTIVE DIRECTOR, DESIGNATED INSPECTORS, AUTHORISED OFFICERS AND AUTHORISED PERSONS AND PROCEDURES FOR INSPECTIONS AND INVESTIGATIONS”.]

- 13.01.1 Applicability
- 13.01.2 Authority of authorised officers, inspectors and authorised persons
- 13.01.3 In-flight inspections
- 13.01.4 Notice of infringement: suspension, revocation and imposition of conditions
- 13.01.5 Notice of investigation of participant or holder of aviation document

**SUBPART 2: DOCUMENTS, RECORDS AND EVIDENCE**

- 13.02.1 Service of documents and records
- 13.02.2 Evidence

**SUBPART 3: ADMINISTRATIVE FINES**

- 13.03.1 Administrative fines
- 13.03.2 Process on imposition of administrative fine
- 13.03.3 Administrative fine notice
- 13.03.4 Use of information regarding administrative fines

**SUBPART 4: INTERNAL REVIEWS**

- 13.04.1 Administrative review of decisions of authorised officers, inspectors and authorised persons
- 13.04.2 Administrative review of decisions of Executive Director

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**ENFORCEMENT POWERS OF EXECUTIVE DIRECTOR, AUTHORISED**  
**OFFICERS, INSPECTORS AND AUTHORISED PERSONS**  
**AND PROCEDURES FOR INSPECTIONS AND INVESTIGATIONS**

**Applicability**

**13.01.1** (1) This Part applies to -

- (a) alleged violations by holders or participants, inclusive of aircraft operators, crew members, owners, passengers and pilots-in-command;
- (b) authorised officers, inspectors and authorised persons, performing functions or exercising powers or delegated powers of inspection, investigation, control and monitoring adherence as required under Part 5 of the Act; and
- (c) the review of entry into and exiting from, and within, the Namibia civil aviation system (NCAS) contemplated in Part 10 of the Act.

(2) The Executive Director must publish, for the use, application training and guidance of authorised officers, inspectors and authorised persons, and holders or participants -

- (a) an enforcement code which must set out the relevant procedures, determinations and decisions on enforcement provided for in these regulations, the technical standards and directives;
- (b) any amendments to the enforcement code; and
- (c) any other directives, advisory and information pamphlets, setting out the manner in which enforcement actions, including inspections and investigations, duties, powers and responsibilities, and the required forms for use, shall be conducted and exercised.

**[The Enforcement Code referred to in this subregulation  
is published in General Notice 28/2020 (GG 7100).]**

(3) In compliance with section 66 of the Act, every participant or holder must produce, when so requested by the Executive Director, the management system for monitoring and review, and submit reports in the format as directed, on the provision of training, and supervision to its staff and on the provision of sufficient resources to ensure that safety standards and conditions attached to aviation documents are complied with.

**[The word “of” in the phrase “section of 66” is superfluous.]**

(4) The Executive Director, and through his or her delegations, must in the manner contemplated by section 38 of the Act, report on monitoring actions on adherence to the requirements of subregulation (3), and may apply the enforcement code where the availability of manuals, guidance material and other material which are needed to ensure that the Act and these regulations are not contravened, are inadequate.

(5) Despite the provisions on offences as provided for in the Act which are subject to the Criminal Procedure Act of 1977 (Act No. 51 of 1977), and the suspension, revocation and imposition of conditions (including endorsement) on aviation documents contemplated in

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

sections 42 and 43 of the Act, enforcement through the imposition of administrative fines must be applied in the manner as set out in this Part and in any other Part of these regulations.

**Authority of authorised officers, inspectors and authorised persons**

**13.01.2** (1) In addition to any specific power granted to, or duty imposed on, an authorised officer, inspector or authorised person or under the Act or these regulations, and required under the delegations issued by the Executive Director as contemplated by section 37 of the Act, such authorised officer, inspector or authorised person may, upon showing his or her credentials, or if required, to produce his or her credentials -

- (a) without prior notification to the holder or participant, enter any premises for the purposes of the on-site inspection of any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, computer, data, cable, book or document which the authorised officer, inspector or authorised person believes to be either in or on such premises, in the possession of the holder or participant or suspected of being under the custody or control of the holder or participant;
- (b) search, impound, confiscate, remove or retain any thing, article, book, register, computer, data, cable, document, aircraft, aircraft component, aircraft equipment, vehicle, licence, certificate, permit, approval or authorisation, which the authorised officer, inspector or authorised person reasonably believes relates to a contravention of the Act or these regulations and record same for purposes of evidence;
- (c) ground any aircraft which the authorised officer, inspector or authorised person reasonably believes to be unsafe, not duly registered or not airworthy;
- (d) close any aviation related facility which the authorised officer, inspector or authorised person reasonably believes does not comply with the Act or these regulations;
- (e) require the pilot of an aircraft, a crew member, holder or participant to furnish his or her name and address and any other particulars concerning his or her juristic person;
- (f) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning either or his or her juristic person and to furnish such information as is, or at his or her disposal, concerning the juristic person of the pilot, owner of any aircraft or of any aerodrome or a crew member, any aerodrome, holder, participant, aircraft factory or other civil aviation related facility;

[There appear to be some words missing in paragraph (f), as “either or” and “as is” do not make sense as they stand. It is not clear what was intended.]

- (g) require the owner or operator, crew member, holder or participant of an aircraft to furnish such information as may be necessary concerning the juristic person of the pilot of the aircraft at any time or during any particular period;
- (h) inspect an aircraft or any part, component or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the Act and these regulations are being complied with;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) ascertain the mass of any aircraft with or without load and, for the latter purpose, require any passengers or goods to be removed from such aircraft;
- (j) call upon any person required by these regulations to be the holder of a licence, certificate, permit, approval or authorisation or, in the case of a crew member or an aircraft maintenance engineer, his or her logbook, for inspection within a reasonable time to be stipulated by such inspector, authorised officer or authorised person; and
- (k) call upon the owner, operator, crew member, holder or participant or pilot-in-command of any aircraft, to produce or cause to be produced for inspection any licence, certificate, permit, manual, logbook or other document relating to the aircraft.

(2) Before an authorised officer, inspector or authorised person exercises any power under subregulation (1)(a), (b), (c) or (d), he or she must, unless he or she has already secured a warrant from a competent court, obtain the prior approval of the Executive Director.

(3) If it appears to any authorised officer, inspector or authorised person that any aircraft or aeronautical product, as it appears to him or her -

- (a) is intended or likely to be flown or used in such circumstances that the flight or usage would involve a contravention of the Act or these regulations; or
- (b) is likely to be a cause of danger to persons in the aircraft or when using the aeronautical product or to persons or property on the ground,

the authorised officer, inspector or authorised person may take such action to detain and seize the aircraft or aeronautical product in the manner contemplated in section 47 of the Act, and such other action as he or she may consider necessary for the purpose of causing the circumstances relating to the flight or usage to be investigated or the aircraft or aeronautical product to be inspected.

(4) If an aircraft or aeronautical product has been detained or seized pursuant to the provisions of subregulation (3), the aircraft or aeronautical product may not be operated or used until the Executive Director, being satisfied that the Act or these regulations are being complied with, approves, or until such alterations or repairs or any adjustments have been effected which the Executive Director considers necessary, to render such aircraft fit for flight or that the threat or danger on the safe use of the aeronautical product has been removed.

### **In-flight inspections**

**13.01.3** (1) The Executive Director may authorise an authorised officer, inspector or authorised person to carry out, at any time, an in-flight inspection in any civil aviation aircraft engaged in an aircraft operation.

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

(3) The provisions of this regulation may not be construed as derogating from the duties to be executed by an in-flight security officer authorised in terms of section 159 of the Act.

### **Notice of infringement: suspension, revocation and imposition of conditions**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**13.01.4** (1) An authorised officer, inspector or authorised person must within seven days of exercising any power under regulation 13.01.1, complete and submit an inspection report in writing and in the form set out in the enforcement code to the Executive Director stating the reasons why, in the opinion of the authorised officer, inspector or authorised person, such holder or participant must have his or her aviation document suspended or revoked and the conditions thereon to be imposed with endorsement, in the manner as set out in section 44 of the Act.

(2) Following on the report made in terms of subregulation (1) the Executive Director may issue a notice on infringement with particulars in the form set out in the enforcement code, informing the holder or participant, as the case may be, of the intention to suspend or revoke the privileges associated with the aviation document in issue or to impose conditions thereon, including its endorsement, in the manner contemplated by sections 42 and 43 of the Act, and in such manner, by notice -

- (a) prevent the holder or participant from being part of any safety or security inspection, certification process or audit or from performing any of the functions that he or she or it is permitted to perform in terms of the Act and these regulations; or
- (b) proceed with an investigation or administrative actions leading to an administrative fine or criminal prosecution, as the case may be, after such participant or holder has been given at least 14 days within which to comply with any directive issued by the Executive Director pursuant to the infringement notice.

(3) The Executive Director may, on good cause shown, in writing withdraw a notice of infringement issued under subregulation (2) and, send a copy of the withdrawal to the holder or participant cited in the infringement notice and to the authorised officer, inspector or authorised person or person concerned with the inspection report.

**Notice of investigation of participant or holder of aviation document**

**13.01.5** (1) Pursuant to section 41 of the Act, the Executive Director must issue a notice of investigation to a holder or participant, as the case may be, similar in the form set out in the enforcement code which must at least -

[The phrase “similar in the form” was probably intended to be “similar to the form”.]

- (a) indicate the particulars and address or addresses of the holder or participant being the subject of an investigation;
- (b) specify the nature of the alleged conduct or act with reference to the Act, these regulations, the technical standards or aviation directive that is the subject of the investigation;
- (c) include evidence being relied upon pertaining to the alleged conduct or act;
- (d) indicate the particulars, contact details and address of the lead investigator, if any;
- (e) indicate the expected commencement date and conclusion date of the investigation; and
- (f) invite the participant or holder to make representations either orally or in writing on the allegations within 30 days of the issue or service of the notice.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Following the investigation, the Executive Director must, as part of the results thereof, including any recommendations required to be made pursuant to section 41(2)(b)(ii) of the Act, inform the holder or participant that the reasonable grounds identified require that further action be taken following the investigation regarding -

- (a) an alleged offence in terms of the Act;
- (b) contravention of, or failure to comply with, the Act or these regulations;
- (c) failure to comply with conditions as required by the Act, these regulations or the technical standards; or
- (d) the manner of careless or incompetent conduct with any aviation safety and security standard and practices,

and that the recommendations or actions as contemplated in sections 42 and 43 of the Act, where relevant will be taken, and, in addition, either -

[There should be a comma after the phrase “where relevant” to offset that phrase properly.]

- (i) that the prescribed process regarding court action to impose a fine or imprisonment or both such fine and imprisonment as contemplated in section 54(2)(c)(ii) of the Act, read with regulation 13.03.2, will be pursued by the Authority;
- (ii) the imposition of an administrative fine as provided in Subpart 3, read with Part 185, by the Executive Director; or
- (iii) the taking of other action as in the discretion of the Executive Director is considered appropriate to meet the requirements as contemplated in section 66 of the Act.

(3) The results of an investigation may cause the Executive Director to reject the proposed action, report or recommendation, of an authorised officer, inspector or authorised person, as the case may be, and to allow the inspection or another or related inspection, on the alleged violation in issue, to be conducted afresh.

**SUBPART 2  
DOCUMENTS, RECORDS AND EVIDENCE****Service of documents and records**

**13.02.1** (1) Any notice or related documents served on an individual in terms of this Subpart must be served -

- (a) by giving it to the individual personally;
- (b) by leaving it at, or by sending it by registered mail to the address of the place of residence or business of the individual's last known to the Executive Director or authorised officer, inspector or authorised person;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “individual’s” should be “individual”. There should be a comma after the phrase “sending it by registered mail to”, to offset that phrase properly.]

- (c) by giving it, at the place of residence or business of the individual’s last known to the Executive Director or authorised officer, inspector or authorised person, to an individual who is, or is reasonably believed to be, above the age of 16 years and apparently an occupant of, or employed at, the place; or

[The word “individual’s” should be “individual”.]

- (d) by sending it to the last known electronic communication address of the individual.
- (2) Any notice served on a juristic person in terms of this Subpart must be served -
  - (a) by sending it by registered mail to the head office, registered office, principal place of business or other postal address of the juristic person;
  - (b) by giving it to an individual who is, or is reasonably believed to be, an officer of, or in the service of, the juristic person and above the age of 16 years, at the head office, registered office, principal office or other place of business of the juristic person; or
  - (c) by sending it to the last known email or electronic communication address of the juristic person or a representative of the juristic person.
- (3) The Executive Director must ensure that -
  - (a) proper records of all enforcement actions taken in terms of these regulations are kept in the premises of the Authority and with the Civil Aviation Registry; and
  - (b) copies of all notices issued, reports written and decisions taken in respect of any alleged offence, violation or any inspection or investigation undertaken in terms of this Part are retained on the individual’s or juristic person’s file or holder’s or participant’s file with the Authority.

## **Evidence**

### **13.02.2 (1) In proceedings under this Part -**

- (a) a written statement certified and signed by an authorised officer, inspector or authorised person that a licence, rating, certificate, permit, approval, authorisation or exemption, as the case may be, has been or has not been granted or issued to a specific person must, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein;
- (b) a document certified and signed by an authorised officer, inspector or authorised person to be a copy of a licence, certificate, permit, approval, authorisation or exemption and signed by the Executive Director must, upon the mere production thereof, be accepted as *prima facie* proof of the fact that the person whose name appears as the holder of the licence, certificate, permit, approval, authorisation or exemption, as the case may be, on that copy, was the holder of the licence, certificate, permit, approval, authorisation or exemption at the time when the offence or violation was committed;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a document certified by an authorised officer, inspector or authorised person to be an extract or a copy signed by the Executive Director, of any register maintained in terms of the Act or these regulations must, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein; and
- (d) evidence supplied by an authorised officer, inspector or authorised person and obtained by the use of specialised equipment, such as weighing scales, video recorders, small hand-held recording devices, cameras, smartphones, navigation and communication transceivers and secondary equipment, must be proved in terms of any law, including the common law rules relating to the admissibility and proof of evidence.

(2) The Executive Director must ensure that any evidentiary material that is the subject of any process of inspection, investigation, enforcement review or court action and that requires its detention and seizure as contemplated in section 47 of the Act, is deposited in a secure room or office separate from the CAR, but under the supervision of the head of the CAR referred in regulation 3.04.6(1), to ensure its retention status as evidence for purposes of any such process.

[The word “to” appears to have been omitted before the phrase “in regulation 3.04.6(1)”.]

**SUBPART 3**  
**ADMINISTRATIVE FINES**

**Administrative fines**

**13.03.1** (1) Despite the provisions of sections 42 and 43 of the Act regarding the suspension and revocation, and imposition of conditions, including endorsement, of aviation documents, an authorised officer, inspector or authorised person may recommend to the Executive Director to take action, after application of the procedures set out in this Part, which may result in the imposition of the appropriate category of administrative fine prescribed in regulation 185.01.3 where it is established, on a balance of probabilities, that the conduct or act of a holder or participant constitutes a violation.

(2) The power of a court to impose and provide penalties in the amounts similar to or lower than the administrative fine threshold provided for in subregulation (1) for various offences as contemplated in the Act, does not imply that the Executive Director may not impose an administrative fine for a violation based on the same set of facts that constitute the offence.

**Process on imposition of administrative fine**

**13.03.2** (1) The Executive Director may, by way of process instituted in terms of this Part, seek the imposition of an administrative fine not exceeding N\$200 000 for any violation to the extent provided for, where appropriate, in the Act, these regulations, the technical standards or aviation directives.

(2) The criteria to be used on the imposition of administrative fines must be in the manner set out in Subpart 2 of Part 185.

**Administrative fine notice**

**13.03.3** (1) An authorised officer, inspector or authorised person must prepare the administrative fine notice in writing and in the form set out in the enforcement code, for issuing by the Executive Director to the holder or participant, if the authorised officer, inspector or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

authorised person is satisfied, following an inspection in the manner provided under regulation 13.01.4 or investigation in the manner provided under regulation 13.01.5, that the holder or participant, as the case may be, has -

- (a) contravened or caused failure with regard to;
- (b) acted in a negligent, careless or incompetent manner with regard to; or
- (c) not complied with,

the Act, these regulations, the technical standards or aviation directive, to the extent indicated in the administrative fine notice.

(2) An administrative fine notice must -

- (a) specify the nature of the alleged act or conduct committed;
- (b) include evidence being relied upon pertaining to the alleged act or conduct;
- (c) specify the administrative fine payable for the act or conduct;
- (d) invite the alleged infringer to make representations either orally or in writing on the allegations or pay the administrative fine within 30 days of the issue or service of the notice; and
- (e) specify the rights and obligations pertaining to the notice.

(3) If the holder or participant pays the administrative fine referred to in subregulation (2), any liability specified in the notice is considered as discharged.

(4) Despite the provisions on the administrative fines in subregulation (3), the Executive Director may require the holder, participant or a person designated by the Executive Director to -

- (a) complete or submit any rectification required that led to the imposition of the administrative fine; and
- (b) submit the acceptance of a corrective action plan.

(5) The Executive Director may withdraw the administrative fine notice -

- (a) prior to the payment of the fine, upon a favourable outcome of enforcement review representation as set out in Supart 4;

[The word “Subpart” is misspelt in the *Government Gazette*, as reproduced above.]

- (b) prior to conclusion of court proceedings, if any, on good cause shown by the Executive Director; or
- (c) on the resolution of the matter on appeal by the High Court.

**Use of information regarding administrative fines**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**13.03.4** (1) The imposition of an administrative fine in terms of this Part does not constitute a previous conviction by the holder or participant and is not for criminal record purposes.

(2) The records on the information on inspections and investigations set out in this Part are part of the records required under section 52 of the Act and may not be made available for public scrutiny, except by way of a court order.

(3) Nothing in this regulation prevents the service of an administrative fine notice by the Executive Director on an individual or juristic person for repeating an offence based on the records held by the Authority.

**SUBPART 4**  
**INTERNAL REVIEWS**

**Administrative review of decisions of authorised officers, inspectors and authorised persons**

**13.04.1** (1) A holder or participant whose rights have been detrimentally affected by an administrative action taken in terms of this Part by an authorised officer, inspector or authorised person under delegation in terms of the Act, may, after payment of the non-refundable application fee prescribed in Part 187, apply to the Executive Director to seek an internal review of such a decision.

(2) An internal review referred to in subregulation (1) must be lodged on the appropriate form similar to the form set out in the enforcement code, within 30 days after receipt of the infringement notice referred to in regulation 13.01.4(2) in terms whereof the applicant becomes aware of the decision or recommendation of the authorised officer, inspector or authorised person.

(3) If, on receipt of an application for review made under subregulation (1), the Executive Director decides that further investigations or inquiries must be carried out before he or she makes a decision on the application, the Executive Director must ensure that -

- (a) the authorised officer, inspector or authorised person whose decision or recommendation is the subject matter of the review;
- (b) any person who was responsible for supervising the authorised officer, inspector or authorised person who made the decision or recommendation; and
- (c) any other person who was in any way involved in the making of the decision or recommendation,

does not in any way participate in the further investigation or inquiry or the determination of the matter on review.

(4) The Executive Director must within 14 days of receiving the application for review confirm, amend or withdraw the decision or recommendation in writing.

(5) The Executive Director must, upon the request by the person in relation to whom a decision or recommendation is confirmed, amended or withdrawn under subregulation (4), within 14 days of the application furnish written reasons for the decision.

(6) The Executive Director may after the provision of the reasons in terms of subregulation (5), proceed to institute an investigation in terms of regulation 13.01.5.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) An application for review in terms of this regulation must be considered finalised if upon compliance with either of the actions set out in subregulation (3), (4) or (5), the applicant takes no further action within 30 days of any written notice of such actions.

**Administrative review of decisions of Executive Director**

**13.04.2** A holder or participant may exercise the rights on review of a decision of the Executive Director based on remedies available under the laws of Namibia.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**AIRCRAFT**

**PART 21**  
**AIRCRAFT:**  
**CERTIFICATION PROCEDURES FOR**  
**PRODUCTS AND PARTS AND AIRWORTHINESS OF AIRCRAFT**

*[Part 21 is substituted by GN 236/2020. Note that Subparts 2, 3, 5, 6 and 7 of Part 21, and all other provisions of Part 21 that make reference to type certification, are not yet in force; they will come into force on a date determined by the Minister by notice in the Government Gazette.]*

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 21.01.1 Applicability
- 21.01.1 Types of aircraft  
*[This regulation should be numbered as “21.01.2”. The incorrect numbering here is not duplicated in the text below.]*
- 21.01.3 Reporting of failures, malfunctions, defects and other occurrences  
*[The heading of this regulation in the text below is “Reporting of failures, malfunctions and defects and other occurrences”.]*
- 21.01.4 Issuing of airworthiness directives
- 21.01.5 Safety inspections and audits
- 21.01.6 Register of certificates
- 21.01.7 Unapproved (bogus) parts
- 21.01.8 Suspension, revocation and appeal
- 21.01.9 Alternative means of compliance
- 21.01.10 Deferred compliance
- 21.01.11 Conflict with other continuing airworthiness instructions

**SUBPART 2: TYPE CERTIFICATES**

*[Subpart 2 is not yet in force; it will come into force on a date determined by the Minister by notice in the Government Gazette.]*

- 21.02.1 Categories of type certificates
- 21.02.2 Application for type certificate
- 21.02.3 Airworthiness design standards
- 21.02.4 Type design
- 21.02.5 Inspections and tests
- 21.02.6 Statements of conformity
- 21.02.7 Flight tests
- 21.02.8 Issue of type certificate
- 21.02.9 Privileges of holder of type certificate
- 21.02.10 Period of validity
- 21.02.11 Transferability  
*[The heading of this regulation in the text below is “Transferability [of] certificates”.]*
- 21.02.12 Special conditions
- 21.02.13 Duties of holder of type certificate

**SUBPART 3: CHANGES TO TYPE CERTIFICATES**

*[Subpart 3 is not yet in force; it will come into force on a date determined by the Minister by notice in the Government Gazette.]*

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 21.03.1 Changes in type design
- 21.03.2 Reporting of minor changes in type design
- 21.03.3 Approval of major changes in type design
- 21.03.4 Required design changes
- 21.03.5 Airworthiness design standards

**SUBPART 4: ACCEPTANCE OF TYPE CERTIFICATES**

- 21.04.1 Categories of type acceptance certificates
- 21.04.2 Application for type acceptance certificate
- 21.04.3 Airworthiness design standards
- 21.04.4 Data requirements
- 21.04.5 Issue of type acceptance certificate
- 21.04.6 Period of validity
- 21.04.7 Duty of holder of type acceptance certificate

**SUBPART 5: SUPPLEMENTAL TYPE CERTIFICATES**

[Subpart 5 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

- 21.05.1 Requirements for supplemental type certificate
- 21.05.2 Application for supplemental type certificate
- 21.05.3 Issue of supplemental type certificate
- 21.05.4 Privileges of holder of supplemental type certificate
- 21.05.5 Period of validity
- 21.05.6 Duty of holder of supplemental type certificate
- 21.05.7 Requirements for supplementary type certificate issued by State of Design
- 21.05.8 Issue of supplemental type certificate by another State

**SUBPART 6: PRODUCTION UNDER TYPE CERTIFICATE**

[Subpart 6 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

- 21.06.1 Production under type certificate
- 21.06.2 Production inspection system
- 21.06.3 Tests for aircraft
- 21.06.4 Tests for aircraft engines
- 21.06.5 Tests for propellers
- 21.06.6 Statement of conformity

**SUBPART 7: PRODUCTION CERTIFICATES**

[Subpart 7 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

- 21.07.1 Requirements for production certificate
- 21.07.2 Application for production certificate
- 21.07.3 Issue of production certificate
- 21.07.4 Terms of approval
- 21.07.5 Duties of holder of production certificate
- 21.07.6 Privileges of holder of production certificate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

21.07.7 Transferability and period of validity

**SUBPART 8: CERTIFICATES OF AIRWORTHINESS**

21.08.1 Categories of Certificates of Airworthiness

21.08.2 Requirements for Certificate of Airworthiness

[The heading of this regulation in the text below uses the singular word "Requirement".]

21.08.3 Application for issue, renewal or amendment of certificate of airworthiness

21.08.4 Requirements for standard or restricted category certificate of airworthiness

21.08.5 Carrying out test flights in certain circumstances

21.08.6 Requirements and application for experimental certificate

21.08.7 Requirements and application for special flight permit

21.08.8 Special flight permits with continued authorisation

21.08.9 Issue, renewal or amendment of certificate of airworthiness

21.08.10 Period of validity

21.08.11 Transferability

21.08.12 Application for duplicate certificate

21.08.13 Validation of Certificate of Airworthiness issued by appropriate authority

21.08.14 Reduced vertical separation minima approval

[The heading of this regulation in the text below uses the abbreviation "RSVM" ("RSVM approval").]

21.08.15 Temporary loss of airworthiness

21.08.16 Damage to aircraft

21.08.17 Aircraft limitations and information

**SUBPART 9: APPROVAL OF PARTS AND APPLIANCES**

21.09.1 Replacement and modification parts

21.09.2 Inspections and tests

21.09.3 Application for NAM-PMA

21.09.4 Issue of NAM-PMA

21.09.5 Duties of holder of NAM-PMA

21.09.6 Transferability and period of validity

**SUBPART 10: APPROVAL OF PARTS AND APPLIANCES: IMPORT**

21.10.1 Approval

**SUBPART 11: EXPORT: AIRWORTHINESS APPROVALS**

[The heading of this Subpart in the text below does not have a colon after the word "EXPORT".]

21.11.1 Export airworthiness approvals

21.11.2 Application for export airworthiness approval

21.11.3 Issue of export airworthiness approval

21.11.4 Duties of holder of export airworthiness approval

21.11.5 Inspections and overhauls

21.11.6 Validity of certificate

21.11.7 Transfer of certificate

**SUBPART 12: NAM-TSO AUTHORISATIONS**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 21.12.1 NAM-TSO markings
- 21.12.2 Application for NAM-TSO authorisation
- 21.12.3 Issue of NAM-TSO authorisation
- 21.12.4 Duties of holder of NAM-TSO authorisation
- 21.12.5 Approval for deviation
- 21.12.6 Design changes
- 21.12.7 Record -keeping requirements
- 21.12.8 NAM-TSO design approval for appliances: import
- 21.12.9 Transferability and period of validity

**SUBPART 13: CONTINUING AIRWORTHINESS OF AIRCRAFT**

- 21.13.1 Determination of continuing airworthiness of aircraft
- 21.13.2 Information relating to continuing airworthiness of aircraft

**SUBPART 14: DISTRIBUTION OF AERONAUTICAL PRODUCTS**

- 21.14.1 General
- 21.14.2 Eligibility
- 21.14.3 Product control system
- 21.14.4 Entitlement to certification
- 21.14.5 Approval procedures: application for approval
- 21.14.6 Grant of approval  
[The heading of this regulation in the text below is “Granting of approval”.]
- 21.14.7 Privileges of certification
- 21.14.8 Duties of holder of distribution approval certificate  
[This regulation is incorrectly numbered as “21.14.08” in the text below.]
- 21.14.9 Display of certificate
- 21.14.10 Transferability and period of validity
- 21.14.11 Authorised signatories
- 21.14.12 Certification: aeronautical products
- 21.14.13 Certification for export

**SUBPART 15: IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES AND PROPELLERS**

- 21.15.1 Identification of aircraft, aircraft engines and propellers
- 21.15.2 Identification information
- 21.15.3 Removal, alteration and replacement of identification information
- 21.15.4 Removal and reinstallation of data plate
- 21.15.5 Identification of critical parts
- 21.15.6 Identification of replacement and modification materials, parts and appliances
- 21.15.7 Life-limited component identification

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1:**  
**GENERAL**

**Applicability**

**21.01.1** (1) This Part applies to -

- (a) the type certification of products to be manufactured in Namibia;
- (b) the approval of changes to type certificates;
- (c) the type acceptance certification of products to be imported into Namibia;
- (d) the issuing of supplemental type certificates;
- (e) the issuing of production certificates;
- (f) the airworthiness certification of aircraft;
- (g) the approval of parts and appliances to be manufactured in Namibia;
- (h) the approval of parts and appliances to be imported into Namibia;
- (i) the issuing of export airworthiness approvals;
- (j) the issuing of NAM-TSO authorisations;
- (j) the distribution of aeronautical products in Namibia; and

[There are two paragraphs labelled as “(j)” in the *Government Gazette*, as reproduced above.]

- (k) the identification of aircraft, aircraft engines, propellers, appliances and components of aircraft parts.
- (2) This Part does not apply to -
  - (a) hang gliders;
  - (b) paragliders;
  - (c) unmanned free balloons;
  - (d) captive balloons;
  - (e) kites;
  - (f) model aircraft;
  - (g) parachutes;
  - (h) powered paragliders;
  - (i) rigid airships; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (j) remotely piloted aircraft.

**Types of aircraft**

[This regulation is incorrectly numbered in the LIST OF REGULATIONS as “21.01.1”.]

**21.01.2** (1) For the purposes of the regulations in this Part, the applicable types of aircraft are -

- (a) gliders, power-assisted gliders and touring gliders;
- (b) very light aeroplanes;
- (c) aeroplanes of normal, utility, acrobatic and commuter categories;
- (d) aeroplanes of the transport category;
- (e) rotorcraft of the normal category;
- (f) rotorcraft of the transport category;
- (g) manned free balloons; and
- (h) remotely piloted aircraft.

(2) The airworthiness design standards for each type of aircraft referred to in subregulation (1) are those referred to in 21.02.3.

(3) A person may not operate an aircraft within Namibia or apply for registration of an aircraft in Namibia, unless the aircraft and the aeronautical products therein have received type certification -

- (a) in terms of the regulations in this Part; or
- (b) from the State of Design and a production approval from the State of Manufacture by the appropriate authority of those states.

**Reporting of failures, malfunctions and defects and other occurrences**

[The heading of this regulation in the LIST OF REGULATIONS is  
“Reporting of failures, malfunctions, defects and other occurrences”.]

**21.01.3** (1) The holder of any type certificate, type acceptance certificate, supplemental type certificate, production certificate, NAM-PMA or NAM-TSO authorisation issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing, report to the Executive Director the occurrence and circumstances of any failure, malfunction or defect in any product, part or appliance manufactured by such holder which -

- (a) has resulted in any of the occurrences specified in Document NAM-CATS-AR; or
- (b) has passed through such holder’s quality assurance system and may result in any of the occurrences specified in Document NAM-CATS-AR.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) A report referred to in subregulation (1) must include -
- (a) the aircraft serial number;
  - (b) if the failure, malfunction or defect is associated with an article approved under NAM-TSO authorisation, the article serial number and model designation;
  - (c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;
  - (d) the product model;
  - (e) an identification, including the part number, of the part, component or system involved; and
  - (f) the nature of the failure, malfunction or defect.

(3) The holder of a certificate or an authorisation referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

- (a) Saturday or a Sunday, may be submitted on the following Monday; or
- (b) public holiday, may be submitted on the next working day.

(4) In the case of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned must report to the Executive Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products the holder concerned must submit to the Executive Director, the data necessary for the issuing of an appropriate airworthiness directive by the Executive Director.

[The comma in subregulation (5) is misplaced and should appear after the phrase "If action is required to correct the defect in existing products" instead of after "Executive Director".]

**Issuing of airworthiness directives**

**21.01.4** (1) The Executive Director may, pursuant to section 38(3) of the Act and in the interest of aviation safety, issue an appropriate airworthiness directive to correct an unsafe condition in a product.

(2) If the Executive Director issues an airworthiness directive for a product, the holder of any certificate issued under the regulations in this Part for the product type, must -

- (a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and
- (b) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator of an aircraft may not operate the aircraft unless the operator complies with -

- (a) every applicable airworthiness directive issued by the Executive Director in accordance with this subregulation (1); and

[The word “this” before the phrase “subregulation (1)” is superfluous.]

- (b) for an aircraft in excess of 5 700 kilogrammes MCTOW, or in the case of an aircraft operated in terms of Part 135, less than 5 700 kilogrammes MCTOW, every -

- (i) applicable airworthiness directive issued by the State of Design of the aircraft; and
- (ii) applicable airworthiness directive issued by the State of Design of a product that is used on the aircraft; or

- (c) an alternative means of compliance in the manner contemplated in Part 3 in respect of an airworthiness directive that is applicable to the aircraft under paragraphs (a) and (b).

### **Safety inspections and audits**

**21.01.5** (1) An applicant for the issuing of any certificate, approval or authorisation in terms this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

[The word “of” appears to have been omitted between the phrases “any certificate, approval or authorisation in terms” and “this Part”.]

(2) The holder of any certificate, approval or authorisation issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

### **Register of certificates**

**21.01.6** (1) The Executive Director must, pursuant to section 52 of the Act, maintain or cause to be maintained a register of all certificates, approvals or authorisations issued in terms of this Part.

(2) The register must contain the following particulars -

- (a) The full name of the holder of the certificate, approval or authorisation;
- (b) the postal address of the holder of the certificate, approval or authorisation;
- (c) the date on which the certificate, approval or authorisation was issued;
- (d) the nationality of the holder of the certificate, approval or authorisation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the number of the certificate, approval or authorisation issued;
- (f) the telephone, telefax numbers, email address of the holder of the certificate, approval or authorisation; and
- (g) the date on which the certificate, approval or authorisation was suspended or revoked, if applicable.

(3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) in the register within seven days from the date on which the certificate, approval or authorisation is issued by the Executive Director.

(4) The Executive Director, on payment of the appropriate fee as prescribed in Part 187, must furnish a copy of the register to any person who requests for the copy.

[The word “for” after the word “requests” is superfluous.]

### **Unapproved (bogus) parts**

**21.01.7** (1) A person may not trade in any unapproved (bogus) part intended for installation, or install any unapproved part, in a type certificated product.

(2) A person authorised by these Regulations to install parts in a type certificated product, must, when installing a part, ensure that the part -

- (a) is not an unapproved (bogus) part;
- (b) is an approved and serviceable part; and
- (c) conforms to the standard determined by the appropriate type certificate holder as being suitable for the intended application.

(3) The person referred to in subregulation (2) must, when obtaining the part from the supplier, ensure that the purchase order contains an accurate description of the part and sufficient details to indicate that such part is an approved part.

### **Suspension, revocation and appeal**

**21.01.8** (1) Without prejudice to the Executive Director’s powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval or authorisation issued under this Part, if -

- (a) after safety inspection or an audit carried out in terms of regulation 21.01.5, it is evident that the holder of the certificate, approval or authorisation -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) has failed to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so;

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorisation or a person acting on behalf of that holder, from carrying out a safety inspection and audit in terms of regulation 21.01.5; or
- (c) the suspension is necessary in the interest of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a certificate, approval or authorisation in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval or authorisation which has been suspended.

(4) The holder of a certificate, approval or authorisation whose certificate, approval or authorisation has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person's actions made in subregulation (1) pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

**Alternative means of compliance**

**21.01.9** An operator of an aircraft who is required under regulation 21.01.4(3)(a) and (b) to comply with the requirements of an airworthiness directive, may apply to the Executive Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive in the manner set out in in Subpart 3 of Part 3.

[The word "in" is repeated before the phrase "Subpart 3" in the *Government Gazette*.]

**Deferred compliance**

**21.01.10** If an airworthiness directive requires a series of inspections of an aircraft or a product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

**Conflict with other continuing airworthiness instructions**

**21.01.11** If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirements specified in the airworthiness directive prevail.

**SUBPART 2:  
TYPE CERTIFICATES**

[Subpart 2 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Categories of type certificates**

**21.02.1** The categories of type certificates are -

- (a) standard category type certificate for a Class I product to be manufactured in Namibia; and
- (b) restricted category type certificate for a Class I product to be manufactured in Namibia.

**Application for type certificate**

**21.02.2** (1) An application for the issue or amendment of a type certificate for a Class I product must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a copy of the approval held by the selected design organisation;
  - (ii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;
  - (iii) in the case of an application for an aircraft engine type or an aircraft propeller type, a description of the -
    - (aa) design features;
    - (bb) operating characteristics; and
    - (cc) proposed operating limitations;
  - (iv) the proposed certification basis; and
  - (v) the appropriate fee as prescribed in Part 187.
- (2) An application referred to in subregulation (1) is valid -
  - (a) in the case of an application for an aeroplane type with a maximum certificated mass exceeding 5 700 kilogrammes, for a period of five years;
  - (b) in the case of an application for an aeroplane type with a maximum certificated mass of 5 700 kilogrammes or less, for a period of three years;
  - (c) in the case of an application for a rotorcraft type with a maximum certificated mass exceeding 2 730 kilogrammes, for a period of five years;
  - (d) in the case of an application for a rotorcraft type with a maximum certificated mass of 2 730 kilogrammes or less, for a period of three years,

calculated from the date on which the application is submitted to the Executive Director.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If a type certificate is not issued within the appropriate period referred to in subregulation (2), the applicant may -

- (a) submit a new application in accordance with the provisions of subregulation (1); or
- (b) submit an application to extend the original application made in terms of subregulation (1), and comply with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective on a date selected by the applicant: Provided that such date of validity precedes the date of the issuing of the type certificate by the appropriate period referred to in subregulation (2) in respect of the original application.

**Airworthiness design standards**

**21.02.3** (1) An applicant for the issue or amendment of a type certificate for a Class I product must provide the Executive Director with proof that -

- (a) the product complies with the appropriate airworthiness design standards in force as set out in Document NAM-CATS-AR;
- (b) the product complies with the appropriate fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;
- (c) the product complies with any special conditions prescribed by the State of Design of the product;
- (d) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (e) in the case of an aircraft type, no feature or characteristic makes the aircraft type unsafe for the intended use.

(2) If the applicant selects a later date referred to in subregulation (1)(a), the applicant must provide proof that the product complies with any other airworthiness design standard which the Executive Director determines is directly related.

(3) Where -

- (a) there are no airworthiness design standards applicable to a Namibian registered aircraft set out Document NAM-CATS-AR as contemplated in subregulation (1)(a); or

[The word “in” appears to have been omitted before the phrase “Document NAM-CATS-AR”.]

- (b) Document NAM-CATS-AR does not contain a code of airworthiness design standards applicable to a Namibian registered aircraft,

the applicable airworthiness design standards in respect of any such aircraft are the requirements and mandatory design standards of the State of Design or a code of airworthiness which code complies with Annex 8 to the Chicago Convention.

**Type design**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.02.4** An applicant for the issue or amendment of a type certificate for a Class I product must -

- (a) provide the Executive Director with a type design consisting of -
  - (i) the drawings and specifications necessary to define the configuration and the design features of the product which have been shown to comply with the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (ii) a list of the drawings and specifications referred to in subparagraph (i);
  - (iii) information on dimensions, materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;
  - (iv) the airworthiness limitations specified in the appropriate airworthiness design standards referred to in regulation 21.02.3; and
  - (v) any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and engine emissions, if applicable, of later products of the same type; and
- (b) identify each type design and each variant within the type design.

**Inspections and tests**

**21.02.5** (1) An applicant for the issue or amendment of a type certificate for a Class I product must inspect and test a product of the type to ensure that -

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the product complies with the appropriate fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;
- (c) the materials and product conform to the specifications in the type design;
- (d) all parts in the product conform to the drawings in the type design; and
- (e) the manufacturing processes, construction and assembly conform to those specified in the type design.

(2) The applicant must, after making the inspections and tests referred to in subregulation (1) -

- (a) permit the Executive Director to perform any inspection and flight and ground tests which the Executive Director may require;
- (b) provide proof to the Executive Director that the product complies with the requirements referred to in subregulation (1)(c), (d) and (e); and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) ensure that the product remains unchanged between the time that the product is shown to comply with the requirements referred to in subregulation (1)(c), (d) and (e), and the time of presentation to the Executive Director for testing.

**Statements of conformity**

**21.02.6** An applicant for the issue or amendment of a type certificate presenting a product to the Executive Director for the tests referred to in regulation 21.02.5(2), must provide the Executive Director with a statement of conformity stating that -

- (a) the applicant has complied with the requirements referred to in regulation 21.02.5(1)(c), (d) and (e); and
- (b) the product complies with the applicable type design.

**Flight tests**

**21.02.7** (1) Subject to the provisions of subregulations (2) and (3), an applicant for the issue or amendment of a type certificate for an aircraft must carry out such flight tests as the Executive Director may require to determine whether -

- (a) the aircraft complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (b) the aircraft and the aircraft components and equipment are reliable and function properly.
- (2) before carrying out any flight test referred to in subregulation (1), the applicant must ensure that -

- (a) the aircraft complies with the structural requirements of the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the aircraft has undergone the necessary ground inspections and tests; and
- (c) the aircraft conforms to the type design.

(3) The flight tests referred to in subregulation (1) must be carried out in accordance with the requirements set out in Document NAM-CATS-AR.

**Issue of type certificate**

**21.02.8** (1) The Executive Director must grant an application in terms of regulation 21.02.2 and issue a type certificate for a Class I product if -

- (a) the applicant complies with the provisions of regulations 21.02.3 to 21.02.7, inclusive; and
- (b) the inspection and testing of the product confirms that the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A type certificate may be issued in both the standard and restricted categories referred to in regulation 21.02.1 if the provisions of regulations 21.02.3 to 21.02.7, inclusive for each category are complied with.

(3) A restricted category type certificate must specify the operational purposes for which the product is certificated.

(4) A type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

**Privileges of holder of type certificate**

**21.02.9** The holder of a type certificate is entitled to -

- (a) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the type certificated product concerned;
- (b) obtain approval of replacement parts for such product;
- (c) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and
- (d) in the case of an aircraft engine or propeller, obtain approval for the installation thereof on a certificated aircraft.

**Period of validity**

**21.02.10** (1) A type certificate is valid until it is surrendered by the holder thereof, or is suspended by the Executive Director or by an authorised officer, inspector or authorised person, or revoked by the Executive Director pursuant to regulation 21.01.8.

(2) The holder of a type certificate which is suspended must forthwith produce the type certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type certificate which is revoked must forthwith surrender such type certificate to the Executive Director.

**Transferability certificate**

[This heading appears to be missing the word "of" between "Transferability" and "certificate".  
The heading of this regulation in the LIST OF REGULATIONS is "Transferability".]

**21.02.11** The holder of a type certificate must, before transferring the type certificate -

- (a) notify the Executive Director in writing of the name and address of -
  - (i) the transferee; and
  - (ii) the subsequent selected design organisation; and
- (b) produce the certificate to the Executive Director for amendment.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Special conditions**

**21.02.12** The Executive Director may impose special conditions for a Class I product to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 21.02.3, if the Executive Director determines that the airworthiness design standards do not contain adequate or appropriate safety levels because -

- (a) the product has novel or unusual design features relative to the design practices on which the appropriate airworthiness design standards are based; or
- (b) the intended use of the product is unconventional.

**Duties of holder of type certificate**

**21.02.13** The holder of a type certificate must -

- (a) keep the original type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;
- (b) retain all relevant design information, drawings, test reports and inspection records of the product for a period of two years from the date on which the last example of the product has been permanently withdrawn from service;
- (c) produce the design information, drawings, test reports and inspection records to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;
- (d) provide at least one set of instructions for safe operation and continued airworthiness, prepared in accordance with the appropriate airworthiness design standards referred to in regulation 21.02.3, to each purchaser of the product upon its delivery or upon the issuing of the first standard certificate of airworthiness for the product concerned, whichever occurs later;
- (e) make the instructions referred to in paragraph (d), and any changes to those instructions, available to any other person required in terms of the regulations in this Part to comply with the instructions;
- (f) develop and maintain a system for receiving and analysing information relating to defects in the product type;
- (g) inform each owner of a product of the same type of the details of the system developed according to the provisions of paragraph (f); and
- (h) report to the Executive Director any failure, malfunction or defect in accordance with the provisions of regulation 21.01.3.

**SUBPART 3  
CHANGES TO TYPE CERTIFICATES**

**[Subpart 3 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Changes in type design**

**21.03.1** The changes in type design for products are -

- (a) a minor change;
- (b) a major change;
- (c) an acoustical change; and
- (d) an emission change.

**Reporting of minor changes in type design**

**21.03.2** The holder of a type certificate must in writing report All minor changes in a type design to the Executive Director prior to the implementation of such changes.

**Approval of major changes in type design**

**21.03.3** (1) The holder of a type certificate who applies for the approval of a major change in a type design, must submit to the Executive Director substantiating data and necessary descriptive data for inclusion in the type design.

(2) Approval of a major change in the type design of an aircraft engine must be limited to the specific engine configuration upon which the change is made, unless the applicant -

- (a) identifies in the necessary descriptive data for inclusion in the type design, the other configurations of the same engine type for which approval is requested; and
- (b) shows that the change is compatible with such other configurations.

**Required design changes**

**21.03.4** (1) In the event of the Executive Director issuing an airworthiness directive, the holder of the type certificate for the product concerned must -

- (a) if design changes are necessary to correct the unsafe condition of such product, submit the appropriate design changes and substantiation data to the Executive Director for approval, when required to do so; and
- (b) upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(2) In a case where there are no current unsafe conditions, but the Executive Director or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes and substantiation data to the Executive Director for approval.

(3) Upon approval of the design changes referred to in subregulation (2), the holder of the type certificate must make available information on the design changes to all operators of the same type of product.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Airworthiness design standards**

**21.03.5** An applicant for the approval of a change to a type certificate must comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

**SUBPART 4**  
**ACCEPTANCE OF TYPE CERTIFICATES**

### **Categories of type acceptance certificates**

**21.04.1** The categories of type acceptance certificates are -

- (a) standard category type acceptance certificate for a Class I product to be imported into Namibia; and
- (b) restricted category type acceptance certificate for a Class I product to be imported into Namibia.

### **Application for type acceptance certificate**

**21.04.2** An application for the issue of a type acceptance certificate for a Class 1 product must be -

[It appears that the reference to “Class 1” was intended to be “Class I” with a Roman numeral “I”, as in regulation 21.04.1.]

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulations 21.04.3 and 21.04.4.

### **Airworthiness design standards**

**21.04.3** (1) In this regulation, “appropriate airworthiness design standards” means the standards referred to in regulation 21.02.3(1) or standards contained in a recognised airworthiness code referred to in regulation 21.02.3(3) relating to the design, materials, construction equipment, performance and maintenance of aircraft or aircraft components issued by the States of Design and which code complies with Annex 8 to the Chicago Convention.

(2) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with proof that -

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective at the date assigned in the foreign type certificate or equivalent document, unless another date is specified by the Executive Director.
- (b) the product complies with any special conditions imposed by the Executive Director in terms of regulation 21.02.12 and, if applicable, meets any special conditions under the foreign type certificate;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety;
- (d) no feature or characteristic of the product makes it unsafe for the intended use; and
- (e) the type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director.

**Data requirements**

**21.04.4** (1) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive Director with -

- (a) proof that the type design has been approved by the appropriate authority of the exporting State by the issuing of a type certificate or an equivalent document and that type certificate or equivalent document is considered to be valid by the State of Design;
- (b) details of the airworthiness design standards complied with for the issuing of the type certificate referred to in paragraph (a), including -
  - (i) the statement of conformity compared to the airworthiness design standards;
  - (ii) the effective date of such standards;
  - (iii) any special conditions imposed under the foreign type certification;
  - (iv) any requirements not complied with and any compensating factors providing an equivalent level of safety; and
  - (v) any airworthiness limitations;
- (c) a list identifying the data submitted for the issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate design standards do not require a flight manual to be provided, a flight manual which complies with the standards set out in Document NAM-CATS-AR;
- (e) the illustrated parts or products catalogue; and
- (f) if required by the Executive Director -
  - (i) the maintenance manual for the product;
  - (ii) current service information issued by the manufacturer of the product; and
  - (iii) proof that the manufacturer has agreed to provide the Executive Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraphs (d), (e) and (f).



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may specify the range of serial numbers or models of products to which the application relate or redefine the applicability of the certificate if the provisions of this regulation and regulation 21.04.3 are complied with in respect of any additional product.

[The verb “relate” should be “relates” to accord with the subject “application”.]

(3) If the application relates to a variant of an aircraft type for which there is already a type acceptance certificate in force, then only data peculiar to the variant need be supplied and the type acceptance certificate will be amended to include the new variant.

(4) The applicant must provide general familiarisation training or full type training course to the Executive Director or to an authorised officer, inspector or authorised person for the purpose of enabling them to conduct an effective safety oversight on the accepted aircraft type.

**Issue of type acceptance certificate**

**21.04.5** (1) The Executive Director must grant An application in terms of regulation 21.04.2 and issue a type acceptance certificate for a Class I product if the applicant complies with the provisions of regulations 21.04.3 and 21.04.4.

(2) A type acceptance certificate may be issued in both the standard and restricted categories referred to in regulation 21.04.1, if the provisions of regulations 21.04.3 and 21.04.4 for each category are complied with.

(3) A restricted category type acceptance certificate must specify the operational purposes for which the product is certificated.

(4) A type acceptance certificate must be issued on the appropriate form set out in Document NAM-CATS-AR.

**Period of validity**

**21.04.6** (1) A type acceptance certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a type acceptance certificate which is suspended must forthwith produce the type acceptance certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is revoked must forthwith surrender such type acceptance certificate to the Executive Director.

**Duty of holder of type acceptance certificate**

**21.04.7** The holder of a type acceptance certificate must keep the original type acceptance certificate in a safe place and produce such certificate upon request to an authorised officer, inspector or authorised person for inspection.

**SUBPART 5**  
**SUPPLEMENTAL TYPE CERTIFICATES**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[Subpart 5 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

**Requirements for supplemental type certificate**

**21.05.1** (1) Any person who is not the holder of a type certificate and who alters a product by introducing any change in the type design, but not great enough to require a new application for a type certificate, must apply to the Executive Director for the issuing of a supplemental type certificate.

(2) An applicant for the issue of a supplemental certificate must prove to the Executive Director that -

- (a) the altered product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) in the case of an acoustical change, the altered product complies with the appropriate noise standards as prescribed in Part 36; and
- (c) in the case of an emission change, the altered product complies with the appropriate emission standards as prescribed in Part 34.

(3) An applicant for the issuing of a supplemental type certificate must comply with the provisions of regulations 21.02.5 and 21.02.6 in respect of each change in type design.

(4) For the purposes of this regulation the holder of a type certificate may apply for the amendment of the type certificate in terms of Subpart 2.

**Application for supplemental type certificate**

**21.05.2** An application for the issue of a supplemental type certificate must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a copy of the approval held by the selected design organisation;
  - (ii) proof of compliance with the provisions of regulation 21.05.1; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Issue of supplemental type certificate**

**21.05.3** (1) An application in terms of regulation 21.05.2 must be granted and a supplemental type certificate issued if the applicant complies with the requirements prescribed in regulation 21.05.1.

(2) A supplemental type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

**Privileges of holder of supplemental type certificate**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.05.4** The holder of a supplemental type certificate is entitled to -

- (a) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and
- (b) in the case of any other product, obtain approval for the installation of such product on a certificated aircraft; and
- (c) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the change in the type design approved by the supplemental type certificate.

**Period of validity**

**21.05.5** (1) A supplemental type certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a supplemental type certificate which is suspended, must forthwith produce the supplemental type certificate upon suspension thereof, to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a supplemental type certificate which is revoked must forthwith surrender such supplemental type certificate to the Executive Director.

**Duty of holder of supplemental type certificate**

**21.05.6** The holder of a supplemental type certificate must keep the original supplemental type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person.

**Requirements for supplementary type certificate issued by State of Design**

**21.05.7** (1) The Executive Director may accept a supplemental type certificate or equivalent document issued by a State of Design in respect of an aircraft or aircraft part or product if -

- (a) the supplemental type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director; or
- (b) the design, materials, construction equipment, performance and maintenance of the aircraft or aircraft component technical evaluation against a recognised airworthiness code has been carried out by the Executive Director and has been found to -
  - (i) meet the required standards of the recognised airworthiness code; or
  - (ii) have complied with any recommendations made by the Executive Director.

**Issue of supplemental type certificate by another State**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.05.8** (1) Any person who proposes to alter a product by introducing a major change in type design not great enough to require a new application for a type certificate must apply for a supplemental type certificate to the appropriate authority of the State of Design that approved the type certificate for that product.

(2) An application under made under subregulation (1) must be made in accordance with the procedures prescribed by the relevant State of Design.

(3) The Executive Director upon receiving a request for a supplemental type certificate for an aircraft registered in Namibia must -

- (a) forward the request to the State of Design; and
- (b) if applicable, issue a supplementary type certificate using the same regulatory and other guidance of the State of Design and State of Manufacture.

**SUBPART 6**  
**PRODUCTION UNDER TYPE CERTIFICATE**

**Production under type certificate**

**21.06.1** The manufacturer of a product being manufactured under a type certificate only must -

- (a) make each product available for inspection by the Executive Director;
- (b) maintain, at the place of manufacture, the technical data and drawings necessary for the Executive Director to determine whether the product and its parts conform to the type design;
- (c) determine that each completed product conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Executive Director;
- (d) unless otherwise authorised by the Executive Director not to do so, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and
- (e) upon the establishment of the production inspection system referred to in paragraph (d), submit to the Executive Director a manual which describes such system as well as the procedures for making the determinations referred to in regulation 21.06.2(2).

**Production inspection system**

**21.06.2** (1) For the purposes of regulation 21.06.1(d), the manufacturer must establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations are as set out in Document NAM-CATS-AR.

(3) The composition of the Materials Review Board and its powers and duties, are as set out in Document NAM-CATS-AR.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Tests for aircraft**

**21.06.3** The manufacturer of an aircraft being manufactured under a type certificate only must establish a production flight test procedure as set out in Document NAM-CATS-AR, according to which the aircraft so manufactured must be flight tested.

### **Tests for aircraft engines**

**21.06.4** The manufacturer of an aircraft engine being manufactured under a type certificate only must subject each engine, other than a rocket engine for which such manufacturer must establish a sampling technique, to a test run as set out in Document NAM-CATS-AR.

### **Tests for propellers**

**21.06.5** The manufacturer of propellers being manufactured under a type certificate only must give each variable pitch propeller a functional test to determine if the propeller operates properly throughout the normal range of operation.

### **Statement of conformity**

**21.06.6** (1) The manufacturer of a product being manufactured under a type certificate only must -

- (a) upon the initial transfer of the ownership of the product manufactured under the type certificate; or
- (b) upon application for the original issuing of -
  - (i) in the case of an aircraft, a certificate of airworthiness; or
  - (ii) in the case of an aircraft engine or propeller, an airworthiness approval tag,

submit to the Executive Director a statement of conformity.

(2) The statement of conformity must -

- (a) include -
  - (i) for each product, a statement that the product conforms to its type certificate and is in a condition for safe operation;
  - (ii) for each aircraft, a statement that the aircraft has been tested in accordance with the provisions of regulation 21.06.3;
  - (iii) for each aircraft engine, a statement that the engine has been tested in accordance with the provisions of regulation 21.06.4; and
  - (iv) for each variable pitch propeller, a statement that the propeller has been tested in accordance with the provisions of regulation 21.06.5; and
- (b) be signed by the person authorised by the manufacturer to issue statements of conformity.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 7**  
**PRODUCTION CERTIFICATE**

[Subpart 7 is not yet in force; it will come into force on a date determined by the Minister by notice in the *Government Gazette*.]

**Requirements for production certificate**

**21.07.1** Any manufacturer who has been approved by the Executive Director in terms of Part 148 may apply for the issuing of a production certificate if the manufacturer holds -

- (a) a valid type certificate; or
- (b) a valid supplemental type certificate,

for the product concerned.

**Application for production certificate**

**21.07.2** An application for the issue or amendment of a production certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation;
  - (ii) a description of inspection procedures for raw materials, purchased items and parts and assemblies produced by any partner or subcontractor, including methods used to ensure acceptable quality of parts and assemblies which cannot be completely inspected for conformity when delivered by the partner or subcontractor to the applicant;
  - (iii) a description of the methods used for production inspection of individual parts and complete assemblies, including -
    - (aa) the identification of any special manufacturing processes involved;
    - (bb) the means used to control the processes;
    - (cc) the final test procedure for the complete product; and
    - (dd) in the case of an aircraft, a copy of the applicant's production flight test procedures and check list;
  - (iv) an outline of the materials review system, including the procedure for recording Materials review board decisions and disposing of rejected products or parts;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (v) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;
- (vi) a list or chart showing the location of all inspection stations;
- (vii) the terms of approval referred to in regulation 21.07.4, for which application is being made; and
- (viii) the appropriate fee as prescribed in Part 187.

**Issue of production certificate**

**21.07.3** (1) The Executive Director must grant An application made under regulation 21.07.2 and issue a production certificate if the applicant complies with the requirements prescribed in that regulation.

(2) The Executive Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.4, if the products have similar production characteristics.

(3) A production certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

**Terms of approval**

**21.07.4** The terms of approval must -

- (a) be issued as part of the production certificate;
- (b) specify the type certificated product to be manufactured; and
- (c) contain a production limitation record, listing the type certificate of each product which the holder of the production certificate is authorised to manufacture.

**Duties of holder of production certificate**

**21.07.5** The holder of a production certificate -

- (a) must -
  - (i) display the certificate in a prominent and conspicuous place at such holder's manufacturing facility for the product concerned; and
  - (ii) if a copy of the certificate is displayed, produce the original certificate to an authorised officer, inspector or authorised person if so requested by such authorised officer, inspector or authorised person; and
- (b) must maintain the quality control of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Executive Director for such certificate.

**Privileges of holder of production certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.07.6** The holder of a production certificate is entitled to -

- (a) in the case of an aircraft, obtain a certificate of airworthiness; or
- (b) in the case of any other product, obtain approval for installation on certificated aircraft.

**Transferability and period of validity**

**21.07.7** (1) A production certificate issued in terms of regulation 21.07.3 is -

- (a) not transferable; and
- (b) valid until it is surrendered by the holder of the certificate or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a production certificate which is suspended must forthwith upon suspension thereof produce the certificate to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a production certificate which is revoked, must forthwith surrender such certificate to the Executive Director.

**SUBPART 8**  
**CERTIFICATES OF AIRWORTHINESS**

**Categories of certificates of airworthiness**

**21.08.1** (1) The categories of certificates of airworthiness are -

- (a) standard category certificates of airworthiness;
- (b) restricted category certificates of airworthiness; and
- (c) special category certificates of airworthiness.

(2) A standard certificate of airworthiness may be issued to aircraft in the specific operational category provided the aircraft meets the requirements of the specific regulatory provisions.

(3) The standard certificate of airworthiness may consist of the following operation categories:

- (a) Part 91: Non-commercial operations;
- (b) Part 141: Aviation training; and
- (c) Parts 121, 127, 133, 135, 136, 137 and 138: Commercial operations.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) A restricted certificate of airworthiness issued in accordance with the operational limitations defined in the type certificate accepted in accordance with the provisions of Subpart 4 may be issued for the following aircraft special operations:

- (a) aerial advertising operations;
- (b) aerial patrol, observation and survey operations;
- (c) aerial recording operations by photographic or electronic means;
- (d) agricultural operations;
- (e) cloud spraying, seeding or dusting operations;
- (f) fire spotting, control and fighting operations;
- (g) game and livestock selection, culling, counting or herding operations;
- (h) spraying, seeding or dusting operations other than for agricultural purposes and clouds; and
- (i) any other operations designated by the Executive Director as special purposes operations.

(5) A special airworthiness certificate may be issued to aircraft that do not fully meet the requirements of the State of Design for a standard airworthiness certificate.

(6) The types of special category certificate of airworthiness consist of -

- (a) an experimental certificate; or
- (b) a special flight permit.

(7) A standard or restricted category certificate of airworthiness issued in respect of an aircraft may be amended in accordance with the provisions of regulation 21.08.3 to include other aircraft operation classification provided that -

- (a) in respect of that aircraft, a major modification supported by a supplementary type certificate issued by the State of Design and approved by the Executive Director under the provisions of Subpart 2 of Part 43 has been embodied to allow for operation; and
- (b) the aircraft complies with the requirements prescribed for flight operations in that configuration and the particular operation as defined in the aircraft flight manual supplement contained in the supplementary type certificate.

(8) The holder of a standard, restricted or special category of airworthiness certificate must pay the annual current fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

**Requirement for certificate of airworthiness**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this regulation in the LIST OF REGULATIONS  
uses the plural word "Requirements".]

**21.08.2** (1) A person may not operate an aircraft in Namibia unless -

- (a) such aircraft has been issued with a certificate of airworthiness; and
- (b) the conditions on which such certificate was issued or rendered effective are complied with.

(2) The Executive Director must issue a certificate of airworthiness for an aircraft registered in Namibia if, based on satisfactory evidence provided to him or her, the Executive Director is satisfied that -

- (a) the aircraft complies with the design aspects of the appropriate airworthiness requirements (type certificate) and that the issue is not contrary to aviation safety;
- (b) the aircraft has been inspected in terms of regulation 21.01.5 and found airworthy by an authorised officer, inspector or authorised person specifically authorised by the Executive Director to make such determinations; and
- (c) the Executive Director has determined on inspection that the aircraft conforms to its type design and is in a condition for safe operation.

**Application for issue, renewal or amendment of certificate of airworthiness**

**21.08.3** (1) Any owner of an aircraft or his, her or its authorised representative, may apply for the issue, renewal or amendment of a certificate of airworthiness for the aircraft.

(2) An application for the issue, renewal or amendment of a standard or restricted certificate of airworthiness must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) proof of compliance with the provisions of regulation 21.08.4; and
  - (iii) in the case of an application for the issue, renewal or amendment of a standard certificate of airworthiness in respect of an aircraft type certificated in -
    - (aa) the commercial air transport passengers category;
    - (bb) the commercial air transport cargo category;
    - (cc) the aerial work category; or
    - (dd) the flying training category,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

a copy of the air operator certificate held by the applicant or, if the aircraft will be used by a lessee, a copy of the lease agreement between the applicant and the lessee and a copy of the air operator certificate held by such lessee.

(3) An application for the issue, renewal or amendment of an experimental certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.08.6.

(4) An application for the issue, renewal or amendment of a special flight permit must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.08.7.

(5) An application for the renewal of a certificate of airworthiness, an experimental certificate or a special flight permit must be made at least 60 days immediately preceding the date on which such certificate or permit expires.

**Requirements for standard or restricted category certificate of airworthiness**

**21.08.4** (1) An applicant for the issue, renewal or amendment of a standard or restricted category certificate of airworthiness for an aircraft must provide the Executive Director with proof that -

- (a) in the case of a new aircraft type manufactured by the holder of a manufacturing organisation approval issued under Part 148 -
  - (i) the applicant is the manufacturer; and
  - (ii) the applicant has issued a statement of conformity in terms of regulation 21.02.6; or
- (b) in the case of an imported aircraft -
  - (i) a standard category type acceptance certificate has been issued for the aircraft type in terms of regulation 21.04.5; and
  - (ii) a statement of conformity has been issued -
    - (aa) by the appropriate authority of the exporting State; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(bb) in accordance with the laws of the exporting State.

(2) The applicant must, in addition to the provisions of subregulation (1), provide the Executive Director with proof that -

- (a) the aircraft conforms to an appropriate type certificate or type acceptance certificate;
- (b) any modification to the aircraft conforms to the design changes approved for the type;
- (c) the aircraft complies with the appropriate airworthiness directives issued in terms of regulation 21.01.4;
- (d) the aircraft is issued with the appropriate flight manual and any logbooks, repair and alteration forms and documents which the Executive Director may require;
- (e) the aircraft is in a condition for safe operation; and
- (f) the aircraft has been maintained in accordance with an approved maintenance programme.

**Carrying out test flights in certain circumstances**

**21.08.5** An aircraft required to be issued or re-issued with a certificate of airworthiness or if such certificate of airworthiness is required to be rendered effective may be test flown with the written permission of the owner or operator provided that -

- (a) the aircraft has been issued with or possesses a valid Namibian certificate of registration;
- (b) an application, in the form and manner set out in Document NAM-CATS-AR, requesting the issue of a certificate of airworthiness has been lodged with the Executive Director;
- (c) the application is accompanied by the fee prescribed in Part 187 for the issue of the certificate;
- (d) where the certificate of airworthiness has expired due to the expiry of the certificate of release to service issued under Part 43, and the certificate of airworthiness needs to be re-issued, the requirements pertaining to the current fee prescribed in Part 187 for the certificate are to be met;
- (e) prior to the flight, the aircraft is to be certified safe for the intended flight in the airframe logbook by the holder of a valid, appropriately rated aircraft maintenance engineer's licence or by such person who is a holder of valid approval rating, on type, issued in terms of Part 145; and
- (f) the aircraft has to make its first landing at the point of departure.

**Requirements and application for experimental certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.08.6** (1) An experimental certificate for an aircraft may be issued for the purposes of -

- (a) showing compliance with these regulations with specific reference to the conducting of flight tests and other operations to show compliance with the airworthiness requirements of these regulations including -
  - (i) flights to show compliance for issuance of a type certificate or supplemental type certificate;
  - (ii) flights to substantiate major design changes; and
  - (iii) flights to show compliance with the function and reliability requirements of these regulations; or
- (b) research and development relating to the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft.

[There is no subregulation numbered as (2) in the *Government Gazette*.]

(3) An application for the issue, renewal or amendment of an experimental certificate, other than for a non-type certificated aircraft, must include -

- (a) a statement specifying the purposes for which the aircraft is to be used;
- (b) sufficient data to identify the aircraft;
- (c) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Executive Director may require;
- (d) flight manuals, maintenance manual or such documents relating to the operation of the aircraft that the Executive Director may require, if such manuals or documents have already been developed; and
- (h) any other information that the Executive Director may require to safeguard aviation safety.

[This paragraph is incorrectly labelled as (h) instead of (e) in the *Government Gazette*.]

(4) An applicant for the issue, renewal or amendment of an experimental certificate or an aircraft to be used for the purpose of research and development or showing compliance with the regulations in this Part must, in addition to the provisions of subregulation (3), provide the Executive Director with -

- (a) the purpose of the test;
- (b) the estimated time or number of flights required for the test;
- (c) details of the areas over which the test will be conducted; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) except for aircraft converted from a previously certificated type without appreciable change in the external configuration or silhouette, three-view drawings or three-dimensional photographs of the aircraft.

(5) An applicant for the issue, renewal or amendment of an experimental certificate for an aircraft to be used for a purpose other than those referred to in subregulation (4), must, in addition to the provisions of subregulation (3), provide the Executive Director with proof that -

- (a) a period of flight evaluation has been completed showing -
- (i) the aircraft is controllable throughout its normal range of speed and throughout all the manoeuvres to be executed; and
  - (ii) the aircraft has no hazardous operating characteristics or design features; or
- (b) the aircraft conforms to a type design which has been shown to provide an acceptable level of safety for the purpose by -
- (i) showing compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3; or
  - (ii) providing information concerning the airworthiness history of aircraft which conform to the type design.

(6) An experimental certificate issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

**Requirements and application for special flight permit**

**21.08.7** (1) a special flight permit for an aircraft may be issued for the purposes of -

- (a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft no longer meeting its airworthiness standards to a place where maintenance can be carried out;
- (b) delivering or exporting an aircraft;
- (c) evacuating an aircraft from an area of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 21.02.3; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities and navigation and emergency equipment necessary for the flight.

(2) An applicant for the issue, renewal or amendment of a special flight permit for an aircraft, other than for a non-type certificated aircraft, must be accompanied by a statement containing -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the purpose of the flight;
- (b) the proposed itinerary;
- (c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (d) any restriction that the applicant considers necessary for the safe operation of the aircraft; and
- (e) any other information that the Executive Director may require for the purpose of determining operating limitations.

(3) An applicant for the issue or amendment of a special flight permit for any amateur-built aircraft or production-built aircraft must provide the Executive Director with -

- (a) a statement specifying the purpose for which the aircraft is to be used;
- (b) proof of compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (c) any information which the Executive Director may require to safeguard aviation safety;
- (d) any document relating to the operation of the aircraft which the Executive Director may require; and
- (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Executive Director may require.

(4) The Executive Director may make, or require the applicant to make, appropriate inspections or flight tests to establish safety aspects.

(5) The application referred to in subregulation (2) must be accompanied by the appropriate fee as prescribed in Part 187.

(6) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

**Special flight permits with continued authorisation**

**21.08.8** (1) On application, the Executive Director may issue a special flight permit with a continued authorisation to -

- (a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements, but is capable of safe flight to a place where maintenance or alterations are performed; or
- (b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) flight testing new production aircraft manufactured by such holder; and
- (ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

(2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.

(3) The permit issued under this regulation is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

(4) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

**Issue, renewal or amendment of certificate of airworthiness**

**21.08.9** (1) An application in terms of regulation 21.08.3 must be granted and a certificate of airworthiness issued, renewed or amended, as the case may be, if -

- (a) the applicant complies with the provisions of regulation 21.08.4, 21.08.5, 21.08.6 or 21.08.7, as the case may be; and
- (b) in respect of a special category certificate of airworthiness, the level of safety is adequate for the purpose for which the aircraft is to be used.

(2) A certificate of airworthiness is issued, renewed or amended subject to such conditions and limitations which may be determined by the Executive Director.

(3) A certificate of airworthiness may be issued, renewed or amended in both the standard and restricted categories if-

- (a) the aircraft complies with the certification requirements for each category when in configuration for such category; and
- (b) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.

(4) A certificate of airworthiness is issued in the appropriate form as set out in Document NAM-CATS-AR.

**Period of validity**

**21.08.10** (1) A certificate of airworthiness is valid for a period of 12 months calculated from the date of issue or renewal of the certificate.

- (2) The certificate remains in force until -
  - (a) it expires or is revoked or suspended by the Executive Director; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) it is surrendered by the holder thereof or is suspended by an authorised officer, inspector or authorised person,

pursuant to regulation 21.01.8.

(3) Subject to the provisions of subregulation (1), a certificate of airworthiness remains valid for as long as -

- (a) the aircraft remains a Namibian registered aircraft; and
- (b) in respect of an aircraft with a standard or restricted category certificate of airworthiness, the aircraft is maintained in accordance with these Regulations.

(4) The holder of a certificate of airworthiness which has expired must forthwith surrender the certificate to the Executive Director.

(5) The holder of a certificate of airworthiness which is suspended must forthwith upon the suspension, produce the certificate to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate of airworthiness which is revoked must forthwith surrender such certificate to the Executive Director.

**Transferability**

**21.08.11** A standard or restricted certificate of airworthiness and an experimental certificate may only be transferred with the aircraft.

**Application for duplicate certificate**

**21.08.12** (1) If a certificate issued under this Part is lost, stolen, damaged or destroyed, the holder thereof or an aircraft maintenance organisation approved under Part 145 which is responsible for the servicing and maintenance of the aircraft, may apply to the Executive Director for the issue of a duplicate certificate.

- (2) An application referred to in subregulation (1) must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-AR; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

**Validation of certificate of airworthiness issued by appropriate authority**

**21.08.13** (1) The holder of a certificate of airworthiness issued by an appropriate authority of another State may apply to the Executive Director in the appropriate form set out in Document NAM-CATS-AR for a validation of such certificate.

(2) The application for a validation referred to in subregulation (1) must be accompanied by -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a copy of the certificate to which the validation relates; and
- (b) the appropriate fee as prescribed in Part 187.

(3) The Executive Director may validate a certificate of airworthiness issued by an appropriate authority -

- (a) subject to the same restrictions which apply to such certificate; and
- (b) on the appropriate form set out in Document NAM-CATS-AR.

(4) A validation issued by the Executive Director is valid for -

- (a) a period of 12 months calculated from the date of issue of the validation; or
- (b) the period of validity of the certificate issued by the appropriate authority concerned, whichever is the lesser period.

**[Subregulation (4) is reproduced above as it appears in the *Government Gazette*, but the closing phrase appears to be misplaced; the provision was probably intended to appear as follows:**

- (4) A validation issued by the Executive Director is valid for -
- (a) a period of 12 months calculated from the date of issue of the validation; or
- (b) the period of validity of the certificate issued by the appropriate authority concerned, whichever is the lesser period.]

(5) The holder of a validation issued by the Executive Director may, subject to the provisions of subregulation (6), apply to the Executive Director for the renewal of the validation at least 21 days before the date of expiry of such validation.

(6) The Executive Director may renew the validation for the same appropriate period referred to in subregulation (4).

### **RVSM approval**

**[The heading of this regulation in the LIST OF REGULATIONS spells out the abbreviation, appearing as “Reduced vertical separation minima approval”.]**

**21.08.14** (1) An airworthiness approval certificate is required for an aircraft that is to be operated within airspace where RVSM applies.

(2) The requirements for an RVSM airworthiness approval certificate are as set out in Document NAM-CATS-AR.

(3) An application for the issuing of an RVSM approval certificate must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR.

(4) The application referred to in subregulation (3) must be accompanied by the appropriate fee as prescribed in Part 187.

### **Temporary Loss of Airworthiness**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.08.15** Any failure to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements renders the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

**Damage to aircraft**

**21.08.16** (1) When an aircraft has sustained damage, the Executive Director must assess whether the damage is of a nature such that the aircraft is no longer airworthy as specified by the appropriate airworthiness requirements.

(2) If the damage is sustained or ascertained when the aircraft is on the territory of another State, the Executive Director may request the authorities of that State to advise the Executive Director immediately, communicating to him or her all details necessary to formulate the assessment referred to in subregulation (1).

(3) When the Executive Director considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, he or she must prohibit the aircraft from resuming flight until it is restored to an airworthy condition.

(4) The Executive Director may, in exceptional circumstances, determine particular limiting conditions to permit an aircraft to undertake a non-commercial flight to an aerodrome at which it can be restored to an airworthy condition.

(5) In determining particular limiting conditions the Executive Director must consider all limitations proposed by the State where that State has prevented the aircraft from resuming its flight.

(6) If the Executive Director considers that the damage sustained is of a nature such that the aircraft is still airworthy, the Executive Director may allow the aircraft to resume its flight.

**Aircraft limitations and information**

**21.08.17** The owner or operator of a Namibian registered aircraft must hold and be able to produce for inspection upon request by the Executive Director or an authorised officer, inspector or authorised person -

- (a) a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as specified in the appropriate airworthiness requirements; and
- (b) additional instructions and information necessary for the safe operation of the aircraft.

**SUBPART 9**  
**APPROVAL OF PARTS AND APPLIANCES****Replacement and modification parts**

**21.09.1** (1) Subject to the provisions of subregulation (2), a person may not produce a modification or replacement part for sale for installation on a type certificate product unless such modification or replacement part or appliance is produced pursuant to a NAM-PMA issued under this Subpart.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The provisions of subregulation (1) do not apply in respect of -
  - (a) parts or appliances produced under a type certificate;
  - (b) parts or appliances produced by an owner or operator for maintaining his or her or its own product;
  - (c) parts or appliances produced under the NAM-TSO authorisation; or
  - (d) standard parts or appliances conforming to established civil aviation industry or Namibian civil aviation specifications.

**Inspections and tests**

**21.09.2** (1) An applicant for the issuing of a NAM-PMA must carry out all inspections and tests which may be necessary to determine -

- (a) compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) that the materials conform to the specifications in the design;
- (c) that the part or appliance conforms to the drawings in the design; and
- (d) that the manufacturing processes, construction and assembly conform to those processes specified in the design.

(2) Unless authorised by the Executive Director a person may not -

- (a) present a part or an appliance to the Executive Director for an inspection or a test unless compliance with the provisions of subregulation (1)(b) and (d) has been proven for such part; or
- (b) make a change to a part or an appliance between the time that compliance with the provisions of subregulation (1)(b) and (d) is proven for the part or appliance, and the time that such part or appliance is presented to the Executive Director for the inspection or test.

(3) The applicant must establish a manufacturing inspection system as set out in Document NAM-CATS-AR to ensure that each completed part or appliance conforms to its design data and is safe for installation on appropriate type certified products.

**Application for NAM-PMA**

**21.09.3** (1) Any manufacturer who has been approved by the Executive Director in terms of Part 148 may apply for a NAM-PMA.

(2) An application for the issuing of a NAM-PMA must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) drawings and specifications necessary to show the configuration of the part or appliance;
- (ii) information on dimensions, materials and processes necessary to define the structural strength of the part or appliance;
- (iii) test reports and computations necessary to show that the design of the part or appliance complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part or appliance is to be installed, unless the applicant shows that the design of the part is identical to a part or an appliance which is covered under a type certificate;
- (iv) if the design of the part or appliance was obtained by a licensing agreement, a copy of such agreement; and
- (v) the appropriate fee as prescribed in Part 187.

**Issue of NAM-PMA**

**21.09.4** (1) The Executive Director must, subject to the provisions of subregulation (2), grant an application in terms of regulation 21.09.3 and issue a NAM-PMA if -

- (a) the Executive Director is satisfied, upon examination of the design and the results of all inspections and tests, that the design complies with the airworthiness design standards referred to in regulation 21.02.3, applicable to the product on which the part or appliance is to be installed; and
- (b) the applicant submits a statement certifying that the manufacturing inspection system referred to in regulation 21.09.2(3) has been established.

(2) The Executive Director may not issue a NAM-PMA if the manufacturing facility for the part or appliance is located outside Namibia, unless the Executive Director is satisfied that the location of such a facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

**Duties of holder of NAM-PMA**

**21.09.5** The holder of a NAM-PMA must -

- (a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);
- (b) in writing notify the Executive Director within 14 days from the date on which the manufacturing facility for the part or appliance concerned was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part or appliance conforms to the approved design data and is safe for installation on type certificated products.

**Transferability and period of validity**

**21.09.6** (1) A NAM-PMA issued in terms of regulation 21.09.4 is -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) not transferable; and
- (b) valid until it is -
  - (i) surrendered by the holder thereof; or
  - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a NAM-PMA which is suspended must forthwith upon suspension produce it to the Executive Director or to an authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of a NAM-PMA which is revoked must forthwith surrender such approval to the Executive Director.

**SUBPART 10**  
**APPROVAL OF PARTS AND APPLIANCES: IMPORT**

**Approval**

**21.10.1** (1) If -

- (a) a part or an appliance manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the part or appliance for export and import; and
- (b) the appropriate authority of the State in which the part or appliance was manufactured issues an export certificate of airworthiness certifying that such part or appliance complies with such requirements,

the part or appliance is deemed to comply with the requirements for approval prescribed in this Part.

(2) Subregulation (1) does not apply if the Executive Director determines, based on requested technical data submitted or not submitted in terms of subregulation (3), that the part or appliance is not considered to be compliant with the airworthiness requirements for approval prescribed in this Part.

(3) An applicant for the approval of a part or appliance must, on request by the Executive Director, submit to the Executive Director any technical data concerning the part or appliance.

**SUBPART 11**  
**EXPORT AIRWORTHINESS APPROVALS**

[The heading of this Subpart in the LIST OF REGULATIONS has a colon after the word "EXPORT".]

**Export airworthiness approvals**

**21.11.1** (1) An export airworthiness approval for -

- (a) a Class I product is issued in the form of an export certificate of airworthiness; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a Class II or a Class III product is issued in the form of an export airworthiness approval tag.
- (2) An export airworthiness approval may be issued for -
  - (a) any aircraft, other than an aircraft referred to in paragraph (b), which has been assembled and flight tested, and any other Class I product located in Namibia;
  - (b) any small aeroplane, glider or normal category rotorcraft which has been type certificated and manufactured under a production certificate;
  - (c) any used aircraft with a valid certificate of airworthiness or other Class I product which has been maintained in accordance with the provisions of Part 43, and is located in a foreign State, if the Executive Director is satisfied that the location does not impede the administration of the provisions of this Part; or
  - (d) any Class II or Class III product manufactured and located in Namibia.

**Application for export airworthiness approval**

**21.11.2** (1) Any exporter or his, her or its authorised representative may apply to the Executive Director for an export airworthiness approval for a Class I or Class II product.

(2) Any manufacturer who has been approved by the Executive Director in terms of Part 148, may apply for an export airworthiness approval for a Class III product if the manufacturer holds for such product -

- (a) a NAM-PMA; or
- (b) a NAM-TSO authorisation.

(3) An application for the issuing of an export airworthiness approval for a Class I, Class II or Class III product must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a written statement from the appropriate authority of the importing State that such authority will validate the export airworthiness approval if the product being exported is-
    - (aa) an aircraft manufactured outside Namibia and being exported to a foreign State with which the Namibian government has entered into a reciprocal agreement concerning the recognition of export airworthiness approvals;
    - (bb) an unassembled aircraft which has not been flight-tested;
    - (cc) a product which does not comply with the requirements referred to in regulation 21.11.3 (1), (2) or (3), as the case may be, for the issuing of

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

an export airworthiness approval, in which case the written statement must contain a list of those requirements not complied with;

- (ii) in the case of an application for the issuing of an export airworthiness approval for a Class I product -
  - (aa) a statement of conformity for each product;
  - (bb) the mass and balance report as set out in Document NAM-CATS-AR;
  - (cc) a maintenance manual for each product, if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (dd) proof of compliance with the appropriate airworthiness directives issued in terms of regulation 21.01.4, including suitable notation of those directives which are not complied with;
  - (ee) the aircraft flight manual, if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3 for the particular aircraft;
  - (ff) a statement on the date on which ownership passed or is expected to pass to a foreign purchaser;
  - (gg) the date required by the appropriate authority of the importing State;
  - (hh) any special certification that a condition of the State of the importer has been met;
  - (ii) the State of the importer accepts any exception to be listed in the certificate;
  - (jj) any log book, modification and repair form and historical record that the Executive Director may request for, unless the product in question is a new product;

[The word “for” after the word “request” is superfluous.]

  - (kk) a description of any method used, including the duration of the effectiveness of the method, for the preservation and packaging of the product to protect it against corrosion and damage while in transit or storage;
  - (ll) the date on which any document that is not available at the date of application is expected to become available;
  - (mm) supporting documentation for any variance to this Subpart;
  - (nn) further particulars relating to the product and the applicant, if required by the Executive Director as indicated in the form; and
- (iii) the appropriate fee as prescribed in Part 187.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An applicant for the issue of an export airworthiness certificate for an aircraft must, in addition to the requirements set out in subregulation 3(b)(ii), provide the Executive Director with evidence that -

- (a) in case of a new aircraft, it has been manufactured under the authority of a manufacturing organisation certificate issued in accordance with Part 148;

[The word “the” appears to have been omitted between the words “in” and “case”.]

- (b) in case of an aircraft other than a new aircraft, it possesses or qualifies for an airworthiness certificate issued under Subpart 8;

[The word “the” appears to have been omitted between the words “in” and “case”.]

- (c) the aircraft is issued with the appropriate flight manual and, for a new aircraft, maintenance manual;
- (d) a weight and balance report has been completed, with a loading schedule, if applicable;
- (e) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone a 100 hour or equivalent, inspection in accordance with a manufacturer’s maintenance schedule or an equivalent inspection acceptable to the Executive Director;

[The comma after the phrase “100 hour or equivalent” is superfluous.]

- (f) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a special certificate of airworthiness or a special flight permit airworthiness certificate issued under Subpart 8; and
- (g) confirms that any installation described in paragraph (f) is to be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

### **Issue of export airworthiness approval**

**21.11.3** (1) The Executive Director must grant An application made under regulation 21.11.2 and issue an export certificate of airworthiness for a Class I product on the appropriate form set out in Document NAM-CATS-AR if -

- (a) the applicant meets the applicable requirements of this Subpart;
- (b) the issue of the certificate is not contrary to the interests of aviation safety;
- (c) any airworthiness requirement that is not complied with is compensated for by a factor that provides an acceptable level of safety;
- (d) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in Subpart 8;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;
- (f) the product has undergone a mandatory periodic inspection and be approved for release to service; and

**[The word “be” should be “been” to be grammatically correct”: “has...been approved”.]**

- (g) the requirements prescribed by the appropriate authority of the importing State are complied with.

(2) Despite subregulation (1)(a), the Executive Director may issue an export airworthiness certificate for a product that does not meet every airworthiness requirement of regulation 21.11.2, if the applicant provides written evidence to the Executive Director that the non-compliance with any particular requirement is acceptable to the State of the importer.

(3) An export airworthiness certificate issued by the Executive Director under this Subpart -

- (a) may be subject to conditions as the Executive Director considers appropriate in each particular case; and
- (b) does not authorise the installation or use of a product.

(4) The Executive Director must grant an application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class II product on the appropriate form set out in Document NAM-CATS-AR if the product -

- (a) is new or has been newly overhauled and conforms to the approved design data;
- (b) is in a condition for safe operation;
- (c) is identified with at least -
  - (i) the name;
  - (ii) the part number;
  - (iii) the model and designation; and
  - (iv) the serial number or equivalent,
 of the manufacturer; and
- (d) complies with the requirements prescribed by the appropriate authority of the importing State.

(5) The Executive Director must grant An application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class III product on the appropriate form set out in Document NAM-CATS-AR if the product -

- (a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) is in a condition for safe operation; and
- (c) complies with the requirements prescribed by the appropriate authority of the importing State.

**Duties of holder of export airworthiness approval**

**21.11.4** The holder of an export airworthiness approval must -

- (a) forward to the appropriate authority of the importing State, all documents and information which may be necessary for the safe and proper operation of the product being exported and any other material as is stipulated in the special requirements of the State of the importer;
- (b) forward the applicable manufacturer's assembly instructions and a flight test checklist form approved by the Executive Director to the appropriate authority of the importing State, if an unassembled aircraft is being exported;
- (c) upon completion of an export delivery, remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight;
- (d) secure all proper foreign entry clearances from all the States involved when conducting sales demonstrations or delivery flights;
- (e) when ownership of an aircraft passes or has passed to a foreign purchaser -
  - (i) request for revocation of the Namibian registration and certificate of airworthiness;
 

[The word "for" after the word "request" is superfluous.]
  - (ii) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft; and
  - (iii) return the registration and airworthiness certificates to the Executive Director; and
- (f) preserve and package the product to protect it against corrosion and damage while in transit or storage.

**Inspections and overhauls**

**21.11.5** Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product must be carried out and approved by -

- (a) the manufacturer of the product;
- (b) an aircraft maintenance organisation approved by the Executive Director under Part 145; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

**Validity of certificate**

**21.11.6** (1) An export airworthiness certificate issued under this Subpart remains valid, as long as there is no subsequent design change to the product, until the completion of delivery to the importer's State.

(2) The holder of an export airworthiness certificate invalidated because of a design change must forthwith surrender the certificate to the Executive Director for cancellation of the delivery.

**Transfer of certificate**

**21.11.7** An export airworthiness certificate may only be transferred with the product.

**SUBPART 12**  
**NAM-TSO AUTHORISATIONS**

**NAM-TSO markings**

**21.12.1** A person may not identify an article with NAM-TSO marking unless such person holds a NAM-TSO authorisation and the article complies with the appropriate NAM-TSO performance standards as set out in Document NAM-CATS-AR.

**Application for NAM-TSO authorisation**

**21.12.2** (1) An applicant for the issue of a NAM-TSO authorisation must be the holder of a manufacturing organisation approval issued in terms of Part 148.

(2) An application for the issue of a NAM-TSO authorisation must be -

(a) made in the appropriate form set out in Document NAM-CATS-AR; and

(b) accompanied by -

(i) a statement of conformity certifying that the applicant has complied with the requirements prescribed in this Subpart and that the article complies with the appropriate NAM-TSO which is valid on the date of application for such article;

(ii) one copy of the technical data required in the appropriate NAM-TSO; and

(iii) the appropriate fee as prescribed in Part 187.

(3) If a series of minor changes in accordance with the provisions of regulation 21.12.6 is anticipated, the applicant may include in its application the basic model number of the article and the part number of the components, with open brackets after such number, to denote that suffix change letters or numbers or combinations thereof will be added from time to time.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If the application is deficient, the Executive Director may request the applicant to submit such additional information which may be necessary to prove compliance with the requirements prescribed in this Subpart.

(5) If the applicant fails to submit the additional information referred to in subregulation (4) within 30 days from the date on which the Executive Director requested such additional information, the application must be declined and the applicant so notified.

**Issue of NAM-TSO authorisation**

**21.12.3** (1) The Executive Director must grant An application referred to in regulation 21.12.2 and issue a NAM-TSO authorisation if -

- (a) the applicant complies with the requirements prescribed in this Subpart;
- (b) the Executive Director is satisfied that the applicant has the ability to manufacture duplicate articles in accordance with the requirements prescribed in this Subpart; and
- (c) the Executive Director is satisfied that the issuing of the NAM-TSO authorisation is not contrary to the interests of aviation safety.

(2) The Executive Director must issue or decline to issue the NAM-TSO authorisation within 30 days after the receipt of the application or, if additional information has been requested, within 30 days from the date of receiving such additional information.

(3) The Executive Director may not issue the NAM-TSO authorisation if the manufacturing facility for the article is located outside Namibia, unless the Executive Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

**Duties of holder of NAM-TSO authorisation**

**21.12.4** A manufacturer who holds a NAM-TSO authorisation for an article must -

- (a) manufacture the article in accordance with the requirements prescribed in this Subpart and the appropriate NAM-TSO;
- (b) conduct all the required tests and inspections and establish and maintain a quality assurance system which is adequate to ensure that the article complies with the requirements referred to in paragraph (a) and is in condition for safe operation;
- (c) prepare and maintain, for each model of each article for which a NAM-TSO authorisation has been issued, A current file of complete technical data and records in accordance with regulation 21.12.7;
- (d) permanently and legibly mark each article to which this regulation applies with -
  - (i) the name and address of the manufacturer;
  - (ii) the name, type, part number or model designation of the article;
  - (iii) the serial number or the date on which the article was manufactured, or both; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) the appropriate NAM-TSO number.

**Approval for deviation**

**21.12.5** (1) A manufacturer who requests for approval to deviate from any performance standard of a NAM-TSO must demonstrate to the satisfaction of the Executive Director that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

[The word “for” after the word “requests” is superfluous.]

- (2) The written request for approval to deviate, together with all pertinent data, must -
- (a) if the article is manufactured in Namibia, be submitted to the Executive Director; and
- (b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Executive Director,

and be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must grant the approval, if the Executive Director is satisfied that the deviation concerned will not jeopardise aviation safety.

**Design changes**

**21.12.6** (1) A manufacturer who holds a NAM-TSO authorisation may make minor design changes to an article without the prior approval of the Executive Director, if the changed article retains the original model number and such holder submits to the Executive Director any revised data which are necessary for compliance with the provisions of regulation 21.12.2(3).

(2) If a manufacturer who holds a NAM-TSO authorisation wishes to make major design changes to an article, the manufacturer must assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) The Executive Director may not approve a design change by any person, other than the manufacturer who submitted the statement of conformity for the article under this Subpart, unless the person seeking the approval is a manufacturer and applies in terms of regulation 21.12.2(2) for a separate NAM-TSO authorisation.

**Record -keeping requirements**

**21.12.7** (1) A manufacturer who holds a NAM-TSO authorisation must, for each article manufactured under the authorisation, keep the following documents at its manufacturing facility:

- (a) A complete and current technical data file for each type or model article, including design drawings and specifications; and
- (b) complete and current inspection records reflecting that all inspections and tests required to ensure compliance with the appropriate requirements prescribed in this Subpart have been properly completed and documented.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in subregulation (1)(a) until it no longer manufactures the article concerned, except that at the time that the manufacturing ceases the manufacturer must supply copies of such records to the Executive Director.

(3) A manufacturer who holds a NAM-TSO authorisation must retain the records referred to in subregulation (1)(b) for a period of at least five years.

**NAM-TSO design approval for appliances: import**

**21.12.8** (1) An application for the issuing of a NAM-TSO design approval must be made in the appropriate form set out in Document NAM-CATS-AR and must be accompanied by -

- (a) proof of compliance with the requirements referred to in subregulation (2); and
- (b) the appropriate fee as prescribed in Part 187.

(2) A NAM-TSO design approval may be issued for an appliance which is manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the appliance for export and import and which is to be imported into Namibia if -

- (a) the appropriate authority of the State in which the appliance was manufactured, certifies that the appliance has been examined and tested and complies with -
  - (i) the applicable NAM-TSO; or
  - (ii) the appropriate performance standards prescribed by the appropriate authority of the State in which the appliance was manufactured and any other performance standards set out in Document NAM-CATS-AR to provide a level of safety provided by the applicable NAM-TSO; and
- (b) the manufacturer has submitted to the Executive Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Executive Director must issue a NAM-TSO design approval if the applicant complies with the requirements referred to in subregulation (2), and must list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the -

- (a) Executive Director has issued a NAM-TSO design approval; and
- (b) appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer is then authorised to identify the appliance in accordance with the NAM-TSO marking requirements referred to in regulation 21.12.4(d) and in the applicable NAM-TSO.

(5) Each appliance must be accompanied by an export certificate of airworthiness referred to in subregulation (4).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Transferability and period of validity**

**21.12.9** (1) A NAM-TSO authorisation issued in terms of regulation 21.12.3 or a NAM-TSO design approval issued in terms of regulation 21.12.8, is -

- (a) not be transferable; and

[The word “be” is superfluous.]

- (b) valid until it is surrendered by the holder of the authorisation or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director.

(2) The holder of a NAM-TSO authorisation or a NAM-TSO design approval which is suspended must forthwith produce the authorisation or approval upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a NAM-TSO authorisation or a NAM-TSO design approval which is revoked must forthwith surrender such authorisation or approval to the Executive Director.

**SUBPART 13**  
**CONTINUING AIRWORTHINESS OF AIRCRAFT**

**Determination of continuing airworthiness of aircraft**

**21.13.1** (1) The continuing airworthiness of an aircraft must be determined by the Executive Director in relation to the mandatory requirements and design standards of the State of Design in force for that aircraft.

(2) The Executive Director must develop or adopt requirements to ensure the continued airworthiness of an aircraft during its service life.

**Information relating to continuing airworthiness of aircraft**

**21.13.2** (1) When an aircraft of a particular type for which -

- (a) Namibia is not the State of Design; and
- (b) the Executive Director issues or validates a Certificate of Airworthiness in accordance with this Part,

is first entered on the aircraft register, the Executive Director must advise the State of Design that he or she has entered such an aircraft on the register of Namibia.

(2) If Namibia is the State of Design of an aircraft, the Executive Director must transmit any generally applicable information which he or she finds necessary for the safe operation of the aircraft which, for the purpose of this part, is called mandatory continuing information, as follows:

[The word “has” before “finds” is superfluous.]



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) to every State which has entered aircraft designed in Namibia on its register; and
- (b) to any other State upon request.

(3) The Executive Director must, upon receipt of mandatory continuing airworthiness information from the State of Design -

- (a) adopt the mandatory information directly or assess the information received and take appropriate action to ensure -
  - (i) the continued airworthiness of the aircraft during its service life, including requirements to ensure that the aircraft continues to comply with the appropriate airworthiness requirements after a modification, a repair or the installation of a replacement part; and
  - (ii) that the aircraft is maintained in an airworthiness condition and in compliance with the maintenance requirements of Annex 8 to the Chicago Convention; and
- (b) transmit all mandatory continuing airworthiness information to the State of Design including, but not limited to, information in respect of products or modifications which originated in respect of that aircraft in the State of Registry.

(4) For aeroplanes over 5 700 kilogrammes and helicopters over 3 175 kilogrammes maximum certificated take-off mass, each operator certificated in terms of these regulations must establish a system whereby information on fault, malfunctions, defects and other occurrences which cause or might cause adverse effects on the continuing airworthiness of the aircraft is transmitted to the organisation responsible for the type design of that aircraft.

(5) Where a continuing airworthiness safety issue is associated with a modification, the Executive Director must ensure that there exists a system whereby the information contained in subregulations (1) to (4) is transmitted to the organisation responsible for the design of the modification.

(6) The Executive Director must ensure that, in respect of aeroplanes over 5 700 kilogrammes and helicopters over 3 175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a system for -

- (a) receiving information submitted in accordance with this Subpart;
- (b) deciding if and when airworthiness action is needed;
- (c) developing the necessary airworthiness actions; and
- (d) dissemination of that information in the appropriate aircraft documentation.

(7) The Executive Director must ensure that, in respect of aeroplanes over 5 700 kilogrammes and helicopters over 3 175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a continuing structural integrity programme to ensure the airworthiness of the aircraft, and that programme must include specific information concerning corrosion prevention and control.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) An operator of an aircraft who or that is certificated in terms of these regulations must provide each aircraft that he or she or it operates with -

- (a) a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements; and
- (b) additional instructions and information necessary for the safe operation of the aircraft.

**SUBPART 14**  
**DISTRIBUTION OF AERONAUTICAL PRODUCTS**

**General**

**21.14.1** (1) For the purpose of this subpart -

“aeronautical product”, despite the definition in section 1 of the Act, means an aircraft frame, aircraft engine, aircraft propeller or aircraft appliance or a component part of the aircraft frame, engine, propeller or appliance; and

“approved distribution organisation” means an organisation which has been certificated by the Executive Director for the distribution of aeronautical products within Namibia.

- (2) This Subpart -
  - (a) prescribes the conditions under which a person is eligible for approval by the Executive Director to distribute aeronautical products;
  - (b) establishes a person’s entitlement and approval; and
  - (c) stipulates the responsibilities of a holder of a distributor approval.
- (3) This Subpart does not apply to -
  - (a) persons engaged in the distribution of new or used aircraft; or
  - (b) an approved manufacturer authorised pursuant to these regulations to certify aeronautical products of its own manufacture.

**Eligibility**

**21.14.2** (1) To be eligible for approval to distribute aeronautical products a distribution organisation must -

- (a) obtain its products from -
  - (i) a manufacturer of aeronautical products who is approved either by the Executive Director or by an appropriate authority of a State with whom Namibia has either a bilateral airworthiness agreement or its equivalent;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a manufacturer who is approved to produce, identify and certify an appliance conforming to a specific appliance type approval or Federal Aviation Agency Technical Standard Order (FAA-TSO);
  - (iii) a manufacturer who produces, identifies and certifies standard parts and materials which conform to established industrial, national or international standards, and which are referenced in approved design data;
  - (iv) an organisation approved either by the Executive Director or an appropriate authority of another State under a bilateral airworthiness agreement to perform maintenance on aeronautical products and that is authorised to certify such products as serviceable and in a condition for safe operation;
  - (v) an organisation which is approved by the Executive Director for the distribution of aeronautical products pursuant to this Subpart; or
  - (vi) a supplier who provides original certification of product conformity to approved design data for supplies acquired from authorised sources as specified in this Subpart;
- (b) show that it has -
- (i) the organisation, facilities, equipment and the personnel necessary to comply with the policies, responsibilities, methods and procedures established in its product control system manual as set out in regulation 21.14.3(2)(a) and in any technical standards issued under Document NAM-CATS-AR; and
- [The word “the” before “personnel” is superfluous.]
- (ii) established and can maintain a product control system pursuant to regulation 21.14.03.

**Product control system**

**21.14.3** (1) Each applicant must have in place a product control system, planned and developed in conjunction with its other management functions.

- (2) The product control system must include, but need not be limited to -
- (a) a product control system manual which includes, as applicable -
  - (i) a statement of commitment by the senior accountable manager to define the policies and objectives of the product control system;
  - (ii) the assignment of responsibilities and delegation of authority granted to the product control department;
  - (iii) a list and a brief description of written product control system procedures pursuant to paragraph (b); and
  - (iv) the method of updating the product control system, including the submission of changes to the Executive Director for approval;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) written product control system procedures which provide instructions and data necessary to retain established integrity of aeronautical products while in the care of the distributor.
- (3) The product control system procedures referred to in subregulation (2)(b) must include, as applicable, but need not be limited to -
  - (a) purchasing procedures for ensuring that all aeronautical products obtained for distribution are in conformity with approved design data;
  - (b) receiving and inspection procedures to ensure that all incoming aeronautical products are properly identified, documented and visually inspected to detect any apparent damage that may have occurred during transportation;
  - (c) procedures for the handling, segregation and storage of aeronautical products;
  - (d) preservation and packaging procedures to protect aeronautical products against deterioration and damage during storage;
  - (e) certification and release procedures for aeronautical products pursuant to this Subpart; and
  - (f) procedures for establishing and maintaining records as objective evidence that aeronautical products have been purchased, identified, inspected and certified in conformity with the requirements of this Subpart.

**Entitlement to certification**

**21.14.4** (1) An applicant is entitled to certification, if the Executive Director is satisfied after evaluation of the organisation, facilities and supporting data, that -

- (a) all applicable conditions for eligibility have been met;
- (b) the senior personnel of the organisation meet the fit and proper requirements of the Act and Part 140; and
- (c) the grant of certification will not be against the interests of aviation safety.

(2) Certification under this Subpart is only available to an organisation with facilities located in Namibia.

**Approval procedures: application for approval**

**21.14.5** (1) An application for a distributor approval certificate must be -

- (a) made to the Executive Director on an appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) a general description of the aeronautical products which the applicant distributes or proposes to distribute;
- (ii) the location and description of the facilities at which the products are to be distributed but, where -
  - (aa) the distribution procedures of a facility are carried out at more than one location under the same management, all locations must be shown in the application for approval; and
  - (bb) the distributor's product control system varies with each location, separate applications for approval must be submitted;
- (iii) a copy of the applicant's product control system manual showing the functional responsibilities of management personnel; and
- (iv) the name and position of the senior person authorised to liaise with airworthiness inspection personnel of the Authority.

(2) The applicant must, on request and with reasonable notice by the Executive Director, make available to the Executive Director all data referred to in its application and in its product control system manual.

**Granting of approval**

**21.14.6** (1) To enable the Executive Director to evaluate the applicant's facilities and capabilities, the applicant must allow the Executive Director or an authorised officer, inspector or authorised person reasonable access to its facilities and data, and provide assistance when requested.

(2) The Executive Director must grant an application and issue a distributor approval certificate if, after examination of the supporting data and after inspection of the organisation and distribution facilities, the Executive Director is satisfied that the applicant has met the requirements of regulations 21.14.02 to 21.14.05, inclusive.

(3) The approval certificate is issued on the appropriate form set out in Document NAM-CATS-AR, and must set forth the -

- (a) certificate number;
- (b) name and address of the certificate holder; and
- (c) date of signature and the title of the person authorised to sign on behalf of the Authority.

**Privileges of certification**

**21.14.7** An approval certificate holder may authorise persons who have been -

- (a) registered with the Authority to certify, on behalf of the holder, airworthiness documentation for aeronautical products destined for embodiment in Namibian registered aircraft; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) specifically designated or appointed as airworthiness inspectors pursuant to section 37 of the Act to certify airworthiness documentation on behalf of the Executive Director for aeronautical products, other than aircraft, destined for export.

**Duties of holder of distribution approval certificate**

[This regulation should be numbered as “21.14.8” (as it appears in the LIST OF REGULATIONS) rather than “21.14.08”, for consistency with the rest of the document.]

**21.14.08** The holder of an approval certificate must -

- (a) maintain its organisation, facilities and product control system as approved by the Executive Director;
- (b) ensure that each aeronautical product which it distributes can be shown through documented evidence to conform to approved design data;
- (c) notify the Executive Director within a reasonable time of any significant change to the organisation, facilities or product control system which could affect the exercise of the privileges of certification or the conditions under which certification was granted;
- (d) allow, and assist as necessary, the Executive Director or an airworthiness inspector to perform, in its plant or in any of its supplier’s plants, inspections on reasonable notice to determine continuing compliance with the requirements of this Subpart; and
- (e) retain all product control system records for a minimum of two years after delivery of the aeronautical product.

**Display of certificate**

**21.14.9** A certificate holder must -

- (a) display the certificate in a conspicuous and prominent place that it can be readily seen by the public at such holder’s distribution facility; and
- (b) if a copy of the certificate is displayed, produce the original certificate to an authorised officer, inspector or authorised person if so requested by such authorised officer, inspector or authorised person.

**Transferability and period of validity**

**21.14.10** (1) A distribution approval certificate issued in terms of this Subpart is -

- (a) not transferable; and
- (b) valid for a period determined by the Executive Director or until it is -
  - (i) surrendered by the holder; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of an approval certificate which is suspended must forthwith upon suspension produce it to the Executive Director or to the authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of an approval certificate which is revoked must forthwith surrender such approval to the Executive Director.

(4) If a certificate holder plans to relocate, it must notify the Executive Director within 60 days of its intention to relocate and provide details of the new location and a description of the facilities at which the aeronautical products are to be distributed.

**Authorised signatories**

**21.14.11** In order to exercise the privileges pursuant to this Subpart, the holder of a certificate must -

- (a) submit to the Executive Director the names of the personnel whom the distributor proposes to designate as having signing authority to sign release certifications on behalf of the approved organisation as specified in this Subpart;
- (b) obtain the Executive Director's written confirmation of receipt of the names of the personnel authorised to sign the release certifications, before allowing them to sign on behalf of the approved organisation; and
- (c) notify the Executive Director of any changes to the authorised personnel or the scope of their authorisation.

**Certification: aeronautical products**

**21.14.12** (1) A certificate holder must, on releasing an aeronautical product to a customer, provide that customer with a completed release certificate properly describing the product by the manufacturer's name, part or model number, serial number, if applicable, and its nomenclature.

(2) The release certificate must also include the following certification statement to be signed by an authorised signatory:

*"I hereby certify that the aircraft parts described hereon were acquired from a source of supply that is consistent with the conditions under which certification of the said parts has been granted".*

- (3) An authorised signatory may only sign the certification statement -
  - (a) for a product which has been received, stored and released in accordance with the procedures set out in the approved organisation's product control system manual; and
  - (b) where documented evidence of product conformity to the manufacturer's design specifications has been received and is retained by the approved organisation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) For imported products, subject to the requirements prescribed in subregulation (5), the documented evidence specified in subregulation (3) must comply with the following requirements:

- (a) airframes, aircraft engines, propellers, appliances and any parts and assemblies thereof, must have been received by the certificate holder with inspection release documents or tags that were originated and signed on the authority of an approved organisation;
- (b) proprietary parts and accessories that are listed in approved product parts catalogues, but excluding those requiring approval to Authority appliance standards or FAA Technical Standard Orders, must have been received by the certificate holder with inspection release documents or tags traceable to the manufacturer or an approved organisation;
- (c) materials intended for aircraft construction or maintenance must have been received by the certificate holder with release documentation from -
  - (i) an approved organisation; or
  - (ii) a supplier who can provide proof of conformity to the material specifications in -
    - (aa) certificates supplied by the manufacturers; or
    - (bb) test and analysis reports prepared by qualified persons working in a materials test laboratory; and
- (d) standard aircraft hardware manufactured to government or industry association standards must have been received by the approved organisation with packing notes, invoices or equivalent documents that identify the product and the supplier.

(5) For imported products the documented evidence referred to in subregulation must, in addition to the requirements prescribed in subregulation (4)(b), (c) or (d), comply with the following requirements:

- (a) except for engines or propellers being returned to Namibia with FAA repair station maintenance release tags, each foreign manufactured aircraft engine or propeller must have been received with an export airworthiness certification signed by a representative of the appropriate authority of the country of export certifying that such engine or propeller conforms to the type approval stated on the document; and
- (b) aircraft parts, appliances and assemblies from FAA approved organisations must have been received with release notes or tags, but imports from other sources must have been received with airworthiness tags or release notes signed by a representative of the appropriate authority of the country of export.

(6) Any number of items may be included on an approved organisation's release note provided there is only one customer involved and that each item is clearly described and identified.

**Certification for export**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**21.14.13** (1) An approved organisation may, except for materials, standard aircraft hardware and proprietary parts and accessories, obtain an export airworthiness certificate from the Executive Director for any aeronautical product where -

- (a) the organisation can demonstrate conformity to approved design data through documented evidence traceable to an approved manufacturer; and
- (b) it can be determined that the product is in a condition for safe operation.

(2) In order to obtain an export airworthiness certificate for an aircraft engine or propeller, the approved organisation must comply with the requirements set out in the appropriate form set out in Document NAM-CATS-AR.

(3) Following an inspection of the product and completion of the form referred to in subregulation (2) by the Executive Director or by an authorised officer, inspector or authorised person and issuance of the export certificate of airworthiness by the Executive Director, the approved organisation must -

- (a) ensure that the export certificate of airworthiness and all other tags as required accompany the engine or propeller; and
- (b) retain a copy for its records.

(4) In order to obtain an export airworthiness certificate for a product other than that described in subregulations (1) and (2), the approved organisation must complete a release certificate, certified by an authorised signatory, for the signature and inspection stamp of the Executive Director.

**SUBPART 15**  
**IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES AND PROPELLERS**

**Identification of aircraft, aircraft engines and propellers**

**21.15.1** (1) Every person who manufactures an aircraft or aircraft engine under Part 148 must identify the aircraft or engine by means of a fireproof data plate that is -

- (a) marked with the identification information prescribed in regulation 21.15.2 by etching, stamping, engraving or other method of fireproof marking;
- (b) secured in such a manner that it is not likely to be -
  - (i) defaced or removed during normal service; or
  - (ii) lost or destroyed in an accident;
- (c) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground -
  - (i) at an accessible location near an entrance; or
  - (ii) externally on another part of the fuselage;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) for an aircraft engine, secured to the engine at an accessible location;
- (e) for a manned free balloon -
  - (i) secured to the balloon envelope; and
  - (ii) located where it is visible to the operator when the balloon is inflated; and
- (f) for a RPA, subject to compliance with Part 101, secured in a manner or located at a place considered appropriate or acceptable by the Executive Director.

(2) Every person who manufactures a manned free balloon must, in addition to subregulation (1), permanently and legibly mark the basket and any heater assembly with -

- (a) the manufacturer's name;
- (b) a part number or an equivalent; and
- (c) a serial number or an equivalent.

(3) Every person who manufactures a propeller, propeller blade or propeller hub under Part 148 must identify it by means of a fireproof data plate or by etching, stamping, engraving, or other method of fireproof marking, that -

- (a) contains the identification information prescribed in regulation 21.15. 2;
- (b) is placed on a non-critical surface; and
- (c) is not likely to be -
  - (i) defaced or removed during normal service; or
  - (ii) lost or destroyed in an accident.

**Identification information**

**21.15.2** (1) The identification information that is required to be marked on the data plate under regulations 21.15.1 and 21.15.3(1)(a), and for the identification of a propeller, propeller blade, or propeller hub under those regulations must include -

- (a) the manufacturer's name;
- (b) the model designation;
- (c) the manufacturer's serial number;
- (d) if applicable, the type certificate or type acceptance certificate number;
- (e) if applicable, the manufacturing organisation certificate number or foreign equivalent;
- (f) for an aircraft engine, the established rating; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (g) any other information that the Executive Director may require.

**Removal, alteration and replacement of identification information**

**21.15.3** (1) Except as provided in subregulation (2), a person may not remove, alter or replace any of the following without the approval of the Executive Director -

- (a) the identification information that is required under regulations 21.15.1(1)(a) and 21.15.2 to be marked on a data plate;
- (b) the identification information that is required under paragraph (a) and regulation 21.15.2 to identify a propeller, propeller blade or propeller hub; or
- (c) the part number and serial number that is required under regulation 21.15.5 for the identification of a critical part.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove, alter or replace the identification information referred to in subregulation (1)(a) and (b), and the part and serial number referred to in subregulation (1)(c), if the removal, alteration, or replacement is carried out in accordance with a method, technique or practice that is acceptable to the Executive Director.

**Removal and reinstallation of data plate**

**21.15.4** (1) Except as provided in regulation 21.15.3(2), a person may not remove or reinstall the data plate containing the identification information prescribed in regulation 21.15.2, unless that person has obtained the approval of the Executive Director to do so.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove or reinstall the data plate containing the identification information prescribed in regulation 2 if -

- (a) the removal of the data plate is necessary during the maintenance;
- (b) the data plate is removed and reinstalled in accordance with methods, techniques and practices acceptable to the Executive Director; and
- (c) the removed data plate is reinstalled on the product or part from which it was removed.

**Identification of critical parts**

**21.15.5** Every person who manufactures a critical part of an aircraft must permanently and legibly mark the part with -

- (a) a part number or an equivalent; and
- (b) a serial number or an equivalent.

**Identification of replacement and modification materials, parts and appliances**

**21.15.6** (1) Except as provided in subregulation (2), every person who manufactures a replacement or modification part or appliance under Subpart 9 must, in addition to the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

identification information prescribed in regulation 21.15.2, permanently and legibly mark the part or appliance with -

- (a) the letters 'NAM-TSO' or 'NAM-PMA,' as appropriate;

[The comma should come after the closing quotation mark in the term 'NAM-PMA'.]

- (b) the name, trademark or symbol of the holder of the authorisation;
- (c) the part number; and
- (d) the name and model designation of each product issued with a type certificate or type acceptance certificate on which the part is eligible for installation.

(2) Every person who manufactures a replacement or modification material, part or appliance under Subpart 9 must permanently and legibly mark the material, part or appliance in such a manner as to ensure it can be -

- (a) identified separately to those otherwise acceptable materials, parts and appliances; and
- (b) clearly related to its manufacturing data.

(3) If a material, part or appliance is too small or it is otherwise impractical to mark the material, part or appliance with the information required by subregulation (1) or (2), the information must be recorded on a tag attached to the material, part, appliance or its container.

(4) Where the marking required by subregulation (1)(d) is so extensive that to record it on a tag is impractical, the tag attached to the material, part, appliance or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a type certificate or type acceptance certificate on which the material, part or appliance is eligible for installation.

### **Life-limited component identification**

**21.15.7** (1) The manufacturer of a component for which a life-limitation has been established by type design must, in accordance with this regulation, place on the component the identification information referred to in subregulation (2).

- (2) The identification information that must be placed on a component is -

- (a) the part number of the component or an equivalent series of identifying characters; and
- (b) the serial number of the component or an equivalent series of identifying characters.

(3) When requested by a person required to comply with this Subpart, the holder of a type certificate or design approval for a life-limited part must provide marking instructions or must state that the part cannot be practicably marked without compromising its integrity.

(4) Compliance with this Subpart may be made by providing marking instructions in readily available documents, such as the maintenance manual or the Instructions for Continued Airworthiness.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 24**  
**AIRCRAFT:**  
**AIRWORTHINESS REQUIREMENTS:**  
**NON-TYPE CERTIFICATED AIRCRAFT**

[Part 24 is inserted by GN 236/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 24.01.1 Applicability
- 24.01.2 Reporting of failures, malfunctions and defects  
[The heading of this regulation in the text below is  
“Reporting of failures, malfunctions and defects and other occurrences”.]
- 24.01.3 Issuing of airworthiness directives
- 24.01.4 Safety inspections and audits
- 24.01.5 Suspension, revocation and appeal
- 24.01.6 Register of certificates, approvals, authorisations and permits
- 24.01.7 Transitional provision

**SUBPART 2: REQUIREMENTS FOR NON-TYPE CERTIFICATED AIRCRAFT**

- 24.02.1 Airworthiness
- 24.02.2 Requirement for registration
- 24.02.3 Aircraft documentation
- 24.02.4 Instruments, equipment and placards

**SUBPART 3: AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY AND SPECIAL FLIGHT PERMIT**

- 24.03.1 Application for authority to fly
- 24.03.2 Requirements for authority to fly
- 24.03.3 Issue of authority to fly
- 24.03.4 Proving flight authority
- 24.03.5 Special flight permit
- 24.03.6 Period of validity
- 24.03.7 International operations
- 24.03.8 Transferability
- 24.03.9 Aircraft type approval

**SUBPART 4: APPROVAL OF ORGANISATIONS**

- 24.04.1 Application for approval
- 24.04.2 Approved organisations

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**24.01.1** (1) This Part applies to -

- (a) amateur-built aircraft;
- (b) production-built aircraft;
- (c) veteran aircraft, including warbirds;
- (d) ex-military aircraft;
- (e) any other aircraft not qualifying or no longer qualifying for the issue of a certificate of airworthiness in terms of Part 21.

(2) The aircraft referred to in subregulation (1) are classified in the following sub-groups -

- (a) aeroplanes, including microlight aeroplanes;
- (b) helicopters;
- (c) gyroplanes and gyrogliders;
- (d) gliders, including self-launching gliders and touring gliders;
- (e) manned captive and manned free balloons;
- (f) airships;
- (g) remotely piloted aircraft;
- (h) hang-gliders, including powered hang-gliders;
- (i) paragliders, including powered paragliders and paratrikes;
- (j) parachutes;
- (k) model aircraft;
- (l) rockets.

(3) This Part does not apply to any aircraft that, for the purpose of flight -

- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
- (b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) is to be flown line-controlled by a person on the surface,

except that such aircraft may not be operated in contravention of these regulations or cause or be an obstruction to aviation.

- (4) The airworthiness design standards for each sub-group of aircraft referred to in subregulation (2) are those referred to in regulation 24.02.1(10)(a).

**Reporting of failures, malfunctions and defects and other occurrences**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Reporting of failures, malfunctions and defects".]

**24.01.2** (1) The holder of any authority to fly, proving flight authority or special flight permit issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing report to the Executive Director the occurrence and circumstances of any failure, malfunction or defect in any product, part or appliance manufactured by such holder which -

- (a) has resulted in any of the occurrences specified in Document NAM-CATS-AR-NTCA; or
  - (b) has passed through such, holder's quality assurance system and may result in any of the occurrences specified in Document NAM-CATS-AR-NTCA.
- (2) A report referred to in subregulation (1) must include -
- (a) the aircraft serial number;
  - (b) if the failure, malfunction or defect is associated with an article approved under NAM-TSO authorisation, the article serial number and model designation;
  - (c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;
  - (d) the product model;
  - (e) an identification, including the part number, of the part, component or system involved; and
  - (f) the nature of the failure, malfunction or defect.

(3) The holder of any authority or permit referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

- (a) Saturday or a Sunday, may be submitted on the following Monday; or
- (b) public holiday, may be submitted on the next working day.

(4) In the case of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned must

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

report to the Executive Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products the holder concerned must submit the data necessary for the issuing of an appropriate airworthiness directive to the Executive Director.

**Issuing of airworthiness directives**

**24.01.3** (1) The Executive Director may, pursuant to section 38(3) of the Act, issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.

(2) Where the Executive Director issues an airworthiness directive under subregulation (1), the holder of any certificate, approval, authorisation or permit issued in terms of this Part for the aircraft or an aeronautical product of its design, must -

- (a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and
- (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all owners and operators of the aircraft or aeronautical product concerned.

**Safety inspections and audits**

**24.01.4** (1) An applicant for the issuing of any certificate, approval, authorisation or permit in terms of this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests as may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval, authorisation or permit issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any inspection carried out on a non-type certificated aircraft under subregulation (1) is of a conditional nature in that the inspector, an appropriately rated aircraft maintenance organisation, aircraft maintenance organisation or approved person is not required to guarantee the airworthiness of the aircraft.

(4) Despite subregulation (3), the owner or operator of the aircraft must at all times be responsible for the airworthiness status of the aircraft and, if called upon, must prove to an authorised officer, inspector or authorised person that the aircraft is in an airworthy condition.

**Suspension, revocation and appeal**

**24.01.5** (1) Without prejudice to the Executive Director's powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval, authorisation or permit issued under this Part, if -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) after safety inspection or an audit carried out in terms of regulation 24.01.4, it is evident that the holder of the certificate, approval, authorisation or permit -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) has failed to remedy such non-compliance within 30 days after receiving notice in writing from the an authorised officer, inspector or authorised person to do so;

[Either the word “the” or the word “an” should be deleted before the phrase “authorised officer, inspector or authorised person”.]

- (b) the an authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval, authorisation or permit or a person acting on behalf of that holder, from carrying out a safety inspection and audit in terms of regulation 24.01.4; or

[Either the word “the” or the word “an” should be deleted before the phrase “authorised officer, inspector or authorised person”.]

- (c) the suspension is necessary in the interest of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a certificate, an approval, authorisation or a permit in terms of subregulation (1) must deliver a written report in the manner acceptable to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The an authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval, authorisation or permit which has been suspended.

[The word “an” should be deleted before the phrase “authorised officer, inspector or authorised person”.]

(4) The holder of a certificate, an approval, authorisation or a permit that has been suspended may, pursuant to Subpart 4 of Part 13, seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1).

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

**Register of certificates, approvals, authorisations and permits**

**24.01.6** (1) The Executive Director or the designated organisation, as the case may be, must maintain as part of the Civil Aviation Registry, a register of all certificates, approvals, authorisations or permits issued in terms of the regulations in this Part.

- (2) The register must contain the following particulars:
  - (a) the full name of the holder of the certificate, approval, authorisation or permit;
  - (b) the postal address, physical address and email address of the holder of the certificate, approval, authorisation or permit;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(c) the date on which the certificate, approval, authorisation or permit was issued; and

(d) a true, certified copy of the issued certificate, approval, authorisation or permit.

(3) The Executive Director must cause the particulars referred to in subregulation (2) to be recorded in the register within 30 days from the date on which the certificate, approval, authorisation or permit is issued.

(4) The register must be kept in a safe place as contemplated in regulation 3.04.6 or, if applicable, at the office of the designated organisation.

(5) The head of the CAR referred to in regulation 3.04.6 or, where applicable, the designated organisation, must in accordance with regulation 3.04.6, and on payment of the appropriate fee as prescribed in Part 187, furnish a copy of the register to any person who requests for the copy.

[The word “for” after the word “requests” is superfluous.]

**Transitional provision**

**24.01.7** For the purposes of this Part, and until such time that an organisation has been designated in terms of Part 149, any person building or maintaining a non-type certificated aircraft for aviation recreational purposes must comply with the airworthiness standards and procedures determined by the national body representative of the particular aviation sport or activity for its members, provided that those standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

**SUBPART 2**  
**REQUIREMENTS FOR NON-TYPE CERTIFICATED AIRCRAFT**

**Airworthiness**

**24.02.1** (1) Before a non-type certificated aircraft, other than an aircraft classified in regulation 24.01.1(2)(k) and (l), is considered to be airworthy it must -

- (a) have been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be, in terms of this Part;
- (b) have been maintained in accordance with the provisions of Subpart 3;
- (c) have no known condition which could make the aircraft unsafe for flight; and
- (d) have on-board, and in working order, the relevant communication and navigation equipment prescribed in Part 94 and Part 96, as applicable, for the operation of the particular type of aircraft.

(2) In the case of amateur built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose build standard has been submitted to the Executive Director in the manner set out in subregulations (3) to (7), inclusive.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Before any person commences with the construction of an aircraft which is intended to be put on the aircraft register pursuant to section 50 of the Act, that person must apply for a build number.

(4) An application referred to in subregulation (3) must be -

- (a) made to the Executive Director or the designated organisation, as the case may be;
- (b) made in the appropriate form set out in Document NAM-CATS-AR-NTCA;
- (c) accompanied by a copy of the design criteria of the aircraft, as set out in Document NAM-CATS-AR-NTCA; and
- (d) accompanied by the appropriate fee prescribed in Part 187.

(5) The Executive Director or the designated organisation, as the case may be, must on receipt of the information and documentation required in terms of subregulation (4), issue the build number to the applicant.

(6) The Executive Director or the designated organisation, as the case may be, must maintain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.

(7) The applicant, on being issued with the build number, must enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.

(8) In the case of production built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose -

- (a) type design;
- (b) local or foreign manufacturing organisation and facility;
- (c) local assembling organisation and facility or agent or distributor; and
- (d) build standard,

have been approved by the Executive Director.

(9) For the purposes of subregulations (2) to (8), inclusive, the Executive Director or the designated organisation, as the case may be, may consider a foreign manufacturing organisation as being approved, if the facility was approved by an appropriate authority.

(10) The design criteria and the build standard for an amateur or production-built aircraft must -

- (a) comply with the appropriate design criteria as set out in Document NAM-CATS-AR-NTCA;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) comply with any special conditions prescribed in regulation 24.03.5 by the Executive Director or, if applicable, the designated organisation; and
  - (c) not incorporate a feature or characteristic that makes the aircraft type unsafe for its intended use.
- (11) In the case of -
- (a) an amateur built aircraft, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS-AR-NTCA.
  - (b) a production built aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Executive Director, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS-AR-NTCA.
- (12) The airworthiness of the aircraft classified in regulation 24.01.1(2)(h) to (l) is the joint responsibility of the owner and operator of the aircraft in accordance with -
- (a) an agreement between them; or
  - (b) in the absence of an agreement referred to in paragraph (a), generally accepted practices for such aircraft or as laid down by the approved designated organisation.

**Requirement for registration**

**24.02.2** A non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) may not be flown unless it has been registered and marked in accordance with the provisions of Part 47 and Document NAM-CATS-AR-NTCA.

**Aircraft documentation**

**24.02.3** (1) The owner of a non-type certificated aircraft specified under regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (g) must submit to the Executive Director or the designated organisation, as the case may be, for approval, the documentation specified in Document NAM-CATS-AR-NTCA.

(2) In the case of a production-built aircraft, a copy of the approved manuals and the aircraft logbook must accompany the -

- (a) aircraft;
- (b) kit, except for the logbook; or
- (c) approved build standards,

on its or their delivery to a customer.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) In the case where proving flights, for the purpose of consideration and issue of an authority to fly are carried out, the owner of the non-type certificated aircraft must retain all documents and records generated in the process for the duration of the life of the aircraft.

**Instruments, equipment and placards**

**24.02.4** (1) Any flight instrument as specified by the manufacturer of the aircraft, required to be installed in terms of these regulations, must be calibrated before first flight, and be checked for calibration annually thereafter.

(2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft must be as set out in Document NAM-CATS-AR-NTCA.

**SUBPART 3**  
**AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY**  
**AND SPECIAL FLIGHT PERMIT**

**Application for authority to fly**

**24.03.1** (1) An owner of a non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) or his, her or its authorised representative who wishes the aircraft to be flown in Namibia must apply for the issue or amendment of an authority to fly for the aircraft.

(2) An aircraft that is classified in regulation 24.01.1(2)(h) to (l) does not require an authority to fly or proving flight authority for it to be flown in Namibia.

(3) An application for the issue or amendment of an authority to fly must be -

(a) made to the Executive Director or the designated organisation, as the case may be, on the appropriate form set out Document NAM-CATS-AR-NTCA; and

[The word “in” appears to have been omitted before the term “Document NAM-CATS-AR-NTCA”.]

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187;

(ii) proof of compliance with the provisions of regulation 24.02.1(11);

(iii) the aircraft logbook or similar document or certified true copies of all entries made in the logbook or similar document;

(iv) certified true copies of all documents and records in the construction or testing file;

(v) a certified true copy of the flight manual, if applicable; and

(vi) a certified true copy of the approved maintenance schedule referred to in regulation 44.04.1 or 44.04.2.

**Requirements for authority to fly**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**24.03.2** (1) An applicant for the issue or an amendment of an authority to fly for a non-type certificated aircraft must provide the Executive Director or the designated organisation, as the case may be, with proof that, in the case of -

- (a) a non-type certificated aircraft built in Namibia -
  - (i) the provisions of Document NAM-CATS-AR-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and
  - (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4;
- (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the aircraft register, the aircraft -
  - (i) has been de-registered in the country of export or was never registered;
  - (ii) had been issued with a certificate of airworthiness, an authority to fly or similar certificate by the military or appropriate authority of the State of de-registration; and
  - (iii) complies with all the applicable provisions of this Part; or
- (c) a production-built aircraft which has not been previously issued with an authority to fly or similar certificate by an appropriate authority, it was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4.

(2) A prospective owner of an aircraft referred to in subregulation (1)(b) or (c) must first consult the Executive Director and obtain approval before importing such an aircraft.

(3) Documentation required to show compliance with the provisions of subregulation (1) is as set out in Document NAM-CATS-AR-NTCA.

(4) Except for the production-built aircraft referred to in subregulation (1)(c), only aircraft which previously have been registered and issued with a certificate of airworthiness, an authority to fly or similar document by the appropriate military authority or appropriate authority of the State of de-registration may be imported into Namibia.

(5) In addition to the provisions of subregulation (1), the applicant must provide the Executive Director with proof that -

- (a) any modification to the aircraft conforms to the design changes approved for the type;
- (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.3;
- (c) the aircraft is issued with the appropriate flight manual and any logbook, repair and alteration forms and documents which the Executive Director may require;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) an annual inspection has been carried out in accordance with the requirements of regulation 44.02.4; and
- (e) the aircraft is in a condition for safe operation.

(6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant must provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft.

(7) On receipt of the proof required in terms of subregulation (6), the Executive Director must inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.

**[The word “if” before the phrase “subregulation (6)” should be “of”.]**

(8) In addition to the provisions of subregulations (1), (5) and (6), the applicant must provide the Executive Director or the designated organisation, as the case may be, with -

- (a) any other airworthiness data which the Executive Director or the designated organisation, as the case may be, may require; and
- (b) any document relating to the operation of the aircraft which the Executive Director or the designated organisation, as the case may be, may require.

**Issue of authority to fly**

**24.03.3** (1) The Executive Director or the designated organisation, as the case may be, must grant an application made under regulation 24.03.1 and issue an authority to fly, if the applicant complies with the provisions of regulation 24.03.2.

(2) An authority to fly is issued subject to such conditions and limitations which may be determined by the Executive Director or the designated organisation, as the case may be.

(3) An authority to fly is issued on the appropriate form set out in Document NAM-CATS-AR-NTCA.

- (4) Whether the authority to fly will include authority to operate the aircraft -
  - (a) at night, under instrument meteorological conditions (IMC);
  - (b) in commercial air transport operations; or
  - (c) to conduct semi-acrobatic or acrobatic flights,

depends on the results of the proving flights and the installed equipment.

- (5) In the case of -
  - (a) a locally built amateur-built aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) any aircraft that previously has been issued with a certificate of airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the Chicago Convention; or
- (c) any aircraft of which the certificate of airworthiness or authority to fly has become invalid as a result of a proposed major modification,

the authority to fly may normally be granted or re-issued, as the case may be, in two stages, namely, a proving flight authority and, thereafter, where applicable, the authority to fly.

(6) Before a proving flight authority or an authority to fly is issued, the Executive Director may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner or operator, if different, must be advised accordingly.

(7) The owner or operator of an aircraft referred to in subregulation (6) must make the aircraft available for the inspection, where and when required by the Executive Director or by the authorised officer, inspector or authorised person.

**Proving flight authority**

**24.03.4** (1) If the Executive Director decides to issue a proving flight authority as contemplated in regulation 24.03.3(5), he or she must issue the authority on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(2) A proving flight authority must show the base from which the proving flights are to be carried out.

(3) A proving flight authority may be extended for further periods at the discretion of the Executive Director or the designated organisation, as the case may be, on the submission of an inspection report equivalent to an annual inspection referred to in regulation 44.02.4.

(4) The constructor of an aircraft, if required, may effect modifications and repairs during the periods of validity of the proving flight authority, but, if a major modification or repair is required, the Executive Director or the designated organisation, as the case may be, may require that the proving flights be commenced afresh.

(5) A proving flight must be carried out in the manner set out in Document NAM-CATS-AR-NTCA.

- (6) Flights conducted in terms of a proving flight authority -
  - (a) are limited to an area not exceeding a 100 kilometre radius from the specified base from which such flights are to be undertaken, unless stated otherwise in the proving flight authority;
  - (b) may only be conducted under visual meteorological conditions (VMC) by day;
  - (c) are prohibited over open-air assemblies of persons; and
  - (d) are prohibited over built-up areas, except where necessary for take-off and landing.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a proving flight authority.

(8) Where a proving flight authority is issued in respect of an aircraft of a new design or of which the originally-approved design has undergone major modification, the first flight or flights must be conducted by a pilot with the appropriate test flight rating.

(9) The owner or operator of the aircraft may, if suitably qualified, with the approval of the Executive Director carry out a flight or flights additional to the flight or flights referred to in regulation 24.03.3(5).

(10) For the purpose of subregulation (9), where the owner or operator of the aircraft consists of more than one natural person, one of these persons must be designated by the test pilot to carry out the proving flights.

(11) The owner or operator referred to in subregulation (9) must be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.

(12) Apart from any conversion training which may be required in terms of subregulation (11), flight training may not be conducted on an aircraft operated in terms of a proving flight authority.

(13) Where the limitations for flight still have to be established, such proving flight or flights must be carried out by a pilot with the appropriate test flight rating.

(14) The final proving flight for the issue of an authority to fly must be carried out by a pilot with the appropriate test flight rating who, if applicable, must be the pilot who carried out the proving flights referred to in subregulation (13).

**Special flight permit**

**24.03.5** (1) The Executive Director or the designated organisation, as the case may be, may issue an authority to fly in the form of a special flight permit in respect of a non-type certificated aircraft.

(2) A special flight permit for an aircraft may be issued for the purposes of -

- (a) ferrying an aircraft, where the authority to fly has become invalid, to a base where maintenance can be carried out;
- (b) delivering or exporting the aircraft;
- (c) evacuating the aircraft from areas of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 24.02.1; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(3) An applicant for the issue or an amendment of a special flight permit for an aircraft must be made to the Executive Director or the designated organisation, as the case may be, in the appropriate form set out in Document NAM-CATS-AR-NTCA.

(4) A special flight permit is issued on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(5) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

**Period of validity**

**24.03.6** (1) An authority to fly, a proving flight authority or a special flight permit is valid until -

- (a) the expiry date which has been determined by the Executive Director or the designated organisation, as the case may be;
- (b) it is surrendered by the holder of the authority or permit or is suspended by the Executive Director or the designated organisation, as the case may be, or by an authorised officer, inspector or authorised person;
- (c) it is revoked by the Executive Director or the designated organisation, as the case may be;
- (d) a major modification is effected to the aircraft; or
- (e) the aircraft is involved in an incident or accident that results in major damage to its primary structure.

(2) Subject to the provisions of subregulation (1), an authority to fly, proving flight authority or a special flight permit remains valid for as long as -

- (a) the aircraft remains registered on the aircraft register; and
- (b) the aircraft is maintained in accordance with these regulations.

(3) The holder of an authority to fly, a proving flight authority or a special flight permit which is suspended must forthwith produce the authority to fly, proving flight authority or special flight permit upon the suspension, to the Executive Director or to the designated organisation, as the case may be, or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(4) The holder of an authority to fly, a proving flight authority or a special flight permit which is revoked must forthwith surrender such authority to fly proving flight authority or special flight permit to the Executive Director or to the designated organisation, as the case may be.

[There should be a comma after the phrase “such authority to fly”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) An authority to fly, a proving flight authority or a special flight permit, which has been suspended must be reinstated when the cause for the suspension has been corrected to the satisfaction of the Executive Director or the designated organisation, as the case may be.

[There should not be a comma after the phrase “a special flight permit” since the following phrase is a limiting one.]

### **International operations**

**24.03.7** (1) An authority to fly or a special flight permit is only valid for flight in Namibian airspace.

(2) Despite subregulation (1), a non-type certificated aircraft, issued with a Namibian authority to fly, may be flown outside Namibia’s borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the authority to fly is not equivalent to a certificate of airworthiness issued in terms of Annex 8 to the Chicago Convention.

### **Transferability**

**24.03.8** (1) Although a proving flight authority or an authority to fly may be transferred in the name of a new owner, the aircraft may be re-registered in the new owner’s name only -

[The word “in” after “transferred” should be “into”.]

- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft’s logbooks have been handed over to the new owner; or
- (b) if the provisions of paragraph (a) have not or cannot be met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

[The word “been” should be “be” to be grammatically correct.]

(2) After the transfer of a proving flight authority, the provisions of regulation 24.03.4 apply with the necessary changes.

(3) The Executive Director or the designated organisation, as the case may be, must determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights must be commenced afresh.

(4) The provisions of Part 47 and of Document NAM-CATS-AR-NTCA apply with the necessary changes in respect of an application for the re-registration of an aircraft following a change of ownership.

### **Aircraft type approval**

**24.03.9** (1) A person who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft must make an application to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) An application referred to in subregulation (1) must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-AR-NTCA; and
  - (b) accompanied by -
    - (i) the appropriate fee as prescribed in Part 187;
    - (ii) proof of compliance with the provisions of regulation 24.02.1 and the technical standards set out in Document NAM-CATS-AR-NTCA;
    - (iii) a copy of the authority to fly issued for the prototype aircraft; and
    - (iv) proof that the applicant meets the requirements of regulation 24.04.1.
- (3) If the Executive Director is satisfied that -
  - (a) the applicant has been or may be approved as a manufacturing organisation in terms of regulation 24.04.2; and
  - (b) the aircraft will be manufactured according to the approved build standard,

he or she must issue a production-built aircraft type certificate on the form set out in Document NAM-CATS-AR-NTCA.

**SUBPART 4**  
**APPROVAL OF ORGANISATIONS**

**Application for approval**

**24.04.1** (1) An applicant for the approval of a maintenance organisation or repair facility must comply with the provisions of Part 145.

(2) An applicant for the approval of a manufacturing organisation must comply with provisions of Part 148.

**Approved organisations**

**24.04.2** A list of approved organisations, if any, must be provided in Document NAM-CATS-AR-NTCA.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 34**  
**AIRCRAFT:**  
**ENGINE EMISSION CERTIFICATION**

**[Part 34 is substituted by GN 236/2020.]**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 34.01.1 Applicability
- 34.01.2 Safety inspections and audits
- 34.01.3 Register of certificates
- 34.01.4 Suspension and revocation of certificate and appeal

**SUBPART 2: FUEL VENTING CERTIFICATES**

- 23.02.1 Fuel venting standards
- 23.02.2 Recognition of foreign fuel venting certificate
- 23.02.3 Application for fuel venting certificate
- 23.02.4 Issue of fuel venting certificate
- 23.02.5 Period of validity
- 23.02.6 Transfer of fuel venting certificate

**SUBPART 3: ENGINE EMISSION CERTIFICATES**

- 34.03.1 Engine emission standards
- 34.03.2 Recognition of foreign engine emission certificate
- 34.03.3 Application for engine emission certificate
- 34.03.4 Issue of engine emission certificate
- 34.03.5 Period of validity
- 34.03.6 Transfer of engine emission certificate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**34.01.1** This Part applies -

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured on or after 18 February 1982; and
- (b) in respect of engine emissions, to aircraft with -
  - (i) turbo-jet and turbofan engines intended for propulsion only at subsonic speeds; and
  - (ii) turbo-jet and turbofan engines intended for propulsion at supersonic speeds, of which the date of manufacture is on or after 18 February 1982.

**Safety inspections and audits**

**34.01.2** (1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a fuel venting certificate or an engine emission certificate issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Register of certificates**

**34.01.3** (1) The Executive Director must maintain or cause to be maintained, an updated register of fuel venting certificates and engine emission certificates issued under the regulations in this Part.

(2) The register must contain the following particulars:

- (a) The full name of the holder of the fuel venting certificate or engine emission certificate;
- (b) the postal or contact address of the holder of the fuel venting certificate or engine emission certificate;
- (c) the date on which the fuel venting certificate or engine emission certificate was issued;
- (d) the number of the fuel venting certificate or engine emission certificate issued;
- (e) the date on which the fuel venting certificate or engine emission certificate is suspended or revoked, if applicable; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) in the case of a transfer of an aircraft -
  - (i) the date on which the fuel venting certificate or engine emission certificate was transferred;
  - (ii) the full name and the trade name of the transferee, if any; and
  - (iii) the postal or contact address of the transferee.

(3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) in the register within seven days from the date on which the fuel venting certificate or engine emission certificate is issued, transferred or suspended, as the case may be.

(4) The register must be kept in a safe place as part of the CAR.

(5) The Head of the CAR must, on payment of the appropriate fee as prescribed in Part 187, furnish the information from the register to any person who requests for such information.

[The word “for” after the word “requests” is superfluous.]

### **Suspension and revocation of certificate and appeal**

**34.01.4** (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend any fuel venting certificate or engine emission certificate issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 34.01.2, it is evident that the holder of the fuel venting certificate or engine emission certificate -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; and
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the fuel venting certificate or engine emission certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 34.01.2.

(2) The authorised officer, inspector or authorised person who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the fuel venting certificate or engine emission certificate which has been suspended.

(4) The holder of a fuel venting certificate or engine emission certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under in subregulation (1), pursuant to Subpart 4 of Part 13.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “in” before the phrase “subregulation (1)” is superfluous.]

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

**SUBPART 2**  
**FUEL VENTING CERTIFICATES**

**Fuel venting standards**

**34.02.1** Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for -

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

must comply with fuel venting standards as set out in Document NAM-CATS-ENVIRO.

**Recognition of foreign fuel venting certificate**

**34.02.2** The Executive Director may recognise a fuel venting certificate or an equivalent document issued by an appropriate authority, if the standards under which the fuel venting certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

**Application for fuel venting certificate**

**34.02.3** An application for the issuing of a fuel venting certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
  - (i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

**Issue of fuel venting certificate**

**34.02.4** The Executive Director must grant an application made under regulation 34.02.3 and issue a fuel venting certificate in the appropriate form set out in Document NAM-



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

CATS-ENVIRO, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

**Period of validity**

- 34.02.5** (1) A fuel venting certificate is valid -
- (a) for -
    - (i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the fuel venting certificate is valid; and
    - (ii) as long as the holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1; or
  - (b) until the fuel venting certificate is -
    - (i) surrendered by the holder thereof; or
    - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

(2) The holder of a fuel venting certificate which is suspended must forthwith produce the fuel venting certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is revoked must forthwith after the date on which the fuel venting certificate is revoked, surrender such fuel venting certificate to the Executive Director.

**Transfer of fuel venting certificate**

- 34.02.6** A fuel venting certificate may only be transferred with the aircraft.

**SUBPART 3**  
**ENGINE EMISSION CERTIFICATES****Engine emission standards**

**34.03.1** Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for -

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate;
- (e) the issuing of a supplementary type certificate; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) a standard category certificate of airworthiness,

must comply with the appropriate engine emission standards set out in Document NAM-CATS-ENVIRO.

**Recognition of foreign engine emission certificate**

**34.03.2** The Executive Director may recognise an engine emission certificate or an equivalent document issued by an appropriate authority, if the standards under which the engine emission certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

**Application for engine emission certificate**

**34.03.3** An application for the issuing of an engine emission certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
  - (i) evidence satisfactory to the Executive Director that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

**Issue of engine emission certificate**

**34.03.4** The Executive Director must grant An application made under regulation 34.03.3 and issue an engine emission certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

**Period of validity**

**34.04.5** (1) An engine emission certificate is valid -

- (a) for -
  - (i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the engine emission certificate is valid; and
  - (ii) as long as such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1; or
- (b) until the engine emission certificate is -
  - (i) surrendered by the holder thereof; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

(2) The holder of an engine emission certificate which is suspended must forthwith produce the engine emission certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an engine emission certificate which is revoked must forthwith surrender such engine emission certificate to the Executive Director.

**Transfer of engine emission certificate**

**34.03.6** An engine emission certificate may only be transferred with the aircraft.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 36**  
**AIRCRAFT: NOISE CERTIFICATION**

**[Part 36 is substituted by GN 236/2020.]**

**LIST OF REGULATIONS**

- 36.00.1 Applicability
- 36.00.2 Noise standards
- 36.00.3 Recognition of foreign noise certification
- 36.00.4 Safety inspections and audits
- 36.00.5 Application for noise certificate
- 36.00.6 Issue of noise certificate
- 36.00.7 Period of validity
- 36.00.8 Transfer of noise certificate
- 36.00.9 Register of certificates
- 36.00.10 Suspension and revocation of noise certificate and appeal

**[The heading of this regulation in the text below is  
“Suspension and revocation of certificate and appeal” (without the word “noise”).]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Applicability**

**36.00.1** This Part applies to -

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilogrammes;
- (d) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilogrammes or less;
- (e) propeller-driven STOL aeroplanes; and
- (f) helicopters.

**Noise standards**

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

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

[There are two paragraphs labelled as “(e)” in the *Government Gazette*, as reproduced above.]

must comply with the appropriate noise standards set out in Document NAM-CATS-ENVIRO.

**Recognition of foreign noise certificate**

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

**Safety inspections and audits**

**36.00.4** (1) An applicant for the issuing of a noise certificate under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

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

**Application for noise certificate**

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

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

**Issue of noise certificate**

**36.00.6** The Executive Director must grant an application made under regulation 36.00.5 and issue a noise certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the noise standards referred to in regulation 36.00.2.

**Period of validity**

**36.00.7** (1) A noise certificate is valid -

- (a) for -
  - (i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid; and
  - (ii) as long as the holder complies with the appropriate noise standards referred to in regulation 36.00.2; or
- (b) until the noise emission certificate is -
  - (i) surrendered by the holder thereof; or
  - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 36.00.10.

(2) The holder of a noise certificate which is suspended must forthwith produce the noise certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is revoked must forthwith surrender such noise certificate to the Executive Director.

**Transfer of noise certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**36.00.8** A noise certificate may only be transferred with the aircraft.

**Register of certificates**

**36.00.9** The Executive Director must maintain or cause to be maintained, an updated register of noise certificates issued under this Part in the Civil Aviation Registry.

**Suspension and revocation of certificate and appeal**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Suspension and revocation of noise certificate and appeal".]

**36.00.10** (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend any noise certificate issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 36.00.4 it is evident that the holder of the noise certificate -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the noise certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 36.00.4.

(2) The authorised officer, inspector or authorised person who has suspended a noise certificate in terms of subregulation (1) must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2), to the holder of the noise certificate which has been suspended.

(4) The holder of a noise certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1), pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 43**  
**AIRCRAFT: GENERAL MAINTENANCE RULES**

[Part 43 is substituted by GN 236/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 43.01.1 Applicability
- 43.01.2 Falsification, reproduction or alteration of maintenance documents
- 43.01.3 Logbooks
- 43.01.4 Preservation of logbooks
- 43.01.5 Entries in logbooks
- 43.01.6 Entries of special significance
- 43.01.7 Maintenance of logbooks
- 43.01.8 Loss of logbooks

[The heading of this regulation in the text below is “Loss of logbook” (singular).]

**SUBPART 2: MAINTENANCE**

- 43.02.1 Aircraft maintenance programmes and maintenance schedule
- 43.02.2 Persons to carry out maintenance
- 43.02.3 Carrying out of maintenance
- 43.02.4 Rectification of unsatisfactory items
- 43.02.5 Overhaul, repair and substitution of major components
- 43.02.6 Maintenance for IFR operations
- 43.02.7 Mass and balance
- 43.02.8 Progressive inspections
- 43.02.9 Mandatory inspections
- 43.02.10 Airspeed indicator and altimeter system tests and inspections
  - [In the heading of this regulation in the text below, “Airspeed” appears as two words (“Air speed”).]
- 43.02.11 ATC transponder tests and inspections
- 43.02.12 Emergency locator beacon tests and inspections
- 43.02.13 Inspection requirements
- 43.02.14 Non-destructive testing
- 43.02.15 Airworthiness limitations
- 43.02.16 Modifications to aircraft or equipment
- 43.02.17 Major repairs to aircraft or equipment
- 43.02.18 Test flights
- 43.02.19 Temporary and permanent repairs after accidents or incidents
- 43.02.20 Aircraft compass requirements
- 43.02.21 Extended diversion time operations
- 43.02.22 RVSM operations
- 43.02.23 Aircraft withdrawn from service for storage
- 43.02.24 Suspected unapproved parts
- 43.02.25 Maintenance required under Part 145
- 43.02.26 Radio station tests and inspections

**SUBPART 3: RECORDING OF MAINTENANCE**

- 43.03.1 Maintenance records



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 43.03.2 Recording of overhaul
- 43.03.3 Recording of modifications and repairs
- 43.03.4 Recording of inspection and certification
- 43.03.5 Annual review of maintenance
- 43.03.6 Installation of new parts
- 43.03.7 Installation of used parts
- 43.03.8 Installation and disposal of life-limited parts

**SUBPART 4: CERTIFYING FOR CONFORMITY AFTER MAJOR MODIFICATIONS OR MAJOR REPAIRS**

- 43.04.1 Applicability of Subpart
- 43.04.2 Persons to certify conformity
- 43.04.3 Certifying requirements
- 43.04.4 Certification

**SUBPART 5: RELEASE TO SERVICE**

- 43.05.1 Persons to certify release to service
- 43.05.2 Requirements for certifying release to service
- 43.05.3 Validity of certificate of release to service
- 43.05.4 Certifying after inspection
- 43.05.5 Certifying after maintenance
- 43.05.6 Discrepancies
- 43.05.7 Flight manual data
- 43.05.8 Duplicate inspection of controls
- 43.05.9 Ground running checks: reciprocating engines
- 43.05.10 Ground running checks: turbine engines
- [The heading of this regulation in the text below is  
"Ground running checks: turbine engine" (singular).]
- 43.05.11 Flight folio completion
- 43.05.12 Engine performance checks

**SUBPART 6: MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT**

- 43.06.1 Applicability of Subpart
- 43.06.2 Performance of maintenance
- 43.06.3 Recording of overhaul
- 43.06.4 Maintenance records

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**43.01.1** (1) This Part applies to -

- (a) the maintenance, and the release to service after maintenance, of -
  - (i) type certificated aircraft registered in Namibia;
  - (ii) aircraft components to be fitted to such aircraft;
  - (iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and
- (b) the annual review of airworthiness of the aircraft referred to in paragraph (a).

(2) This Part does not apply to any aircraft specified in regulation 24.01.1.

(3) Unless specified otherwise in a technical or operational arrangement, the requirements of subregulations (1) and (2) do not apply to a person performing maintenance on a Namibian registered aircraft or on a component intended to be fitted to a Namibian registered aircraft, if the maintenance is performed -

- (a) in another State that is party to a technical or operational arrangement entered into pursuant to section 4(1)(c) of the Act;
- (b) under the authority of, and in accordance with, a maintenance organisation certificate or approval issued by the State referred to in paragraph (a);
- (c) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (b);
- (d) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (a), unless specified otherwise in the technical or operational arrangement; and
- (e) in accordance with any conditions specified in the technical arrangement as mentioned in this subregulation.

**Falsification, reproduction or alteration of maintenance documents**

**43.01.2** A person may not make or cause to be made -

- (a) any fraudulent or false entry in any record which is required to be made, kept or used to show compliance with any requirement prescribed in this Part; or
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

**Logbooks**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.01.3** (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

- (a) an approved aircraft logbook for each aircraft;
  - (b) an approved engine logbook for each aircraft engine;
  - (c) an approved propeller logbook for each propeller; and
  - (d) an approved auxiliary power unit (APU) logbook for each APU, if applicable.
- (2) The owner or operator of an aircraft must -
- (a) ensure that logbooks are not kept in the aircraft, except where regulation 43.01.4(3) applies; and
  - (b) keep logbooks, or ensure that logbooks are kept, in a safe place.
- (3) Details in respect of maintenance carried out while away from base must be -
- (a) transferred to the appropriate logbook within 48 hours after the return of the aircraft to its base of operation; or
  - (b) entered within 48 hours of completion of any maintenance performed on the aircraft or other equipment at its base of operation.
- (4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.
- (5) For -
- (a) an aircraft with a maximum approved passenger seat configuration in excess of nine seats;
  - (b) an aeroplane with a maximum certificated mass in excess of 5 700 kilogrammes; or
  - (c) a helicopter with a maximum certificated mass in excess of 3 175 kilogrammes,

the logbook may refer to a separate system approved in its approved maintenance programme, including the maintenance schedule for component and major repair tracking, except that any entry in such system must meet the requirements as prescribed for logbooks.

- (6) The format of the logbooks must be as set out in Document NAM-CATS-GMR.

**Preservation of logbooks**

**43.01.4** (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 43.01.3(1) for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

were kept, but the Executive Director may specify a longer period in respect of the logbook of an aircraft or of its engine or propeller of an aircraft involved in an accident or incident.

- (2) A logbook must, preferably, not be carried in the aircraft to which it relates.
- (3) In the case where -
  - (a) the provisions of subregulation (4) apply; or
  - (b) a logbook is needed for maintenance purposes and no other means of forwarding that logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

- (a) a copy of the last major overhaul and repairs performed; and
- (b) copies of the defects rectification for the last six months prior to export.

**Entries in logbooks**

**43.01.5** (1) The following persons must make and sign for entries in logbooks required to be kept in accordance with regulation 43.01.3(1) -

- (a) the holder of an appropriately rated aircraft maintenance engineer licence;
- (b) a person holding a valid authorisation given by an organisation holding an AMO approval; or
- (c) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system, other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited.

**Entries of special significance**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.01.6** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

- (a) damage caused by a forced or hard landing; or
- (b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

**Maintenance of logbooks**

**43.01.7** The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -

- (a) "Instructions for use" in the logbook; and
- (b) standards set out in Document NAM-CATS-GMR,

the logbooks referred to in regulation 43.01.3(1).

**Loss of logbook**

**43.01.8** (1) If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

- (a) forthwith report the loss to the Executive Director; and
- (b) make a written request to the Executive Director to open a substitute logbook and the request must be accompanied by an affidavit which includes -
  - (i) information on the last available logbook entries as signed by -
    - (aa) the holder of an appropriately rated aircraft maintenance engineer licence;
    - (bb) a person holding a valid authorisation given by an organisation holding an AMO approval; or

[The word "organisation" is misspelt in the *Government Gazette*, as reproduced above.]

- (cc) a person approved for the purpose by the Executive Director;
- (ii) details of the circumstances of the loss; and
- (iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-GMR.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If a logbook has been lost, the relevant certificate of airworthiness or authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

**SUBPART 2**  
**MAINTENANCE**

**Aircraft maintenance programmes and maintenance schedule**

**43.02.1** (1) Every type certificated aircraft registered on the aircraft register must be maintained according to an approved aircraft maintenance programme, including the maintenance schedule referred to in subregulation (4).

(2) The owner or operator of an aircraft or a contracted AMO must draw up or cause to be drawn up a maintenance programme, including the maintenance schedule, for his or her or its aircraft in accordance with the standards set out in Document NAM-CATS-GMR.

(3) The owner, operator or contracted AMO must submit the proposed maintenance programme, including the maintenance schedule, to the Executive Director for approval.

(4) The Executive Director must, if the proposed maintenance programme, including the maintenance schedule submitted in terms of subregulation (3) meets all the requirements of the standards referred to in subregulation (2), approve the proposed aircraft maintenance programme, including the maintenance schedule, either as submitted or as amended by him or her in the interest of aviation safety.

(5) The owner, operator or contracted AMO referred to in subregulation (2) may request the Executive Director for a permanent or temporary amendment to the approved aircraft maintenance programme.

(6) The owner, operator or contracted AMO referred to in subregulation (2) must promptly furnish copies of all approved amendments to the maintenance programme to all organisations or persons to whom the maintenance programme has been issued.

**Persons to carry out maintenance**

**43.02.2** (1) Subject to the provisions of subregulations (2) and (3), a person may not carry out maintenance on a type certificated aircraft or a component of such aircraft unless that person-

- (a) is the holder of a current aircraft maintenance engineer licence;
- (b) carries out maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence with an appropriate rating;
- (c) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, to carry out maintenance within the scope of such approval; or
- (d) for maintenance performed outside of Namibia, holds an appropriate current maintenance engineer licence or approval issued under the authority of an ICAO contracting State for the type of aircraft or component.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if -

- (a) such holder is the owner or operator of the aircraft and is appropriately trained; and
- (b) the aircraft is used for non-commercial operations.

(3) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if the holder -

- (a) is authorised by a gliding organisation to perform maintenance on a glider or glider component; or
- (b) performs the maintenance under the direct supervision of a person who is authorised by a gliding organisation to perform maintenance on a glider or glider component.

(4) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on -

- (a) aeroplanes with a maximum certificated mass in excess of 5 700 kilogrammes; or
- (b) helicopters with a maximum certificated mass in excess of 3 175 kilogrammes,

must be undertaken and certified by an appropriately rated approved aircraft maintenance organisation only.

(5) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on an aircraft operating under Part 101 must be undertaken and certified by a person authorised by the Executive Director.

**Carrying out of maintenance**

**43.02.3** (1) Any person who carries out maintenance on an aircraft or aircraft component must -

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;
- (b) use methods, techniques and practices which are -
  - (i) specified in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;
  - (ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;
  - (iii) in accordance with Document NAM-CATS-GMR; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive Director;
  - (c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Executive Director;
  - (d) use the tools, equipment and test equipment necessary to ensure completion of the work in accordance with paragraph (b);
  - (e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;
  - (f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;
  - (g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;
  - (h) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to -
    - (i) aerodynamic function;
    - (ii) structural strength;
    - (iii) resistance to vibration and deterioration; and
    - (iv) other qualities affecting airworthiness; and
  - (i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.
- (2) A person who carries out maintenance on an aircraft or aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or aircraft component for -
- (a) a period of at least eight consecutive hours in the 24-hour period immediately before the maintenance is performed; and
  - (b) at least 24 consecutive hours during any seven consecutive days' period.
- (3) Despite subregulation (2), a person who carries out maintenance on an aircraft or aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft continue to be on duty for -
- (a) up to 16 consecutive hours; or
  - (b) 20 hours in 24 consecutive hours,



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry out such maintenance in accordance with the operator's approved maintenance control manual whose format and requirements must be as set out in Document NAM-CATS-GMR.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

**Rectification of unsatisfactory items**

**43.02.4** (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

- (a) found to be unserviceable; or
- (b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must -

- (a) transfer any deferred defects from the flight folio onto a work sheet; and
- (b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -
  - (i) clearly recorded in the relevant logbook or other approved recording system; and
  - (ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

**Overhaul, repair and substitution of major components**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.02.5** (1) The owner or operator of an aircraft or a contracted AMO must ensure that the aircraft and its components and installed equipment are overhauled or substituted at such times as recommended or specified by the manufacturer of the aircraft, unless the Executive Director has in writing approved different times for the overhaul or substitution to be carried out.

(2) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken by an appropriately rated approved aircraft maintenance organisation only.

[The verb “is” should be “are” to accord with the subject “overhaul...and repairs”.]

(3) The procedure for reinstating the validity of a certificate of airworthiness deemed suspended when an aircraft is involved in an accident or incident that renders one or more Class I products defective is set out in Document NAM-CATS-GMR.

(4) The requirements for the overhaul of components and equipment installed on an aircraft and of engines and propellers are as set out in Document NAM-CATS-GMR.

(5) Where the Executive Director has approved a time between overhaul that differs from that recommended or specified by the manufacturer, that time between overhaul must be as specified in the aircraft’s approved maintenance programme.

(6) Where a manufacturer has not recommended or specified the overhaul of an item at certain times but the Executive Director considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director may in writing specify a time between overhaul for such item in the aircraft’s approved maintenance programme.

(7) The requirements for the substitution of products, components and parts with new or overhauled items are as set out in Document NAM-CATS-GMR.

**Maintenance for IFR operations**

**43.02.6** Any person who carries out an inspection or maintenance on equipment required for communication navigation and surveillance in an aircraft to be used under IFR must carry out the inspection as set out in Document NAM-CATS-GMR.

**Mass and balance**

**43.02.7** (1) Except with the written permission of the Executive Director, a person may not operate any Namibian registered aircraft unless the aircraft’s -

- (a) current empty mass has been established by means of a mass meter;
- (b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-GMR.

(2) Whenever alterations are made which could influence an aircraft’s empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

- (3) An aircraft’s empty mass must be established by means of -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) computation; or
- (b) a mass meter by an appropriately approved aircraft maintenance organisation or a person acceptable to the Executive Director for that purpose,

after which the aircraft's new centre of gravity must be computed.

(4) The mass meter to be used under subregulation (3) must have been tested by the Namibian Standards Institution established by the Standards Act, 2005 (Act No. 18 of 2005) or a similar body acceptable to the Executive Director, 12 months before the date of determination of the aircraft's empty mass.

(5) The mass and centre of gravity data, as supplied by the manufacturer in respect of new aircraft, is acceptable for the purpose of this regulation for the first five-year period, provided that the empty mass was established by means of a mass meter.

(6) For the purpose of this regulation, the empty mass of an aircraft, as ascertained when the mass was last determined or computed, is the mass of the aircraft and its powerplant, including any engine coolant, unusable fuel, total oil, total hydraulic fluid, any fixed ballast and all items of fixed equipment.

(7) Despite the provisions of this regulation, the Executive Director may at any time when he or she considers it necessary in the interest of public safety, require the mass of any aircraft to be established by means of a mass meter or its centre of gravity to be computed.

(8) The procedure to establish mass and the form on which the results of balance computations must be recorded is as set out in the Document NAM-CATS-GMR.

### **Progressive inspections**

**43.02.8** (1) Any person who carries out a progressive inspection in accordance with a progressive inspection programme must -

- (a) at the start of the progressive inspection cycle, inspect the aircraft completely; and
- (b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the progressive inspection programme.

(2) Any person who wishes to design a new progressive inspection programme to reflect the maintenance tasks and frequencies which have been specified as mandatory by the State of Design must only do so with the prior approval of the Executive Director.

### **Mandatory inspections**

**43.02.9** (1) A mandatory test and a mandatory inspection must be carried out in accordance with the approved maintenance programme for a particular aircraft at the times or intervals set out in Document NAM-CATS-GMR.

- (2) A mandatory inspection includes -
  - (a) for -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) an aeroplane with a maximum certificated mass of 5 700 kilogrammes or less or a maximum approved passenger seating configuration of not more than nine seats; and
- (ii) a helicopter with a maximum certificated mass of 3 175 kilogrammes or a maximum approved passenger seating configuration of not more than nine seats,

either -

- (aa) a mandatory periodic inspection; or
  - (bb) inspections in accordance with an approved progressive inspection programme;
- (b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance programme, including the maintenance schedule for the particular category and type of aircraft at the intervals specified by the programme.

(3) An aircraft referred to in subregulation (2)(a) that has not accumulated 100 hours within 12 months since its last inspection must undergo a mandatory periodic inspection before it is released to service.

(4) An aircraft referred to in subregulation (2)(b) that has not completed its progressive inspection programme within the period specified by the manufacturer or the Executive Director must undergo the remainder of the progressive inspection programme before it is released to service.

(5) The maintenance programmes referred to in subregulation (1) are as set out in Document NAM-CATS-GMR.

**Air speed indicator and altimeter system tests and inspections**

**43.02.10** Any person who carries out air speed indicator and altimeter system tests and inspections must -

- (a) perform the tests and inspections as set out in Document NAM-CATS-GMR; and
- (b) for the altimeter tests, record on the altimeter case, the date on which and maximum altitude to which the altimeter has been tested.

**ATC transponder tests and inspections**

**43.02.11** Any person who carries out air traffic control (ATC) transponder tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

**Emergency locator beacon tests and inspections**

**43.02.12** Any person who carries out emergency locator beacon tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

**Inspection requirements**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.02.13** (1) Any person who carries out an inspection must -

- (a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection complies with all appropriate airworthiness requirements prescribed in Part 21; and
- (b) if carrying out a mandatory periodic inspection, progressive inspection or scheduled inspection, use a checklist, which includes the scope and detail of the tests and inspections, referred to in regulation 43.02.9.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;
- (c) the main rotor and centre section (or the equivalent area); and
- (d) the tail rotor of the helicopter.

**Non-destructive testing**

**43.02.14** Any person performing maintenance on an aircraft or aircraft component where the applicable maintenance data requires a non-destructive test using fluorescent penetrant, magnetic particle, eddy current, ultrasonic or radiography methods must -

- (a) be the holder of a certificate appropriate to the technique being used and to the level of qualification required as specified in Document NAM-CATS-GMR or an equivalent certificate approved by the Executive Director;
- (b) perform the non-destructive test using appropriate methods, techniques and standard practices as specified in Document NAM-CATS-GMR; and
- (c) use test equipment necessary to ensure that the non-destructive test is performed in accordance with the appropriate manufacturer's requirements.

**Airworthiness limitations**

**43.02.15** Any person who carries out maintenance specified in the airworthiness limitations section, if applicable, of a manufacturer's maintenance manual or any instructions for safe operation and continued airworthiness must carry out the maintenance in accordance with that section.

**Modifications to aircraft or equipment**

**43.02.16** (1) A person may not, without the prior written approval of the Executive Director, carry out any modifications to a type certificated aircraft, including changes to equipment or the installation of the equipment, which affect or are likely to affect the -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or of any other persons or property,

other than in compliance with the provisions of this Part.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a modification as contemplated in subregulation (1) must apply for such approval to the Executive Director.

(3) An application under subregulation (2) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-GMR; and
- (b) accompanied by -
  - (i) such information, acceptable technical data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification as the Executive Director may require;
  - (ii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and
  - (iii) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) An applicant referred to in subregulation (1) must ensure that every modification and repair to an aircraft conforms to a design change approved in accordance with acceptable technical data set out in Document NAM-CATS-GMR for the aircraft type.

(5) Where the manufacturer of the type of aircraft or equipment concerned recommends that modifications be made to the aircraft or equipment, the modifications may be carried out in accordance with the manufacturer's recommendations, so long as the proposed modifications are submitted to, and approved by, the Executive Director prior to the commencement of such modifications.

(6) An unapproved modification to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

**Major repairs to aircraft or equipment**

**43.02.17** (1) A person may not, without the prior written approval of the Executive Director, carry out any major repairs, as defined in Document NAM-CATS-GMR, to a type certificated aircraft which affect or are likely to affect the -

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or of any other persons or property.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a major repair as contemplated in subregulation (1) must apply for such approval to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (3) An application under subregulation (2) must be -
- (a) made in the appropriate form set out in Document NAM-CATS-GMR; and
  - (b) accompanied by -
    - (i) such information, acceptable technical data, the documents encompassing the Instructions for Continuing Airworthiness (ICA) such as, but not limited to, maintenance manuals, servicing instructions, overhaul manuals, and repair manuals containing adequate maintenance procedures that are recognised by the Executive Director as either approved or acceptable for purposes of accomplishing repairs to aircraft;

[There is a structural problem with the wording of this subparagraph; it is not clear what was intended.]

- (ii) a structural repair manual containing State of Design approved repair schemes for typical damages or structural failures that can be readily applied by an operator without the need for obtaining prior approval of the Executive Director;
- (iii) the make and model of the affected aeronautical product, including the registration or serial number, and its type certificate number (or approval reference);
- (iv) the title, detailed description and purpose of the repair design;
- (v) the proposed airworthiness standards to which the proposed repair is intended to show compliance with, including the identification of any impact on approved airworthiness limitations contained in the ICA for the affected aeronautical product;

[The word “to” after the phrase “airworthiness standards” is superfluous.]

- (vi) documentation or substantiating data of the repair design;
- (vii) for a foreign applicant, evidence of prior approval by the State that has jurisdiction over the individual or organisation responsible for the repair design;
- (viii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and
- (ix) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) Where the repair action specifically requires designing a repair scheme, the repair design must be approved by the Executive Director.

(5) All changes to life-limited components limits must be incorporated in the maintenance programme following the design repair approval.

(6) An unapproved major repair design to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Test flights**

**43.02.18** (1) After any major repair or major modification to an aircraft test flights, if required by the Executive Director, must be carried out in the aircraft under such conditions and in the manner set out in Document NAM-CATS-GMR.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

**Temporary and permanent repairs after accidents or incidents**

**43.02.19** (1) Any repair to an aircraft or aircraft component which has been damaged after an accident or an incident must be carried out in accordance with the requirements set out in Document NAM-CATS-GMR.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the of the definition of “accident” contained in section 1 of the Act has undergone permanent repairs, that aircraft must be inspected by -

[The phrase “of the” is repeated before the phrase  
“definition of ‘accident’” in the *Government Gazette*.]

- (a) an authorised officer, inspector or authorised person; or
- (b) another person specifically appointed for the purpose in writing by the Executive Director,

before it is released to service.

(3) The maintenance organisation or repair facility that carried out the repair as contemplated in this regulation must pay the applicable inspection fees as prescribed in Part 187.

**Aircraft compass requirements**

**43.02.20** Any compass fitted to an aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS-GMR.

**Extended diversion time operations**

**43.02.21** The additional maintenance requirements for twin-engine turbine aeroplanes certified for extended-diversion time operations (EDTO) are set out in Document NAM-CATS-GMR.

**RVSM operations**

**43.02.22** The additional maintenance requirements for aircraft holding a reduced vertical separation minima (RVSM) approval certificate issued under regulation 21.08.14 must be as set out in Document NAM-CATS-GMR.

**Aircraft withdrawn from service for storage**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.02.23** (1) An aircraft withdrawn from service for storage must meet the preservation instructions of the aircraft's manufacturer as specified in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period.

(2) Before an aircraft referred to in subregulation (1) is returned to service, any maintenance required to be carried out in terms of the original equipment manufacturer manuals must be carried out prior to release to service.

**Suspected unapproved parts**

**43.02.24** A person carrying out maintenance or repairs on an aircraft in terms of this Part must consider any Class I, Class II or Class III part, component or product, whether new or previously used, for which -

- (a) no historical records are available or traceable; or
- (b) the available records do not confirm that it has been approved by a responsible aviation authority,

to be unserviceable and may not fit the part, component or product on any type-certificated aircraft.

**Maintenance required under Part 145**

**43.02.25** (1) A person may not, except under the authority of a maintenance organisation approval certificate issued under Part 145, perform maintenance on, or certify for release to service -

- (a) an aircraft that has a MCTOW of more than 5 700 kilogrammes, or in the case of an aircraft operated in terms of Part 135, of less than 5 700 kilogrammes, if the aircraft is used or is to be used to perform air operations under the authority of an air operator certificate issued by the Executive Director under Part 121, 127 or 135; or
- (b) a component fitted or intended to be fitted to an aircraft referred to in paragraph (a).

(2) Except as provided in subregulation (3), a person may not (except under the authority of a maintenance organisation approval certificate issued under Part 145) perform any of the following kinds of maintenance on an aircraft or aircraft component or certify the aircraft or component for release to service after the maintenance:

- (a) overhaul of a component;
- (b) maintenance on an aircraft or aircraft component, if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Executive Director;
- (c) maintenance on an aircraft component, if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if -
  - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks;
- (d) maintenance on an aircraft engine, if the maintenance involves -
  - (i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly for the replacement of a main casing or rotating assembly; or
  - (ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except where the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the -
    - (aa) instructions for continued airworthiness for the engine provides instructions for the replacement; and
- [The verb “provides” should be “provide” to accord with the subject “instructions”.]
- (bb) replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or
- (iii) disturbance of reduction gear;
- (e) aircraft propeller balancing other than *in situ* dynamic propeller balancing in accordance with the aircraft manufacturer’s instructions; and
- (f) maintenance on a helicopter, if the maintenance involves the dismantling of any transmission gearbox, except where the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer’s instructions.
- (3) Subregulation (2) does not apply to -
  - (a) an aircraft that has a special category airworthiness certificate issued by the Executive Director under Part 21;
  - (b) a microlight aircraft;
  - (c) a glider or powered glider;
  - (d) a free manned hot air balloon;
  - (e) remotely piloted aircraft; and
  - (f) any aircraft specified in regulation 24.01.1

**Radio station tests and inspections**

**43.02.26** Any person who carries out an inspection of an aircraft radio station must perform the tests and inspections as set out in Document NAM-CATS-GMR.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 3**  
**RECORDING OF MAINTENANCE**

**Maintenance records**

**43.03.1** (1) Any person who carries out maintenance on an aircraft or aircraft component must, on completion of the maintenance, record -

- (a) details of the maintenance including, where applicable, the type of inspection and any approved technical data used;
  - (b) for a mandatory periodic, progressive or scheduled inspection, whether a detailed inspection or routine inspection of the particular components or areas of the aircraft was carried out;
  - (c) the serial numbers, if any, of components removed or fitted;
  - (d) details of measurements or test results obtained, including the results of any ground or air tests;
  - (e) for an air speed indicator or altimeter system pilot static test and inspection, the date on which, and maximum altitude to which the altimeter has been tested;
  - (f) the date of completion of such maintenance;
  - (g) the references to the documents used to carry out the maintenance and their revision status;
  - (h) the name of the person completing such maintenance, if different from the person certifying the release to service;
  - (i) the location and, if applicable, the name of the facility where such maintenance was carried out;
  - (j) where such maintenance has been carried out as a consequence of the failure of any equipment or damage caused by forced landing or accident, the reasons for carrying out the maintenance;
  - (k) the references to the applicable release documentation;
  - (l) the requirement for an operational flight check, if the maintenance requires a flight check under regulation 43.05 2(1)(d).
- (2) The person who carries out the maintenance must -
- (a) record the details referred to in subregulation (1) in the appropriate logbook or in a maintenance record approved by the Executive Director;
  - (b) record the details legibly and in ink or other permanent material; and
  - (c) where worksheets or other associated maintenance records are used to document the details of the maintenance, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Executive Director.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The manner for completion of logbooks, flight folios and maintenance records referred to in subregulation (2), and the contents of the records and the period for which such documents must be retained are as set out in Document NAM-CATS-GMR.

**Recording of overhaul**

**43.03.2** A person may not state in any maintenance document entry required by these regulations, including a job card, logbook or a certificate of release to service, that an aircraft, airframe, engine or engine module, propeller, rotor, appliance **or** other aircraft component has been overhauled unless it has been -

- (a) disassembled, cleaned, inspected, repaired as necessary and reassembled using methods, techniques and practices acceptable to the Executive Director; and
- (b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with -
  - (i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21, in a manual, airworthiness directive, service letter, service bulletin or other similar document considered to be mandatory by the Executive Director; or
  - (ii) other standards or technical data approved by the Executive Director.

**Recording of modifications and repairs**

**43.03.3** Any person who carries out a modification or repair in terms of regulation 43.02.16 or regulation 43.02.17 must, in addition to the entry referred to in regulation 43.03.1, record the modification or repair and process the certificate relating to the maintenance of the aircraft in the manner as set out in Document NAM-CATS-GMR.

**Recording of inspection and certification**

**43.03.4** (1) A person who carries out an inspection under regulation 43.02.8 or 43.02.9 must -

- (a) record the inspection in the appropriate logbook; and
- (b) ensure that mandatory inspections or any maintenance to an aircraft issued with a standard category certificate of airworthiness are certified by the holder of an aircraft maintenance organisation approval with the appropriate rating.

**[The verb “are” should be “is” to accord with the subject “maintenance”.]**

(2) Only a holder of an appropriately-rated approved aircraft maintenance organisation may inspect and certify an aircraft on which the last mandatory inspection was certified by the holder of an aircraft maintenance engineer licence and for which the issue of a standard category certificate of airworthiness in terms of Part 21 is required.

(3) Only an appropriately rated approved aircraft maintenance organisation may, at the times specified -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) carry out an overhaul classified as mandatory for aircraft issued with a standard category certificate of airworthiness; and
- (b) inspect and certify in the manner set out in Document NAM-CATS-GMR that the aircraft has been overhauled.

(4) The responsible aircraft maintenance engineer or an authorised person in the aircraft maintenance organisation concerned must record on a checklist and certify in the relevant logbook, any additional work performed during an inspection.

(5) The person carrying out an inspection or maintenance on an aircraft in terms of this Part or the owner or operator of that aircraft must ensure that -

- (a) records pertaining to life-limited or previously used parts are available and traceable; and
- (b) parts with no historical record are considered to be unserviceable and that such parts are not fitted to an aircraft.

**Annual review of maintenance**

**43.03.5** (1) Any person who carries out and certifies an annual review of maintenance for an aircraft must enter in the aircraft logbook or other technical record approved by the Executive Director -

- (a) the inspection statement as set out in Document NAM-CATS-GMR;
- (b) his or her name, signature, licence or authorised number and the date on the entry;
- (c) the date of the review in the appropriate section of the aircraft technical log; and
- (d) the due date for the next annual review of maintenance in the technical log referred to in paragraph (c).

(2) The person referred to in subregulation (1) must forward a report of the annual review to the Executive Director in a form acceptable to the Executive Director -

- (a) within seven days from the date of completing and certifying the review in accordance with subregulation (1); or
- (b) if the review is not completed and certified in accordance with subregulation (1), within seven days from the expiry of the 30 day period specified in subregulation (6) for completing the review.

(3) Except for instruments and equipment that are expressly permitted to be inoperative in accordance with these regulations, a person who performs an annual review of maintenance for an aircraft may not certify the review as being complete unless -

- (a) every defect has been rectified; and
- (b) the aircraft has been certified for release to service in accordance with Subpart 4.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (4) The next annual review of maintenance may not be more than 12 months after -
  - (a) the date that the review is certified under subregulation (1); or
  - (b) the beginning of the extension period, if the due date for the review has been extended by the Executive Director.
- (5) A person may not perform a review of airworthiness on a glider, unless that person -
  - (a) is authorised to perform a review of airworthiness on a glider by a gliding organisation; and
  - (b) the person has satisfactorily completed a course of instruction, including an examination, that is acceptable to the Executive Director, on the inspection of aircraft and components for conformity with these regulations.
- (6) Except as provided in subregulation (2), a person performing a review of maintenance required in terms of this regulation for an aircraft must, within the 30 day period immediately before certifying that the review has been completed -
  - (a) check that the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Executive Director;
  - (b) check that every instrument and item of equipment required in terms of Part 91 is fitted;
  - (c) record the aircraft's total time-in-service in the technical log;
  - (d) check that since the last review of maintenance or inspection for the issue of an airworthiness certificate -
    - (i) every modification and repair has been correctly recorded and certified for release to service, referencing the applicable technical data listed in Document NAM-CATS-GMR;
    - (ii) all due maintenance specified in the applicable maintenance programme, including the maintenance schedule, has been correctly recorded and certified for release to service;
    - (iii) every airworthiness directive relevant to the aircraft type and its installed components has been assessed and certified as being 'embodied', 'found embodied', or 'not applicable', and if an airworthiness directive is repetitive, check that it is recorded in the repetitive section of the appropriate maintenance logbook;
    - (iv) every defect recorded in the technical log has been rectified and the aircraft released to service or the defective instruments and equipment are recorded in the technical log, and placarded as inoperative if they are permitted to be inoperative under Part 91;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (v) every applicable release to service has been completed and certified in accordance with Subpart 4;
- (vi) the recorded mass and balance data reflects any changes to the aircraft's mass and balance and that the recorded mass and balance data is within the published mass and balance limitations for the aircraft;
- (vii) the flight manual, including every applicable supplement, is the current version for the aircraft in its existing state;
- (e) check that the overhaul and finite life of each life-limited component is recorded and is within the limits laid down in the applicable manufacturer's documents and, if practicable, verify serial numbers by physical inspection; and
- (f) perform a general condition inspection of the aircraft.

(7) The requirements in subregulations (1)(a) and (2)(a) do not apply to an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

(8) The person performing the review of airworthiness must record any new defects identified during the review in the technical log and in the appropriate maintenance logbook.

### **Installation of new parts**

**43.03.6** (1) A person may not install a new part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of new parts and, subject to subregulations (2) and (3), has been certified under Part 21.

(2) A certification referred to in subregulation (1) is not required where the -

- (a) new part is a foreign-manufactured part that is certified pursuant to an agreement entered into with the Authority pursuant section 10(6)(h) of the Act, which agreement provides for the acceptance of export airworthiness certification;

**[The word "to" appears to have been omitted between "pursuant" and "section 10(6)(h) of the Act".]**

- (b) new part is a foreign-manufactured part that is obtained from a manufacturer holding a type design recognised by the Executive Director and the part is certified in accordance with the laws of the State of Manufacture;
- (c) new part, whose accompanying documentation has been verified, has been inspected in accordance with the requirements of Document NAM-CATS-GMR;
- (d) certificate of airworthiness falls under the owner-maintenance or amateur-built classification; or
- (e) part is made in accordance with Part 21.

(3) A certification referred to in subregulation (1) is not required in respect of a new part that bears markings identifying it as a part specified in the type design and that -

- (a) is a standard part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) is a commercial part; or
- (c) is a part that was not originally designed and manufactured for aeronautical use, but has been approved for use on the aeronautical product in the type design.

**Installation of used parts**

**43.03.7** (1) A person may not install a used part on an aeronautical product, other than aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the part meets the standards of airworthiness that are applicable to the installation of used parts and are set out in Document NAM-CATS-GMR and the part to be installed -

- (a) is an airworthy part that has been removed from an aircraft for immediate installation on another aircraft;
- (b) is an airworthy part that has undergone maintenance for which a maintenance release has been issued by the Executive Director; or
- (c) has been inspected and tested to ensure that the part conforms to its type design and is in a safe condition, and a maintenance release has been signed to that effect by the Executive Director.

(2) If, under the terms of a loan agreement or an air operator parts pooling agreement, a used part has been obtained from a source not subject to these regulations, the owner or operator of, or a person who is in charge of, the aircraft on which the part has been installed may not permit the part to remain in service for longer than 90 days, unless specifically authorised by the Executive Director on receipt of documentation demonstrating that the part conforms to the applicable type design.

**Installation and disposal of life-limited parts**

**43.03.8** (1) A person may not install a used life-limited part on an aeronautical product unless the part meets the standards of airworthiness set out in Document NAM-CATS-GMR, and -

- (a) the technical history of the part is available to show that the time in service authorised for that part in the type certificate governing the installation has not been exceeded; and
- (b) the history referred to in paragraph (a) is incorporated into the technical record for the aeronautical product on which the part is installed.

(2) A person may not install a used life-limited part in a place other than that from which it was removed unless the part is installed -

- (a) in the same or in an identical position on another aeronautical product bearing the same part number as that from which the part was removed; or
- (b) in conformity with the requirements in respect of technical data that have been approved or the use of which has been approved by the manufacturer of the part.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) When a life-limited part has reached the time in service authorised in its type design, the part must be rendered unusable and -

- (a) clearly identified as not airworthy and kept segregated from airworthy parts; or
- (b) disposed of in such a way as to prevent misuse by any other person.

**SUBPART 4**  
**CERTIFYING FOR CONFORMITY AFTER**  
**MAJOR MODIFICATIONS OR MAJOR REPAIRS**

**Applicability of Subpart**

**43.04.1** This Subpart prescribes regulations and rules governing the certification of an aircraft that is issued with a standard or restricted category airworthiness certificate under Subpart 8 of Part 21 for conformity with acceptable technical data following major modifications or major repairs.

**Persons to certify conformity**

**43.04.2** (1) A person may not certify that an aircraft or component conforms to acceptable technical data following a major modification or a major repair unless that person -

- (a) holds an authorisation issued by the holder of a maintenance organisation approval certificate, to certify conformity of the aircraft or component; or
- (b) is authorised by the manufacturer of the aircraft or component to certify conformity of the aircraft or component.

(2) Despite subregulation (1), a person may certify that a glider or glider component conforms to acceptable technical data following a major modification or a major repair if that person -

- (a) is authorised by a gliding organisation to certify conformity of gliders and glider components; and
- (b) has attended a course of instruction and passed an examination on the inspection of gliders and glider components that is acceptable to the Executive Director.

**Certifying requirements**

**43.04.3** Each person certifying conformity of an aircraft or aircraft component following a major modification or a major repair must, before certifying to that effect, ensure that the modification or repair conforms to the applicable technical data acceptable to, or approved by, the Executive Director.

**Certification**

**43.04.4** (1) Except as provided by subregulation (2), every person who certifies that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 following a major modification or a major repair, in addition to the entry referred to in regulation 43.03.1, must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) complete the necessary maintenance record in the logbook; and
- (b) process the certificate relating to the maintenance of the aircraft in the manner set out in Document NAM-CATS-GMR.

(2) The person certifying that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 must provide the holder of the certificate of registration for the aircraft with the copy of the completed record.

(3) Every person who certifies conformity must forward a copy of the completed record to the Executive Director, within seven days of the completion of the certification.

**SUBPART 5**  
**RELEASE TO SERVICE**

**Persons to certify release to service**

**43.05.1** (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless that person -

- (a) is the holder of an aircraft maintenance engineer licence with an appropriate rating;
- (b) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, issued to certify maintenance within the scope of such approval;
- (c) is authorised by the Executive Director to certify an aircraft or aircraft component for release to service; or
- (d) for maintenance carried out outside Namibia, holds a licence or equivalent authorisation issued by an appropriate authority acceptable to the Executive Director, for the type of aircraft or aircraft component.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may certify maintenance which has been carried out in accordance with the conditions referred to in regulation 43.02.2(2).

**Requirements for certifying release to service**

**43.05.2** (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless -

- (a) such maintenance has been carried out in accordance with the provisions of this Part;
- (b) the person meets the requirements of regulation 43.05.1;
- (c) in respect of that maintenance, the aircraft or component is fit for release to service;
- (d) if the aircraft has undergone maintenance that may have appreciably affected the flight characteristics or operation of the aircraft -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) a satisfactory operational flight check has been carried out and the completion of the flight check is recorded in the aircraft maintenance logbook or worksheet, and the technical log; or
- (ii) ground tests, inspections, or both, show conclusively that the maintenance has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft and details of the ground tests and inspections, as the case may be, have been recorded in the aircraft maintenance logbook or worksheet; or
- (iii) the release to service is for the purpose of performing the operational flight check required under subparagraph (i).

(2) A person may not certify an aircraft or aircraft component for release to service after the performance of a major modification or a major repair unless -

- (a) the person meets the requirements of regulation 43.05.1;
- (b) the major modification or major repair has been certified for conformity with acceptable technical data in accordance with Subpart 4;
- (c) in respect of that major modification or major repair, the aircraft or component is fit for release to service; and
- (d) if the acceptable technical data under paragraph (b) includes changes to the operating limitations or flight data in the flight manual, the changes have been incorporated into the flight manual.

(3) The person responsible for certifying an aircraft for release to service under subregulation (1)(d)(iii) for the purpose of an operational flight check must record in the aircraft maintenance logbook or worksheet, and the technical log -

- (a) the following statement of release-to-service: “In respect of the recorded work, the aircraft is released to service for an operational flight check only”; and
- (b) adjacent to the statement of release to service -
  - (i) the person’s name;
  - (ii) the person’s signature, except where the maintenance logbook or worksheet is in electronic format;
  - (iii) the person’s licence, approval or authorisation number; and
  - (iv) the date of entry.

**Validity of certificate of release to service**

**43.05.3** (1) A certificate of release to service for an aircraft may be validated by the Executive Director for -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a period not exceeding 12 months or 100 hours of flight time, whichever comes first; or
- (b) such other time as approved in the progressive inspection programme referred to in regulation 43.02.8.

(2) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a defect not affecting the primary structure, the validity of the certificate is restored when the defect has been rectified and the necessary certification has been made.

(3) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a serious defect in an accident or incident that affects the serviceability of a Class I product, the certificate of release to service becomes invalidated as well.

**Certifying after inspection**

**43.05.4** Any person who certifies an aircraft or aircraft component for release to service after carrying out an inspection must enter in the appropriate logbook or other maintenance record approved by the Executive Director -

- (a) the statement as set out in Document NAM-CATS-GMR; and
- (b) his or her signature, licence or authorisation number and the date of the entry.

**Certifying after maintenance**

**43.05.5** (1) Any person who certifies an aircraft or aircraft component for release to service after maintenance must enter in the appropriate logbook or other maintenance record approved by the Executive Director -

- (a) the statement set out in Document NAM-CATS-GMR; and
- (b) his or her name, signature, licence or authorisation number and the date of the entry.

(2) If components are not installed on, or allocated to, an aircraft the person certifying release to service must certify the release to service on the appropriate form as set out in Document NAM-CATS-GMR.

**Discrepancies**

**43.05.6** (1) Any person who carries out an inspection and who does not release the aircraft or aircraft component to service must -

- (a) provide the owner or operator with a signed and dated list of the discrepancies, including any equipment which is marked “inoperative” in terms of paragraph (b), if such person is satisfied that the aircraft -
  - (i) is not airworthy; or
  - (ii) does not comply with the applicable type certificate data, airworthiness directives or other approved data upon which the airworthiness of such aircraft depends;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) for those items which appear to be imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item “inoperative”; and
- (c) the date of entry, his or her name, signature, licence or authorisation number and the appropriate statement as set out in Document NAM-CATS-GMR, in the appropriate logbook or flight folio.

[There is a word, possibly the verb “record”, missing at the beginning of paragraph (c).]

**Flight manual data**

**43.05.7** If the approved data for a repair or modification to an aircraft or aircraft component includes changes to the operating limitations or flight data in the aircraft flight manual, the person certifying the release to service may not certify the release to service until the changes have been incorporated into the flight manual.

**Duplicate inspection of controls**

**43.05.8** (1) A person may not certify an aircraft component for release to service after the initial assembly, subsequent disturbance or adjustment of any part of an aircraft or component control system, unless -

- (a) the applicable requirements of this Subpart have been complied with;
- (b) a duplicate safety inspection of the control system of the aircraft or the component, as the case may be, has been carried out and functions correctly;
- (c) in respect of the maintenance that has been carried out, the control system is assembled correctly and every required locking mechanism is in place; and
- (d) the duplicate safety inspection is recorded and certified in the appropriate logbook or other maintenance record approved by the Executive Director.

(2) A duplicate safety inspection authorised in terms of subregulation (1) must consist of -

- (a) an inspection by a person referred to in regulation 43.05.1 to certify the aircraft or component for release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is nominated by the person referred to in regulation 43.05.1, and has adequate training, knowledge and experience to carry out the safety inspection and who holds -
  - (i) a current appropriately rated aircraft maintenance engineer licence;
  - (ii) a current pilot licence with a rating on the aircraft type issued in accordance with Part 61 or Part 62;
  - (iii) a current authorisation issued by the holder of a maintenance organisation approval certificate issued in accordance with Part 145, to certify maintenance within the scope of such approval; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) a current appropriate maintenance engineer licence or approval issued under the appropriate authority of an ICAO contracting State.

**Ground running checks: reciprocating engines**

**43.05.9** A person may not certify a reciprocating engine-powered aircraft for release to service after a mandatory inspection unless that person ensures that -

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance in accordance with the manufacturer's recommendations for -
  - (i) the power output (static and idle RPM);
  - (ii) the ignition system;
  - (iii) the fuel and oil pressure; and
  - (iv) the cylinder or coolant temperature, and oil temperature; and
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded -
  - (i) in the appropriate engine or aircraft logbook; and
  - (ii) in the maintenance record.

**Ground running checks: turbine engine**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Ground running checks: turbine engines" (plural).]

**43.05.10** A person may not certify a turbine engine-powered aircraft for release to service after a mandatory inspection unless that person ensures that -

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance in accordance with the manufacturer's recommendations;
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded -
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in the maintenance record approved by the Executive Director;
- (c) the engine parameters are recorded in accordance with the manufacturer's recommendations -
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in the maintenance record approved by the Executive Director.

**Flight folio completion**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**43.05.11** A person may not certify an aircraft or aircraft component for release to service in an aircraft flight folio unless -

- (a) each applicable section of the flight folio has been completed; and
- (b) the section where any rectification of deferred defects has been recorded.

[There is a problem with the structure of paragraph (b) read together with the introductory statement. It is not clear what was intended. It is possible that the phrase "the section where" appears in error in paragraph (b).]

**Engine performance checks**

**43.05.12** A person may not certify an aircraft for release to service after the following maintenance activities:

- (a) a 100-hour or equivalent inspection carried out in accordance with the aircraft manufacturer's maintenance schedule;
- (b) an engine change;
- (c) a propeller change; or
- (d) any other form of maintenance, if the aircraft manufacturer recommends an engine performance check after the maintenance,

unless an engine performance check has been performed in accordance with the aircraft manufacturer's recommendations.

**SUBPART 6**  
**MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT**

**Applicability of Subpart**

**43.06.1** This Subpart prescribes regulations that are additional to, or exceptions from, the requirements of Subparts 2 and 5 for the maintenance of an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

**Performance of maintenance**

**43.06.2** A person performing maintenance in accordance with a maintenance programme, including the maintenance schedule required under regulation 43.02.1, on an aircraft that has a special category airworthiness certificate or a component fitted or intended to be fitted to an aircraft that has a special category airworthiness certificate must -

- (a) at the start of the maintenance programme, including the maintenance schedule, inspect the aircraft for any defect or configuration anomalies which would be unlikely to be detected by the inspections required under paragraph (b); and
- (b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme, including the maintenance schedule.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Recording of overhaul**

**43.06.3** (1) Despite the provisions of regulation 43.03.2, and subject to subregulation (2), a person may state in an appropriate maintenance document for an aircraft that has a special category airworthiness certificate that an airframe or engine, a propeller or component of the aircraft has been overhauled if it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested using methods and techniques documented by -

- (a) the aircraft or component manufacturer; or
- (b) a military authority to standards acceptable to the Executive Director.

(2) For an aircraft that has a special category-exhibition airworthiness certificate or a special category-limited airworthiness certificate, the methods and techniques required by subregulation (1) must be specified in the maintenance programme, including the maintenance schedule required under regulation 43.02.1.

**Maintenance records**

**43.06.4** (1) Despite regulation 43.03.1(1)(k), a person performing maintenance on an aircraft that has a special category airworthiness certificate must, on completion of the maintenance, record the following references for any replacement part or component:

- (a) the origin of the part or component;
- (b) the source of the part or component;
- (c) documentation associated with the part or component; and
- (d) the history of the part or component,

in the appropriate logbook.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 44**  
**AIRCRAFT:**  
**MAINTENANCE RULES: NON-TYPE CERTIFICATED AIRCRAFT**

[Part 44 is inserted by GN 236/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 44.01.1 Applicability
- 44.01.2 Falsification, reproduction or alteration of maintenance documents
- 44.01.3 Logbooks
- 44.01.4 Preservation of logbooks
- 44.01.5 Entries in logbooks
- 44.01.6 Entries of special significance
- 44.01.7 Maintenance of logbooks
- 44.01.8 Loss of logbooks

**SUBPART 2: MAINTANANCE**

[The word “MAINTENANCE” is misspelt in the *Government Gazette*, as reproduced above.]

- 44.02.1 Persons to carry out maintenance
  - 44.02.2 Carrying out of maintenance
  - 44.02.3 Rectification of unsatisfactory items
  - 44.02.4 Annual inspections
  - 44.02.5 Periodic and other inspections
  - 44.02.6 Mandatory maintenance and inspections
  - 44.02.7 Inspection requirements
  - 44.02.8 Mass and balance
  - 44.02.9 Modifications
- [The heading of this regulation in the text below is “Modifications and repairs”.]
- 44.02.10 Test flights
  - 44.02.11 Overhaul, repair and substitution of major components
  - 44.02.12 Temporary and permanent repairs after accidents or incidents
- [The heading of this regulation in the text below is “Temporary and permanent repairs after accidents”.]
- 44.02.13 Aircraft compass requirements
  - 44.02.14 Record keeping and audits

**SUBPART 3: RELEASE TO SERVICE**

- 44.03.1 Release to service

**SUBPART 4: ACCEPTED MAINTENANCE SCHEDULES**

- 44.04.1 Accepted maintenance schedule: private non-type certificated aircraft use
- [The heading of this regulation in the text below is “Accepted maintenance schedule: private non-type certificated aircraft” (without the word “use”).]
- 44.04.2 Accepted maintenance schedule: commercial non-type certificated aircraft use
  - 44.04.3 Maintenance control manual

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**44.01.1** (1) This Part applies to -

- (a) the maintenance and the release to service after maintenance of -
  - (i) non-type certificated aircraft specified in regulation 24.01.1 and registered in Namibia;
  - (ii) aircraft components to be fitted to such aircraft;
  - (iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and
- (b) the annual, periodic and mandatory inspection of the aircraft referred to in paragraph (a).

(2) The provisions of regulations 44.01.3 to 44.01.7, inclusive, do not apply to non-type certified aircraft that have been exempted in terms of Part 94.

**Falsification, reproduction or alteration of maintenance documents**

**44.01.2** A person may not make or cause to be made -

- (a) any fraudulent or false entry in any record which is required to be made, kept or used to show compliance with any requirements prescribed in this Part.
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

**Logbooks**

**44.01.3** (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered non-type certificated aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

- (a) a single approved aircraft logbook which may also be used as the engine, propeller and airframe logbook; or
- (b) an approved logbook for -
  - (i) the aircraft airframe;
  - (ii) the engine, one logbook per engine;
  - (iii) the propeller, one logbook per propeller, but in the case of a fixed pitch propeller, the airframe logbook may be used as the propeller logbook.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) In the event that the current logbooks being used in respect of the aircraft are those specified in subregulation (1)(b), then the owner or operator of the aircraft must continue to use the same logbooks.

(3) The owner or operator of an aircraft must -

- (a) ensure that logbooks are not kept in the aircraft, except where regulation 44.01.4(3) applies; and
- (b) keep logbooks, or ensure that logbooks are kept, in a safe place.

(4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.

(5) For an aircraft with an approved separate system as specified in its accepted maintenance schedule, the logbook must, for the purposes of component and major repair tracking, refer to that system and must meet the requirements specified in the technical standards for logbooks.

(6) The format for logbooks must be as set out in Document NAM-CATS-MR-NTCA.

**Preservation of logbooks**

**44.01.4** (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 44.01.3 for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept, but the Executive Director or the designated organisation, as the case may be, may specify a longer period in respect of the logbooks of an aircraft, its engine or propeller involved in an accident or incident.

(2) A logbook must, preferably, not be carried in the aircraft to which it relates.

(3) In the case where -

- (a) the provisions of subregulation (4) apply; or
- (b) a logbook is needed for maintenance purposes and no other means of forwarding such logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

- (a) a copy of the last major overhaul and repairs performed; and
- (b) copies of the defects rectification for the last six months prior to export.

**Entries in logbooks**

**44.01.5** (1) The following persons must make and sign for the entries in the logbooks required to be kept in accordance with regulation 43.01.3(1) -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the holder of an appropriately rated aircraft maintenance engineer licence;
- (b) a person holding a valid authorisation given by an organisation holding an AMO approval;
- (c) an appropriately rated approved person; or
- (d) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited

**Entries of special significance**

**44.01.6** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

- (a) damage caused by a forced or hard landing; or
- (b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

**Maintenance of logbooks**

**44.01.7** The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -

- (a) "Instructions for use" in the logbook; and
- (b) standards set out in Document NAM-CATS-MR-NTCA,

the logbooks referred to in regulation 44.01.3.

**Loss of logbooks**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**44.01.8** If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

- (a) forthwith report the loss to the Executive Director or the designated organisation, as the case may be; and
- (b) make a written request to the Executive Director or the designated organisation, as the case may be, to open a substitute logbook and the request must be accompanied by an affidavit which includes -
  - (i) information on the last available logbook entries as signed by -
    - (aa) the holder of an appropriately rated aircraft maintenance engineer licence;
    - (bb) a person holding a valid authorisation given by an organisation holding an AMO approval; or
    - (cc) a person approved for the purpose by the Executive Director;
  - (ii) details of the circumstances of the loss; and
  - (iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director or the designated organisation, as the case may be, approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-MR-NTCA.

(4) If a logbook has been lost, the authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

**SUBPART 2**  
**MAINTENANCE****Persons to carry out maintenance**

**44.02.1** (1) A person may not carry out maintenance on an amateur built aircraft or a production-built non-type certificated aircraft or any component of that aircraft, unless that person -

- (a) is appropriately rated and approved on type by the Executive Director or the designated organisation, as the case may be, to carry out maintenance;
- (b) carries out the maintenance under the supervision of a person authorised by the Executive Director or by the designated organisation, in which case the person referred to in paragraph (a) must perform a dual check of the maintenance carried out;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) is the owner of the aircraft provided that an appropriately rated AMO, AME or approved person performs a dual check on the maintenance which was carried out by the owner;
- (d) is -
  - (i) the holder of an appropriately rated aircraft maintenance engineer licence;
  - (ii) a person holding a valid authorisation given by an organisation holding an AMO approval;
  - (iii) an appropriately rated approved person.

(2) A component or a part intended to be used on non-type certificated aircraft may be fabricated by a person or organisation not licensed or approved in terms of Part 66 or Part 145.

(3) The owner or operator of the aircraft referred to in subregulation (2) must provide the Executive Director or the designated organisation designated, as the case may be, with evidence that the component or part meets the minimum specification for the component or part as specified by the Original Equipment Manufacturer.

[The second appearance of the word “designated” in the phrase  
“designated organisation designated” appears to be in error.]

(4) An appropriately rated person referred to in subregulation (1)(d) must sign off the component or part referred to in subregulation (3) in the appropriate logbook.

**Carrying out of maintenance**

**44.02.2** (1) Any person who carries out maintenance on an aircraft or an aircraft component must -

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;
- (b) use methods, techniques and practices which are -
  - (i) specified in the current manufacturer’s maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;
  - (ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;
  - (iii) in accordance with Document NAM-CATS-MR-NTCA; or
  - (v) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive Director;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Executive Director;
- (d) use the tools, equipment, and test equipment necessary to ensure completion of the work in accordance with paragraph (b);
- (e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;
- (f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;
- (g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;
- (h) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to -
  - (i) aerodynamic function;
  - (ii) structural strength;
  - (iii) resistance to vibration and deterioration; and
  - (iv) other qualities affecting airworthiness; and
- (i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.

(2) A person who carries out maintenance on an aircraft or an aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or component for -

- (a) a period of at least 12 consecutive hours in the 24-hour period immediately before the maintenance is performed; and
- (b) at least 24 consecutive hours during any seven consecutive days' period.

(3) Despite subregulation (2), a person who carries out maintenance on an aircraft or an aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft and continue to be on duty for -

- (a) up to 16 consecutive hours; or
- (b) 20 hours in 24 consecutive hours,

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry out such maintenance in accordance with the operator's approved maintenance schedule whose format and requirements must be as set out in Document NAM-CATS-MR-NTCA.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

**Rectification of unsatisfactory items**

**44.02.3** (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

- (a) found to be unserviceable; or
- (b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must -

- (a) transfer any deferred defects from the flight folio onto a work sheet; and
- (b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -
  - (i) clearly recorded in the relevant logbook or other approved recording system; and
  - (ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

(4) In the case where an unsatisfactory item cannot be rectified -

- (a) an approved aircraft maintenance organisation, appropriately rated in accordance with Part 145;
- (b) an appropriately rated aircraft maintenance engineer; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a person approved by the Executive Director for that purpose,

must make an entry into the relevant logbook, stating any limits to the serviceability of the aircraft.

**Annual inspections**

**44.02.4** (1) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (g) must ensure that the aircraft undergoes an annual inspection no later than 12 months since the previous annual inspection or an inspection equivalent to an annual inspection, was carried out.

[The word “since” is inappropriate in this sentence structure; the correct word would be “after”.]

(2) The items to be inspected as part of an annual inspection are those listed in Document NAM-CATS-MR-NTCA for the particular type of aircraft, and must be incorporated in the approved maintenance schedule for the aircraft.

(3) The person by whom, or under whose required supervision, the annual inspection was carried out must record the annual inspection in the aircraft logbook and certify that he or she or it has carried out the annual inspection.

(4) The owner or operator of the aircraft in respect of which an annual inspection is carried in terms of this regulation must, within 30 days from the day that the annual inspection is completed -

[The word “out” appears to have been omitted after the word “carried”.]

- (a) complete the annual inspection form or ensure that the annual inspection form is completed as set out in Document NAM-CATS-MR-NTCA; and
- (b) forward the completed form referred to in paragraph (a), together with the fee prescribed in Part 187, to the Executive Director or the designated organisation, as the case may be.

(5) An appropriately rated approved person who may not be the owner or operator of the aircraft, even if the owner or operator is also an appropriately rated approved person, must carry out the inspection referred to in regulation 24.03.2(5)(d) -

- (a) prior to the issue of a proving flight authority; and
- (b) prior to the issue or re-issuing of an authority to fly,

of an amateur-built or production-built aircraft.

**Periodic and other inspections**

**44.02.5** (1) In addition to the annual inspection referred to in regulation 44.02.4, the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act, on his or her own accord or on request by a designated organisation, direct that additional periodic inspections be carried out in respect of a non-type certificated aircraft depending on the type of aircraft and its intended use.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A schedule, reflecting the periodic inspections required in terms of subregulation (1), must be incorporated into the accepted maintenance schedule referred to in regulation 44.04.1 or regulation 44.04.2, as applicable.

(3) In addition to the periodic inspections referred to in subregulation (1), the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act on his or her own accord or on request by a designated organisation, direct that any additional inspection be carried out in respect of a non-type certificated aircraft if considered necessary in the interest of safety.

**Mandatory maintenance and inspections**

**44.02.6** Every special inspection and modification directed by the Executive Director on his or her own accord or on request by the designated organisation, to detect and correct an unsafe condition of a non-type certificated aircraft must be considered as mandatory.

**Inspection requirements**

**44.02.7** (1) Any person who carries out an inspection must -

- (a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection complies with all appropriate airworthiness requirements prescribed in Part 24; and
- (b) if carrying out an annual inspection or mandatory or periodic inspection, use a checklist, which includes the scope and detail of the tests and inspections, set out in Document NAM-CATS-MR-NTCA.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;
- (c) the main rotor and centre section (or the equivalent area); and
- (d) the tail rotor of the helicopter.

**Mass and balance**

**44.02.8** (1) Except with the written permission of the Executive Director or designated organisation, as the case may be, a person may not operate any Namibian registered aircraft unless the aircraft's -

- (a) current empty mass has been established by means of a mass meter;
- (b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-MR-NTCA.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The empty mass and centre of gravity of an aircraft, which must be determined in accordance with subregulation (4), must be determined before any authority to fly or proving flight authority is issued by the Executive Director or the designated organisation, as the case may be.

(3) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

(4) An aircraft's empty mass must be established by means of -

- (a) computation; or
- (b) a mass meter by an appropriately approved aircraft maintenance organisation or a person authorised to do so by the Executive Director,

after which the aircraft's new centre of gravity must be computed.

(5) Only an appropriately rated AMO, AME or approved person may sign for the mass and centre of gravity data which must be in the appropriate form set out Document NAM- CATS-MR-NTCA.

[The word "in" appears to have been omitted after the phrase "set out".]

(6) The person who was responsible for establishing the mass and the computing of the centre of gravity of the aircraft must make an appropriate entry in the airframe logbook of the aircraft concerned.

### **Modifications and repairs**

**44.02.9** (1) A person may not carry out any modifications or repairs, including changes to equipment or the installation of the equipment which affect, or are likely to affect, the -

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or any other persons or property,

other than in compliance with the provisions of this Part.

(2) In the case of -

- (a) a minor modification or repair to -
  - (i) an amateur built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, once the modification or repair has been performed;
  - (ii) a production built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, within 30 days of the modification or repair being performed, and all subsequent modifications or repairs must be treated as an amendment to the build standard;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a major modification or a major repair to amateur built or production built aircraft, an application for the approval of the modification or repair and authority to fly, as set out in Document NAM-CATS-MR-NTCA, must be submitted to the Executive Director or the designated organisation, as the case may be, before the modification or repair is performed.

(3) The application referred to in subregulation (2)(b) must be accompanied by the appropriate fee as prescribed in Part 187.

(4) The person who carries out modifications or repairs to an aircraft must enter or cause to be entered all approved modifications or repairs into the appropriate logbook.

(5) An appropriately rated AMO, AME or approved person must sign in the appropriate logbook that all procedures, as stated in the application for modification or repair, were adhered to and that he or she is satisfied with the quality of the work which was carried out.

**Test flights**

**44.02.10** (1) After any major modification or major repair to an aircraft which may affect the flight characteristics, serviceability or safety, test flights, if required by the Executive Director or the designated organisation, as the case may be, must be carried out in the aircraft under such conditions and in the manner as set out in Document NAM-CATS-MR-NTCA.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

**Overhaul, repair and substitution of major components**

**44.02.11** (1) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken and signed out for by an appropriately rated AMO, AME or approved person.

(2) The procedure for the reissuing of a proving flight authority or authority to fly that is deemed to be suspended when an aircraft is involved in an accident that renders one or more Class I products defective is set out in Document NAM-CATS-MR-NTCA.

(3) Where the manufacturer's instruction or recommendation for the frequency of overhaul of an aircraft's components or equipment has not been complied with, such components or equipment must be overhauled as and when their condition show that it is necessary to keep the aircraft serviceable.

(4) In the case of an aircraft operated in terms of Part 94, a component or part may be fitted to an aircraft for which traceable records are not available, except that it is the responsibility of the appropriately rated AMO, AME or approved person to ensure that the component or part is acceptable in fit, form and function.

(5) Despite the provisions of subregulation (3), the following provisions apply in respect of a non-type certificated aircraft operated under Part 96 or Part 141:

- (a) where -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the Executive Director or the designated organisation, as the case may be, has approved a time between overhauls that differs from that recommended or specified by the manufacturer, such time between overhauls must be specified in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2; and -
  - (ii) a manufacturer has not recommended or specified the overhaul of an aircraft or a component of that aircraft at certain times but where the Executive Director or the designated organisation, as the case may be, considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director or the designated organisation, as the case may be, may determine a time between overhauls for such aircraft or component in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2;
- (b) the requirements for the substitution of products, components and parts with new or overhauled items are those set out in Document NAM-CATS-AR-NTCA; and
- (c) a part for which traceable records are not available may not be fitted to an aircraft, and it is the responsibility of the appropriately rated AMO, AME or approved person to -
- (i) ensure that any part received comes from a reliable source and is serviceable;
  - (ii) ensure that the storage limitations have not been exceeded; and
  - (iii) sign for and certify the substitution of parts.

**Temporary and permanent repairs after accidents**

**44.02.12** (1) Any repair to an aircraft or aircraft component which has been damaged after an accident, must be carried out in accordance with the requirements set out in Document NAM-CATS-MR-NTCA.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the of the definition of "accident" contained in section 1 of the Act has undergone permanent repairs, that aircraft must meet the requirements for the initial authority to fly after the repairs.

[The phrase "of the" is repeated before the phrase  
"definition of 'accident'" in the *Government Gazette*.]

**Aircraft compass requirements**

**44.02.13** (1) Any compass fitted to a non-type certificated aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS-MR-NTCA.

(2) Despite subregulation (1), alternate means of direction indication may be installed in non-type certificated aircraft in accordance with regulation 44.02.9.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Maintenance for all direction indication equipment must be carried out initially and thereafter every five years and in the event of an equipment modification which could affect it as set out in Document NAM-CATS-MR-NTCA.

**Record keeping and audits**

**44.02.14** (1) Unless specifically exempted in terms of Part 94, the owner of a non-type certificated aircraft classified in regulation 24.01.01(2)(a) to (g) must maintain accurate maintenance records in accordance with subregulation (3) and the standards set out in Document NAM-CATS-MR-NTCA.

(2) The Executive Director or the designated organisation, as the case may be, or an authorised officer, inspector or authorised person may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner must allow unrestricted access for purposes of such audits.

(3) A person who carries out maintenance on a non-type certificated aircraft or aircraft component must, on completion of the maintenance record, record all details as specified in Document NAM-CATS-MR-NTCA.

**SUBPART 3**  
**RELEASE TO SERVICE**

**Release to service**

**44.03.1** (1) The release to service for an aircraft must be issued subject to the compliance with the accepted maintenance schedule as prescribed in Subpart 4.

[The word “the” before “compliance” is superfluous.]

- (2) In the case of a non-type certificated aircraft operated in terms of -
  - (a) Part 94, the release to service must be confirmed by the aircraft owner following simple line maintenance or the annual inspection; and
  - (b) Part 96 or Part 141, the release to service must be issued by an appropriately rated AMO, AME or approved person.

(3) The format for the issuing of the release to service must be that set out in Document NAM-CATS-MR-NTCA or determined by the Executive Director.

**SUBPART 4**  
**ACCEPTED MAINTENANCE SCHEDULES**

**Accepted maintenance schedule: private non-type certificated aircraft**

[The heading of this regulation in the LIST OF REGULATIONS is  
“Accepted maintenance schedule: private non-type certificated aircraft use”.]

**44.04.1** (1) The owner or operator of a non-type certificated aircraft for which a authority to fly is required in terms of these regulations must submit to the Executive Director or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS-MR-NTCA, for the aircraft.

**[The article “a” before the phrase “authority to fly” should be “an”.]**

(2) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j) must ensure that the aircraft is maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(4) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

**Accepted maintenance schedule: commercial non-type certificated aircraft use**

**44.04.2** (1) The owner or operator of a non-type certificated aircraft for which an authority to fly is required in terms of these regulations must submit to the Executive Director or the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS-MR-NTCA, for the aircraft.

(2) The owner or operator of a non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j), must ensure that the aircraft is maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) If the aircraft is operated under Part 96, the accepted maintenance schedule, referred to in subregulation (1) must -

- (a) specify the ratings of an appropriately rated AMO, AME or approved person who may carry out maintenance of the aircraft;
- (b) specify any special conditions under which maintenance must be carried out; and
- (c) be in the format set out in Document NAM-CATS-MR-NTCA or determined by the Executive Director.

(4) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(5) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

**Maintenance control manual**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**44.04.3** Where an owner or operator is required in terms of Part 96 to maintain an operations manual, both the owner and the operator must include a maintenance control manual in the format as set out in Document NAM-CATS-MR-NTCA.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 47**  
**AIRCRAFT: REGISTRATION AND MARKING OF AIRCRAFT**

[Part 47 is substituted by GN 236/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: REQUIREMENTS FOR REGISTRATION AND MARKING**

- 47.01.1 Applicability
- 47.01.2 Requirement for aircraft registration
- 47.01.3 Requirement for aircraft marking
- 47.01.4 Nationality and registration marks of aircraft

**SUBPART 2: REGISTRATION OF AIRCRAFT**

- 47.02.1 Application for registration
- 47.02.2 Registration and issue of certificate
- 47.02.3 Duties of holder of certificate
- 47.02.4 Application for amendment of certificate
- 47.02.5 Duplicate certificate

**SUBPART 3: TRANSFER OF POSSESSION AND DE-REGISTRATION OF AIRCRAFT**

- 47.03.1 Notification of transfer of right of possession of aircraft
- 47.03.2 Application for certificate of de-registration
- 47.03.3 Revocation of registration and de-registration of aircraft
- 47.03.4 Duration of certificate of registration

**SUBPART 4: NAMIBIA REGISTER OF AIRCRAFT**

- 47.04.1 Namibia Register of Aircraft
- 47.04.2 Notice of error in information in aircraft register
- 47.04.3 Reservation of registration mark
- 47.04.4 Identifiable paint schemes and markings
- 47.04.5 Change of identifiable paint scheme and markings
- 47.04.6 Destruction, loss, theft, withdrawal from use or foreign registration of aircraft
- 47.04.7 Currency of information in certificate
- 47.04.8 Registration of identifiable paint scheme and markings
- 47.04.9 Change of registration mark  
[This regulation is incorrectly numbered as "47.05.9" in the text below.]
- 47.04.10 Marks to be on foreign registered aircraft in Namibian territory

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**REQUIREMENTS FOR REGISTRATION AND MARKING**

**Applicability**

**47.01.1** This Part applies to -

- (a) the registration of aircraft used in Namibia;
  - (b) the allocation of nationality, registration and marks for new aircraft to be registered in Namibia; and
  - (c) the display of marks on aircraft registered in Namibia.
- (2) This Part does not apply to any -
- (a) hang-glider;
  - (b) paraglider;
  - (c) unmanned free balloon;
  - (d) captive balloon;
  - (e) kite;
  - (f) model aircraft;
  - (g) foreign registered aircraft;
  - (h) parachute;
  - (i) powered paraglider; and
  - (j) remotely piloted aircraft.

**Requirement for aircraft registration**

**47.01.2** (1) Every person lawfully entitled to the possession of an aircraft must, if the aircraft flies into, from, within or over Namibian territory, hold a valid certificate of registration for such aircraft issued by any one of the following:

- (a) the Executive Director, where the aircraft, whether a production built or an amateur built aircraft, is to be registered in Namibia; or
- (b) in the case of any aircraft which is not intended to be registered in Namibia either -
  - (i) the appropriate authority of another contracting State of ICAO; or
  - (ii) the appropriate authority of a State which is not a member State of ICAO, but which is party to an agreement with the Government of Namibia providing for the acceptance by Namibia of the aircraft registrations of that State.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The Executive Director may not register an aircraft that holds a current registration in any other State.

**Requirement for aircraft marking**

**47.01.3** (1) The Executive Director is responsible for the allocation of nationality and registration marks to be displayed on Namibian registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.02.2(1), the Executive Director may -

- (a) if the aircraft was previously registered in Namibia, allocate the same registration marks as were originally borne by such aircraft, if the registration marks are still available; or
- (b) allocate special registration marks as requested by the applicant, if the requested marks are available,

so long as the application for registration is -

- (i) made in the appropriate form set out in NAM-CATS-ARM; and
- (ii) accompanied by the appropriate fee as prescribed in Part 187.

(3) A person may not use a Namibian registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with specifications set out in Document NAM-CATS-ARM.

[There should be a comma after the phrase “and in accordance with specifications” to offset that phrase properly.]

(4) A person may not place on any Namibian registered aircraft any mark or symbol which modifies the registration mark allocated or which has, in the opinion of the Executive Director -

- (a) the potential to confuse or mislead as to the character, nationality, apparent intended use or other status of the aircraft; or
- (b) is otherwise in conflict with the intent of the marking required to be displayed in accordance with the specifications referred to in subregulation (3).

(5) A police mark for display on a Namibian registered aircraft must, in addition to any other required marking, comprise the word POLICE followed by a number allocated by the Executive Director.

**Nationality and registration marks of aircraft**

**47.01.4** (1) An aircraft registered on the Namibian register becomes a Namibian registered aircraft and is deemed to have Namibian nationality.

(2) The nationality mark of a Namibian registered aircraft is denoted by the capital letter and number V5.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (3) The registration mark of a Namibian registered aircraft -
  - (a) is allocated to the aircraft by the Executive Director; and
  - (b) comprises a group consisting of three letters appearing after and separated from the nationality mark by a hyphen.

(4) The three letter registration mark referred to in subregulation (3)(b) must exclude the following combinations that might be confused with five-letters used in the International Code of Signals:

[The term “five-letters” should perhaps be the phrase “the five-letter combinations” or similar.]

- (a) combination with the first letter Q reserved for Q-Code in aviation language;
- (b) combination with SOS used for distress signal;
- (c) combination with XXX used for urgency signal;
- (d) combination with PAN used for urgency signal; or
- (e) combination with TTT used for urgency signal.

**SUBPART 2**  
**REGISTRATION OF AIRCRAFT**

**Application for registration**

**47.02.1** (1) An application for the registration of an aircraft and the issue of a certificate of registration must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM.

(2) If An application referred to in subregulation (1) is in respect of an aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 21, it must be accompanied by -

- (a) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or
- (b) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (c) the original of -
  - (i) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or
  - (ii) the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (d) an export airworthiness approval -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) from the appropriate authority of the State in which the aircraft is registered; or
- (ii) in the case of a new aircraft or an aeronautical product, by an exporter of the aircraft or aeronautical product in the State of the Manufacturer;
- (e) confirmation that a type acceptance certificate has been issued by the Executive Director; and
- (f) proof of compliance with the provisions of the Value Added Tax Act, 2000 (Act No. 10 of 2000) (Value Added Tax Act) and the Customs and Excise Act, 1998 (Act No. 20 of 1998) (Customs and Excise Act), as the case may be, as specified in Document NAM-CATS-ARM.

[The correct name of Act 10 of 2000 is the “Value-Added Tax Act”,  
with a hyphen in the term “Value-Added”.]

(3) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -

- (a) in the case of a production-built aircraft, it must be accompanied by -
  - (i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or
  - (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
  - (iii) a copy of the certificate of conformity issued by the manufacturer;
  - (iv) the original of -
    - (aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
    - (bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;
  - (v) confirmation that a certificate of acceptance for the non-type certificated aircraft has been issued by the Executive Director; and
  - (vi) proof of compliance with the provisions of the Value Added Tax Act and Customs and Excise Act, as specified in the Document NAM-CATS-ARM;
- (b) in the case of an amateur-built aircraft, it must be accompanied by -
  - (i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (iii) the original of -
  - (aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
  - (bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (d) proof of compliance with the provisions of the Value added Tax Act and the Customs and Excise Act as specified in the Document NAM-CATS-ARM.

[The correct name of the first-mentioned Act is the “Value-Added Tax Act”.]

(4) If an application referred to in subregulation (1) is in respect of a type certificated or a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 21 or Part 24, it must be accompanied by -

- (a) a copy of the certificate of conformity issued by the manufacturer; and
- (b) a copy of the type certificate issued by the Executive Director.

(5) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -

- (a) in the case of a production-built aircraft, it must be accompanied by -
  - (i) a copy of the certificate of conformity issued by the manufacturer; and
  - (ii) confirmation that a certificate of acceptance of the non-type certificated aircraft has been issued by the Executive Director;
- (b) in the case of an amateur-built aircraft derived from an approved kit, it must be accompanied by -
  - (i) a copy of the certificate of conformity issued by the manufacturer; and
  - (ii) confirmation that a certificate of acceptance of non-type certificated aircraft has been issued by the Executive Director;
- (c) in the case of an amateur-built aircraft derived from approved plans, it must be accompanied by notification of authorisation for registration issued by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) If an application referred to in subregulation (1) is in respect of a veteran aircraft or an ex-military aircraft that has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered in terms of Part 24, it must be accompanied by -

- (a) an aircraft individual or group type certificate, as the case maybe, issued by the appropriate authority of the State of Design;

[The word “maybe” should be the phrase “may be”.]

- (b) an export certificate of airworthiness issued by the appropriate authority of the last State of Registry;
- (c) a copy of the certificate of airworthiness depicting the operational limitations and authorised categories of operations issued by the appropriate authority of the last State of Registry;
- (d) an airframe logbook, a powerplant logbook and a propeller logbook indicating the operational and maintenance history of the aircraft or equivalent document, from the last owner or operator of the aircraft;

[The phrase “maintenance history” is repeated in the *Government Gazette*.]

- (e) an aircraft technical status report;
- (f) information and documentation showing that all required airworthiness directives have been complied with, including required operational service bulletins for the aircraft, powerplant and propeller; and
- (g) the designation type data plates from the manufacturer, for the airframe, powerplant and propeller.

(7) In addition to the requirements of subregulation (6), the aircraft in relation to which the application is made must meet the following requirements:

- (a) the instruments and avionics of the aircraft must meet regulatory requirements contained in Part 91, 121, 127, 133, 135 or 137, depending on the intended use of the aircraft;
- (b) in case of an ex-military aircraft, it must be inspected by an authorised officer, inspector or authorised person and be issued with a conformity statement allowing it entry into Namibia; and

[The word “the” appears to have been omitted between the words “in” and “case”.]

- (c) the importation of an ex-military aircraft should be accepted by the Executive Director by the issuance of the letter of no objection for the importation of such an aircraft.

(8) In case the aircraft is to be registered in the name of -

- (a) an individual, the application must be accompanied by proof of his or her identity;
- (b) a company, the application must be accompanied by -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) proof of registration of the company with the Registrar of Companies in terms of the Companies Act, 2004 (Act No. 28 of 2004) (Companies Act);
  - (ii) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act;
  - (iii) proof of identity of the director authorised to act on behalf of the applicant; and
  - (iv) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;
- (c) a close corporation, the application must be accompanied by -
- (i) a certified true copy of its founding statement approved by the Registrar of Close Corporations in terms of the Close Corporation Act, 1988 (Act No. 28 of 1988) (Close Corporation Act);

**[The correct name of the Act referred to is the “Close Corporations Act”, with the term “Corporations” being plural. This Act is “Act No. 26 of 1988”, not “28”.]**

- (ii) proof of identity of the member authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;
- (d) a trust, the application must be accompanied by a certified true copy of -
- (i) the trust instrument issued by the Master of the High Court of Namibia; or
  - (ii) the appropriate letter of appointment; and
  - (iii) proof of identity of the trustee authorised to act on behalf of the applicant; and
  - (iv) the authorising resolution concerned in the appropriate form set out in Document NAM-CATS-ARM;
- (e) any other applicant, the application must be accompanied by -
- (i) a certified true copy of any other founding documents;
  - (ii) proof of identity of the person authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM.

(9) Each application made under this regulation must be accompanied by the appropriate fee as prescribed in Part 187.

(10) Any application seeking exemption from compliance with the prescribed requirements must comply with Subpart 3 of Part 3.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Registration and issue of certificate**

**47.02.2** (1) The Executive Director must grant an application made under regulation 47.02.1, register the aircraft and issue a certificate of registration to the applicant if -

- (a) the documentation, record entries and other administrative steps necessary to issue a registration certificate have been completed; and
- (b) any investigation considered by the Executive Director necessary to determine the applicant's ability to meet the requirements specified in this Part have been completed satisfactorily, and -
  - (i) in the case of an individual, the applicant is a lawful resident of Namibia;
  - (ii) in the case of a juristic person, the applicant is registered and has its principal place of business in Namibia; and
  - (iii) the aircraft is not registered in any other State or territory; and
- (c) the granting of the certificate is not contrary to the interest of aviation safety.

(2) Registration of an aircraft and the issuing of a certificate of registration under this Part does not confer or imply ownership of the aircraft.

(3) The Executive Director must issue a certificate of registration on the appropriate form set out in Document NAM-CATS-ARM.

(4) If the Executive Director grants an application and issues a certificate of registration in accordance with subregulation (1), the Executive Director must enter or cause to be entered in the aircraft register -

- (a) the full name and, if any, the trade name of the holder of the certificate of registration;
- (b) the postal address of the holder of the certificate of registration;
- (c) the date on which the aircraft was registered on the aircraft register for the first time;
- (d) the date on which the aircraft was registered in the name of the holder;
- (e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;
- (f) the nationality and registration marks of the aircraft;
- (g) the airworthiness category of the aircraft;
- (h) the date of registration; and
- (i) if applicable, the description of the identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) A certificate of registration issued under subregulation (1) for an aircraft that in accordance with Part 21 has, or is to be issued with, a restricted airworthiness certificate must be accompanied by a standard or restricted category type certificate or type acceptance certificate that has been issued for the aircraft type by the Executive Director or by the State of Design.

**Duties of holder of certificate**

**47.02.3** The holder of a certificate of registration must -

- (a) keep the original certificate of registration in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection. if so requested by such officer, inspector or person;
- (b) carry a certified true copy of the certificate of registration in the aircraft at all times;
- (c) on an annual basis, confirm to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM -
  - (i) that he, she or it is still the owner of the aircraft; and
  - (ii) his, her or its postal and physical address.

**Application for amendment of certificate**

**47.02.4** (1) If the holder of a certificate of registration desires to amend -

- (a) the name in which the certificate of registration was issued;
- (b) the address on the certificate of registration; or
- (c) any other information contained in the certificate,

such holder must apply to the Executive Director for such amendment.

(2) An application under subregulation (1) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM; and
- (b) accompanied by -
  - (i) if the aircraft is registered in the name of a company and the name of the company is changed, a certified true copy of the certificate of change of name of the company, approved by the Registrar of Companies in terms of the Companies Act;
  - (ii) if the aircraft is registered in the name of a close corporation and the name of that close corporation is changed, a certified true copy of the amended founding statement of the close corporation, approved by the Registrar of Close Corporations in terms of the Close Corporations Act; and
  - (iii) the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If a bank or other financier registers a mortgage over an aircraft, the holder of a certificate of registration for such a mortgaged aircraft may simultaneously apply for an amendment of such certificate in order to have the said certificate endorsed with the details of mortgage, mortgagee, mortgagor and date of registration of the mortgage.

(4) An application for amendment referred to in subregulation (3) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM; and

(b) accompanied by -

(i) a certified excerpt from the Deeds Registry indicating registration of the said mortgage; and

(ii) the appropriate fee for the amendment by endorsement of a certificate of registration as prescribed in Part 187.

(5) The Executive Director must issue the amended certificate in the appropriate form set out in Document NAM-CATS-ARM.

**Duplicate certificate**

**47.02.5** (1) If a certificate of registration is lost, stolen, damaged or destroyed or so damaged that particulars are no longer clearly legible, the holder of the certificate or an aircraft maintenance organisation approved under Part 145 and which is responsible for the servicing and maintenance of the aircraft may apply to the Executive Director for the issue of a duplicate of the certificate of registration.

(2) An application referred to in subregulation (1) must be -

(a) made in the appropriate form set out in Document NAM-CATS-ARM;

(b) accompanied, where applicable, by the damaged certificate; and

(c) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate of registration is issued on the appropriate form set out in Document NAM-CATS-ARM.

**SUBPART 3**

**TRANSFER OF POSSESSION AND DE-REGISTRATION OF AIRCRAFT**

**Notification of transfer of right of possession of aircraft**

**47.03.1** (1) If -

(a) the holder of a certificate of registration -

(i) transfers to another person the right of possession of the aircraft specified in the certificate; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) ceases to have lawful entitlement to possession of the registered aircraft for a period of 28 days or longer; or
- (b) a certificate of registration in respect of an aircraft becomes invalid for whatever reason on the date the certificate holder ceases to have lawful entitlement to possession of the aircraft,

that holder must, within 14 days from the date of transfer of possession, ceasing to have possession of the aircraft or the certificate becoming invalid, as the case may be, notify the Executive Director of the transfer, ceasing to have possession of the aircraft or invalidation by applying for the revocation of the certificate of registration in the appropriate form set out in Document NAM-CATS-ARM.

(2) An application referred to in subregulation (1) must be accompanied by the appropriate fee prescribed in Part 187.

- (3) If the holder in whose name the aircraft is registered -
  - (a) is an individual and has died, and an executor has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965) (Administration of Estates Act);
  - (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) (Insolvency Act); or
  - (c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be.

(4) The person to whom the ownership or possession of an aircraft has been transferred to in accordance with subregulation (1) must -

- (a) complete the appropriate form set out in Document NAM-CATS-ARM and submit the form to the Executive Director within 14 days after the date of the transfer; and
- (b) apply for the registration of the aircraft in his or her or its name in accordance with subregulation (5).

(5) An application referred to in subregulation (4), must be -

- (a) made in terms of regulation 47.02.1 within 30 days from the date of transfer; and
- (b) accompanied by the appropriate fee prescribed in Part 187.

(6) A certificate of registration becomes invalid from the twenty-eighth day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) From the date on which a certificate of registration has become invalid in terms of subregulation (6), a person may not use the aircraft specified in the certificate unless, and until such time as -

- (a) the aircraft is registered in the name of the person to whom the right of possession of the aircraft is transferred; and
- (b) such person holds a certificate of registration issued by the Executive Director.

(8) From the date on which a certificate of registration becomes invalid in terms of subregulation (6), the Executive Director may prohibit any further flight or operation of such aircraft by way of written notification to the Head of Air Navigation Services as well as the person to whom the right of possession has been transferred.

(9) A prohibition imposed under subregulation (8) is effective as from the date of the said notification and may not be withdrawn until the latest owner of the aircraft has -

- (a) complied with all such requirements, as prescribed in these regulations, as may be necessary to issue a new certificate of registration; and
- (b) paid the appropriate fees prescribed in Part 187 for registration as well as the withdrawal of such prohibition.

**Application for certificate of de-registration**

**47.03.2** (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside Namibia, that holder must apply to the Executive Director for a certificate of de-registration of the aircraft.

(2) An application referred to in subregulation (1) must be made in the appropriate form set out in Document NAM-CATS-ARM and must be accompanied by -

- (a) the original of the last certificate of registration;
- (b) in the case of an aircraft other than an amateur-built or production-built, the original of the last certificate of airworthiness issued in terms of Part 21;
- (c) in the case of an amateur-built or production-built aircraft, the original of the last authority to fly issued by the Executive Director in terms of Part 24;
- (d) if the holder in whose name the aircraft is registered -
  - (i) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;
  - (ii) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and
- (e) the appropriate fee prescribed in Part 187.
- (3) If a Namibian registered aircraft -
  - (a) is destroyed, lost or stolen;
  - (b) is damaged beyond repair and becomes permanently useless as an aircraft; or
  - (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned must as soon as possible -

- (i) apply to the Executive Director for the de-registration of the aircraft and revocation of such certificate of registration; and
- (ii) in addition, give provisional notice in writing to the Executive Director within 30 days from the date on which such event occurred, of his or her or its intention to apply for such de-registration.
- (4) An application referred to in subregulation (3) must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-ARM; and
  - (b) be accompanied by -
    - (i) the original of the latest certificate of registration;
    - (ii) in the case of any amateur-built aircraft or production-built aircraft, the special flight permit issued by the Executive Director in terms of Part 21 or Part 24;
    - (iii) in the case of an aircraft other than an amateur-built aircraft or production-built aircraft, the certificate of airworthiness issued by the Executive Director in terms of Part 21;
    - (iv) the airframe data plate of the aircraft;
    - (v) if the holder in whose name the aircraft is registered -
      - (aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;
      - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(cc) is a company or close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and

(vi) the appropriate fee prescribed in Part 187.

**Revocation of registration and de-registration of aircraft**

**47.03.3** (1) An aircraft remains registered on the register until the registration of that aircraft is revoked or the aircraft is de-registered by the Executive Director.

(2) The Executive Director must -

(a) revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation -

(i) on receipt of an application for revocation made pursuant to regulation 47.03.1(1);

(ii) if the certificate of registration becomes invalid by virtue of regulation 47.03.1(6); or

(iii) if the Executive Director is satisfied of the occurrence of any of the events referred to in subregulation (3); or

(b) de-register an aircraft, amend the aircraft register and issue a certificate of de-registration if an application is made for such de-registration pursuant to regulation 47.03.2(1) or (3).

(3) The Executive Director may revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation, if the holder of the certificate of registration -

(a) has not submitted the maintenance records of the aircraft for a period of three months;

(b) has not paid any fees that are payable to the Authority under the Act or these regulations for a period of three months;

(c) has submitted an application for registration which does not comply with these regulations and the registration was erroneously placed in the aircraft register; or

(d) has not complied with the duties of a holder of the certificate prescribed in regulation 47.02.3.

(4) A certificate of revocation or de-registration referred to in subregulation (2) is issued on the appropriate form set out in Document NAM-CATS-ARM.

**Duration of certificate of registration**

**47.03.4** (1) A certificate of registration remains valid until -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) it has been invalidated in terms of regulation 47.03.1(6); or
- (b) the registration of the aircraft is suspended or revoked or the aircraft is de-registered by the Executive Director.

(2) The holder of a certificate of registration which has become invalid in terms of this Part, must surrender the certificate of registration immediately to the Executive Director for the appropriate endorsement.

**SUBPART 4**  
**NAMIBIA REGISTER OF AIRCRAFT**

**Namibia Register of aircraft**

**47.04.1** (1) The Executive Director must, pursuant to section 50 of the Act, establish and maintain or cause to be maintained the aircraft register.

(2) The Executive Director must enter or cause to be entered the following particulars into the aircraft register:

- (a) The full name and, if any, the trade name of the holder of the certificate of registration;
- (b) the postal address of the holder of the certificate of registration;
- (c) the date on which the aircraft was registered on the register for the first time;
- (d) the date on which the aircraft was registered in the name of the holder;
- (e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;
- (f) the nationality and registration marks of the aircraft; and
- (g) the airworthiness category of the aircraft.

(3) The Executive Director must, on written request and on payment of the appropriate fee prescribed in Part 187, furnish an extract of the aircraft register to any person who may request such an extract.

**Notice of error in information in aircraft register**

**47.04.2** If the holder of a certificate of registration for an aircraft finds out that anything in the aircraft register in relation to the aircraft is no longer correct, the holder must inform the Executive Director in writing within 14 days after establishing the information about the change that must be made.

**Reservation of registration mark**

**47.04.3** (1) Subject to subregulations (3) and (4), the Executive Director may, on application made to him or her, reserve a registration mark for a period not exceeding 12 months after the day on which the registration mark was reserved.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An application referred to in subregulation (1) may be made by a person who intends to register an aircraft in the aircraft register, and the application must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A registration mark may not be reserved if it is currently in use on another registered aircraft.

(4) The Executive Director may refuse to reserve a registration mark, if the Executive Director considers use of the registration mark to be undesirable.

(5) A registration mark that has been reserved may not, while reserved, be allocated to an aircraft as a registration mark otherwise than at the request of the person on whose request the registration mark was reserved.

**Identifiable paint schemes and markings**

**47.04.4** (1) The Executive Director may, on application made to him or her for the registration of an identifiable paint scheme and markings by the holder of a certificate of registration for an aircraft, grant the application and register the paint scheme and markings.

(2) An application referred to in subregulation (1) must -

- (a) be made in the appropriate form set out in Document NAM-CATS-ARM;
- (b) contain the following particulars:
  - (i) the registration mark allocated to the aircraft by the Executive Director;
  - (ii) a written description of the particular paint scheme and markings of the aircraft;
  - (iii) a three-view set of photographs that clearly show the paint scheme and all relevant markings of the aircraft; and
  - (iv) such further particulars relating to the aircraft and the holder of the certificate of registration as may be required by the Executive Director; and

(c) be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director may register an identifiable paint scheme and markings, if the scheme is acceptable to the Executive Director as being sufficiently clear and unique to distinguish the aircraft from other aircraft of the same or similar type and model.

(4) A person intending to change a registered identifiable paint scheme and markings must apply for registration of the new scheme and markings in accordance with regulation 47.04.5 and the Executive Director may request for further information in relation to such an application.

[The word “for” after the word “request” is superfluous.]

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) If the Executive Director reasonably requires further information to enable him or her to consider an application for the registration of the scheme and markings, the Executive Director may request the applicant, in writing, to provide that information, and the Executive Director must describe the required information in the request.

(6) The Executive Director may refuse to consider or may cease considering, the application for the registration of the scheme and markings until the applicant complies with the request made under subregulation (5).

**Change of identifiable paint scheme and markings**

**47.04.5** (1) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under regulation 47.04.4 who intends to change the paint scheme or markings must apply for approval of a new paint scheme and markings in terms of that regulation.

(2) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under subregulation (1) who intends to discontinue the display of the paint scheme and markings must -

- (a) notify the Executive Director in writing accordingly; and
- (b) mark the aircraft in accordance with regulation 47.04.4.

**Destruction, loss, theft, withdrawal from use or foreign registration of aircraft**

**47.04.6** (1) The holder of a Namibian certificate of registration must -

- (a) within 14 days after becoming aware that the aircraft is -
  - (i) destroyed, lost or stolen; or
  - (ii) permanently withdrawn from use; or
- (b) immediately upon the application for registration of the aircraft on the aircraft register of any other country,

notify the Executive Director in accordance with subregulation (2).

- (2) A notification under subregulation (1) must -
  - (a) be made in writing;
  - (b) be signed by the certificate holder;
  - (c) set out the circumstances of what has occurred; and
  - (d) be accompanied by the certificate of registration.

**Currency of information in certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**47.04.7** (1) The holder of a Namibian certificate of registration must notify the Executive Director, as soon as possible, of any change that affects the current status of any information contained in the certificate.

(2) If, after receiving a notification under subregulation (1), the Executive Director amends or revokes the certificate of registration and issues a new certificate in its place in accordance with the Act, the Executive Director must update the relevant particulars in the aircraft register.

**Registration of identifiable paint scheme and markings**

**47.04.8** The identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5 must be entered in the aircraft register in accordance with regulation 47.04.1.

**Change of registration mark**

[This regulation is incorrectly numbered here; it should be "47.04.9",  
as it appears in the LIST OF REGULATIONS.]

**47.05.9** (1) The holder of a Namibian certificate of registration may apply to the Executive Director for a new registration mark to replace the mark allocated to the aircraft specified in the certificate.

(2) The applicant for a change of registration mark must apply in the appropriate form set out in Document NAM-CATS-ARM and submit to the Executive Director -

- (a) the certificate of registration;
- (b) the registration mark sought; and
- (c) payment of the appropriate fee prescribed in Part 187.

(3) On receiving an application under subregulation (2), the Executive Director may revoke the registration mark allocated to the aircraft and allocate the new registration mark.

(4) On allocation of a new registration mark under subregulation (3), the Executive Director must enter in the aircraft register, the particulars of the new registration mark allocated to the aircraft.

**Marks to be on foreign registered aircraft in Namibian territory**

**47.04.10** A person may operate a foreign registered aircraft in Namibian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 48: LEASING OF AIRCRAFT**

[Part 48 is inserted by GN 11/2024.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 48.01.1      Applicability  
                 [The heading of this regulation in the text below is “Application”.]

**SUBPART 2: FINANCIAL OR CAPITAL LEASES**

- 48.02.1      Filing of lease agreement

**SUBPART 3: OPERATING LEASES**

- 48.03.1      Dry lease-in  
48.03.2      Dry lease-out  
48.03.3      Wet lease-in  
48.03.4      Wet lease-out  
48.03.5      Damp leases  
                 [The heading of this regulation in the text below is “Damp lease” (singular).]

**SUBPART 4: SUB-CHARTERS**

- 48.04.1      Sub-charters

**SUBPART 5: INSURANCE**

- 48.05.1      Insurance

**SUBPART 6: TRANSFER OF RESPONSIBILITIES BETWEEN STATES**

- 48.06.1      Article 83*bis* agreement  
48.06.2      Personnel licensing  
48.06.3      Airworthiness  
48.06.4      Recognition  
48.06.5      Transfer of responsibilities  
48.06.6      Operations under Article 83*bis*

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Application**

**48.01.1** This Part applies -

- (a) to all aircraft lease agreements involving Namibian air service operators, Namibian registered aircraft and foreign registered aircraft operated by Namibian air service operators;
- (b) with the necessary changes to any dry lease agreement where either the lessor or the lessee is a Namibian entity but not an air service operator; or
- (c) with the necessary changes to any sub-lease agreement.

**SUBPART 2**  
**FINANCIAL OR CAPITAL LEASES**

**Filing of lease agreement**

**48.02.1** (1) A Namibian operator, who enters into a financial or capital lease agreement as lessee in respect of an aircraft, must -

- (a) provide the Executive Director with a certified copy of such lease agreement; and
- (b) comply with the provisions of the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment signed at Cape Town on 16 November 2001, where applicable.

(2) An aircraft, acquired on a financial or capital lease, to be used for the provision of an air service, -

- (a) is considered to be on a dry lease, and the provisions of Regulation 48.03.1 apply with the necessary changes; and
- (b) must be placed on the Namibia Register of Aircrafts, if not already so registered in accordance with the provisions of Part 47 of these regulations.

**SUBPART 3**  
**OPERATING LEASES**

**Dry lease-in**

**48.03.1** (1) An operator who intends to dry lease-in an aircraft for the purpose of providing an air service, must submit an application on the form provided for in Document NAM-CAT-LA 48, signed by both parties, together with the fee referred to in Part 187 of these regulations to the Executive Director for prior approval to dry lease-in such aircraft.

(2) The oversight responsibilities in respect of a dry lease-in of a foreign registered aircraft may be fully or partially transferred in terms of an Article 83*bis* agreement referred to in Subpart 6 from the appropriate authority of the state of registry to the Authority.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director may, subject to the conditions as he or she may determine, grant a dry lease-in agreement contemplated in subregulation (1) if he or she is satisfied that -

- (a) an aircraft to be dry leased-in is type-certificated in accordance with the requirements referred to in Part 21 of these regulations;
- (b) the aircraft to be dry leased-in is maintained in accordance with an approved maintenance programme, the design and application of which must observe human factors principles, and current manufacturer's maintenance manual;
- (c) an aircraft to be dry leased-in is operated under an operating certificate held by a concerned lessee and an applicant may not operate an air service concerned contrary to the provisions of the Act or the Air Services Act;

**[The Air Services Act is Act 51 of 1949.]**

- (d) in case of a foreign registered aircraft -

**[The word "the" appears to have been omitted between the words "in" and "case".]**

- (i) if the transfer of responsibilities, as contemplated in subregulation (2) of a foreign aircraft have not been fully effected ;

**[There should be a comma after the phrase "as contemplated in subregulation (2)" to offset that phrase properly. The verb "have" should be "has" to accord with the subject "transfer".]**

- (ii) an appropriate authority of a state of registry is able to carry out its oversight responsibilities effectively;
- (iii) the duration of a dry lease-in agreement is for a period not exceeding six consecutive calendar months in any 12-months period calculated from the date of commencement of such dry lease-in agreement; and

**[The adjective "12-months" should be "12-month".]**

- (iv) the number of foreign registered aircraft leased by a concerned operator constitutes not more than half the number of aircraft listed on that operator's operating certificate.

(4) If the conditions, contemplated in subregulation (3)(d), are not met, the aircraft to be dry leased-in must be registered in Namibia as contemplated in Part 47 of these regulations, and -

- (a) the aircraft be subject to the airworthiness certification, maintenance, and inspection procedures provided by these regulations in respect of Namibian registered aircraft;
- (b) the responsibility or custody of the aircraft and control of all operations is vested in the lessee operator;
- (c) the responsibility for the airworthiness and maintenance of the aircraft is vested in the lessee operator; and
- (d) the registration of the aircraft is valid only for the duration of the lease agreement, and for as long as the aircraft is operated in accordance with -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) these regulations;
- (ii) the terms or conditions specified in the lessee operator's operating certificate;
- (iii) the related operations specifications; and
- (iv) the lessee operator's operations and maintenance control manuals.

(5) The conditions for granting an application referred to in subregulation (3) must be made part of the lease agreement and must specify the responsibilities of the parties involved in respect of -

- (a) airworthiness of the aircraft and performance of maintenance;
- (b) signing the maintenance release;
- (c) flight and cabin crew member certification;
- (d) crew member training, competency and currency;
- (e) scheduling of crew members;
- (f) dispatch or flight-following; and
- (g) insurance arrangements.

(6) A dry lease agreement between Namibian operators must include the arrangements concerning each party's respective responsibilities in respect of the airworthiness of the aircraft.

**Dry lease-out**

**48.03.2** (1) An operator of a Namibian registered aircraft may dry lease-out the aircraft to any other Namibian operator (lessee), subject to the provisions of subregulation (2).

(2) A dry lease-out agreement of a Namibian registered aircraft, dry leased-out in terms of subregulation (1), must include the confirmation of the parties respective responsibilities in the agreement in respect of the continued airworthiness of the aircraft and that the aircraft will be operated in terms of the operating certificate held by the lessee.

**[The word "parties" should be followed by an apostrophe in the phrase "the parties' respective responsibilities".]**

(3) An operator of a Namibian registered aircraft may dry lease-out an aircraft to any other operator in a contracting state.

(4) The Executive Director may, upon application on the form provided for in Document NAM-CATS-LA 48, by an operator (lessor) of a Namibian registered aircraft, remove such aircraft from the operating certificate held by such operator.

(5) The removal, contemplated in subregulation (4), in respect of an aircraft to be dry-leased-out to an operator in a contracting state, is on condition that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the appropriate authority of the state of the operator to whom such aircraft is dry leased-out concludes an Article 83bis agreement with the Minister, in which such authority accepts responsibility for the surveillance of maintenance and operation of such aircraft in terms of the applicable requirements in Subpart 6; and
- (b) such aircraft is maintained in accordance with an approved maintenance schedule and current manufacturers maintenance manual.

**[The word “manufacturer’s” should appear with an apostrophe to be grammatically correct.]**

(6) If a Namibian registered aircraft is dry leased-out to an operator in a state that is not a contracting state, the Minister may not transfer responsibility for surveillance of the maintenance and operation of the aircraft to the appropriate authority of such state, and the lessor operator is liable for -

- (a) any costs incurred by the Authority in carrying out its oversight function in respect of such aircraft;
- (b) any such costs in respect of an aircraft for which no transfer of responsibilities, as contemplated in subregulation (5)(a), has been agreed upon.

(7) The provisions of subregulation (5) and (6) apply with the necessary changes in respect of a dry leased-out aircraft remaining on the operating certificate of the lessor.

**Wet lease-in**

**48.03.3** (1) A Namibian operator who intends to wet lease-in an aircraft for the purpose of providing an air service, must -

- (a) be the holder of an air service licence and operating certificate applicable to the category and type of aircraft, as defined in the Air Services Act; and

**[The Air Services Act is Act 51 of 1949.]**

- (b) submit an application on the form provided for in Document NAM-CATS-LA 48, signed by both parties, together with the fee referred to in Part 187, to the Executive Director for prior approval to wet lease-in such aircraft.

(2) The duration of the wet lease-in agreement, in respect of a foreign-registered aircraft, is limited to a maximum period of six consecutive calendar months in any 12-months period calculated from the date on which the Executive Director approves such wet lease-in agreement.

**[The adjective “12-months” should be “12-month”.]**

(3) The Executive Director may, subject to such conditions as he or she may determine grant a wet lease-in agreement approval referred to in subregulation (1)(b), if such aircraft -

**[There should be a comma after the phrase “subject to such conditions as he or she may determine” to offset that phrase properly.]**

- (a) is from an operator who is the holder of an operating certificate or similar document issued by an appropriate authority;
- (b) has been type-certificated by an appropriate authority;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) has been issued with a valid certificate of airworthiness or similar document issued by an appropriate authority;
- (d) is maintained and operated in accordance with safety standards equivalent to the safety standards referred to in these regulations in respect of aircraft operated in a commercial air transport operation; and
- (e) is operated in terms of the operating certificate or similar document held by the lessor, on condition that, if the operator concerned is a foreign operator, the appropriate authority of the State of Registry concludes an Article 83bis agreement with the Minister in which it is agreed that a wet leased-in aircraft must be operated in terms of the operating certificate of a Namibian lessee, and that certain specified oversight responsibilities be transferred from that authority to the Executive Director.

(4) The lessee must -

- (a) satisfy the Executive Director that the safety standards of the lessor are not less than the applicable safety standards referred to in these regulations; and
- (b) ensure that any law applicable to the aircraft to be wet leased-in and the maintenance or operation of such aircraft is complied with.

(5) The total number of wet leased-in aircraft, either foreign or Namibian registered, may not constitute more than half the number of aircraft listed on the operating certificate of an operator referred to in subregulation (1).

(6) The conditions under which a wet lease-in agreement is granted by the Executive director as contemplated to in subregulation (3) must be part of the lease agreement between the lessor and the lessee.

**[The word "director" should be capitalised in the phrase "Executive Director".  
The word "to" following the word "contemplated" is superfluous.]**

(7) If an agreement, contemplated in sub-regulation (3)(e), has been concluded, such agreement must be formally registered with the Council of ICAO and the appropriate authority of a third state affected by such agreement must be notified.

**Wet lease-out**

**48.03.4** (1) A Namibian operator of a Namibian registered aircraft who intends to wet lease-out an aircraft to any non-Namibian operator, if the non-Namibian operator is licensed in a non-contracting state, must remain the operator of the aircraft in terms of his or her operating certificate, and the responsibility for the surveillance of maintenance and operation of such aircraft may not be transferred to the appropriate authority of the state of the operator to which such aircraft is wet leased-out to.

(2) The provisions of regulation 48.03.2(6) in respect of the cost of oversight by the Authority apply with the necessary changes.

(3) Subject to subregulation (5), a Namibian operator of a Namibian registered aircraft may wet lease-out an aircraft to any non-Namibian operator in a contracting state.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The Executive Director may, upon application on the form provided for in Document NAM-CATS-LA 48, by a Namibian operator referred to in subregulation (3), remove a Namibian registered aircraft from the operating certificate held by such operator, on condition that -

- (a) the appropriate authority of the State of the Operator to whom such aircraft is wet leased has in writing accepted, responsibility for the surveillance of the maintenance and operation of such aircraft, as provided for in an Article 83*bis* agreement; and
- (b) such aircraft is maintained in accordance with an approved maintenance schedule.

(5) A non-Namibian licensed lessee operator may only use a wet lease-out a Namibian registered aircraft, in commercial air transport operations to and from Namibia if the lessee operator has the underlying traffic rights to enter Namibia.

(6) A Namibian registered aircraft wet leased-out to a foreign operator does not need to be listed on such foreign operator's permit of lease.

(7) A Namibian operator, intending to wet lease-out a Namibian registered aircraft to another Namibian operator must submit an application on the form provided for in Document NAM-CATS-LA 48, signed by both parties, together with the fee referred to in Part 187, to the Executive Director for prior approval to wet lease-out the aircraft.

(8) Any conditions specified in granting a approval referred to in subregulation (7) must be incorporated by the operator's into the wet lease-out agreement.

[The article "a" before the word approval should be "an".  
The word "operator's" should be "operators".]

(9) Despite subregulations (7) and (8), the Executive Director may provide any Namibian operator with a list of Namibian operators from whom an aircraft may be wet leased-out by such operator without prior approval.

(10) A Namibian operator who agrees to wet lease-out an aircraft to another Namibian operator must remain the operator of the aircraft and must retain the functions and responsibilities specified in his or her operating certificate.

(11) Despite subregulation (10), the lessee operator who in terms of the Air Services Act is required to be actively and effectively in control of the air service must ensure that the lessor operator adheres to the conditions of the latter's operating certificate and its operating specifications, which conditions may not be in conflict or less than the conditions of the lessee operator's operating certificate.

[The Air Services Act is Act 51 of 1949.]

(12) The terms of an approved wet lease agreement between Namibian operators must include -

- (a) the arrangement concerning the operating certificate under which the flights with the leased aircraft must be operated; and

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) any deviation from the operating certificate under which the flights with the leased aircraft must be operated.

**Damp lease**

**48.03.5** (1) If an aircraft is damp leased with only a partial crew of either flight or cabin crew the provisions of regulations -

- (a) 48.03.3 and 48.03.4 apply with the necessary changes in respect of the crew provided as part of the lease; and
- (b) 48.03.1 and 48.03.2 apply with the necessary changes in respect of the aircraft provided by the lessee.

(2) The cabin or flight crew members provided by the lessee for the operation must undergo the standard operating procedures training of the lessor prior to the commencement of any commercial air transport operation.

**SUBPART 4  
SUB-CHARTERS**

**Sub-charters**

**48.04.1** (1) In exceptional circumstances provided for in Documents NAM-CATS-LA 48, an operator may sub-charter an aircraft with or without flight crew provided -

- (a) the sub-charter period does not exceed five consecutive days; and
- (b) the sub-charterer informs the Executive Director, within 24 hours of such sub-charter.

(2) In the case of Part 121 operations, the provisions of subregulation (1) apply only to wet lease operations.

**SUBPART 5  
INSURANCE**

**Insurance**

**48.05.1** Any reference to insurance in this Part means a reference to the compulsory insurance in terms of the Air Services Act and the Act.

**[The Air Services Act is Act 51 of 1949.]**

**SUBPART 6  
TRANSFERS OF RESPONSIBILITIES BETWEEN STATES**

**Article 83bis agreement**

**48.06.1** (1) The Minister, being duly authorised, may in the case of dry or wet leased aircraft enter into an Article 83bis agreement in accordance with the requirements contained in this Subpart for the transfer of certain or all the functions and duties from the state of registry of an aircraft to the state of operator, if such functions and duties can more adequately

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

be discharged by the state of the operator and register such agreement of transfer with the Council of ICAO.

[The word “the” seems to have been omitted before the word “operator” in the first use of the phrase “state of operator” in subregulation (1); it appears in that phrase the second time it is used in subregulation (1).]

(2) The functions and duties, referred to in subregulation (1) are the functions and duties allocated by the Chicago Convention to the state of registry in respect of -

- (a) Article 12 which provides for Rules of the Air;
- (b) Article 30 which provides for Aircraft radio equipment;
- (c) Article 31 which provides for Certificates of Airworthiness; and
- (d) Article 32 which provides for Licences of Personnel.

(3) The transfer of any function or duty contemplated in subregulation (1) becomes effective in respect of any other contracting state after -

- (a) the Article 83*bis* agreement between the states, has been registered with the Council of ICAO and made public as required in Article 83*bis*; or
- (b) the existence and scope of the Article 83*bis* agreement have been directly communicated by the state party to the agreement to the appropriate authorities of the other contracting state or states concerned.

(4) The Minister may accept certain or all of the functions and duties of the appropriate authority of a state of registry in respect of an aircraft on that state’s aircraft register as contemplated in subregulation (1) to the extent provided for in the relevant Article 83*bis* agreement, and consider such aircraft to be a Namibian aircraft for the purpose of these regulations.

(5) If Namibia is a state of an operator with respect to a dry lease-in or wet lease-in of an aircraft operating under an Article 83*bis* agreement, the Executive Director must transmit a copy of such Article 83*bis* agreement together with a summary of such agreement in the format provided for in Document NAM-CATS-LA 48, to the ICAO for registration.

### **Personnel licensing**

**48.06.2** (1) A Namibian air services operator who dry leases-in a foreign aircraft must satisfy the Executive Director that -

- (a) the flight and cabin crew to be designated for duty on the aircraft already possess valid licences or approvals issued by the state of registry, or that arrangements have been made for such personnel to obtain the necessary licences or approvals; and
- (b) ensure that all the regulations of the state of registry in respect of personnel licensing and the allocation, training and checking of flight and cabin crew have been complied with.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) If there is reasonable belief that the lessee operator is not complying with the appropriate regulations of the state of registry, as contemplated in subregulation (1)(b), the appropriate authority of that state must be advised and a request made to such authority for the matter to be investigated.

[The word “a” appears to have been omitted before the phrase “reasonable belief”.]

(3) The Minister may in terms of an Article 83*bis* agreement, take responsibility for oversight of the matters contemplated in subregulation (1)(b).

(4) The Executive Director may, on conditions he or she determines, issue validations to a lessee operator’s flight and cabin crew members, designated for duty in respect of a Namibian aircraft dry leased-out to a foreign operator.

(5) A validation, contemplated in subregulation (4), may be issued in the format provided for in Document NAM-CATS -LA 48.

#### **Airworthiness**

**48.06.3** (1) A Namibian air services operator who dry leases-in a foreign aircraft must satisfy the Executive Director that -

- (a) the AMO, responsible for the continued airworthiness of the aircraft, already possesses valid licences or approvals issued by the State of Registry, or that arrangements have been made for such organisation to obtain the necessary licences or approvals; and
- (b) the organisation, contemplated in paragraph (a), carries out its maintenance functions in accordance with all the relevant regulations of the state of registry.

(2) If the lessee operator is not complying with the relevant regulations of the state of registry, the appropriate authority of that state must be advised and a request made to such authority for the matter to be investigated.

(3) The Minister may in terms of an Article 83*bis*, take responsibility for the oversight of the matters contemplated in subregulation (1)(b).

(4) The Executive Director may, in respect of an aircraft, dry leased-out to a foreign operator, and on such conditions as he or she determine, grant a foreign-based AMO to carry out all or part of the maintenance on the aircraft referred to in subregulation (1), in accordance with the aircraft’s approved maintenance schedule and remove the aircraft from the Namibia Register of Aircrafts for the duration of the dry lease-out period and facilitate such aircrafts registration in the state of the operator.

[A word such as “authority” or “permission” appears to have been omitted after the phrase “grant a foreign-based AMO”. The word “aircrafts” should appear with an apostrophe in the phrase “such aircraft’s registration” to be grammatically correct.]

#### **Recognition**

**48.06.4** (1) The Executive Director must recognise an Article 83*bis* agreement between two contracting states that have ratified Article 83*bis* in which the state of the operator

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

is substituted for the state of registry, within the limits established by the transfer arrangements, provided that -

- (a) the Article 83*bis* agreement has been duly registered with ICAO for registration; or
- (b) the affected third-party states have been informed directly by at least one of the states party to the Article 83*bis* agreement.

(2) The Executive Director may not recognise the transfer of functions and duties contemplated in an Article 83*bis* agreement -

- (a) between such states are not parties to an Article 83*bis* agreement or if states that are parties to such agreement, but have not registered such agreement with ICAO; and
- (b) if Namibia has not been informed directly by at least one of the state parties to the Article 83*bis* agreement, of such transfer.

(3) The Executive Director must recognise the validity of licences and certificate if contracting states that have ratified an Article 83*bis* agreement, have transferred the authority to render valid or to renew crew licences, radio licences and certificates of airworthiness in terms of an Article 83*bis* agreement from the state of registry to the state of the operator, if he or she has been officially informed of such transfer, provided that these licences and certificates have been issued, rendered valid or renewed by the appropriate authority of the state of the operator and fully meets the requirements of Annexes 1 and 8 to the Convention.

[The word “certificates” should be plural in the phrase “the validity of licences and certificate”.  
The verb “meets” should be “meet” to accord with the subject “licences and certificates”.]

### **Transfer of responsibilities**

**48.06.5** (1) The Article 83*bis* agreement must specifically mention the functions and duties to be transferred and those functions not mentioned will be considered to remain with the state of registry.

(2) A listing of responsibilities regarding airworthiness that may or may not be transferred between states is contained in Document NAM-CATS-LA 48.

(3) If an Article 83*bis* agreement has been concluded, the state of registry is relieved of responsibility and, where applicable, of liability in respect of the functions and duties duly transferred to the appropriate authority of the state of operator and such authority must apply these regulations.

[The word “the” appears to have been omitted before “operator” in the phrase “state of operator”.]

(4) The Ministry must ensure that relevant information concerning the existence of an Article 83*bis* agreement relating to aircraft operating to or from Namibia’s territory is without delay relayed to any Namibian authority involved in the inspection of documents required to be carried on board an aircraft.

(5) For the purpose of identifying the individual states’ responsibility for safety oversight when any verification process, such as ramp inspections, a certified true copy of the Article 83*bis* Agreement and of the operating certificate under which the aircraft is operated and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

in which such responsibility it is listed must be carried on board the aircraft at all times while the Article 83*bis* agreement is in force.

[One or more words (such as “occurs,” or “takes place,”) appear to have been omitted after the phrase “such as ramp inspections,”. Alternatively, the opening phrase may have been intended to be “For the purpose of identifying the individual states’ responsibility for safety oversight of any verification process, such as ramp inspections...” (substituting “of” for “when”).  
The word “it” is superfluous in the phrase “it is listed”.]

(6) Document NAM-CATS-LA 48 contains examples of suitable Article 83*bis* agreements.

**Operations under Article 83*bis***

**48.06.6** (1) An operator of an aircraft operating under an Article 83*bis* agreement must ensure that a certified copy of such Article 83*bis* agreement summary referred to in regulation 48.06.1 and an english translation where such agreement summary is issued in a language other than english is carried on board such aircraft.

[The word “English” should be capitalised in both its appearances in subregulation (1).]

(2) An operator of an aircraft operating under an Article 83*bis* agreement must on request by an authorised officer, inspector or authorised person, make such Article 83*bis* agreement summary available in order to determine which functions and duties have been transferred under such agreement by a state of registry to a state of an operator, when conducting surveillance activities, such as ramp checks.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**FLIGHT SIMULATORS OR TRAINING DEVICES**

**PART 60**  
**FLIGHT SIMULATORS OR TRAINING DEVICES**

[Part 60 is inserted by GN 178/2023. It is not clear what heading the inserted part should fall under, since the direction is merely to insert it “after Part 47”. However, since it does not appear to fit well under the preceding section on AIRCRAFT or the following section on PERSONNEL, it has been placed on its own under the heading “FLIGHT SIMULATORS OR TRAINING DEVICES”.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 60.01.1 Applicability
- 60.01.2 Qualification levels for flight simulator or training device
- 60.01.3 Application for initial qualification for flight simulator or training device  
[The heading of this regulation in the text below is  
“Application for initial qualification of flight simulator or training device”.]
- 60.01.4 Qualification criteria for flight simulator or training device
- 60.01.5 Issue of Certificate for flight simulator or training device  
[The word “certificate” is not capitalised in the heading of this regulation in the text below.]
- 60.01.6 Period of validity of Certificate of Qualification
- 60.01.7 Recurrent evaluation of qualified flight simulator or training device
- 60.01.8 Variation, cancellation or suspension of qualified flight simulator or training device  
[In the heading of this regulation in the text below, the word “a” appears before the phrase  
“qualified flight simulator or training device”.]
- 60.01.9 Approvals for users of qualified flight simulator or training device
- 60.01.10 Quality system
- 60.01.11 On-going fidelity requirements
- 60.01.12 Modification of qualified flight simulator or training device
- 60.01.13 Change in qualification level of qualified flight simulator or training device
- 60.01.14 Deactivation, relocation or reactivation of qualified flight simulator or training device
- 60.01.15 Change of operator of qualified flight simulator or training device
- 60.01.16 Evaluation teams
- 60.01.17 Records

**SUBPART 2 BASIC INSTRUMENT FLIGHT TRAINERS**

- 60.02.1 Basic Instrument Flight Trainers



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1:  
GENERAL****Applicability****60.01.1 (1) In this Part:**

“FSTD operator” means a person or an organisation who operates an FSTD for the purpose or use for which it was approved;

“FSTD user” means a person or an organisation issued with an approval to use a qualified flight simulator or flight training device in terms of regulation 60.01.09;

“qualified flight simulator or training device” means a flight simulator or training device that has been issued with a Certificate of Qualification under this Part.

(2) This Part prescribes the requirements relating to persons and organisations who operate or use FSTD’s and training devices for:

- (a) training and tests leading to the granting and renewal of a pilot, ATC or Flight Engineer licences in terms of Part 61, 62, 63, 65;
- (b) granting or renewal of ratings associated with a pilot, ATC or Flight Engineer licences in terms of Part 61, 62, 63 and 65; and
- (c) proficiency training and checks associated with approved ATO’s or operators of FSTD’s and training devices.

(3) The NAM-FSTD A, NAM-FSTD H NAM-FSTD and ATC simulators apply to all FSTD’s and training devices located within Namibia and operated within Namibia by any Namibian FSTD operator or a foreign FSTD operator.

**[A comma appears to be missing between “NAM-FSTD H” and “NAM-FSTD”.]**

(4) For the purpose of these regulations, the Executive Director may not accept a Certificate of Qualification for a flight simulator or training device issued by an appropriate authority in respect of a flight simulator or training device located within Namibia unless the Executive Director has granted the flight simulator or flight training device qualification level in terms of these regulations.

(5) The version of the NAM-FSTD Aeroplanes, Helicopter or ATC simulators approved by the Executive Director for the issue of the initial qualification is applicable for future recurrent qualifications of the flight simulator or training device unless the flight simulator or training device is re-categorised in terms of this Part.

(6) A Certificate of Qualification for a flight simulator or training device issued by an appropriate authority to operate within Namibia may not be used for the training of Namibian flight crew or Air Traffic Controllers unless approved by the Executive Director in terms of the Regulations.

(7) For imported flight simulator or training device, the version of the initial qualification approved by the Executive Director is applicable to future recurrent qualifications

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

of the flight simulator or training device unless the flight simulator or training device is re-categorised in terms of the Regulations.

[The word “an” appears to have been omitted before  
the phrase “imported flight simulator or training device”.]

(8) FSTD or training device users must obtain approval to use the flight simulator or training device as part of their approved training programmes despite the fact that the flight simulator or flight training device has been previously qualified.

**Qualification levels for flight simulator or training device**

**60.01.2** (1) A flight simulator qualification in terms of Document NAM-CATS-FSTD A or NAM-CATS-FSTD H will be allocated the following level of qualification as applicable:

- (a) Level 1/A;
- (b) Level 2/B;
- (c) Level 3/C; and
- (d) Level 4/D.

(2) A training device qualified in terms of Document NAM-CATS-FSTD A and NAM-CATS-FSTD H will be allocated the following sublevel of qualification as applicable:

- (a) Basic Instrument Training Device (BITD);
- (b) Flight Training Device - Level 1 (FTD I);
- (c) Flight Training Device - Level 2 (FTD II);
- (d) Flight Navigation Procedures Trainer - Level 1 (FNPT I);
- (e) Flight Navigation Procedures Trainer - Level 2 (FNPT II);
- (f) Flight Navigation Procedures Trainer, Multi Crew - Level 2 (FNPT II MCC); and
- (g) Flight Navigation Procedures Trainer, Multi-Crew - Level 3 (FNPT III MCC).

(3) The training credits applicable to each level of qualification are set out in Document NAM-CATS-FSTD.

**Application for initial qualification of flight simulator or training device**

[The heading of this regulation in the LIST OF REGULATIONS is  
“Application for initial qualification for flight simulator or training device”.]

**60.01.3** (1) Persons or organisations intending to be operators of a flight simulator or flight training device for purposes specified in regulation 60.01.01 must apply, for a Certificate of Qualification for the device, to the Executive Director in the form and manner set out in

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

Document NAM-CATS-FSTD A or NAM-CATS-FSTD H or NAM-CATS ATC Training Device and the application must be accompanied by the appropriate fee prescribed in Part 187.

(1) An application for Certificate of Qualification for a flight simulator or flight training device must include:

- (a) a Qualification Test Guide (QTG) for the device; and
- (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.01.10.

[This subregulation should be numbered as “(2)” instead of “(1)”.]

**Qualification criteria for flight simulator or training device**

**60.01.4** (1) On receipt of an application in terms of regulation 60.01.3, the Executive Director must conduct an evaluation of the flight simulator or flight training device to be known as an initial evaluation.

(2) The evaluation referred to in subregulation (1), includes the consideration of:

- (a) any inspection or trial of the flight simulator or training device;
- (b) the data provided in the Qualification test Guide (QTG); and

[The word “Test” should be capitalised.]

(c) information available from any test conducted during the initial evaluation.

(3) If, after the initial evaluation, the Executive Director is satisfied that:

- (a) the operator’s quality system referred to in regulation 60.01.10 will be suitable for the flight simulator or flight training device; and
- (b) the flight simulator or flight training device meets the required qualification level,

The Executive Director must qualify the flight simulator or flight training device at the appropriate qualification level.

[The word “the” at the beginning of the closing phrase should not be capitalised since it continues a sentence that includes the preceding text.]

(4) The Executive Director may qualify a flight simulator or flight training device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.

(5) An interim qualification level referred to in subregulation (4) applies for the period agreed between the Executive Director and the operator of the device.

(6) If the Executive Director qualifies flight simulator or flight training device in terms of this regulation, the Executive Director must at the same time approve the Qualification Test Guide (QTG) for the simulator or device.

[The phrase “flight simulator or training device” should be preceded by the word “a”.]

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Issue of certificate for flight simulator or training device**

**60.01.5** (1) The Executive Director must, in the form determined by the Executive Director, issue to the applicant the Certificate of Qualification for the flight simulator or training device if the Executive Director qualifies the simulator or device.

(2) The Certificate of Qualification referred to in subregulation (1) must include the name of the operator, and:

- (a) include information identifying the flight simulator or training device;
- (b) specify the aircraft or ATC Station that is simulated by the flight simulator or training device; and
- (c) specify the qualification level for the flight simulator or training device.

**Period of validity of Certificate of Qualification**

**60.01.6** (1) A certificate of qualification for the flight simulator or training device is valid for:

- (a) 12 months from the date of issue; or
- (b) depending upon the conditions attached to the certificate, any shorter period as specified in the certificate for that period.

(2) A Certificate of Qualification for a flight simulator or training device becomes invalid:

- (a) if revoked or suspended in terms of the Act;
- (b) if cancelled under regulation 60.01.8;
- (c) if there is a change of operator of the qualified flight simulator or training device, unless this change has been approved in terms of this Part; or
- (d) if the flight simulator or training device is deactivated or relocated, unless such deactivation or relocation has been approved in terms of this Part.

(3) A certificate of qualification for a flight simulator or training device is not valid for the period of any suspension imposed under regulation 60.01.8.

**Recurrent evaluation of qualified flight simulator or training device**

**60.01.7** (1) The operator of a qualified flight simulator or training device may within 60 days before the expiry of the Certificate of Qualification in writing request the Executive Director to conduct an evaluation of the device to be known as a re-current evaluation.

(2) Subject to subregulation (3), regulations 60.01.4 and 60.01.5 apply with changes required by the context in respect of a re-current evaluation as if the re-current evaluation is an initial evaluation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) During a re-current evaluation, a qualified flight simulator or training device must be assessed against the qualification level at which the device was certified at the initial qualification of the device in Namibia.

(4) If the Executive Director has changed the qualification level of a qualified flight simulator or training device since the initial evaluation, the qualification level as changed applies in respect of that simulator or device.

**Variation, cancellation or suspension of a qualified flight simulator or training device**

[The heading of this regulation in the LIST OF REGULATIONS is "Variation, cancellation or suspension of a qualified flight simulator or training device" (without the word "a").]

**60.01.8** (1) The Executive Director may by notice in writing to the operator of flight simulator or training device, vary, cancel or suspend the qualification of the device, if:

[The phrase "flight simulator or training device" should be preceded by the word "a".]

- (a) the flight simulator training device no longer meets the qualification level specified in its qualification certificate; or
- (b) the operator has failed to comply with a requirement of this Part in relation to the flight simulator or training device.

(2) If an operator of a qualified flight simulator or training device receives a notice of variation or cancellation under subregulation (1), the operator must return the certificate of qualification for the device to the Executive Director within 14 days after receiving the notice.

(3) If the Executive Director varies a qualification for a qualified flight simulator or training device in terms of this regulation, the Executive Director must re-issue the Certificate of Qualification specifying the qualification as varied.

**Approvals for users of qualified flight simulator or training device**

**60.01.9** (1) A person intending to use a qualified flight simulator or training device must in writing apply to the Executive Director for approval to do so.

(2) In considering whether to grant an application made in terms of subregulation (1), the Executive Director must take into account:

- (a) the differences between the characteristics of the flight simulator or training device and the characteristics of a specific type, or a specific make, model and series, of aircraft or ATC Station and whether or not the user operates such an aircraft or ATC Station; and
- (b) the proposed user's operating and training competencies.

(3) The Executive Director may also, in terms of subregulation (2), take into account any other matter that affects the way the simulator or device operates or may be used.

(4) The Executive Director, on approval of qualified flight simulator or training device, must issue to the applicant the approval:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) in writing in the form determined by the Executive Director an approval to use a qualified flight simulator or training device;
- (b) subject to conditions, if any; and
- (c) in terms of Authority's FSTD Training and Testing credits set out in NAM-CATS 60.

[The word "the" appears to have been omitted before the term "Authority".]

(5) An approval referred to in subregulation (4) takes effect on the date of issue and continues to be valid unless the applicable Certificate of Qualification issued for the flight simulator or training device becomes invalid.

(6) The Executive Director may vary, cancel or suspend an approval issued in terms of subregulation (4), by written notice to the user:

- (a) in terms of the Act; or
- (b) if satisfied that any matter that was taken into account under subregulation (2) or (3) has changed.

### **Quality system**

**60.01.10** (1) The operator of qualified flight simulator or training device must establish and maintain a quality system that ensures the correct operation and maintenance of the flight simulator or training device.

[The phrase "qualified flight simulator or training device" should be preceded by the word "a".]

(2) The quality system referred to subregulation (1) must cover at least the following matters:

[The word "in" appears to have been omitted after the phrase "referred to".]

- (a) quality policy;
- (b) management responsibility;
- (c) document control;
- (d) resource allocation;
- (e) quality procedures; and
- (f) internal audit.

### **On-going fidelity requirements**

**60.01.11** (1) The operator of a Qualified flight simulator or training device must progressively during the 12 months after the issue of the Certificate of Qualification perform:

[The word "qualified" should not be capitalised.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) all validation tests mentioned in the master Quality Test Guide for the FSTD training device; and
- (b) all functions and subjective tests within the current and any planned training program or an equivalent sample approved by the Executive Director.

(2) The operator of a qualified flight simulator or training device must establish a configuration management system to ensure the continued integrity of the equipment and software of the qualified flight simulator or training device.

(3) The operator of a qualified flight simulator or training device must maintain an on-going modification program to ensure that the equipment, software and performance of the qualified flight simulator or training device accurately simulate the aircraft or airspace specified in the Certificate of Qualification.

(4) The operator of a qualified flight simulator or training device must notify each user of the qualified flight simulator or training device before its use, if the device is unsuitable for any training, testing or checking sequence specified in the Certificate of Qualification.

**Modification of qualified flight simulator or training device**

**60.01.12** (1) The operator of a qualified flight simulator or training device must notify the Executive Director in writing, if the operator proposes to modify the equipment or software of the flight simulator or training device in a way that will change the characteristics of the flight simulator or training device.

(2) On receipt of a notice under subregulation (1), the Executive Director may conduct an evaluation of the simulator or device as it is proposed to be modified, to be known as a special evaluation.

(3) Subject to subregulation (4) and (5), regulations 60.01.4 and 60.01.5 apply with changes required by the context, in respect of a special evaluation as if the special evaluation is an initial evaluation.

(4) If the Executive Director decides not to conduct a special evaluation, in terms of subregulation (2):

- (a) the operator of the qualified flight simulator or training device may make the proposed modification of the qualified flight simulator or training device; and
- (b) the qualified flight simulator or flight training device continues to be valid.

(5) During a special evaluation referred to in subregulation (2), a qualified flight simulator or training device must be assessed against the qualification level at which the flight simulator or training device was certified at the initial certification of it in Namibia.

(6) If the Executive Director has changed the qualification level since the initial evaluation, the qualification level as changed applies.

(7) This regulation does not apply to the modification of a flight simulator or training device for the purpose of a change in the qualification level of the simulator or device.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Change in qualification level of qualified flight simulator or training device**

**60.01.13** (1) The operator of a qualified flight simulator or flight training device may in writing request the Executive Director to change the qualification level of the training device.

(2) On receipt of a request in terms of subregulation (1), the Executive Director must conduct a special evaluation of the qualified FSTD or training device, applying the standards set out in Document NAM-CATS-FSTD (A) or NAM-FSTD (H) or NAM-CATS-ATC or NAM-CATS-60.

(3) If the Executive Director changes the qualification level of a qualified flight simulator or training device in terms of this regulation, the Executive Director must:

- (a) approve any resulting modifications to the master QTG of the flight simulator or training device; and
- (b) issue a revised Certificate of Qualification for the flight simulator or training device.

**Deactivation, relocation or reactivation of qualified flight simulator or training device**

**60.01.14** (1) The operator of a qualified flight simulator or training device must in writing notify the Executive Director, if the training device is deactivated.

(2) The operator of a qualified flight simulator or training device must in writing notify the Executive Director before the operator reactivates or relocates a qualified flight simulator or training device, and the Authority must conduct a special evaluation of the device.

[The word “device” is misspelt in the *Government Gazette* in its first usage in subregulation (2).]

(3) During a special evaluation referred to in subregulation (2), the qualified flight simulator or training device must be assessed against:

- (a) the qualification level at which the flight simulator or training device was certified at the initial certification of the device in Namibia; or
- (b) if the Executive Director has changed the qualification level since the initial evaluation, the qualification level as changed applies.

**Change of operator of qualified flight simulator or training device**

**60.01.15** (1) The operator of a qualified flight simulator or training device must in writing notify the Executive Director of any intended change of the operator of the simulator training device.

(2) If there is a change of the flight simulator or training device as contemplated in subregulation (1):

- (a) the former operator must give to the new operator the records mentioned in regulation 60.01.17 that apply to the flight simulator or training device; and
- (b) the new operator may in writing apply to the Executive Director for certification of the flight simulator or flight training device.



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An application under subregulation (2)(b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.

(4) If the Executive Director is satisfied that the new operator referred to in this regulation is able to comply with the requirements of this Subpart, the Executive Director must:

- (a) approve the plan referred to in subregulation (3); and
- (b) issue a new Certificate of Qualification for the flight simulator or training device.

**Evaluation teams**

**60.01.16** The Executive Director may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team of the Authority; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

**Records**

**60.01.17** (1) The operator of a qualified flight simulator or training device must keep the following records relating to the training device for at least three years after the device is decommissioned:

- (a) the master Quality Test Guide;
- (b) modification records; and
- (c) quality system records.

(2) The operator of a qualified flight simulator or flight training device must also keep the results of each test carried out under regulation 60.01.11(1) for the qualified flight simulator or training device for at least 3 years after the test.

(3) If there is a change of operator of a qualified flight simulator or training device the former operator must give the new operator records and test results relating to the training device and the new operator must keep the records and test results relating to the training device as required by this regulation.

**SUBPART 2:  
BASIC INSTRUMENT FLIGHT TRAINERS****Basic instrument Flight Trainer**

[The word "Instrument" should be capitalised in the heading of this regulation, as it appears in the LIST OF REGULATIONS.]

**60.02.1** This Subpart is reserved for future use.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PERSONNEL**

**PART 61**  
**PILOT LICENSING**

[Part 61 is substituted by GN 178/2023.]

**LIST OF REGULATIONS**

**SUBPART 1 GENERAL**

- 61.01.1 Applicability
- 61.01.2 Authority to act as pilot of Namibian aircraft, or as pilot of foreign registered aircraft within Namibia
- 61.01.3 Pilot licences
- 61.01.4 Ratings and other approvals relating to pilot licences
- 61.01.5 Flight instructor ratings
- 61.01.6 Maintenance of competency and recency
- 61.01.7 Theoretical knowledge examinations
- 61.01.8 FSTDs to be approved
- 61.01.9 Requirements for approval of FSTDs
- 61.01.10 Validation of a foreign pilot licences, ratings and authorisations  

[The word “a” does not fit with the plural words  
“licences, ratings and authorisations” in the heading of this regulation.]
- 61.01.11 Credit for military service
- 61.01.12 Conversion of foreign pilot licences
- 61.01.13 Medical requirements and fitness
- 61.01.14 Language
- 61.01.15 Logging of flight time
- 61.01.16 Curtailment of privileges of pilot licence holders 60 years of age or older
- 61.01.17 Requirements for skill tests
- 61.01.18 Change of name or address
- 61.01.19 Duplicate pilot licence or rating
- 61.01.20 Crediting of flight time and theoretical knowledge
- 61.01.21 Designation of pilots for purposes of training and tests
- 61.01.22 Designation of examiners for purposes of skills test or proficiency checks
- 61.01.23 Documents
- 61.01.24 Register of licences
- 61.01.25 Training for the issuing of a licence, rating or validation
- 61.01.26 Duties of pilots
- 61.01.27 Endorsements and record keeping
- 61.01.28 Payment of currency fee

**SUBPART 2 STUDENT PILOT LICENCE**

- 61.02.1 Requirements for Student Pilot Licence
- 61.02.2 Application for Student Pilot Licence
- 61.02.3 Issuing of Student Pilot Licence
- 61.02.4 Certificate of competency
- 61.02.5 Period of validity
- 61.02.6 Privileges and limitations of Student Pilot Licence
- 61.02.7 Discontinuing of flight training
- 61.02.8 Ratings for special purposes for a Student Pilot Licence

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

61.02.9 Re-issue of Student Pilot Licence

**SUBPART 3 PRIVATE PILOT LICENCE (AEROPLANE)**

- 61.03.1 Requirements for Private Pilot Licence (Aeroplane)
- 61.03.2 Application for, and issue of, a Private Pilot Licence (Aeroplane)
- 61.03.3 Theoretical knowledge examination
- 61.03.4 Skills test
- 61.03.5 Period of validity of Private Pilot Licence (Aeroplane)
- 61.03.6 Privileges of Private Pilot Licence (Aeroplane)
- 61.03.7 Ratings for special purposes
- 61.03.8 Maintenance of competency
- 61.03.9 Recency requirements for a Private Pilot Licence (Aeroplane)

**SUBPART 4 PRIVATE PILOT LICENCE (HELICOPTER)**

- 61.04.1 Requirements for Private Pilot Licence (Helicopter)
- 61.04.2 Application for, and Issue of, a Private Pilot Licence (Helicopter)
- 61.04.3 Theoretical knowledge examination
- 61.04.4 Skill test  

[The heading of this regulation in the text below is "Skills test"  
(with "Skills" being plural).]
- 61.04.5 Period of validity of Private Pilot Licence (Helicopter)  

[The heading of this regulation in the text below is "Privileges of Private Pilot Licence"  
(without the word "(Helicopter)").]
- 61.04.6 Privileges of Private Pilot Licence (Helicopter)
- 61.04.7 Ratings for special purposes
- 61.04.8 Maintenance of competency
- 61.04.9 Recency requirements for a Private Pilot Licence (Helicopter)

**SUBPART 5 COMMERCIAL PILOT LICENCE (AEROPLANE)**

- 61.05.1 Requirements for Commercial Pilot Licence (Aeroplane)
- 61.05.2 Application for, and issue of, a Commercial Pilot Licence (Aeroplane)
- 61.05.3 Theoretical knowledge examination
- 61.05.4 Skills test
- 61.05.5 Period of validity of Commercial Pilot Licence (Aeroplane)
- 61.05.6 Privileges of Commercial Pilot Licence (Aeroplane)
- 61.05.7 Ratings for special purposes and certificate
- 61.05.8 Maintenance of competency
- 61.05.9 Recency requirements for a Commercial Pilot Licence (Aeroplane)

**SUBPART 6 COMMERCIAL PILOT LICENCE (HELICOPTER)**

- 61.06.1 Requirements for Commercial Pilot Licence (Helicopter)
- 61.06.2 Application for, and issue of, a Commercial Pilot Licence (Helicopter)
- 61.06.3 Theoretical knowledge examination
- 61.06.4 Skills test
- 61.06.5 Period of validity of Commercial Pilot Licence (Helicopter)
- 61.06.6 Privileges of Commercial Pilot Licence (Helicopter)
- 61.06.7 Ratings for special purposes and certificate
- 61.06.8 Maintenance of competency
- 61.06.9 Recency requirements for a Commercial Pilot Licence (Helicopter)

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 7 AIRLINE TRANSPORT PILOT LICENCE (AEROPLANE)**

- 61.07.1 Requirements for Airline Transport Pilot Licence (Aeroplane)
- 61.07.2 Application for, and issue of, an Airline Transport Pilot Licence (Aeroplane)
- 61.07.3 Theoretical knowledge examination
- 61.07.4 Skills test
- 61.07.5 Period of validity of Airline Transport Licence (Aeroplane)
- 61.07.6 Privileges of Airline Transport Pilot Licence (Aeroplane)
- 61.07.7 Ratings for special purposes and certificate
- 61.07.8 Maintenance of competency
- 61.07.9 Recency requirements for an Airline Transport Pilot Licence (Aeroplane)

**SUBPART 8 AIRLINE TRANSPORT PILOT LICENCE (HELICOPTER)**

- 61.08.1 Requirements for Airline Transport Pilot Licence (Helicopter)
- 61.08.2 Application for, and issue of, an Airline Transport Pilot Licence (Helicopter)
- 61.08.3 Theoretical knowledge examination
- 61.08.4 Skills test
- 61.08.5 Period of validity of Airline Transport Licence (Helicopter)
- 61.08.6 Privileges of Airline Transport Pilot Licence (Helicopter)
- 61.08.7 Ratings for special purposes and certificate
- 61.08.8 Maintenance of competency
- 61.08.9 Recency requirements for an Airline Transport Pilot Licence (Helicopter)

**SUBPART 9 PRIVATE PILOT LICENCE (POWERED-LIFT)**

- 61.09.1 Requirements for Private Pilot Licence (Powered-lift)
- 61.09.2 Application for, and issue of, a Private Pilot Licence (Powered-lift)
- 61.09.3 Theoretical knowledge examination
- 61.09.4 Skills test
- 61.09.5 Period of validity of Private Pilot Licence (Powered-Lift)
- 61.09.6 Privileges of Private Pilot Licence (Powered-lift)
- 61.09.7 Ratings for special purposes
- 61.09.8 Maintenance of competency
- 61.09.9 Recency requirements for a Private Pilot Licence (Powered-lift)

**SUBPART 10 COMMERCIAL PILOT LICENCE (POWERED-LIFT)**

- 61.10.1 Requirements for Commercial Pilot Licence (Powered-lift)
- 61.10.2 Application for, and issue of, a Commercial Pilot Licence (Powered-lift)
- 61.10.3 Theoretical knowledge examination
- 61.10.4 Skills test
- 61.10.5 Period of validity of Commercial Pilot Licence (Powered-lift)
- 61.10.6 Privileges of Commercial Pilot Licence (Powered-lift)
- 61.10.7 Ratings for special purposes and certificate
- 61.10.8 Maintenance of competency
- 61.10.9 Recency requirements for a Commercial Pilot Licence (Powered-lift)

**SUBPART 11 AIRLINE TRANSPORT PILOT LICENCE (POWERED-LIFT)**

- 61.11.1 Requirements for Airline Transport Pilot Licence (Powered-Lift)
- 61.11.2 Application for, and issue of, an Airline Transport Pilot Licence (Powered-Lift)

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 61.11.3 Theoretical knowledge examination
- 61.11.4 Skills test
- 61.11.5 Period of validity of Airline Transport Pilot Licence (Powered-lift)
- 61.11.6 Privileges of Airline Transport Pilot Licence (Powered-Lift)
- 61.11.7 Ratings for special purposes and certificate
- 61.11.8 Maintenance of competency
- 61.11.9 Recency requirements for an Airline Transport Pilot Licence (Powered-Lift)

**SUBPART 12 GLIDER PILOT LICENCE**

- 61.12.1 Requirements for Glider Pilot Licence
- 61.12.2 Application for, and issue of, a Glider Pilot Licence
- 61.12.3 Theoretical knowledge examination
- 61.12.4 Skills test
- 61.12.5 Period of validity of Glider Pilot Licence
- 61.12.6 Privileges of Glider Pilot Licence
- 61.12.7 Ratings for special purposes
- 61.12.8 Maintenance of competency
- 61.12.9 Recency requirements for a Glider Pilot Licence

**SUBPART 13 FREE BALLOON PILOT LICENCE**

- 61.13.1 Requirements for Free Balloon Pilot Licence
- 61.13.2 Application for, and issue of, a Free Balloon Pilot Licence
- 61.13.3 Theoretical knowledge examination
- 61.13.4 Skills test
- 61.13.5 Period of validity of Free Balloon Pilot Licence
- 61.13.6 Privileges of Free Balloon Pilot Licence
- 61.13.7 Ratings for special purposes
- 61.13.8 Maintenance of competency
- 61.13.9 Recency requirements for a Free Balloon Pilot Licence

**SUBPART 14 COMMERCIAL FREE BALLOON PILOT LICENCE**

- 61.14.1 Requirements for Commercial Free Balloon Pilot Licence
- 61.14.2 Application for, and issue of, a Commercial Free Balloon Pilot Licence
- 61.14.3 Theoretical knowledge examination
- 61.14.4 Skills test
- 61.14.5 Period of validity of Commercial Free Balloon Pilot Licence
- 61.14.6 Privileges of a Commercial Free Balloon Pilot Licence
- 61.14.7 Ratings for special purposes
- 61.14.8 Maintenance of competency
- 61.14.9 Recency requirements for a Commercial Free Balloon Pilot Licence

**SUBPART 15 AIRSHIP PILOT LICENCE**

- 61.15.1 Requirements for Airship Pilot Licence
- 61.15.2 Application for, and issue of, an Airship Pilot Licence
- 61.15.3 Theoretical knowledge examination
- 61.15.4 Skills test
- 61.15.5 Period of validity of Airship Pilot Licence
- 61.15.6 Privileges of Airship Pilot Licence
- 61.15.7 Ratings for special purposes

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 61.15.8 Maintenance of competency
- 61.15.9 Recency requirements for an Airship Pilot Licence

**SUBPART 16 COMMERCIAL AIRSHIP PILOT LICENCE**

- 61.16.1 Requirements for a Commercial Airship Pilot Licence
- 61.16.2 Application for, and issue of, a Commercial Airship Pilot Licence
- 61.16.3 Theoretical knowledge examination
- 61.16.4 Skills test
- 61.16.5 Period of validity of Commercial Airship Pilot Licence
- 61.16.6 Privileges of Airship Pilot Licence for commercial purposes
- 61.16.7 Ratings for special purposes
- 61.16.8 Maintenance of competency
- 61.16.9 Recency requirements for a Commercial Airship Pilot Licence

**SUBPART 17 CLASS AND TYPE RATINGS**

- 61.17.1 Requirements for and the issue of class and type ratings
- 61.17.2 Training
- 61.17.3 Skills test
- 61.17.4 Circumstances in which type or class ratings are required
- 61.17.5 Special authorisation for type or class ratings
- 61.17.6 Application for class or type rating
- 61.17.7 Period of validity of class or type rating
- 61.17.8 Privileges and variants
- 61.17.9 Transfer of foreign class and type ratings
- 61.17.10 Revalidation

**SUBPART 18 INSTRUMENT RATING**

- 61.18.1 General
- 61.18.2 Requirements for Instrument Rating
- 61.18.3 Application for an Instrument Rating
- 61.18.4 Theoretical knowledge examination
- 61.18.5 Skills test
- 61.18.6 Period of validity of Instrument Rating
- 61.18.7 Privileges
- 61.18.8 Revalidation
- 61.18.9 Maintenance of competency

**SUBPART 19 GRADE I FLIGHT INSTRUCTOR RATING**

- 61.19.1 Requirements for Grade I Flight Instructor Rating
- 61.19.2 Application for a Grade I Flight Instructor Rating
- 61.19.3 Skills test
- 61.19.4 Period of validity of Grade I Flight Instructor Rating
- 61.19.5 Privileges
- 61.19.6 Revalidation

**SUBPART 20 GRADE II FLIGHT INSTRUCTOR RATING**

- 61.20.1 Requirements for Grade II Flight Instructor Rating
- 61.20.2 Application for a Grade II Flight Instructor Rating

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 61.20.3 Skills test
- 61.20.4 Period of validity of Grade II Flight Instructor Rating
- 61.20.5 Privileges
- 61.20.6 Revalidation

**SUBPART 21 GRADE III FLIGHT INSTRUCTOR RATING**

- 61.21.1 Requirements for Grade III Flight Instructor Rating
- 61.21.2 Application for a Grade III Flight Instructor Rating
- 61.21.3 Theoretical knowledge examination
- 61.21.4 Skills test
- 61.21.5 Period of validity of Grade III Flight Instructor Rating
- 61.21.6 Privileges and limitations
- 61.21.7 Revalidation

**SUBPART 22 TYPE RATING INSTRUCTOR RATING (MULTI-PILOT AIRCRAFT)**

- 61.22.1 Requirements for a Type Rating Instructor Rating
- 61.22.2 Application for a Type Rating Instructor Rating
- 61.22.3 Skills test
- 61.22.4 Period of validity of Type Rating Instructor Rating
- 61.22.5 Privileges and limitations
- 61.22.6 Revalidation

**SUBPART 23 FLIGHT SIMULATION TRAINING DEVICE INSTRUCTOR AUTHORISATION**

- 61.23.1 Requirements for Flight Simulation Training Device instructor authorisation  
[The heading of this regulation in the text below is "Requirements for FSTD instructor authorisation".]
- 61.23.2 Application for a Flight Simulation Training Device instructor authorisation  
[The heading of this regulation in the text below is "Application for a FSTD instructor authorisation".]
- 61.23.3 Theoretical knowledge examination
- 61.23.4 Skills test
- 61.23.5 Period of validity of Flight Simulations Training Device instructor authorisation  
[The heading of this regulation in the text below is "Period of validity of FSTD instructor authorisation".]
- 61.23.6 Privileges
- 61.23.7 Revalidation
- 61.23.8 Re-issue

**SUBPART 24 NIGHT RATING**

- 61.24.1 Requirements for Night Rating
- 61.24.2 Application for a Night Rating
- 61.24.3 Theoretical knowledge examination
- 61.24.4 Skills test
- 61.24.5 Period of validity of Night Rating
- 61.24.6 Privileges

**SUBPART 25 TEST PILOT QUALIFICATION**

- 61.25.1 General

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 61.25.2 Pilots qualified to conduct flight test
- 61.25.3 Test pilot rating requirements
- 61.25.4 Experience required for test pilot rating
- 61.25.5 Training required for test pilot rating
- 61.25.6 Application for a test pilot rating
- 61.25.7 Issuance of a test pilot rating
- 61.25.8 Period of validity of a test pilot rating
- 61.25.9 Privileges of a test pilot rating
- 61.25.10 Maintenance of competency

**SUBPART 26 TUG PILOT RATING**

- 61.26.1 Requirements for Tug Pilot Rating
- 61.26.2 Application for Tug Pilot Rating
- 61.26.3 Privileges

**SUBPART 27 TOW RATING**

- 61.27.1 Requirements for a Tow Rating (Aeroplane)
- 61.27.2 Application for tow pilot rating (Aeroplane)
- 61.27.3 Privileges of a Tow Rating (Aeroplane)

**SUBPART 28 HELICOPTER SLING-LOAD RATING**

- 61.28.1 Requirements for Helicopter Sling-Load Rating
- 61.28.2 Application for Helicopter Sling-Load Rating
- 61.28.3 Privileges
- 61.28.4 Period of validity of Helicopter Sling Load Rating

**SUBPART 29 HELICOPTER WINCHING RATING**

- 61.29.1 Requirements for Winching Rating (Helicopter)
- 61.29.2 Application for Winching Rating (Helicopter)
- 61.29.3 Privileges
- 61.29.4 Period of validity of Winching Rating (Helicopter)

**SUBPART 30 HELICOPTER GAME OR LIVESTOCK CULL RATING**

- 61.30.1 Requirements for Helicopter Game or Livestock Cull Rating
  - 61.30.2 Application for Helicopter Game or Livestock Cull Rating
  - 61.30.3 Privileges and Limitations
  - 61.30.4 Period of validity of Helicopter Game or Livestock Cull Rating
- [In the heading of this regulation in the text below, "limitations" is not capitalised.]

**SUBPART 31 AGRICULTURAL PILOT RATING**

- 61.31.1 Requirements for Agricultural Pilot Rating
- 61.31.2 Application for an Agricultural Pilot Rating
- 61.31.3 Skills test
- 61.31.4 Privileges

**SUBPART 32 DESIGNATED EXAMINERS**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 61.32.1 Categories of examiners
- 61.32.2 General requirements for designation as flight examiners
- 61.32.3 Specific requirements for designation as flight examiners
- 61.32.4 Application for designation as flight examiner
- 61.32.5 Issuing of designation as Designated Flight Examiner
- 61.32.6 Re-designation as Designated Flight Examiner
- 61.32.7 Designation, oversight, suspension and revoking of designation as Designated Flight Examiner

[The word “Designated” is misspelt in the *Government Gazette*, as reproduced above. This word does not appear in the heading of this regulation in the text below.]

- 61.32.8 Authorisations and limitations of Designated Flight Examiners
- 61.32.9 Crew member status of Designated Flight Examiners
- 61.32.10 Skills tests and proficiency checks by Designated Flight Examiners
- 61.32.11 Register of Designated Flight Examiners

**SUBPART 33 AEROBATICS RATING (GRADUATE)**

- 61.33.1 Requirements for an Aerobatics Rating (Graduate)
- 61.33.2 Application for an Aerobatics Rating (Graduate)
- 61.33.3 Classes of Aerobatics Ratings
- 61.33.4 Privileges of an aerobatics rating

[In the heading of this regulation in the text below, “Aerobatics Rating” is capitalised.]

[There are multiple references in this Part to “Document NAM-CATS 61”, and one reference to “NAM-CATS Part 61”. The definitions in regulation 1 do not list these documents. These references may refer to “Document NAM-CATS-FCL 61”, which is referred to elsewhere in this Part.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**61.01.1** (1) This Part prescribes the requirements relating to:

- (a) the issuing, renewal and re-issuing of pilot licences and other forms of approval and privileges, limitations and ratings associated with pilot licences or other forms of approval;
- (b) the validation of foreign pilot licences;
- (c) the conversion of foreign pilot licences; and
- (d) designation of aviation examiners for different purposes.

(2) In this Part any requirements for the issuing, renewal and re-issuing of an aviation document issued in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

(3) The Executive Director may issue, renew or re-issue pilot licences, ratings and other forms of approvals in terms of this Part, upon being satisfied that the applicant or a matter which requires a licence or approval complies with the requirements of the Act, including the applicable regulations and technical standards.

**Authority to act as pilot of Namibian aircraft, or as pilot of foreign registered aircraft within Namibia**

**61.01.2** (1) A person may not act as a pilot of a Namibian aircraft unless that person:

- (a) holds an appropriate Aircraft Pilot Licence and its associated ratings issued by the Executive Director in terms of this Part 61 or Part 62; or
- (b) holds a foreign pilot licence and its associated rating issued by an appropriate authority and validated by the Executive Director in terms of this Part or Part 62.

(2) A person may not act as a pilot of a foreign registered aircraft in Namibia unless such person holds an appropriate aircraft pilot licence and its associated rating issued or validated by the State of Registry.

(3) Unless authorised in terms of these regulations, the holder of a pilot licence may not exercise privileges other than the privileges applicable to the licence and its associated ratings.

(4) The applicant for, or a holder of, an Aircraft Pilot Licence, including a Student Pilot Licence, who receives training or is tested for the purpose of applying for the appropriate pilot licence or type rating, may act as pilot-in-command of an aircraft in respect of which he or she does not hold such licence or rating: Provided that:

- (a) the flight is not for remuneration or reward;
- (b) no passengers or cargo are transported in the aircraft; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the training or testing is conducted by the holder of an applicable and valid flight instructor rating or examiner who holds an appropriate valid type, group type or class rating.

**Pilot licences**

**61.01.3** The Executive Director may issue the following licences in terms of this Part:

- (a) a Student Pilot Licence (SPL);
- (b) a Private Pilot Licence (Aeroplane) (PPL-A);
- (c) a Private Pilot Licence (Helicopter) (PPL-H);
- (d) a Commercial Pilot Licence (Aeroplane) (CPL-A);
- (e) a Commercial Pilot Licence (Helicopter) (CPL-H);
- (f) an Airline Transport Pilot Licence (Aeroplane) (ATPL-A);
- (g) an Airline Transport Pilot Licence (Helicopter) (ATPL-H);
- (h) a Private Pilot Licence (Powered-lift) (PPL-P);
- (i) a Commercial Pilot Licence (Powered-lift) (CPL-P)
- (j) an Airline Transport Pilot Licence (powered-lift) (ATPL-P);
- (k) a Glider Pilot Licence (GPL);
- (l) a Free Balloon Pilot Licence (FBPL);
- (m) a Commercial Free Balloon Pilot Licence (CFBL);
- (n) an Airship Pilot Licence (ASPL); and
- (o) a Commercial Airship Pilot Licence (CASL).

**Ratings and other approvals relating to pilot licences**

**61.01.4** (1) The Executive Director may issue the following ratings in respect of pilot licences:

- (a) Category ratings:
  - (i) aeroplane;
  - (ii) helicopter;
  - (iii) glider;
  - (iv) free balloon;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (v) airship; and
- (vi) powered-lift;
- (b) Class ratings:
  - (i) single-engine piston aeroplane (land);
  - (ii) single-engine piston aeroplane (sea);
  - (iii) multi-engine piston aeroplane (land);
  - (iv) multi-engine piston aeroplane (sea);
  - (v) touring motor gliders;
  - (vi) conventional gliders;
  - (vii) power-assisted gliders;
  - (viii) hot air balloons;
  - (ix) gas balloons;
  - (x) rigid airships;
  - (xi) non-rigid airships;
  - (xii) single-pilot single-engine helicopters; and
  - (xiii) single-pilot multi-engine helicopters;
- (c) Group Type ratings for free balloons, that is:
  - (i) Group A for hot-air balloons with a maximum envelope capacity of 3 400m<sup>3</sup> and gas balloons with a maximum envelope of 1 260m<sup>3</sup>;
  - (ii) Group B for hot-air balloons with an envelope capacity between 3 401m<sup>3</sup> and 6 000m<sup>3</sup> and gas balloons with an envelope capacity of more than 1 260m<sup>3</sup>;
  - (iii) Group C for hot-air balloons with an envelope capacity between 6 001m<sup>3</sup> and 10 500m<sup>3</sup>; and
  - (iv) Group D for hot-air balloons with an envelope of more than 10 500m<sup>3</sup>;
- (d) Type ratings:
  - (i) piston engine aeroplanes with a maximum certificated mass exceeding 5 700 kilograms;
  - (ii) single engine turbo-prop aeroplanes (sea and land);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) multi-engine turboprop aeroplanes (sea and land);
- (iv) aeroplanes certificated for operation with a flight crew of at least two pilots;
- (v) aeroplanes with unconventional handling characteristics that require additional flying or Flight Simulation Training Device training;
- (vi) warbird; and
- (vii) multi-pilot (MP) piston engine or turbine powered helicopters;
- (e) Ratings for special purposes:
  - (i) Night Rating;
  - (ii) Instrument Rating;
  - (iii) Flight Instructor Rating;
  - (iv) Type Rating Instructor Rating;
  - (v) Tug Pilot Rating;
  - (vi) Helicopter Sling Load Rating;
  - (vii) Helicopter Winch Rating;
  - (viii) Helicopter Game Or Livestock Cull Rating;
  - (ix) Agricultural Pilot Rating;
  - (x) Aerobatics Rating; and
  - (xi) Tow Rating.
- (2) The Executive Director may issue the following types of approvals:
  - (a) a Flight Simulation Training Device Instructor Authorisation; and
  - (b) Test Pilot qualification.
- (3) The Executive Director must issue class ratings for aeroplanes in accordance with the list set out in Document NAM-CATS-FCL 61.
- (4) Type ratings for helicopters issued in terms of this Part comprise a type rating for each type of helicopter which does not fall within the classes set out in Document NAM-CATS-FCL 61.
- (5) In order to act as a flight crew member of a variant of another aircraft within a particular class rating, differences or familiarisation training may be required as set out in paragraph 1 of standard 61.17.8 of Document NAM-CATS 61.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) The holder of an Aeroplane Pilot Licence issued in terms this Part is not required to hold a recreational pilot licence in terms of Part 62 for the purpose of flying conventional microlight aeroplanes and light sport aeroplanes: Provided that he or she:

[The word “of” appears to have been omitted between the phrases “in terms” and “this Part”.]

- (a) undergoes different or familiarisation training acceptable to the Executive Director in accordance with the regulations and technical standards; and
- (b) complies with the relevant requirements in Part 62 for the type or class rating for the aeroplanes endorsed into his or her logbook by a rated instructor.

(7) The issuing of any type rating in terms of this Part, includes the issuing of the appropriate class rating, if:

- (a) an initial type rating is issued; or
- (b) the type of aircraft requires the issuing of a new class rating.

(8) For the purposes of the regulations in this Part, a multi-engine centreline thrust aeroplane is deemed to be a single-engine aeroplane and the provisions that apply to multi-engine centreline thrust aeroplane apply to a single engine aeroplane.

#### **Flight instructor ratings**

**61.01.5** Flight instructor ratings comprises of:

[The introductory phrase should read “Flight instructor ratings comprise:” to be grammatically correct.]

- (a) Grade I Flight Instructor Rating;
- (b) Grade II Flight Instructor Rating;
- (c) Grade III flight Instructor Rating; and
- (d) Type Rating Instructor Rating.

#### **Maintenance of competency and recency**

**61.01.6** (1) A proficiency check for a Night Rating or an Instrument Flying Rating conducted after the first skills test for a licence holder revalidates the maintenance of competency.

(2) If a proficiency check is conducted within 90 days prior to the expiry date of competency the new expiry date will be calculated from the original date of expiry.

(3) If the proficiency check is conducted more than 90 days prior to the expiry date of competency the new expiry date will be calculated from the date on which the test or check was conducted.

(4) If the applicant for a pilot licence fails the skills test or proficiency check, the examiner must submit the original test report to Personnel Licensing (PEL) within seven working days of the date of the test.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) A skills test or proficiency check may not be conducted before the successful completion of any applicable theoretical examination or oral examination.

(6) The navigation element of the skills test or proficiency check administered for the issuing of a Private Pilot Licence or Commercial Pilot Licence may be conducted as a separate flight within a maximum period of 14 days.

(7) Upon the successful completion of a skills test or proficiency check the designated examiner must issue the test results to the applicant and the applicant must countersign the test report.

(8) If a pilot fails to demonstrate the required standard during the skills test or proficiency check:

- (a) the person who conducted the skills test or proficiency check must inform the pilot that the pilot may not exercise the privileges of the particular licence;
- (b) the person who conducted the test or check must issue a Notice of Denial to the pilot and provide a copy of the notice to the pilot and a copy to the Executive Director, together with the test or check form;
- (c) the pilot to whom a Notice of Denial is issued in terms of paragraph (b) must undergo corrective training with a flight instructor other than the person who conducted the skills test or proficiency check, before submitting him or herself for a test or a check;
- (d) a skills test or proficiency check may not be conducted on the same day of an unsuccessful skills test or revalidation check; and
- (e) a skills test or proficiency check may only be conducted with a letter of recommendation by the flight instructor.

(9) The holder of a pilot licence must annually submit to the Executive Director a certified copy of the summary of his or her logbook in the form set out in Document NAM-CATS-FCL 61 together with the prescribed licence currency fees.

(10) If the Executive Director has reasonable grounds to suspect that a person licenced in terms of this Part has failed to maintain the minimum standard required to exercise the privileges of any licence or rating which he or she holds, the Executive Director may give the licence holder reasonable notice in writing to undergo by a date specified by the Executive Director, the skills test or proficiency check or all or some of the theoretical knowledge examinations prescribed in this Part in respect of such licence or rating.

(11) If the tests or examinations referred in subregulation (10) show that the standard of the licence or rating holder is below that required for the licence or rating concerned, the Executive Director must in terms of section 42 read with section 44 of the Act suspend the holder from exercising all or any of the privileges of that licence or rating until such time as the holder can show that he or she is again able to meet the skill or theoretical knowledge requirements for that licence or rating.

[The word "to" appears to have been omitted between the word "referred" and the phrase "in subregulation (10)".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(12) If the person contemplated in subregulation (10) fails without reasonable cause to undergo the test or examination as directed by the Executive Director, his or her standard is deemed to be below that required for the licence or rating concerned and the provisions of subregulation (11) applies with changes required by the context to this subregulation.

[The verb “applies” should be “apply” to accord with the subject “provisions”.]

**Theoretical knowledge examinations**

**61.01.7** (1) The Executive Director must publish in Document NAM-CATS-FCL 61 general procedures to be followed by a person applying to be entered for a theoretical knowledge examination as well as the conditions under which the Executive Director will conduct theoretical knowledge examinations.

(2) An applicant wishing to enter for the theoretical knowledge examinations must show proof of holding or having held within the previous 60 months one of the following:

- (a) a valid Namibian Student Pilot Licence qualifying the applicant for entry to a Private Pilot Licence examination;
- (b) a valid Namibian Student Pilot Licence qualifying the applicant for entry to the Commercial Pilot Licence or Airline Transport Pilot Licence examination, if the holder is a student on an integrated training course for the licence;
- (c) a valid Namibian Private Pilot Licence qualifying the applicant for entry to the Commercial Pilot Licence or Airline Transport Pilot Licence examination;
- (d) a valid Namibian Air Force pilot qualification qualifying the applicant for entry to the Commercial Pilot Licence or Airline Transport Pilot Licence examination; or
- (e) a valid pilot licence issued by an appropriate authority qualifying the applicant for entry to the Commercial Pilot Licence or Airline Transport Pilot Licence examination.

(3) A temporary medical restriction of a licence does not disqualify an applicant from entering a theoretical knowledge examination.

(4) The pass mark for any theoretical knowledge examination referred to in this Part is 75 per cent.

(5) An applicant who applies for the issuing or reissuing of a pilot licence, or for the validation of a pilot licence, who has failed a theoretical examination required for the licence may apply for the re-marking of the examinations in accordance with Document NAM-CATS-FCL 61.

(6) An applicant who applies for the issuing or re-issuing of a rating, or a validation of a rating, who has failed a theoretical examination required for the rating may apply for the re-marking of the examinations in accordance with Document NAM-CATS-FCL 61.

(7) The holder of an Instrument Rating on aeroplanes is exempted from the theoretical training and knowledge examination requirements for an Instrument Rating on helicopters, and the holder of an Instrument Rating on helicopters is exempted from the theoretical knowledge training and examination requirements for an Instrument Rating on aeroplanes.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) A student pilot having undergone all or part of the integrated training, referred to in regulation 61.01.25, who passed the theoretical knowledge examination for the Commercial Pilot Licence, is deemed to have passed the theoretical knowledge examinations prescribed for the issue of the Private Pilot Licence.

(9) A student pilot having undergone all or part of the integrated training, referred to in regulation 61.01.25, who passed the theoretical knowledge examination for the Airline Transport Pilot Licence, is deemed to have passed the theoretical knowledge examinations prescribed for the issue of the Private and the Commercial Pilot Licences.

(10) A person may not provide another person with, or obtain from another person any examination paper for any examination about to be, or currently being conducted, or part or copy of the examination, unless authorised by the Executive Director to do so.

(11) During any written theoretical knowledge examination under this Part, a person may not:

- (a) use any source of information which has not been approved by the invigilator;
- (b) communicate in any way with another person, except the invigilator;
- (c) take the examination on behalf of, or assist, another person; or
- (d) remove any written or printed material from the examination room.

(12) Any unauthorised conduct or contravention of any examination rules or procedures referred to in this part or NAM-CATS-FCL 61 may result in:

- (a) disqualification in the subject concerned;
- (b) disqualification in any or all subjects already passed;
- (c) disbarment from taking further examinations for a period not exceeding 12 months; and
- (d) prosecution for any applicable criminal offence.

**FSTDs to be approved**

**61.01.8** (1) This regulation applies to any person or organisation that offers or uses a FSTD for purposes of:

- (a) training and skills tests leading to the granting of a pilot licence;
- (b) issuing or re-issuing of ratings associated with a pilot licence; or
- (c) proficiency training and revalidation checks associated with a holder of a pilot licence.

(2) Each FSTD used for the purposes specified in subregulation (1), must be approved by the Executive Director for each particular purpose.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Requirements for approval of FSTDs**

**61.01.9** The Executive Director must issue an approval for FSTD's based on the requirements prescribed in Part 60.

### **Validation of a foreign pilot licences, ratings and authorisations**

[The word "a" does not fit with the plural words  
"licences, ratings and authorisations" in the heading of this regulation.]

**61.01.10** (1) The minimum knowledge, experience and skill requirements for the issuing of a validation for foreign pilot licences and ratings are set out in Document NAM-CATS-FCL 61.

(2) The Executive Director may validate pilot licences and ratings issued by an appropriate authority only when the licences and ratings are deemed equivalent or higher than the standards for Namibian pilot licences and ratings.

(3) If pilot licences and ratings issued by an appropriate authority are not deemed as equivalent to the standards contained in this Part, the applicants for such licence must meet additional requirements to qualify for a validation.

(4) The purposes for which a validation may be issued include any or all of, or a combination of, the following:

- (a) to exercise the privileges of a private pilot in a Namibian aircraft;
- (b) to ferry a Namibian aircraft from one foreign country to another, or from a foreign country to Namibia;
- (c) to conduct demonstration flights in a Namibian aircraft;
- (d) to conduct familiarisation, difference training or route training of Namibian flight crew;
- (e) to provide its holder with time to complete prescribed bridging training for the conversion of the foreign licence or rating as prescribed in subregulation (7) and (8) of regulation 61.01.12 while acting as a flight crew member on a Namibian aircraft during commercial operations; or
- (f) to exercise the privileges of a commercial pilot in a Namibian aircraft for the period specified in the validation.

(5) A holder of a pilot licence and rating issued by an appropriate authority who wishes to act as a pilot of a Namibian aircraft must apply to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61 for a validation of such licence or rating.

(6) The application for a validation in terms of subregulation (4) must be accompanied by:

- (a) the appropriate fee as prescribed in Part 187;
- (b) a certified true copy of the licence and rating for which the validation is requested;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a certified true copy of the relevant valid medical certificate;
  - (d) a summary of the applicant's logbook certified by the applicant to contain a true record of the hours flown;
  - (e) certified proof of English Language Proficiency compliance in terms of regulation 61.01.14;
  - (f) in the case of an application for the validation of a licence and rating for the purpose of exercising the privileges of a commercial pilot in Namibia and for being employed as a pilot in Namibia, an employment offer from a Namibian employer who requires the services of the applicant; and
  - (g) a skill test report issued by a designated examiner as prescribed in subregulation 10, unless the validation is sought for the purposes referred to in subregulation (4),(b), (c) and (d).
- (7) The Executive Director may validate a pilot licence and rating issued by an appropriate authority:
- (a) subject to the same restrictions which apply to such licence and ratings;
  - (b) subject to such conditions and limitations as the Executive Director may consider necessary in the interest of aviation safety;
  - (c) in accordance with and subject to the requirements and conditions as prescribed in the Regulations;
  - (d) on condition that the privileges do not exceed that of the equivalent Namibian pilot licence or rating; and
  - (e) in the form determined by the Executive Director.
- (8) A validation issued by the Executive Director in terms of subregulation (7) is valid -
- (a) for a period of -
    - (i) 12 months calculated from the date of issue of the validation;
    - (ii) validity of the licence and rating issued by the appropriate authority concerned;
    - (iii) validity of the valid medical certificate contemplated in paragraph (c) of subregulation (6); or
    - (iv) validity of the employment permit of the applicant; or
  - (b) until the foreign pilot licence or rating is suspended or revoked in terms of the Act or by the appropriate authority.
- (9) Before the Executive Director validates a foreign pilot licence the Executive Director must confirm the validity of the foreign licence or rating with the appropriate authority.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(10) The applicant for the validation of a foreign pilot licence and its associated rating must undergo the appropriate skills test, and:

- (a) in the case of validation for use as a private pilot under VFR condition, must:
  - (i) attend a tutorial, conducted by at least a Grade III flight instructor at an approved ATO, on the differences in airspaces and terminology within Namibia;
  - (ii) receive a briefing on performance planning, taking into account the effect of density altitude; and
  - (iii) write an examination, approved by the Authority.
- (b) in the case of validation for use as a private pilot under IFR conditions:
  - (i) attend a tutorial, conducted by at least a Grade II flight instructor at an approved ATO, on the differences in airspaces and terminology within Namibia;
  - (ii) receive a briefing on performance planning taking into account the effect of density altitude; or
  - (iii) pass an examination in air law set by the Authority;
- (c) in the case of validation for use as a commercial pilot under VFR conditions pass an examination in air law at Commercial Pilot Licence (CPL) level at the Authority; or
- (d) in the case of validation for use as a commercial pilot under IFR conditions or as an airline transport pilot, pass an examination in air law at Commercial Pilot Licence (CPL) level at the Authority.

(11) The Executive Director may annually re-issue a validation issued in respect of a foreign pilot licence previously validated in terms of this Part, if the foreign pilot flies a Namibian aircraft in a foreign country for commercial purposes, Provided that:

- (a) the operation is flown exclusively outside the borders of Namibia; and
- (b) any flying carried out in Namibia is for the purpose of a ferry flight for pre- or post-maintenance purposes or for the purpose of a revalidation check or skills test.

(12) If there is no holder of a Flight Instructor Rating available in Namibia to conduct training on a particular type of aircraft, the Executive Director may validate a flight instructor rating issued by an appropriate authority to authorise the holder of the rating to conduct training on a particular type of aircraft to which the rating pertains.

(13) The holder of a validation issued by the Executive Director in terms of this regulation must comply with the provisions prescribed in this Part and the requirements and conditions set out in Document NAM-CATS-FCL 61.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(14) If a skills test or a proficiency check is required for the purposes of a validation, such test must be undertaken in an aircraft of the category, class or type, appropriate to the pilot licence for which the validation is sought, or in a FSTD approved for the purpose.

(15) A validation in terms of this regulation is based on the licence of the appropriate authority and no additional ratings must be added on the validation.

(16) The holder of a validation issued by the Executive Director may, subject to the provisions of subregulation (6), apply to the Executive Director for the renewal of the validation at least 21 days immediately before the date of expiry of such validation.

(17) The Executive Director may renew the validation for the same appropriate period referred to in subregulation (8), in the circumstances and on the conditions set out in Document NAM-CATS-FCL 61:

[The colon at the end of this subregulation should be a full stop;  
there is no additional text in the *Government Gazette*.]

(18) A validation of a foreign pilot licence for commercial purposes may only be issued on condition that the applicant provides sufficient proof that he or she has complied with all requirements of the appropriate authority which issued the foreign licence or rating in respect of maintenance of competency.

(19) The Executive Director may automatically validate foreign pilot licences and ratings issued by an appropriate authority: Provided that:

- (a) that the authority has similar licensing laws to that of Namibia, and that are compliant with the International Standards and Recommended Practices of ICAO Annex 1;
- (b) Namibia has entered into a formal agreement with the appropriate authority recognising the automatic validation process; and
- (c) Namibia and the appropriate authority have registered their agreement with ICAO pursuant to Article 83 of the Convention on International Civil Aviation.

(20) If subregulation (19) applies, an endorsement indicating the ICAO registration number of the agreement and the list of appropriate authority must appear on licences rendered valid automatically in terms of the agreement.

[The phrase “the list of appropriate authority” should be either “the list of appropriate authorities” or “the appropriate authority” to be grammatically correct.]

### **Credit for military service**

**61.01.11** (1) A person who is qualified as pilot in the Namibian Air Force may apply to the Executive Director for the issuing of a Private Pilot Licence or a Commercial Pilot Licence or Airline Transport Pilot Licence and its associated rating prescribed in this Part.

[The word “pilot” should be preceded by the word “a”.]

(2) An applicant for a Private Pilot Licence in terms of this regulation must have:

- (a) passed that part of the theoretical knowledge examination which deals with air law;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) undergone the skills test; and
- (c) complied with all other requirements, prescribed for the issuing of a private pilot licence in terms of this Part.

(3) An applicant for a Commercial Pilot Licence or an Airline Transport Pilot Licence in terms of this regulation must have:

- (a) passed the theoretical knowledge examination;
- (b) undergone the skill test; and
- (c) comply with all other requirements, prescribed for the issuing of a commercial pilot licence or airline transport pilot licence, in terms of this Part.

[The verb “comply” does not fit together with the word “have” at the end of the introductory phrase.]

(4) An application referred to in subregulation (1) must be:

- (a) made in the appropriate form as set out in Document NAM-CATS-FCL 61; and
- (b) accompanied by:
  - (i) evidence acceptable to the Executive Director of:
    - (aa) the identity of the applicant;
    - (ba) the age of the applicant; and
    - (ca) employment of the applicant in the Namibia Air Force;
  - (ii) an appropriate valid medical certificate issued in terms of Part 67;
  - (iii) a copy of a summary of the logbook of the applicant;
  - (iv) evidence acceptable to the Executive Director that the applicant has passed the theoretical knowledge examination, or part of the examination, as the case may be;
  - (v) the skill test report set out in Document NAM-CATS-FCL 61;
  - (vi) two recent passport size photographs of the applicant; and
  - (vii) the appropriate fee as prescribed in Part 187.

(5) The Executive Director must credit the experience gained by an applicant referred to in subregulation (1) towards the issuing of a pilot licence and rating in accordance with Document NAM-CATS-FCL 61.

[The word “referred” is misspelt in the *Government Gazette*, as reproduced above.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Conversion of foreign pilot licences**

**61.01.12** (1) This regulation applies to holders of a foreign pilot licence who is a Namibian permanent residence holder or a Namibian citizen and who wish to apply for a licence conversion to a Namibian equivalent pilot licence.

[The phrase “holders of a foreign pilot licence” should be “a holder of a foreign pilot licence”.  
The verb “wish” should be “wishes” to accord with the subject “who”.]

(2) The holder of a foreign pilot licence and rating issued by an appropriate authority may apply to the Executive Director for a conversion of the licence and its associated rating and the Executive Director may, subject to the provisions of the Act, applicable regulations and technical standards convert the licence and rating in a form determined by the Executive Director.

(3) A Namibian pilot licence issued wholly or in part on the basis of a foreign licence must indicate the appropriate authority that issued the licence upon which the conversion is based.

(4) The holder of a validation issued in terms of regulation 61.01.10, may apply for a conversion of his or her licence, without having to meet the theoretical knowledge examinations: Provided that:

- (a) the validation has been held for an uninterrupted period of three years or more; and
- (b) the holder has acquired not less than 750 hours flight time in Namibian airspace.

(5) If issuing a Namibian pilot licence or rating on the basis of a conversion the Executive Director must, in determining whether any foreign examination credits should be applied, take into account any foreign licences or ratings held by the applicant.

(6) An application for the issuing of a Namibian pilot licence or any rating on the basis of the conversion of a foreign pilot licence or rating, must:

- (a) be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61; and
- (b) be accompanied by:
  - (i) a copy of the foreign pilot licence and rating to which the conversion pertains;
  - (ii) a valid Namibian Medical Certificate, as applicable;
  - (iii) a letter of motivation for conversion of the licence;
  - (iv) an up-to-date curriculum vitae;
  - (v) a certified copy of the pages of his or her logbook containing:
    - (aa) the last 12 months’ summary;
    - (ba) endorsements of all class or type ratings; and
    - (ca) endorsements of the last revalidation of his or her licence, class or type and instrument flight ratings;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (vi) two recent passport size photographs of the applicant; and
- (vii) the appropriate fee as prescribed in Part 187.

(7) All applicants for the conversion of a foreign pilot licence must pass the following Namibian theoretical examinations:

- (a) Private Pilot Licence (PPL/VFR):
  - (i) Air law;
  - (ii) Meteorology; and
  - (iii) Flight Performance and Planning;
- (b) Private Pilot Licence with Instrument Rating:
  - (i) Air law;
  - (ii) Meteorology; and
  - (iii) Flight Performance and Planning;
- (c) Commercial Pilot Licence (CPL/VFR):
  - (i) Air law;
  - (ii) Meteorology; and
  - (iii) Flight Performance and Planning;
- (d) Commercial Pilot Licence with Instrument Rating (CPL/IR):
  - (i) Air law;
  - (ii) Meteorology; and
  - (iii) Flight Performance and Planning;
- (e) Airline Transport Pilot Licence:
  - (i) Air law at CPL level;
  - (ii) Meteorology; and
  - (iii) Flight Performance and Planning.

(8) An applicant for the conversion of a foreign pilot licence is required to attend training at an approved ATO, and receive tuition on the recommendation of the Chief Flying Instructor (CFI) with respect to differences in Namibian airspaces, flight performance and planning and typical Namibian weather patterns.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) The Chief Flying Instructor must issue a letter of recommendation that the applicant for a conversion of a foreign pilot licence be allowed to do the required examinations.

(10) An applicant for the conversion of a foreign pilot licence must undergo a skills test conducted by a Designated Flight Examiner as follows:

- (a) Private Pilot Licence (PPL/VFR) - skills test for an initial issue;
- (b) Private Pilot Licence with Instrument Rating (PPL/IR) - skills test for revalidation of an Instrument Rating;
- (c) Commercial Pilot Licence (CPL/VFR) - skills test for an initial issue;
- (d) Commercial Pilot Licence with Instrument Rating (CPL/IR) - skills test for revalidation of an Instrument Rating; and
- (e) Airline Transport Pilot Licence - skills test for revalidation of an Instrument Rating.

(11) A foreign flight instructor rating may be converted after the conversion of the CPL/IR or ATPL.

(12) The requirements for the validity, privileges and limitations of any Namibian pilot licence and ratings issued on the basis of a foreign licence are those prescribed in this Part for the validity, privileges and limitations of the equivalent Namibian licence or rating.

(13) Despite the provisions of subregulation (7), the Executive Director may in terms of the Regulations and technical standards require the applicant to do additional examinations, if the standard of the foreign licence on which the conversion is based, is not equivalent to the standards in the Regulations.

### **Medical requirements and fitness**

**61.01.13** (1) An applicant for a pilot licence must obtain and submit to the Authority an appropriate medical certificate issued in terms of Part 67 of the Regulations.

(2) The holder of a pilot licence issued in terms of this Part may not exercise the privileges of that licence:

- (a) after becoming aware of having a medical condition with the potential to make him or her unable to meet the medical standards for his or her medical certificate or to safely exercise the privileges of the licence until he or she has been assessed medically fit again by an aviation medical examiner designated in terms of Part 67; or
- (b) if he or she is unable to act as a flight crew member of an aircraft because of the circumstances prescribed in subregulation (1) and (2) of regulation 91.02.3 of Part 91.

**[The singular word “subregulation” should be plural.]**

(3) Without prejudice to the powers of the Executive Director under the Act, if an authorised officer, inspector or authorised person has reasonable grounds to suspect that a holder of a pilot licence has contravened the provisions of Part 91 pertaining to crew member

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

responsibilities, the authorised officer, inspector or authorised person may require the licence holder to undergo appropriate medical tests and to provide a copy of the report on testing to the authorised officer, inspector or authorised person within 24 hours of the report becoming available.

(4) If the licence holder refuses to submit to the test referred to in subregulation (3), or refuse to provide a copy of the report on testing in accordance with the requirements of subregulation (3) the Executive Director may suspend or revoke the licence in terms of the Act.

[The verb “refuse” should be “refuses” to accord with the subject “licence holder”.]

(5) The holder of a pilot licence issued in terms of this Part must carry the medical certificate, referred to in subregulation (1), at all times when exercising the privileges of such licence, and must produce such certificate upon request by the Executive Director, an authorised officer, inspector or authorised person.

### **Language**

**61.01.14** (1) With the exception of a Student Pilot Licence, a person may not be issued with a pilot licence under this Part unless he or she has demonstrated the appropriate English Language Proficiency set out in Document NAM-CATS-FCL 61 English Language Proficiency.

(2) The holder of a pilot licence issued under this Part must have sufficient ability in reading, speaking and understanding the English language to satisfy the Executive Director that the holder will not be impaired or impeded in the due performance of his or her responsibilities as a pilot by reason of insufficient English language proficiency.

### **Logging of flight time**

**61.01.15** (1) The holder of a pilot licence must maintain in a pilot logbook a record of all his or her flight time, instrument time, FSTD time and instruction time.

(2) The holder of a pilot licence may make use of electronic logbooks: provided that the electronic data is printed on paper at least every 90 days, and is certified by the holder to contain a true record of the hours flown and the printed pages filed sequentially in a binder available for inspection on request by the Executive Director, an authorised officer, an inspector or an authorised person.

(3) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook must be maintained, must be as set out in Document NAM-CATS-FCL 61.

(4) Entries in pilot logbooks must be made within the following periods after the completion of the flight to be recorded:

- (a) in the case of flights not for hire and reward (Part 91 operations), flight training, and domestic commercial air transport operations, within seven (7) days after the completion of the flight to be recorded;
- (b) in the case of international commercial air transport operations, within 14 days after the completion of the flight to be recorded,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

and if a pilot is engaged in flight operations away from the base where the pilot logbook is normally kept, the periods specified in paragraphs (a) and (b) may be extended to 48 hours after return to base.

(5) All pilots must retain their pilot logbooks for at least 60 months calculated from the date they no longer hold a valid pilot licence.

(6) If the holder of a pilot licence carries out a number of flights upon the same day and the interval between successive flights does not exceed 180 minutes, such series of flights may be recorded as a single entry: Provided that in the case of a cross-country flight the route and intermediate stops must be recorded.

(7) The holder of a pilot licence must immediately make his or her logbook available for inspection upon request by the Executive Director, an authorised officer, inspector or authorised person and must submit a summary once annually together with this medical certificate.

(8) The holder of a valid pilot licence must log as pilot-in-command time only that flight time during which he or she is:

- (a) the designated pilot-in-command of the aircraft or if he or she as the designated pilot-in-command provides command supervision to another pilot in terms of paragraph (b);
- (b) the pilot-in-command-under-supervision (PICUS): Provided that there is no intervention by the supervising pilot-in-command and "PICUS" is indicated in the remarks column with the entry certified by the supervising pilot-in-command, and PICUS may, irrespective of the licence which he or she holds, be flown from either the left hand or the right hand seat: Provided that the pilot is appropriately rated and the aircraft is either certificated for multi-pilot (MP) operations or required to be operated by two pilots in terms of Parts 91, 94, 96, 121, 127, 135 or 138;
- (c) carrying out a student solo flight and is the sole occupant of the aircraft, except in the case of an airship requiring an additional crew member, and "SOLO" is indicated in the remarks column of the logbook; or
- (d) giving flight instruction while occupying a pilot seat with access to the controls: Provided that the time must also be logged as instructor time.

(9) An in-flight-relief pilot occupying a pilot seat of an aircraft requiring more than one pilot may log the flight time as co-pilot time while occupying the seat as co-pilot: Provided that he or she writes "Third Pilot" in the remarks column of the logbook.

(10) A pilot acting as safety pilot in terms of regulation 91.07.32 in Part 91 of the Regulations occupying a pilot seat, with an appropriate valid category, class or type rating, may log the flight as co-pilot.

(11) The flight time acquired in terms of subregulation (10) may not be credited towards the experience requirements for a higher grade pilot licence or a rating, and remarks column of the logbook must be marked "SAFETY PILOT".

[The word "the" appears to have been omitted before the phrase "remarks column".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(12) Flight time during which the holder of a pilot licence is receiving dual instruction must be logged as dual flight time, and must include a record of the air exercises undertaken.

(13) The flight crew controlling an aircraft under actual or simulated instrument meteorological conditions solely by reference to instruments and without external reference points must log that time as instrument flight time.

(14) An instructor conducting instrument flight training or an examiner conducting a skill or proficiency instrument test must log as instrument flight time all flight time in actual (not simulated) instrument meteorological conditions.

(15) A flight examiner, when acting as an examiner must log flight time as follows:

- (a) when occupying a pilot seat, the flight time may be logged as pilot-in-command time;
- (b) if a flight examiner administers a skills test or proficiency check from a seat, other than a pilot seat, he or she may log the flight time as co-pilot time: Provided that he or she holds the appropriate valid rating for the particular aircraft, but may not log the time as flight instructor time;
- (c) flight time accumulated as a Designated Flight Examiner must be marked in the remarks column of the pilot's logbook as Designated Flight Examiner (DFE) time; and
- (d) flight time accumulated as Oversight Flight Examiner (OFE) or Authorised Officer (AO) must be marked in the remarks column of the pilot's logbook as OFE or AO.

(16) Flight simulation time must be logged in as follows:

- (a) all time accumulated during training on FSTD approved for instrument flight training must be logged as instrument time and flight simulation time and must be certified by the instructor in the pilot's logbook; and
- (b) instructors and examiners must keep a record of all instruction and examiner time carried out on an approved FSTD and log the time as FSTD time: Provided that they are rated on the simulated aircraft type and are holders of an instructor authorisation issued in terms of this Part.

(17) Flight instruction time must be logged in as follows:

- (a) instructors may only log time as instructional time if they are providing the instruction for the issuance or renewal of licences, ratings or authorisations in terms of this Part, except that en-route training conducted in terms of Parts 121, 127 and 135 may not be logged as instructional time; and
- (b) if the instructor occupies a pilot seat during instruction, instructors may also log the time as PI or co-pilot time, whichever is applicable.

**Curtailment of privileges of pilot licence holders 60 years of age or older**

**61.01.16** (1) The holder of a pilot licence who has attained the age of 60 years may not act as a pilot of an aircraft engaged in an international flight for commercial purposes except

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

as a member of a multi-crew in which case he or she may act as a pilot of an international flight for such purposes until he or she attains the age of 65 years.

(2) The holder of a pilot licence who has attained the age of 65 years may not act as a pilot of an aircraft engaged in an international flight for commercial purposes, unless the appropriate authority has given permission for the pilot to be a flight crew member of commercial air transport operations within that country despite his or her age.

(3) The holder of a pilot licence may act as a pilot of an aircraft engaged in commercial air transport operations within Namibia for as long as he or she meets the medical fitness standard required for the licence which he or she holds.

**Requirements for skill tests**

**61.01.17** (1) An applicant for a skill test prescribed in this Part must:

- (a) have passed the appropriate theoretical knowledge examination, if a theoretical knowledge examination is required;
- (b) present the result of the theoretical knowledge examination to the examiner prior to the skill test, if applicable;
- (c) have successfully completed the appropriate training; and
- (d) have acquired the appropriate experience.

(2) An applicant for a skills test prescribed in this Part must have a recommendation, signed by authorised personnel within the approved ATO who certifies that the candidate:

- (a) has received and logged training time within 60 days preceding the date of the skills test;
- (b) is prepared for the skills test; and
- (c) has demonstrated satisfactory knowledge of the subject in which the candidate was deficient in the theoretical knowledge examination.

(3) A flight instructor or designated examiner or type rating instructor, may be, must, prior to conducting the skill test concerned, ensure that the candidate:

[The phrase “may be” was probably intended to be “as the case may be”.]

- (a) complies with the provisions of subregulation (1); and
- (b) has an endorsement in his or her logbook as contemplated in subregulation (2).

(4) Any skills test, proficiency check or other test or check as required by this Part, may be conducted in an approved FSTD.

**Change of name or address**

**61.01.18** (1) If a pilot licence and rating issued in terms of this Part:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) does not correctly reflect the name or address of the holder of the licence; or
  - (b) contains a photograph which is no longer a recognisable image of the holder of the licence, such holder must, within 30 days from the day on which such name or address was changed, or from the day of the first determination that such photograph had become an unrecognisable image, apply to the Executive Director for the issuing of a replacement licence and rating document.
- (2) An application for the issuing of a replacement licence and rating document must be:
- (a) made in the appropriate form set out in Document NAM-CATS-FCL 61; and
  - (b) accompanied by:
    - (i) the original licence and rating;
    - (ii) in the case of a change of name, a copy of a certificate issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937), the Births, Marriages and Death Registration Act, 1963 (Act No. 81 of 1963), a court order or any other legal document which verifies the change of name;
    - (iii) one recent passport size photograph of the applicant; and
    - (iv) the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must:
- (a) issue a replacement licence and rating document if the applicant complies with the requirements referred to in subregulation (2); and
  - (b) cancel and destroy the original licence and rating document.
- (4) Upon the issuing of a new licence the holder of the licence must immediately affix his or her usual signature in ink in the space on the new licence provided for such purpose.

**Duplicate pilot licence or rating**

**61.01.19** (1) The holder of a pilot licence and rating which has been lost destroyed or defaced to such an extent that the particulars on it are illegible must apply to the Executive Director for the issuing of a duplicate licence and rating.

- (2) An application for the issuing of a duplicate licence and rating must be:
  - (a) made in the appropriate form set out in Document NAM-CATS-FCL 61; and
  - (b) accompanied by:
    - (i) an appropriate valid medical certificate issued in terms of Part 67;
    - (ii) two recent passport size photographs of the applicant; and
    - (iii) the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director must:

- (a) issue a duplicate licence and rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate licence and rating with the word “DUPLICATE” on the licence.

(4) Upon the issuing of a duplicate licence the holder of the licence must immediately affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence and rating, the original licence and rating is found the holder of the duplicate licence and rating must take all reasonable steps to obtain such original licence and rating and surrender it immediately to the Executive Director.

**Crediting of flight time and theoretical knowledge**

**61.01.20** (1) The Executive Director may only accept, for crediting purposes, flight time entered in a pilot logbook that has been lost or destroyed, where such flight time can be substantiated by a means acceptable to the Executive Director.

(2) A person acting as pilot of an aircraft while not complying with any requirement of this Part applicable to that person may not credit that flight time for any purpose.

(3) A student pilot may be credited in full with all solo and dual instruction time towards the total flight time requirement for the initial issue of a pilot licence.

(4) A student attending the integrated training referred to in regulation 61.01.25 may be credited with pilot-in-command instrument time when flying under supervision: Provided that the entries have been certified by the instructor in the remarks column of the pilot’s logbook.

(5) From the flight time referred to in subregulation (4), a maximum of 50 hours may be credited towards the pilot-in-command time required for the issue of a Commercial Transport Pilot Licence or Airline Transport Pilot Licence (Aeroplane, Helicopter or Powered-Lift categories, as applicable).

(6) The holder of a valid Private Pilot Licence may be credited in full with all solo, dual instruction time and pilot-in-command flight time towards the total flight time experience required for the issue of a rating or the Commercial Pilot Licence in the same aircraft category.

(7) The holder of a Commercial Pilot Licence may be credited with the total flight time during which he or she acted as the designated pilot-in-command towards the total pilot-in-command flight time experience required for a rating or the Airline Transport Pilot Licence in the same aircraft category.

(8) The holder of a private pilot or commercial pilot licence with the appropriate rating may be credited:

- (a) in full with the flight time towards the total flight time required for a higher grade pilot licence when acting as co-pilot at a pilot station of an aircraft certified to be operated with a co-pilot; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) with not more than 50 per cent of the co-pilot flight time towards the total time required for a higher grade pilot licence when acting as co-pilot at a pilot station of an aircraft certified for operation by a single pilot but required by Parts 121, 127 or 135 to be operated with a co-pilot.

(9) The holder of a Commercial Pilot Licence who has completed a multi crew co-operation course (MCC), when acting as co-pilot performing under the supervision of the pilot-in-command the functions and duties of a pilot-in-command, may be credited to a maximum of 500 hours with such flight time towards the pilot-in-command flight time experience required for the Airline Transport Pilot Licence in the same aircraft category: Provided that the supervision is in accordance with a programme approved by the Executive Director and such pilot-in-command time under supervision (PICUS) has been countersigned by the pilot-in-command.

(10) An airline transport pilot may be credited with the total flight time during which he or she acted as pilot-in-command or co-pilot of an aircraft normally required to be operated with a co-pilot, if such pilot is the holder of an appropriate valid type rating.

(11) The holder of an aeroplane or helicopter licence may be credited with the acquired flight time in one category to a maximum of 50 per cent of the flight time required for the other category.

(12) The holder of a recreational pilot licence or PPL in any other category, who wishes to obtain a Private Pilot licence (aeroplane, powered-lift or helicopter), must comply with the requirements as referred to in subregulation 61.03.1 and technical standard 61.03.1 of Document NAM-CATS-FCL 61.

(13) The holder of an aeroplane, powered-lift or helicopter pilot licence, or an equivalent pilot licence in the weight-shift controlled microlight aeroplane, gyroplane or glider category who wishes to obtain a Private Pilot Licence (Aeroplane), or PPL (Powered-lift) or PPL (Helicopter) may be credited with up to a maximum of 10 hours.

(14) The additional 35 hours required for the purpose of qualifying for a PPL(A) mentioned in subregulation (13), must be addressed in a Private Pilot Licence training course that includes:

- (a) a minimum of 20 hours dual instruction in the aircraft category for which the licence is sought; and
- (b) a minimum of 15 hours solo flying time, which must include five hours cross country flying time and one triangular cross-country flight of at least 150 NM, on which at least one point must not be less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that at least one of the aerodromes from which the aircraft takes off for this flight must be an aerodrome at which an air traffic services unit is in operation and for which a flight plan must be submitted.

(15) The holder of a recreational pilot licence endorsed with the conventional microlight aeroplane category who wishes to obtain a Private Pilot Licence (Aeroplane) may be credited with up to a maximum of 25 hours.

(16) The additional 20 hours required for the purpose of subregulation (15) must be addressed in a Private Pilot Licence training course that includes:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a minimum of 10 hours dual instruction in an aeroplane; and
- (b) a minimum of 10 hours solo flying time, which must include five hours cross country flying time and one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that at least one of the aerodromes from which the aircraft takes off for this flight must be an aerodrome at which an air traffic services unit is in operation and for which a flight plan must be submitted.

(17) The holder of a recreational pilot licence endorsed with the light sport aeroplane category who wishes to obtain a Private Pilot Licence (Aeroplane) may be credited with up to a maximum of 30 hours.

(18) The additional 15 hours required for the purpose of obtaining a Private Pilot Licence must be addressed in a Private Pilot Licence training course that includes -

- (a) a minimum of 10 hours dual instruction in an aeroplane, which must include five hours instrument instruction time; and
- (a) a minimum of five hours solo flying time, which must include one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base, including full-stop landings at two different aerodromes away from base: Provided that, at least one of the aerodromes from which the aircraft takes off for this flight must be an aerodrome at which an air traffic services unit is in operation and for which a flight plan must be submitted.

[There are two paragraphs labelled "(a)" in the *Government Gazette*.  
The second paragraph should be labelled "(b)".]

(19) The holder of a recreational pilot licence endorsed with a category of conventional microlight aeroplanes or light sport aeroplanes is entitled to be credited with not more than 25 hours flight time acquired towards the total flight time experience prescribed for the issuing of a Glider Pilot Licence.

(20) A graduate of an approved airline transport pilot integrated training course, is entitled to be credited with not more than 50 hours of student pilot-in-command instrument time towards the pilot-in-command time required for the issuing of the airline transport pilot licence and a multi-engine type rating.

(21) A graduate of an approved commercial pilot licence (Instrument Rating) integrated training course is entitled to be credited with not more than 20 hours of student pilot-in-command instrument time towards the pilot-in-command time required for the issuing of the commercial pilot licence and a multi-engine type rating.

(22) A pilot manipulating the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, may be credited with the instrument flight time thus acquired toward the total instrument flight time experience required for a higher grade pilot licence, an Instrument Rating and for keeping an Instrument Rating current.

(23) Dual instruction time must be counted in full towards the total flight time required for a higher grade pilot licence.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(24) Time acquired as a pilot on a FSTD approved for the purpose, while under the supervision of an appropriately qualified instructor, may be credited towards:

- (a) required flight time experience for the issue of a pilot licence or rating, but only to the extent specified in each case in the Regulations;
- (b) the instrument flight time experience required in terms of this Part and of Parts 91, 121, 127 or 135 for keeping the Instrument Rating current; and
- (c) the revalidation of the Instrument Rating.

(25) A pilot-in-command, when supervising a pilot manipulating the flight controls of an aircraft under actual (but not simulated) instrument flight conditions, may be credited with the instrument flight time thus acquired towards the total instrument flight experience required as recent experience to maintain the currency of his or her Instrument Rating.

(26) A flight examiner may be credited time towards the experience requirements for a rating or higher pilot licence, all the flight time accrued while carrying out skill testing or proficiency checking and logged in terms of regulation 61.01.15, such as:

- (a) pilot-in-command time if the examiner who holds the appropriate valid class rating or, where applicable, a type rating for the particular aircraft regardless of whether the examiner was the designated pilot-in-command or not;
- (b) flight instructor time, if the examiner holds the appropriate valid flight instructor rating; or
- (c) instrument flight time for the time the flight was conducted under instrument meteorological conditions, if the examiner holds a valid Instrument Rating.

(27) The provisions of subregulation (22) apply only when the flight examiner was occupying a pilot seat.

(28) For the purposes of calculating flight and duty times, as prescribed by Parts 91, 121, 127 and 135, any flight time accrued as flight examiner is deemed 'other flying', whether the examiner occupied a prescribed pilot seat or not.

(29) A flight instructor may be credited with all instruction time acquired while giving flight instruction for the purpose of ab-initio flight training, advanced training for a higher licence, instrument training, instructor training, differences or familiarisation training, or safety training, as defined in Part 141, and training for ratings towards a higher grade flight instructor rating or the revalidation of the existing rating in that category and class of aircraft.

(30) Instruction time acquired in line flying under supervision may only be recognised and logged as such if the Part 121, Part 127 or Part 135 operator has a flight and duty scheme approved by the Authority for line flying under supervision.

(31) For the purpose of subregulation (30) a flight instructor may be credited with not more than three hours instruction time per sector so acquired towards a higher-grade flight instructor rating except in the cases of a flight exceeding nine hours, of which a maximum of one third of that flight time must be recognised.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(32) A flight instructor may be credited with:

- (a) 25 per cent of the instruction time acquired as a FSTD instructor towards the revalidation of a flight instructor rating and towards a higher grade instructor rating. Instruction time so credited may not exceed 100 hours in the case of an upgrade to Grade II flight instructor, or 500 hours in the case of an upgrade to a Grade I flight instructor; and
- (b) 100 per cent of the instruction time acquired in an approved FSTD that is a full size replica of a specific type or make, model and series of aeroplane or helicopter flight deck and provided that the instructor is rated on the simulated aircraft type. Instruction time so credited may not exceed 100 hours in the case of an upgrade to Grade II flight instructor, or 1 000 hours in the case of an upgrade to a Grade I flight instructor.

(33) The holder of a FSTD authorisation issued in terms of this Part may be credited for all the instruction time given on an approved FSTD towards the maintenance of competency prescribed for such authorisation.

(34) A Namibia Air Force pilot or a Namibia Air Force navigator may request the Executive Director, in writing, to be fully or partially credited for theoretical knowledge requirements as set out in Document NAM-CATS-FCL 61.01.11 for individual licences or ratings issued in terms of Part 61.

(35) In the case of Namibia Air Force pilots, flight time must be credited in full towards the issue of a Namibian civilian pilot licence and ratings specified in this Part set out in Document NAM-CATS-FCL 61.

(36) In the case of foreign military-trained pilots who can produce evidence satisfactory to the Executive Director of flying hours logged, the Executive Director must credit such flying in full towards the issue of a Namibian civilian pilot licence and ratings.

**Designation of pilots for purposes of training and tests**

**61.01.21** The Executive Director may designate a pilot to conduct the training or tests, in the circumstances and subject to the conditions, requirements, rules, procedures or standards, set out in Document NAM-CATS-FCL 61.

**Designation of examiners for purposes of skills tests or proficiency checks**

**61.01.22** (1) The Executive Director may designate an examiner to conduct any of the skills tests or proficiency checks required for the issuing or re-issuing of pilot licences in terms of Subpart 32.

(2) The Executive Director must sign and issue to each designated examiner a document which must state the full name of such examiner and contain a statement that:

- (a) such examiner has been designated in terms of subregulation (1); and
- (b) such examiner is empowered to exercise the privileges of the designation.

**Documents**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.01.23** The Executive Director must ensure that a pilot licence and rating is issued in such a manner that the holder's operating capacity and validity of the licence and rating may readily be determined by the any appropriate authority.

[The word "the" before the phrase "any appropriate authority" is superfluous.]

**Register of licences**

**61.01.24** (1) The Executive Director must maintain and keep safe in the Civil Aviation Registry established pursuant to section 52 of the Act a register of all pilot licences issued, re-issued or validated, and ratings issued, re-issued or validated, in terms of this Part.

(2) The register referred to in subregulation (1) must contain the following particulars, which must be recorded immediately upon issuing the licence or rating or validation:

- (a) the full name of the holder of the licence;
- (b) the postal and residential address of the holder of the licence;
- (c) the telephone and, where applicable, e-mail address of the holder of the licence;
- (d) the date on which the licence was issued or validated;
- (e) the number of the licence issued or validated;
- (f) particulars of the ratings held by the holder of the licence;
- (g) the nationality of the holder of the licence; and
- (h) the date on which the licence or any rating is cancelled, if applicable.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register within seven days from the date on which the licence was issued, re-issued or validated, or rating was issued, re-issued or validated or suspended or revoked, by the Executive Director.

(4) A licence holder must notify the Executive Director within 14 days of any change of the particulars referred to in subregulation (2).

(5) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Training for the issuing of a licence, rating or validation**

**61.01.25** (1) Training as required for the purpose of acquiring a licence, rating or validation as required by this Part, may only be provided by:

- (a) a Namibian ATO approved by the Executive Director in terms of the Regulations and technical standards; or
- (b) a foreign ATO approved or accepted by the Executive Director under the provisions set out in Document NAM-CATS-FCL 141.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) For training towards the issue of a pilot licence to be recognised as integrated training, such training must be conducted in accordance with an approved training course, meeting the conditions, requirements, rules, procedures and standards as set out in an Appendix to Document NAM-CATS-FCL 61 - CPL/IR(A)/ATPL(A) Integrated Course.

**Duties of pilots**

**61.01.26** A pilot must:

- (a) carry the pilot licence and rating issued to him or her, on his or her person when exercising the privileges of the licence and rating;
- (b) produce the pilot licence and rating to an authorised officer, inspector or authorised person upon request by such officer, inspector or person; and
- (c) Produce the pilot licence and rating to the authorised representative of an appropriate authority if so requested by such representative.

[The opening word in paragraph (c) should not be capitalised.]

**Endorsements and record keeping**

**61.01.27** (1) An applicant for a licence rating must have the applicable rating endorsed in his or her pilot logbook as set out in Document NAM-CATS-FCL 61.

(2) The endorsement referred to in subregulation (1) must include, but is not limited to, the following details:

- (a) date of the skills test;
- (b) aircraft registration and type;
- (c) name and licence number of examiner; and
- (d) name of the Aviation Training Organisation.

(3) The flight instructor or designated flight examiner conducting a skills test or revalidation check must stamp, sign and date each page of the applicable form before forwarding it to the Executive Director for processing and record keeping.

(4) The stamp referred to in subregulation (3) must include the following details:

- (a) initials and surname of flight instructor or examiner;
- (b) the flight instructor's or the Designated Flight Examiner's pilot licence number; and
- (c) the designation applicable to the flight instructor or examiner, such as Grade II Instructor or FE(A).

**Payment of currency fee**

**61.01.28** (1) The holder of a pilot licence must pay the annual currency fee as prescribed in Part 187 on the anniversary date of the licence.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The payment of the annual currency fee must, where applicable, be accompanied by the annual summary as prescribed by regulation 61.01.6(5) and the medical certificate as prescribed by regulation 61.01.13.

**SUBPART 2**  
**STUDENT PILOT LICENCE**

**Requirements for Student Pilot Licence**

**61.02.1** (1) An applicant for the issue of a Student Pilot Licence must:

- (a) be 16 years of age or older;
- (b) hold a valid Class 1 or Class 2 medical certificate issued in terms of Part 67, which certificate must be issued prior to the first solo flight; and
- (c) receive flight training at an approved ATO.

(2) The training referred to in subregulation (1)(c) and set out in Document NAM-CATS-FCL 61 must be completed prior to the first solo flight and must be to the level of knowledge, understanding and skill required in order to ensure that the privileges would not permit student pilots to constitute a hazard to aviation.

(3) The training referred to in subregulation (1)(c) must be certified by the holder of at least a Grade II Flight Instructor Rating on the application form referred to in subregulation 61.02.2.

(4) The certification referred to in subregulation (3), for theoretical training required and competency in terms of radio proficiency may be signed by the holder Grade II Flight Instructor Rating referred to in that subregulation.

[The words “of a” appears to have been omitted between  
“the holder” and “Grade II Flight Instructor Rating”.]

**Application for Student Pilot Licence**

**61.02.2** An application for a Student Pilot Licence must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 and must be accompanied by:

- (a) an original or certified proof of the identity of the applicant;
- (b) proof of the age of the applicant;
- (c) a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;
- (d) the type of the aircraft on which training will be conducted: Provided that in the case of helicopters training is limited to two helicopters;
- (e) two recent passport-size photographs of the applicant; and
- (f) the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Issuing of Student Pilot Licence**

**61.02.3** (1) The Executive Director must issue a Student Pilot Licence in the appropriate form determined by the Executive Director, if the applicant complies with the requirements referred to in regulation 61.02.2.

(2) Upon the issuing of a Student Pilot Licence the holder of the licence must immediately affix his or her signature in ink in the space on the licence provided for such purpose.

**Certificate of competency**

**61.02.4** (1) If the holder of a Student Pilot Licence, at the time of qualifying for the first solo flight does not hold a restricted radiotelephony operator's certificate, he or she may nevertheless exercise the privileges of the licence: Provided that he or she is the holder of a certificate of competency issued by a flight instructor, which certifies that:

- (a) the applicant has undergone basic training in the use of the radio apparatus installed in the aircraft in which he or she is being trained; and
- (b) the applicant is considered capable of operating such radio apparatus satisfactorily to undertake solo flights:
  - (i) within the circuit area of the aerodrome where the training flights originate and terminate;
  - (ii) within the associated general flying area of such aerodrome;
  - (iii) on cross-country flights; and
  - (iv) with the exception of the control zone or aerodrome traffic zone of the aerodrome referred to in subparagraph (i), outside controlled airspace.

(2) The certificate of competency referred to in subregulation (1) is valid for a period of three months calculated from the date on which such certificate was issued.

**Period of validity**

**61.02.5** A Student Pilot Licence is valid, for the period for which the medical certificate held by the holder of the licence is valid, unless the licence is suspended or revoked in terms of the Act.

**Privileges and limitations of Student Pilot Licence**

**61.02.6** (1) A holder of a valid Student Pilot Licence may not exercise the privileges of the licence unless he or she:

- (a) is in the possession of a valid Class 1 or Class 2 medical certificate, issued to him or her in terms of Part 67; and
- (b) has submitted a copy of the medical certificate to the Authority as required in regulation 61.01.13.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A holder of a valid Student Pilot Licence may for the purpose of training for the applicable pilot licence only fly solo, once he or she has attained the age of 16:

- (a) in the type of aircraft in which he or she is undergoing training as endorsed in his or her logbook, as set out in Document NAM-CATS-FCL 61;
- (b) after a prior written authorisation for a flight, or a sequence of flights, as determined in the relevant curriculum and all such flights are under the supervision of a holder of an appropriate and valid flight instructor rating, or a person appointed by the Chief Flying Instructor: Provided that the appointed person is a holder of at least a Private Pilot Licence;
- (c) without carrying any passengers;
- (d) on a flight other than an international flight; and
- (e) in VMC by day.

(3) Despite paragraph (e) of subregulation (2), a holder of a Student Pilot Licence who is undergoing integrated training referred to in regulation 61.01.25 may exercise the privileges of his or her Student Pilot Licence also:

- (a) in VMC by night, if he or she is a holder of a valid Night Rating; and
- (b) under IFR, if he or she is the holder of a valid Instrument Rating.

(4) Except in an emergency, a holder of a Student Pilot Licence may not land or take-off in an aeroplane from an area other than an aerodrome.

(5) If a holder of a Student Pilot Licence has executed an emergency landing with an aeroplane, in an area other than an aerodrome, only the holder of a Commercial Pilot Licence or an Airline Transport Pilot Licence, or another pilot approved for the purpose in writing by the Executive Director may fly the aircraft out of that area.

**Discontinuing of flight training**

**61.02.7** (1) The Executive Director may permanently discontinue the flight training of any student pilot due to safety concerns.

(2) The procedure for making a recommendation to the Executive Director for the discontinuance of flight training is set out in Document NAM-CATS-FCL 61.

**Ratings for special purposes for a Student Pilot Licence**

**61.02.8** (1) A student pilot, undergoing integrated training in terms of regulation 61.01.25 may undergo training for, and apply for, a Night Rating and an Instrument Rating.

(2) An application for a Night Rating or an Instrument Rating must be made in accordance with Subparts 18 or 24.

**Re-issue of Student Pilot Licence**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.02.9** (1) The holder of a Student Pilot Licence which has expired due to the lapse of the period referred to in regulation 61.02.5 may apply to the Executive Director for the re-issuing of the licence.

(2) The Executive Director must re-issue a Student Pilot Licence if the holder of the expired licence complies with the requirements referred to in regulation 61.02.1.

(3) The provisions of regulation 61.02.1 apply to an application referred to in subregulation (1).

**SUBPART 3**  
**PRIVATE PILOT LICENCE (AEROPLANE)**

**Requirements for Private Pilot Licence (Aeroplane)**

**61.03.1** (1) An applicant for the issue of a Private Pilot Licence (Aeroplane) must:

- (a) be 17 years of age or older;
- (b) hold a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (c) hold a valid restricted radiotelephony operator's Licence;

[The term "licence" in paragraph (c) should not be capitalised. Most provisions in these regulations refer to a radiotelephony "certificate" rather than a "licence".  
See, for example, Regulation 62.01.20.]

- (d) show satisfactory evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) a pilot licence (aeroplane) issued by an appropriate authority;
  - (ii) a Namibian air force pilot qualification (aeroplane); or
  - (iii) a Recreational Pilot Licence issued in terms of Part 62;
- (e) holds an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;

[The verb "holds" should be "hold" to fit with "must" at the end of the introductory phrase.]

- (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (g) have successfully passed the theoretical knowledge examination as prescribed in this Part and set out in Document NAM-CATS-FCL 61; and
- (h) have undergone the skills test referred to in regulation 61.03.4.

(2) The applicant for a Private Pilot Licence (Aeroplane) must have completed not less than 40 hours of flight time with an approved ATO as a pilot of an aeroplane, of which:

- (a) at least 25 hours are dual instruction in aeroplanes, which must include five hours instrument instruction time;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) at least 10 hours are accumulated in solo flight, of which at least 5 hours are cross-country flight time, which must include one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base and must include full-stop landings at two different aerodromes away from base; and (c) a maximum of five hours dual instruction time may be accumulated in an approved FSTD.

(3) Namibian Air Force pilots applying for Private Pilot License (Aeroplane) may apply for equivalency crediting for some or all of requirements referred to in regulation 61.01.11.

(4) Despite subregulation (2), the experience required for the holder of a Glider Pilot Licence or Gyroplane Pilot Licence or of a Recreational Pilot Licence endorsed with the category micro light aeroplane, may be substituted by the experience obtained to the maximum set out in regulation 61.01.20.

**Application for, and issue of, a Private Pilot Licence (Aeroplane)**

**61.03.2** (1) An application for a Private Pilot Licence (Aeroplane) must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days after the date of practical skills test referred to in regulation 61.03.4.

[The word “the” appears to have been omitted before the phrase “practical skills test”.]

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) and (e) of regulation 61.03.1(1);

[The singular word “paragraph” should be plural.]

- (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (g) of regulation 61.03.1(1);
  - (d) the applicant’s flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
  - (g) the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must issue a Private Pilot Licence (Aeroplane), if he or she is satisfied:
- (a) that the applicant complies with the requirements referred to in regulation 61.03.1;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

**[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]**

(4) A Private Pilot Licence (Aeroplane) must be issued in the form determined by the Executive Director.

(5) The holder of a Private Pilot Licence (Aeroplane) must, upon receipt of the Private Pilot Licence (Aeroplane), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.03.3** An applicant for the issue of a Private Pilot Licence (Aeroplane) must:

- (a) have passed the appropriate written examination referred to in regulation 61.03.1(g) within a period of 24 months; and
- (b) have passed the last theoretical knowledge examination within 12 months preceding the skills test for a Private Pilot Licence (Aeroplane).

**Skills test**

**61.03.4** (1) The applicant for a Private Pilot Licence (Aeroplane) must undergo skills test within 90 days immediately preceding the date of application.

**[The word “a” appears to have been omitted before the phrase “skills test”.]**

(2) An applicant for the issue of a Private Pilot Licence (Aeroplane) must demonstrate the required skills to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Private Pilot Licence (Aeroplane), to:

- (a) a Chief Flying Instructor (Aeroplane) of an approved ATO, with an examiner designation; or
- (b) a Grade I or II Flight Instructor (Aeroplane) appointed in terms of document NAM-CATS-FCL 61 by the chief flying instructor of the approved ATO, with an examiner designation.

(3) The holder of a Private Pilot Licence (Aeroplane) must have flown a minimum of 3 hours as pilot-in-command of aeroplanes in the 6 months preceding the relevant skills test.

(4) The skills test referred to in this regulation must be conducted in an aeroplane with a maximum certificated mass of more than 450 kg.

**Period of validity of Private Pilot Licence (Aeroplane)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.03.5** A Private Pilot Licence (Aeroplane) is valid subject to the following conditions:

- (a) the licence is accompanied by a valid medical certificate as prescribed in regulation 61.03.01;
- (b) the holder complies with the maintenance of competency in terms of regulation 61.03.8 annually;
- (c) the holder pays the currency fee referred to in regulation 61.01.28 and certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

[Some words appear to have been omitted after the phrase “the holder pays the currency fee referred to in regulation 61.01.28 and” and before “certified copies”. The missing words are probably “accompanied by”, as in subregulation 61.04.5.]

**Privileges of Private Pilot Licence (Aeroplane)**

**61.03.6** (1) For the purpose of this regulation “remuneration” does not include the pro rata sharing of the direct operating costs of a flight among the passengers of an aeroplane, in which case the flight is deemed to be a non-revenue flight.

(2) The holder of a Private Pilot Licence (Aeroplane) may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority, as required in regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.03.8; and
- (d) complies with the requirement of section 68(4) of the Act.

(3) The holder of a valid Private Pilot Licence (Aeroplane) may, by day under VMC, act as pilot-in-command or co-pilot, as specified in subregulation (6)(c), of any aeroplane for which he or she holds the appropriate valid class rating or type rating by name.

(4) The holder of a Private Pilot Licence (Aeroplane) may fly Special VFR if in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

[It appears that the phrase “clear of cloud, fog, mist” may have been intended to be “clear of cloud, fog and mist”.]

(5) The holder of the Private Pilot Licence (Aeroplane) licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.03.7, if the holder holds the appropriate valid rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (6) The holder of a Private Pilot Licence (Aeroplane):
  - (a) may not act as pilot-in-command of an aeroplane that is carrying passengers or freight for hire or reward;
  - (b) may not be remunerated for acting in any pilot capacity in an aeroplane;
  - (c) may act as a pilot-in-command of an aeroplane in the course of his or her own or employer's business: Provided that:
    - (i) the flight is only incidental to that business or employment; and
    - (ii) the aeroplane does not carry passengers or freight for reward or hire.

**Ratings for special purposes**

**61.03.7** (1) The ratings for special purposes associated with a Private Pilot Licence (Aeroplane) are:

- (a) an Instrument Rating;
- (b) a Night Rating;
- (c) a Tug Pilot Rating;
- (d) an Agricultural Pilot Rating;
- (e) an Aerobatics Rating; and
- (f) a Tow Rating.

(2) An application for any rating referred to in subregulation (1) must be made in accordance with the regulations in Subparts 18, 24, 26, 27, 31 and 33.

**Maintenance of competency**

**61.03.8** (1) The holder of a Private Pilot Licence (Aeroplane) must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that within a period of 24 months calculated from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Private Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane with passengers on board by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings in an aeroplane of the same type or similar type or in an approved FSTD appropriate to the type.

(4) The holder of a Private Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane with passengers on board by night, unless he or she:

- (a) holds a night rating; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings by night in an aeroplane of the same type or similar type or in an approved FSTD appropriate to the type,

Provided that if the holder complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Private Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed in Part 91 for VFR, unless he or she holds a valid Instrument Rating and within the 90 days immediately preceding such flight has by means of an instrument approach procedure or procedures established by the Executive Director or by an appropriate authority:

- (a) executed at least two instrument approaches in an approved FSTD, or in an aeroplane, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Private Pilot Licence (Aeroplane) who has not maintained competency by passing an initial licence skills test or a revalidation check in the same category of aircraft within the 12 months following initial issue or 24 months following the revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a private pilot licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction; and
  - (ii) pass a revalidation check in the same category of aircraft.
- (b) in the case of a holder of a private pilot licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undertake sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of a Private Pilot Licence (Aeroplane) who has not flown a minimum of three hours as PIC of aeroplanes in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Private Pilot (Aeroplane), and meet the recency requirements to act as PIC.

**Recency requirements for a Private Pilot Licence (Aeroplane)**

**61.03.9** The holder of a Private Pilot Licence (Aeroplane) must comply with the recency requirements of Part 91.

**SUBPART 4**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PRIVATE PILOT LICENCE (HELICOPTER)**

**Requirements for Private Pilot Licence (Helicopter)**

**61.04.1** (1) An applicant for the issue of a Private Pilot Licence (Helicopter) must:

- (a) be 17 years of age or older;
- (b) hold at least a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (c) hold a valid restricted radiotelephony operator's certificate;
- (d) show evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) a Pilot Licence (Helicopter) issued by an appropriate authority;
  - (ii) a Namibian Air Force pilot qualification (helicopter); or
  - (iii) a recreational pilot licence issued in terms of Part 62;
- (e) hold English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
- (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
- (h) have undergone the skill test referred to in regulation 61.04.4.

(2) An applicant for a Private Pilot Licence (Helicopter) must have completed not less than 40 hours flight time as pilot of a helicopter of which:

- (a) at least 25 hours are dual instruction in helicopters; and
- (b) at least 10 hours are accumulated in solo flight, of which five hours are cross-country flight time;

(3) The solo cross-country flight time referred to in paragraph (b) subregulation (2) must include one triangular cross-country flight of at least 100 NM, in the course of which satisfactory full-stop landings at two different aerodromes away from base must have been made.

(4) A maximum of five hours dual instruction time may be accumulated in a helicopter FSTD approved for the purpose by the Executive Director.

(5) Namibian Air Force pilots applying for Private Pilot Licence (Helicopter) may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, a Private Pilot Licence (Helicopter)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.04.2** (1) An application for a Private Pilot Licence (Helicopter) must be made to the Executive Director on the appropriate form as set out in Document NAM-CATS-FCL 61 within 30 days of satisfactory completion of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraphs (d) and (e) of subregulation (1) of regulation 61.04.1;
  - (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in subregulation 61.04.1(1)(g);
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
  - (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Private Pilot Licence (Helicopter), if he or she is satisfied that the applicant:

- (a) complies with the requirements referred to in regulation 61.04.1;
- (b) is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

(4) The Executive Director must issue the Private Pilot Licence (Helicopter) in the form determined by the Executive Director.

**[The word "Director" is misspelt in the *Government Gazette* in its first appearance in subregulation (4), as reproduced above.]**

(5) The holder of a Private Pilot Licence (Helicopter) must, upon receipt of the Private Pilot Licence (Helicopter), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.04.3** An applicant for the issue of a Private Pilot Licence (Helicopter) must:

- (a) have passed all the theoretical examinations for a Private Pilot Licence (Helicopter) referred to in paragraph (g) of subregulation (1) of regulation 61.04.1 within a period of 12 months; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) have passed the last theoretical knowledge examination within six months preceding the taking of the skills test for a Private Pilot Licence (Helicopter).

**Skills test**

**61.04.4** (1) An applicant for the issue of a Private Pilot Licence (Helicopter) must undergo the skills test for a Private Pilot Licence (Helicopter), within 30 days of the last period of dual instruction.

(2) An applicant for the issue of a Private Pilot Licence (Helicopter) must demonstrate the required skill to perform as pilot-in-command of a helicopter, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Private Pilot Licence (Helicopter), to:

- (a) A Chief Flying Instructor (Helicopter) of an approved ATO, with an examiner designation; or
- (b) a Grade I or II Flight Instructor (Helicopter) appointed in terms of document NAM-CATS-FCL 61 by the Chief Flying Instructor of the approved ATO, with an examiner designation.

(3) The applicant referred to in subregulation (1) must have undergone the skills test referred to in that subregulation within the 90 days immediately preceding the date of application.

(4) The holder of a Private Pilot Licence (Helicopter) must have flown a minimum of three hours as pilot-in-command of helicopters in the six months preceding the relevant skills test.

**Period of validity of Private Pilot Licence**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Period of validity of Private Pilot Licence (Helicopter)".]

**61.04.5** A Private Pilot Licence (Helicopter) is valid subject to the condition that:

- (a) the licence is accompanied by a valid medical certificate as prescribed by regulation 61.04.1;
- (b) the holder of the licence complies with the maintenance of competency in terms of regulation 61.04.8 annually; and
- (c) the holder of the licence pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

**Privileges of Private Pilot Licence (Helicopter)**

**61.04.6** (1) For the purpose of this regulation "remuneration" does not include the pro rata sharing of the direct operating costs of a flight among the occupants of a helicopter, in which case the flight is deemed to be a non-revenue flight.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The holder of a Private Pilot Licence (Helicopter) may not exercise the privileges of that licence unless he or she:

- (a) is in possession of a valid Class 1 or Class 2 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13; and
- (c) complies with the maintenance of competency requirements.

(3) The holder of a valid Private Pilot Licence (Helicopter) may, by day under VMC, act as pilot-in-command or co-pilot of any helicopter for which he or she holds the appropriate valid type rating.

(4) The holder of a Private Pilot Licence (Helicopter) may fly Special VFR if, in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

[It appears that the phrase “clear of cloud, fog, mist” may have been intended to be “clear of cloud, fog and mist”.]

(5) The holder of a valid Private Pilot Licence (Helicopter) is entitled to act, as pilot-in-command or co-pilot as specified in of any helicopter engaged in non-revenue flights for which he or she is type rated.

[The comma after the phrase “entitled to act” is superfluous. The words “as specified in” also appear to be superfluous.]

(6) If the holder of a Private Pilot Licence (Helicopter) has the appropriate valid rating, he or she may exercise the privileges of the licence for any of the special purposes referred to in regulation 61.04.7.

- (7) The holder of a Private Pilot Licence (Helicopter):
  - (a) may act as co-pilot of any helicopter on which a co-pilot is not a requirement;
  - (b) may not act as pilot-in-command of a helicopter that is carrying passengers or freight for reward or hire; and
  - (c) may not be remunerated for acting in any pilot capacity in a helicopter.
  - (d) may act as a pilot-in-command of a helicopter in the course of his or her own or employer’s business: Provided that:
    - (i) the flight is only incidental to that business or employment; and
    - (ii) the helicopter does not carry passengers or freight for reward or hire.

**Ratings for special purposes**

**61.04.7** (1) The ratings for special purposes associated with a Private Pilot Licence (Helicopter) are:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) an Instrument Rating;
- (b) a Night Rating;
- (c) a Post Maintenance Test Flight Rating; and
- (d) Agricultural Pilot Ratings.

(2) An application for any rating referred to in subregulation (1) must be made in accordance with the regulations in Subparts 18, 24, 25, 30 or 31.

**Maintenance of competency**

**61.04.8** (1) The holder of a Private Pilot Licence (Helicopter) must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that within a period of 24 months calculated from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Private Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter with passengers or cargo or a combination of both on board, by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three circuits, including the take-off and landing, in a helicopter of the same type or a similar type or in an approved FSTD.

(4) The holder of a Private Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter with passengers on board by night, unless he or she:

- (a) holds a night rating; and
- (b) has, within the 90 days immediately preceding such flight, executed not less than three circuits, including the take-off and landing, by night in a helicopter of the same type or a similar type or in an approved slight simulation device,

Provided that if the holder of a Private Pilot Licence (Helicopter) complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Private Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she holds a valid Instrument Rating and within the 90 days immediately preceding such flight, has by means of an instrument approach procedure or procedures, which have been approved by the Executive Director or by an appropriate authority:

- (a) executed at least two instrument approaches in an approved FSTD or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Private Pilot Licence (Helicopter) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

of aircraft within the 12 months following the initial issue or within 24 months following the revalidation of such licence, must comply with the following requirements:

- (a) in the case of a holder of a private pilot licence (helicopter) where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command (PIC); and
  - (ii) pass a revalidation check in the same category;
- (b) in the case of a holder of a Private Pilot Licence (helicopter) where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination; and
  - (ii) sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check and meet the recency requirements to act as pilot-in-command; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of a Private Pilot Licence (helicopter) who has not flown a minimum of three hours as PIC of a helicopter in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Private Pilot Licence (Helicopter), and meet the recency requirements to act as PIC.

**Recency requirements for a Private Pilot Licence (Helicopter)**

**61.04.9** The holder of a Private Pilot Licence (Helicopter) must comply with the recency requirements referred to in Part 91.

**SUBPART 5**  
**COMMERCIAL PILOT LICENCE (AEROPLANE)**

**Requirements for Commercial Pilot Licence (Aeroplane)**

**61.05.1** (1) An applicant for the issue of a Commercial Pilot Licence (Aeroplane) must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) produce satisfactory evidence of holding or having held in the previous 60 months a valid Night Rating and any of the following:
  - (i) a valid Private Pilot Licence (Aeroplane);
  - (ii) a valid pilot licence (aeroplane) issued by an appropriate authority;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) a valid Namibian Air Force pilot qualification (aeroplane); or
  - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Executive Director;
  - (e) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
  - (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
  - (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
  - (h) have undergone the skills test referred to in regulation 61.05.4.
- (2) An applicant for the issue of a Commercial Pilot Licence (Aeroplane) must have completed not less than:
- (a) 200 hours of flight time, which may include 20 hours of flight instruction time in a FSTD approved for this purpose; or
  - (b) 150 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.25.
- (3) The total of 200 hours or 150 hours, as the case may be, referred to in subregulation (2) must include:
- (a) 100 hours as pilot-in-command or 70 hours as pilot-in-command in the case of an applicant who has undergone the integrated training;
  - (b) 20 hours of cross-country flight time as pilot-in-command, including one flight of not less than 300 nm with not less than two full-stop landings at different aerodromes away from base must have been made;
  - (c) five hours of night flying as pilot-in-command, including not less than five take-offs and five landings by night and a cross-country flight of at least three legs, each of a minimum length of 50 NM;
  - (d) 10 hours of instrument flight instruction, of which not more than five hours may have been acquired in a FSTD approved for this purpose; and
  - (e) at least five hours instruction in an aeroplane with adjustable flaps, retractable undercarriage and variable pitch propeller or turbojet engine.
- (4) A Namibia Air Force pilot or a Namibia Air Force navigator may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, a Commercial Pilot Licence (Aeroplane)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.05.2** (1) An application for a Commercial Pilot Licence (Aeroplane) must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the completion of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) acceptable documentary evidence of compliance with paragraphs (d) and (e) of subregulation (1) of regulation 61.05.1;
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in regulation 61.01.7 and paragraph (g) of subregulation (1) of regulation 61.05.1(1);
  - (d) the applicant's flying logbook summarised in the form set out in the Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of this Part; and
  - (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Commercial Pilot Licence (Aeroplane), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.05.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

[The phrase "that the applicant" should appear at the beginning of paragraph (c), before the word "complies", as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue the Commercial Pilot Licence (Aeroplane) in the form determined by the Executive Director.

(5) The holder of a Commercial Pilot Licence (Aeroplane) must, upon receipt of the Commercial Pilot Licence (Aeroplane), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

### **Theoretical knowledge examination**

**61.05.3** An applicant for the issue of Commercial Pilot Licence (Aeroplane) must have passed the last theoretical knowledge examination within 36 months preceding the completion of the skill test for a Commercial Pilot Licence (Aeroplane).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Skills test**

**61.05.4** (1) An applicant for the issue of a Commercial Pilot Licence (Aeroplane) must undergo the test for a Commercial Pilot Licence (Aeroplane), within 30 days of the last period of dual instruction.

(2) An applicant for the issue of a Commercial Pilot Licence (Aeroplane) must demonstrate to a Designated Flight Examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Commercial Pilot Licence (Aeroplane).

(3) The applicant for the issue of a Commercial Pilot Licence (Aeroplane) must have undergone the skills test referred to in subregulation (1) within the 90 days immediately preceding the date of application.

(4) The test referred to in subregulation (1) must have been conducted in a complex aeroplane with:

- (a) variable pitch propellers, adjustable flaps and retractable undercarriage;
- (b) turbojet engines; or
- (c) an approved FSTD.

(5) An applicant for the issue of a Commercial Pilot Licence (Aeroplane) must have flown a minimum of three hours as pilot-in-command of aeroplanes in the six months preceding the relevant test.

**Period of validity of Commercial Pilot Licence (Aeroplane)**

**61.05.5** A Commercial Pilot Licence (Aeroplane) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate;
- (b) the holder complies with the maintenance of competency in terms of regulation 61.05.8, annually; and
- (c) the holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

**Privileges of Commercial Pilot Licence (Aeroplane)**

**61.05.6** (1) The holder of a Commercial Pilot Licence (Aeroplane) may not exercise the privileges of that licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the maintenance of competency requirements; and
- (d) complies with the requirement of section 68(4) of the Act.

(2) The holder of a valid Commercial Pilot Licence (Aeroplane) may, by day under VMC, act as pilot-in-command or co-pilot of any aeroplane for which he or she holds the appropriate valid class rating or type rating.

(3) The holder of a Commercial Pilot Licence (Aeroplane) may fly Special VFR if, in sight of the surface and clear of cloud, fog, or mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

(4) The holder of a valid Commercial Pilot Licence (Aeroplane) in the type of aeroplane for which he or she is rated, is entitled to:

- (a) in operations other than the carrying of passengers or freight for reward, act as pilot-in-command;
- (b) act as pilot-in-command in commercial air transport operations in any aeroplane certificated for single-pilot operations;
- (c) act as co-pilot in commercial air transport operations in any aeroplane required to be operated with a co-pilot;
- (d) act as a safety pilot; and
- (e) exercise all the privileges referred to in this subregulation, by night.

(5) The holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.05.7, if the holder holds the appropriate valid rating.

**Ratings for special purposes and certificate**

**61.05.7** (1) The ratings for special purposes associated with a Commercial Pilot Licence (Aeroplane) are:

- (a) a Night Rating;
- (b) an Instrument Rating;
- (c) Flight Instructor Rating (Aeroplane);
- (d) Test Pilot Rating;
- (e) a Tug Pilot Rating;
- (f) Aerobatics Rating;
- (g) Tow Pilot Rating; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(h) an Agricultural Pilot Rating.

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the regulations in Subparts 18, 20, 24, 25, 26, 27, 31 or 33, as the case may be.

**Maintenance of competency**

**61.05.8** (1) A holder of a Commercial Pilot Licence (Aeroplane) must undergo a revalidation check within 24 months from the date of initial issue or from the date of revalidation, as applicable.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Commercial Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and landings in an aeroplane of the same type or a similar type, or in an approved FSTD.

(4) The holder of a Commercial Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she has within the 90 days immediately preceding the flight, executed not less than three take-offs and landings by night in an aeroplane of the same type or a similar type or in an approved FSTD: Provided that if the holder complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Commercial Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been approved by the Executive Director or by an appropriate authority:

- (a) executed at least two instrument approaches in an approved FSTD or in an aeroplane, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Commercial Pilot Licence (Aeroplane) who has not maintained his or her class or type rating by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence or rating must comply with the following requirements:

- (a) in the case of a holder of a commercial pilot licence where the maintenance of a class or type rating has lapsed by less than 24 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction, and
  - (ii) pass a revalidation check in the same category of aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) in the case where the maintenance of competency has lapsed by more than 24 months, but less than 36 months, he or she must -
  - (i) undergo a minimum of two periods of dual training of not less than one hour;
  - (ii) passes a proficiency check;
- (c) in the case of a holder of a commercial pilot licence where the maintenance of a class or type rating has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO, to reach the standard required for the revalidation check of a Commercial Pilot Licence (Aeroplane), and meet the recency requirements to act as pilot-in-command (PIC); and
  - (iii) Pass an initial licence skills test in the same category of aircraft.

[The word “pass” at the beginning of subparagraph (iii) should not be capitalised.]

- (7) The revalidation check must be undertaken in an aeroplane with:
  - (a) adjustable flaps, retractable undercarriage and variable pitch propellers;
  - (b) a turbojet engine; or
  - (c) an approved FSTD.

(8) The holder of a Commercial Pilot Licence (Aeroplane) who has not flown a minimum of three hours as either PIC or pilot-in-command-under-supervision (PICUS) or six hours as co-pilot in the six months preceding a revalidation check, must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Commercial Pilot Licence (Aeroplane), and meet the recency requirements to act as PIC.

[The word “recency” is misspelt as “regency” in the *Government Gazette*, as reproduced above.]

**Recency requirements for a Commercial Pilot Licence (Aeroplane)**

**61.05.9** The holder of a Commercial Pilot Licence (Aeroplane) must comply with the recency requirements referred to in Part 91.

**SUBPART 6**  
**COMMERCIAL PILOT LICENCE (HELICOPTER)**

**Requirements for Commercial Pilot Licence (Helicopter)**

**61.06.1** (1) An applicant for the issue of a Commercial Pilot Licence (helicopter) must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) hold a valid general radiotelephony operator's certificate;
  - (d) produce satisfactory evidence of holding or having held, within the previous 60 months, the following:
    - (i) a valid Private Pilot Licence (helicopter);
    - (ii) a valid pilot licence (helicopter) issued by an appropriate authority;
    - (iii) a valid Namibian Air Force pilot qualification (helicopter); or
    - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Authority; and
  - (e) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
  - (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
  - (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
  - (h) have undergone the skill test referred to in regulation 61.06.4.
- (2) An applicant for the issue of a Commercial Pilot Licence (helicopter) must have completed not less than:
- (a) 150 hours of flight time, which may include 10 hours of flight instruction time in a helicopter FSTD approved by the Executive Director for the purpose; or
  - (b) 100 hours of flight time, which may include 10 hours of flight instruction time in a helicopter FSTD, approved for the purpose, if he or she has successfully completed the integrated training referred to in regulation 61.01.25.
- (3) The total of 150 hours or 100 hours, as the case may be, referred to in subregulation (2) must include:
- (a) 35 hours as pilot-in-command;
  - (b) 10 hours of cross-country flight time as pilot-in-command, including a cross-country flight in the course of which landings at two different points away from base have been made;
  - (c) 10 hours of instrument instruction time of which not more than five hours may be acquired in an approved FSTD; and
  - (d) if the privileges of the licence are to be exercised by night, five hours of night flight time including five take-offs and five landing patterns as pilot-in-command.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) A Namibia Air Force pilot or a Namibia Air Force navigator applying for Commercial Pilot Licence (Helicopter) may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, a Commercial Pilot Licence (Helicopter)**

**61.06.2** (1) An application for a Commercial Pilot Licence (Helicopter) must be made to the Executive Director on the appropriate form as set out in Document NAM -CATS-FCL 61 within 30 days after the date of the practical skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) acceptable documentary evidence of compliance with paragraphs (d) and (e) of subregulation (1) of regulation 61.06.1;
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in subregulation (1) of regulation 61.06.1 and regulation 61.01.7;
  - (d) the applicant's flying logbook summarised in the form set out in the Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of this Part; and
  - (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Commercial Pilot Licence (Helicopter), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.06.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

**[The phrase "that the applicant" should appear at the beginning of paragraph (c), before the word "complies", as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]**

(4) The Executive Director must issues the Commercial Pilot Licence (helicopter) in the form determined by the Executive Director.

**[The phrase "must issues" should be "must issue" or "issues".]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The applicant of a Commercial Pilot Licence (Helicopter) must, upon receipt of the Commercial Pilot Licence (Helicopter), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.06.3** The applicant for Commercial Pilot Licence (Helicopter) must have passed all the theoretical examinations for a Commercial Pilot Licence (Helicopter) referred to in paragraph (g) of subregulation (1) of regulation 61.06.1, within a period of 36 months preceding the skills test for a Commercial Pilot Licence (Helicopter).

**Skills test**

**61.06.4** (1) An applicant for a Commercial Pilot Licence (Helicopter) must undergo the skill test for a Commercial Pilot Licence (Helicopter) referred to in paragraph (h) of subregulation (1) of regulation 61.06.1 within 30 days of the last period of dual instruction.

(2) An applicant for the issue of a Commercial Pilot Licence (Helicopter) must demonstrate to a designated examiner, the ability to perform as pilot-in-command of a helicopter, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Commercial Pilot Licence (Helicopter).

(3) The applicant for the issue of a Commercial Pilot Licence (Helicopter) must have undergone the skills test referred to in subregulation (1) within the 90 days immediately preceding the date of application.

[A closing bracket has been omitted after the word “(Helicopter)”.]

(4) The initial skills test referred to in subregulation (1) must be conducted in a helicopter of not less than 500 kg maximum certificated mass.

(5) The holder of a Commercial Pilot Licence (Helicopter) must have flown a minimum of three hours as pilot-in-command of helicopters in the six months preceding the relevant skills test.

**Period of validity of Commercial Pilot Licence (Helicopter)**

**61.06.5** A Commercial Pilot Licence (Helicopter) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate as prescribed by regulation 61.06.1;
- (b) licence holder complies with the maintenance of competency in terms of regulation 61.06.8; and

[The word “the” appears to have been omitted before the phrase “licence holder”.]

- (c) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

endorsements entered into the logbook in the preceding 12 months, as required in subregulation (1) of regulation 61.01.6.

**Privileges of Commercial Pilot Licence (Helicopter)**

**61.06.6** (1) The holder of a Commercial Pilot Licence (Helicopter) may not exercise the privileges of that licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the maintenance of competency requirements as prescribed in regulation 61.06.8 and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) The holder of a valid Commercial Pilot Licence (Helicopter) may, by day under VMC, act as pilot-in-command or co-pilot of any helicopter for which he or she holds the appropriate valid type rating by name.

(3) The holder of a Commercial Pilot Licence (Helicopter) may fly in compliance with Special VFR conditions if, in sight of the surface and clear of cloud, fog, or mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

(4) The holder of a valid Commercial Pilot Licence (Helicopter) may, in the type of helicopter for which he or she is rated, exercise the following privileges:

- (a) exercise all the privileges of a Private Pilot Licence (Helicopter);
- (b) in operations other than the carrying of passengers or freight for hire or reward act as pilot-in-command in any helicopter;
- (c) act as pilot-in-command in commercial air transport operations in any helicopter certificated for single-pilot operations;
- (d) act as co-pilot in commercial air transport operations in any helicopter required to be operated with a co-pilot; and
- (e) act as a safety pilot.

(5) The holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.06.7, if the holder holds the appropriate valid rating.

**Ratings for special purposes and certificate**

**61.06.7** (1) The ratings for special purposes and certificate associated with a Commercial Pilot Licence (Helicopter) are:

- (a) An Instrument Rating;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) Flight Instructor Rating;
- (c) A Night Rating;
- (d) A Test Pilot Rating;
- (e) A Helicopter Sling-Load Rating;
- (f) A Helicopter Winching Rating;
- (g) A Helicopter Game or Livestock Cull Rating; and
- (h) an Agricultural Pilot Rating.

[The capitalisation in the list above is reproduced as in the *Government Gazette*.]

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the regulations in Subparts 18, 20, 21, 24, 25, 28, 29, 30 or 31, as the case may be.

**Maintenance of competency**

**61.06.8** (1) The holder of a Commercial Pilot Licence (Helicopter) must undergo a revalidation check within 12 months from the date of initial issue or from the date of revalidation of the licence.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Commercial Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type or in an approved FSTD.

(4) The holder of a Commercial Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she:

- (a) holds a night rating; and
- (b) has, within the 90 days immediately preceding the flight executed not less than three circuits, including three take-offs and three landings, by night in a helicopter of the same type or a similar type or in an approved FSTD,

Provided that if the holder complies with the provisions of this subregulation such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Commercial Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she holds a valid Instrument Rating and within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been approved by the Executive Director or by an appropriate authority:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) executed at least two instrument approaches in an approved FSTD or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Commercial Pilot Licence (Helicopter) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a commercial pilot licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft;
- (b) in the case of a holder of a commercial pilot licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (helicopter), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of a CPL (helicopter) who has not flown a minimum of three hours as either PIC or PICUS or six hours as co-pilot in the six months preceding a revalidation check, must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (helicopter), and meet the recency requirements to act as PIC.

**Recency requirements for a Commercial Pilot Licence (Helicopter)**

**61.06.9** The holder of a Commercial Pilot Licence (Helicopter) must comply with the recency requirements referred to in Part 91.

**SUBPART 7**  
**AIRLINE TRANSPORT PILOT LICENCE (AEROPLANE)**

**Requirements for Airline Transport Pilot Licence (Aeroplane)**

**61.07.1** (1) An applicant for the issue of an Airline Transport Pilot Licence (Aeroplane) must:

- (a) be 21 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) produce satisfactory evidence of holding or having held within the previous 60 months a valid Instrument Rating and any of the following:
    - (i) a valid Namibian Commercial Pilot Licence (Aeroplane);
    - (ii) a valid pilot licence (aeroplane) issued by an appropriate authority;
    - (iii) a valid Namibian Air Force pilot qualification (aeroplane);
    - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Executive Director;
  - (e) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
  - (f) have successfully completed the training as set out in Document NAM-CATS-FCL 61 at an approved ATO;
  - (g) have passed the theoretical knowledge examination as set out in Document NAM-CATS-FCL 61 referred to in regulation 61.07.3;
  - (h) have undergone the skills test referred to in regulation 61.07.4; and
  - (i) have, within the previous 60 months, completed a multi-crew cooperation course.
- (2) An applicant for the issue of an Airline Transport Pilot Licence (Aeroplane) must have completed, in aeroplanes, not less than 1500 hours of flight time, of which -
- (a) 500 hours must be pilot-in-command-under-supervision; or
  - (b) 250 hours must be as pilot-in-command of which up to 150 hours may be pilot-in-command-under-supervision; and
  - (c) 200 hours must be cross-country flight time, of which 100 hours may be as co-pilot or as pilot-in-command-under-supervision;
  - (d) 75 hours must be instrument time, of which not more than 30 hours may be acquired in a FSTD approved for this purpose;
  - (e) 100 hours must be night flight time as pilot-in-command; and
  - (f) not more than 100 hours of the total flight time may be acquired in an approved FSTD.
- (3) For the purposes of subregulation (2), in the case of single-pilot aeroplanes operated by two pilots according to operational requirements as approved by the Executive Director, both pilots must have successfully completed the multi-crew co-operation training as specified in this Part.
- (4) The 1500 hours flying experience referred to in subregulation (2) may comprise flight time in any of the following capacities:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) as pilot-in-command, counted in full;
- (b) as pilot under instruction (dual), counted in full;
- (c) as co-pilot performing under the supervision of the pilot-in-command the functions and duties of the pilot-in-command, counted in full up to a maximum of 500 hours, provided both pilots have completed multi-crew cooperation training;
- (d) as an appropriately rated co-pilot, counted in full;
- (e) as student pilot-in-command and as student pilot-in-command-under-supervision up to a maximum of 50 hours towards the pilot-in-command time required for the issue of an Airline Transport Pilot Licence (Aeroplane), counted in full: Provided that the approved ATO has been authorised by the Executive Director to allow the logging of student pilot-in-command-under-supervision flight time;
- (f) a maximum of 100 hours may have been completed in an approved FSTD of which a maximum of 25 hours may have been completed in a flight procedures trainer 1 (FNPT 1), or if the training is provided in an integrated training course, 40 hours in an FNPT II, which may include 10 hours in an FNPT 1;
- (g) up to 50 per cent of the 1500 hours and each of the requirements specified in subregulation (2)(a),(b),(c),(d) and (e) may be completed in helicopters; and
- (h) a maximum of 30 hours flight time in touring motor gliders, gliders, micro light aircraft (excluding a weight-shift micro light aeroplane, or an aeroplane with a maximum take-off mass of less than 450 kg), may be counted towards the 1500 hours experience requirement.

(5) A Namibia Air Force pilot flight instructor or a Namibia Air Force navigator applying for an Airline Transport Licence (Aeroplane) instructor may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, an Airline Transport Pilot Licence (Aeroplane)**

**61.07.2** (1) An application for an Airline Transport Pilot Licence (Aeroplane) must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days after the date of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) acceptable documentary evidence of compliance with paragraphs (d) and (e) of regulation 61.07.1(1);
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in regulation 61.01.7 and paragraph (g) of subregulation (1) of regulation 61.07.1;
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the skills test report set out in Document NAM-CATS-FCL 61;
- (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
- (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue an Airline Transport Pilot Licence (Aeroplane), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.07.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue the Airline Transport Pilot Licence (Aeroplane) in the form determined by the Executive Director.

(5) The holder of an Airline Transport Pilot Licence (Aeroplane) must, upon receipt of the Airline Transport Pilot Licence (Aeroplane), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

### **Theoretical knowledge examination**

**61.07.3** (1) Applicant who obtains a credit or a pass for the Airline Transport Pilot Licence (Aeroplane) (ATPL/A) subjects has 36 months to obtain an Instrument Rating (IR).

(2) The ATPL/A subjects referred to in subregulation (1) are valid for a period of 60 months from the date of expiry of the last Instrument Flying Revalidation Check.

(3) If an applicant has previously passed all ATPL/A theoretical knowledge examinations but was not issued with an Instrument Rating within the 36 month period, the amount of credit to be given for the ATPL theoretical knowledge instruction will be at the discretion of the Executive Director, and this discretion must be exercised lawfully.

### **Skills test**

**61.07.4** (1) An applicant for the issue of an Airline Transport Pilot Licence (Aeroplane) must demonstrate to a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Airline Transport Pilot Licence (Aeroplane).

(2) The applicant must have undergone the skills test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.07.3 and within the 90 days immediately preceding the date of application.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The skills test referred to in subregulation (1) must have been conducted in a multi-engine aeroplane, which is required to be operated with a co-pilot and which has:

- (a) variable pitch propellers, adjustable flaps and retractable undercarriage;
- (b) turbine engines, or
- (c) an approved FSTD.

**Period of validity of Airline Transport Licence (Aeroplane)**

**61.07.5** An Airline Transport Pilot Licence (Aeroplane) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate as prescribed by regulation 61.07.1;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.07.8 annually; and
- (c) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in subregulation (1) of regulation 61.01.6.

**Privileges of Airline Transport Pilot Licence (Aeroplane)**

**61.07.6** (1) The holder of an Airline Transport Pilot Licence (Aeroplane) may not exercise the privileges of the licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in 61.07.8; and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) The holder of a valid Airline Transport Pilot Licence (Aeroplane) is entitled to:

- (a) exercise all the privileges of a private and Commercial Pilot Licence (Aeroplane);
- (b) act as pilot-in-command of an aeroplane engaged in air transport operations; and
- (c) exercise all the privileges referred to in this regulation.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.07.7, if the holder holds the appropriate valid rating and otherwise meets the requirements of subregulation (1).

(4) Subject to paragraph (c) of subregulation (1), the holder of an Airline Transport Pilot Licence (Aeroplane) may not exercise any of the privileges of his or her licence unless such holder has undergone, at any time during the preceding 12 months, a skills test for the issue of a type rating or an Airline Transport Pilot Licence (Aeroplane) revalidation check.

(5) The Authority must endorse on the Airline Transport Pilot Licence (Aeroplane) licence any limitation of privileges of that licence.

**Ratings for special purposes and certificate**

**61.07.7** (1) The ratings for special purposes and the certificate associated with an Airline Transport Pilot Licence (Aeroplane) are:

- (a) A Flight Instructor Rating;
- (b) A Test Pilot Rating;
- (c) A Tug Pilot Rating;
- (d) An Aerobatics Rating;
- (e) A Tow Rating; and
- (f) An Agricultural Pilot Rating.

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the regulations in Subparts 19, 20, 21, 23, 25, 26, 27, 31 or 33, as the case may be.

**Maintenance of competency**

**61.07.8** (1) The holder of an Airline Transport Pilot Licence (Aeroplane) must undergo a revalidation check within a period of 12 months from the date of issue or the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of an Airline Transport Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings in an aeroplane of the same type or a similar type or in an approved FSTD.

(4) The holder of an Airline Transport Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings by night in an aeroplane of the same type or a similar type, or in an approved FSTD. Provided that if the holder complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[A colon appears to have been omitted before the proviso that begins with the word "Provided".]

(5) The holder of an Airline Transport Pilot Licence (Aeroplane) may not act as pilot-in-command of an aeroplane under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Executive Director or by an appropriate authority:

- (a) executed at least two instrument approaches in an approved FSTD or in an aeroplane, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.18.5.

(6) The holder of an Airline Transport Pilot Licence (Aeroplane) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction; and
  - (ii) pass a revalidation check in the same category of aircraft.
- (b) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law and operational procedures examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (Aeroplane), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of an ATPL (Aeroplane) who has not flown a minimum of three hours as either PIC or PICUS, or six hours as co-pilot in the six months preceding a revalidation check, must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (Aeroplane), and meet the recency requirements to act as PIC.

**Recency requirements for an Airline Transport Pilot Licence (Aeroplane)**

**61.07.9** The holder of an Airline Transport Pilot Licence (Aeroplane) must comply with the recency requirements referred to in Part 91.02.4.

**SUBPART 8**  
**AIRLINE TRANSPORT PILOT LICENCE (HELICOPTER)**

**Requirements for Airline Transport Pilot Licence (Helicopter)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.08.1** (1) An applicant for the issue of an Airline Transport Pilot Licence (Helicopter) must:

- (a) be 21 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid radiotelephony operator's licence;

**[Most provisions in these regulations refer to a radiotelephony "certificate" rather than a "licence". See, for example, Regulation 62.01.20.]**

- (d) produce acceptable evidence of holding or having held, within the previous 60 months, an Instrument Rating and any of the following:
  - (i) a valid Namibian Private Pilot Licence (Helicopter);
  - (ii) a valid pilot licence (helicopter) issued by an appropriate authority;
  - (iii) a valid Namibian Air Force pilot qualification (helicopter); or
  - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Authority;
- (e) have, within the previous 60 months, completed a multi-crew cooperation course;
- (f) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
- (g) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (h) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
- (i) have undergone the skill test referred to in regulation 61.08.4.

(2) An applicant for the issue of an Airline Transport Pilot Licence (Helicopter) must have completed, in helicopters, not less than 1 000 hours of flight time, of which:

- (a) 250 hours must be as pilot-in-command of which up to 70 hours may be as pilot-in-command under the supervision of the pilot-in-command;
- (b) 200 hours must be cross-country flight time, of which up to 100 hours may be as pilot-in-command-under-supervision or as co-pilot;
- (c) 30 hours must be instrument instruction time, of which not more than 10 hours may be instrument ground time and not more than 10 hours may be acquired in a helicopter FSTD approved for that purpose by the Executive Director;
- (d) 50 hours must be night flight time as pilot-in-command or co-pilot; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(e) not more than 100 hours of total flight time may be acquired in a FSTD.

(3) The 1 000 hours flying experience referred to in subregulation (2) may comprise flight time in any of the following capacities:

- (a) as pilot-in-command, counted in full;
- (b) as pilot under instruction (dual), counted in full;
- (c) as co-pilot performing under the supervision of the pilot-in-command the functions and duties of the pilot-in-command, counted in full up to a maximum of 250 hours: Provided that both pilots have completed multi-crew cooperation training;
- (d) as an appropriately rated co-pilot, counted in full;
- (e) as student pilot-in-command and as student pilot-in-command-under-supervision up to a maximum of 50 hours towards the pilot-in-command time required for the issue of an Airline Transport Pilot Licence (Helicopter), counted in full: Provided that the approved ATO, has been authorised by the Executive Director to allow the logging of student pilot-in-command-under-supervision flight time;
- (f) a maximum of 100 hours may have been completed in an approved FSTD of which a maximum of 25 hours may have been completed in a flight procedures trainer 1 (FNPT 1), or, where the training is provided in an integrated training course, 40 hours in an FNPT II, which may include 10 hours in an FNPT I; or
- (g) up to 50 per cent of the 1000 hours and each of the requirements specified in paragraphs (a), (b), (c), (d) and (e) of subregulation (2) may be completed in aeroplanes.

(4) A Namibia Air Force pilot flight instructor or a Namibia Air Force navigator instructor applying for Airline Transport Licence (Helicopter) may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, an Airline Transport Pilot Licence (Helicopter)**

**61.08.2** (1) An application for an Airline Transport Pilot Licence (Helicopter) must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraphs (d), (e) and (f) of subregulation (1) of regulation 61.08.1;
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in regulation 61.01.7 and paragraph (h) of subregulation (1) of regulation 61.08.1;
  - (d) the applicant's flying logbook summarised in the form as set out in the Document NAM-CATS-FCL 61;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the skills test report set out in NAM-CATS-FCL 61;
- (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of this Part; and
- (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue an Airline Transport Pilot Licence (Helicopter), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.08.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

**[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]**

(4) The Executive Director must issue the Airline Transport Pilot Licence (Helicopter) in the appropriate form determined by the Executive Director.

(5) An applicant for an Airline Transport Pilot Licence (Helicopter) must, upon receipt of the Airline Transport Pilot Licence (Helicopter), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

### **Theoretical knowledge examination**

**61.08.3** (1) Applicants for the issue of ATPL who obtain credit or a pass for the ATPL subjects have 36 months to obtain an Instrument Rating on helicopters.

(2) The relevant ATPL subjects referred to in subregulation (1) remain valid for a period of 60 months from the date of expiry of the last Instrument Flying revalidation check.

(3) If an applicant for the issue of ATPL has previously passed all ATPL theoretical knowledge examinations but was not issued with an ATPL within the 36 month period, the amount of credit to be given for the ATPL theoretical knowledge instruction will be at the discretion of the Executive Director, which discretion must be exercised lawfully.

### **Skills test**

**61.08.4** (1) An applicant for the issue of an Airline Transport Pilot Licence (Helicopter) must demonstrate to a designated examiner, the ability to perform as pilot-in-command of a helicopter certificated for a minimum of 2 pilots, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Airline Transport Pilot Licence (Helicopter).

(2) The applicant must have undergone the skills test referred to in subregulation (1) within the 90 days immediately preceding the date of application.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The skills test referred to in subregulation (1) may be conducted in an approved FSTD for a helicopter.

(4) The skills test referred to in subregulation (1) may serve as a skills test for the issue of the Airline Transport Licence (Helicopter) licence and an initial type rating for the helicopter used in the test.

**Period of validity of Airline Pilot Licence (Helicopter)**

**61.08.5** An Airline Transport Pilot Licence (Helicopter) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate as prescribed in regulation 61.08.1;
- (b) the licence holder annually complies with the maintenance of competency in terms of regulation 61.08.8;
- (c) the licence holder holds a valid Instrument Rating; and
- (d) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in subregulation (10) of regulation 61.01.6.

**Privileges of Airline Transport Pilot Licence (Helicopter)**

**61.08.6** (1) The holder of an Airline Transport Pilot Licence (Helicopter) may not exercise the privileges of that licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the maintenance of competency requirements as prescribed in regulation 61.08.8; and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) Subject to subregulation (1) the holder of a valid Airline Transport Pilot Licence (Helicopter) is entitled to:

- (a) exercise all the privileges of a private and Commercial Pilot Licence (Helicopter); and
- (b) act as pilot-in-command of a helicopter engaged in commercial air transport operations, in any helicopter for which he or she holds the appropriate type rating and subject to regulation 61.08.8.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Subject to subregulation (1) the holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.08.7, if the holder holds the appropriate valid rating.

(4) The holder of an Airline Transport Pilot Licence (Helicopter) may not exercise any of the privileges of his or her licence unless such holder has undergone, at any time during the preceding 12 months, a skills test for the issue of a type rating or an Airline Transport Pilot Licence (Helicopter) or Instrument Rating revalidation check.

(5) The Authority must endorse on the ATPL any limitation of privileges on the ATPL.

**Ratings for special purposes and certificate**

**61.08.7** (1) The ratings for special purposes and certificate associated with an Airline Transport Pilot Licence (Helicopter) are:

- (a) a Flight Instructor Rating;
- (b) a Night Rating;
- (c) a Test Pilot Rating;
- (d) a Helicopter Sling-Load Rating;
- (e) a helicopter winching rating;
- (f) a Helicopter Game or Livestock Cull Rating; and
- (g) an Agricultural Pilot Rating.

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the regulations in Subparts 19, 20, 21, 25, 28, 29, 30 or 31, as the case may be.

**Maintenance of competency**

**61.08.8** (1) The holder of an Airline Transport Pilot Licence (Helicopter) must undergo a revalidation check within a period of 12 months calculated from the date of issue or the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of an Airline Transport Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight, executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type or in an approved FSTD.

(4) The holder of an Airline Transport Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she:

- (a) holds a night rating; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) has, within the 90 days immediately preceding the flight executed not less than three circuits, including three take-offs and three landings, by night in a helicopter of the same type or a similar type; or in an approved FSTD,

Provided that if the holder complies with the provisions of this subregulation, such pilot is exempted from the provisions of subregulation (2).

(5) The holder of an Airline Transport Pilot Licence (Helicopter) may not act as pilot-in-command of a helicopter under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Authority:

- (a) executed at least two instrument approaches in an approved FSTD or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of an Airline Transport Pilot Licence (Helicopter) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft;
- (b) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law and operational procedures examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (Helicopter), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of an ATPL (Helicopter) who has not flown a minimum of three hours as either PIC or PICUS or six hours as co-pilot in the six months preceding a revalidation check, must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of an ATPL (Helicopter), and meet the recency requirements to act as PIC.

**Recency requirements for an Airline Transport Pilot Licence (Helicopter)**

**61.08.9** The holder of an Airline Transport Pilot Licence (Helicopter) must comply with the recency requirements referred to in Part 91.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 9**  
**PRIVATE PILOT LICENCE (POWERED-LIFT)**

**Requirements for Private Pilot Licence (Powered-lift)**

**61.09.1** (1) An applicant for the issue a Private Pilot Licence (Powered-lift):

[The word “of” appears to have been omitted after the word “issue”.]

- (a) must be 17 years of age or older;
- (b) must hold a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (c) must hold a valid restricted radiotelephony operator’s licence;

[Most provisions in these regulations refer to a radiotelephony “certificate” rather than a “licence”.  
See, for example, Regulation 62.01.20.]

- (d) must show acceptable evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) a pilot licence (aeroplane) issued by an appropriate authority;
  - (ii) a Namibian Air Force pilot qualification (powered-lift); or
  - (iii) a Recreational Pilot Licence issued in terms of Part 62;
- (e) must hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
- (f) must have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (g) must have successfully passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
- (h) must have undergone the skills test referred to in regulation 61.09.4.

(2) The applicant for a Private Pilot Licence (Powered-Lift) must have completed not less than 45 hours of flight time with an approved ATO as a pilot of a powered-lift of which:

- (a) at least 25 hours are dual instruction in powered-lifts which include five hours instrument instruction time; and
- (b) at least 15 hours are accumulated in solo flight and the solo flight must include at least five hours cross-country flight time and the said cross country flight time must include one triangular cross-country flight of at least 150 NM, on which at least one point must be not less than 50 NM from base and must include full-stop landings at two different aerodromes away from base;
- (c) a maximum of five hours dual instruction time may be in an approved FSTD.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Namibia Air Force pilots may apply to the Executive Director for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

(4) Despite subregulation (2), the experience required for the holder of a Glider or Gyroplane Pilot Licence or of a Recreational Pilot Licence endorsed with the category microlight aeroplane, may be substituted by the experience obtained to the maximum specified in regulation 61.01.20.

**Application for, and issue of, a Private Pilot Licence (Powered-lift)**

**61.09.2** (1) An application for a Private Pilot Licence (Powered-lift) must be made to the Executive Director on the appropriate form as set out in Document NAM-CATS-FCL 61 within 30 days of the satisfactory completion of the skills test.

(2) The application referred to in subregulation (1) must be accompanied by:

- (a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
- (b) documentary evidence of compliance with paragraphs (d) and (e) of subregulation (1) of regulation 61.09.1;
- (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (g) of subregulation (1) of regulation 61.09.1;
- (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
- (e) the skills test report as set out in Document NAM-CATS-FCL 61;
- (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
- (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Private Pilot Licence (Powered-lift), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.09.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

**[The phrase "that the applicant" should appear at the beginning of paragraph (c), before the word "complies", as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]**

(4) The Private Pilot Licence (Powered-lift) must be issued in the appropriate form determined by the Executive Director.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The holder of a Private Pilot Licence (Powered-lift) must, upon receipt of the Private Pilot Licence (Powered-lift), immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.09.3** An applicant for the issue of a Private Pilot Licence (Powered-lift) must have passed the appropriate written examination referred to in paragraph (g) of subregulation (1) of regulation 61.09.1 within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Private Pilot Licence (Powered-lift).

**Skills test**

**61.09.4** (1) An applicant for the issue of a Private Pilot Licence (Powered-lift) must demonstrate the ability to perform as pilot-in-command of a powered-lift, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Private Pilot Licence (Powered-lift) to:

- (a) a Chief Flying Instructor (Powered-lift) of an approved ATO, with an examiner designation; or
- (b) a Grade II or I flight instructor (Powered-lift) appointed in terms of Document NAM-CATS-FCL 61 by the Chief Flying Instructor of an approved ATO, with an examiner designation.

(2) The applicant for a Private Pilot Licence (Powerlift) must have undergone the skills test referred to in subregulation (1) within the 90 days immediately preceding the date of application.

(3) The holder of a Private Pilot Licence (Powered-lift) must have flown a minimum of three hours as pilot-in-command of powered-lifts in the six months preceding the relevant skills test.

(4) The skills test referred to in subregulation (1) must be conducted in an aircraft with a maximum certificated mass of more than 450 kg.

**Period of validity of Private Pilot Licence (Powered-lift)**

**61.09.5** A Private Pilot Licence (Powered-lift) is valid subject to the condition that:

- (a) the licence is accompanied by a valid medical certificate as prescribed in regulation 61.09.01;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.09.8 annually; or
- (c) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in subregulation (1) of 61.01.6.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Privileges of Private Pilot Licence (Powered-lift)**

**61.09.6** (1) For the purpose of this regulation “remuneration” does not include the pro rata sharing of the direct operating costs of a flight among the passengers of a powered-lift, in which case the flight is deemed to be a non-revenue flight.

(2) The holder of a Private Pilot Licence (Powered-lift) may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.09.8, and
- (d) satisfies the condition set out in section 68(4) of the Act.

(3) The holder of a valid Private Pilot Licence (Powered-lift) may, by day under VMC, act as pilot-in-command or co-pilot (as specified in regulation 61.09.6 (b) of any powered-lift for which he or she holds the appropriate valid class rating or type rating by name.

(4) The holder of a Private Pilot Licence (Powered-lift) may fly in compliance with IFR or in IMC, in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

[It appears that the phrase “clear of cloud, fog, mist”  
may have been intended to be “clear of cloud, fog and mist”.]

(5) Subject to paragraph (d) of subregulation (1) the holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.09.7, if the holder holds the appropriate valid rating.

- (6) The holder of a Private Pilot Licence (Powered-lift):
  - (a) may act as co-pilot of any powered-lift on which a co-pilot is not a requirement;
  - (b) may not act as pilot-in-command of a powered-lift that is carrying passengers or freight for reward or hire;
  - (c) may not be remunerated for acting in any pilot capacity in a powered-lift; and
  - (d) may act as a pilot-in-command of a powered-lift in the course of his or her own or employer’s business: Provided that:
    - (i) the flight is only incidental to that business or employment; and
    - (ii) the powered-lift does not carry passengers or freight for hire or reward.

**Ratings for special purposes**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.09.7** (1) The ratings for special purposes associated with a Private Pilot Licence (Powered-lift) are:

- (a) an Instrument Rating;
- (b) a Night Rating;
- (c) a Post Maintenance Test Flight Rating;
- (d) a Tug Pilot Rating;
- (e) an Agricultural Pilot Rating;
- (f) an aerobatics rating; and
- (g) a Tow Rating.

(2) An application for any rating referred to in subregulation (1) must be made in accordance with the regulations in Subpart 18, 24, 25, 26, 27, 31 or 33, as the case may be.

**Maintenance of competency**

**61.09.8** (1) The holder of a Private Pilot Licence (Powered-lift) must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that a revalidation check within a period of 24 months calculated from the date of revalidation.

[The phrase “date of revalidation” should be “date of revalidation”.]

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Private Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift with passengers on board by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings in a powered-lift of the same type or similar type or in an approved FSTD appropriate to the type.

(4) The holder of a Private Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift with passengers on board by night, unless he or she:

- (a) holds a night rating; and
- (b) has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings by night in a powered-lift of the same type or similar type or in an approved FSTD appropriate to the type,

Provided that if the holder complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Private Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures established by the Authority or by an appropriate authority:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) executed at least two instrument approaches in an approved FSTD, or in a poweredlift, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Private Pilot Licence (Powered-lift) who has not maintained competency by passing a revalidation check in the same category of aircraft within 12 months following the initial issue or a revalidation check in the same category of aircraft within the 24 months following the revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a private pilot licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft; and
- (b) in the case of a holder of a private pilot licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to -
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a PPL (Powered-lift), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of a Private Pilot Licence (Powered-lift) who has not flown a minimum of three hours as PIC of helicopters in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Private Pilot Licence (Powered-lift), and meet the recency requirements to act as PIC.

**Recency requirements for a Private Pilot Licence (Powered-lift)**

**61.09.9** The holder of a Private Pilot Licence (Powered-lift) must comply with the recency requirements referred to in Part 91.

**SUBPART 10**  
**COMMERCIAL PILOT LICENCE (POWERED-LIFT)**

**Requirements for Commercial Pilot Licence (Powered-lift)**

**61.10.1** (1) An applicant for the issue of a Commercial Pilot Licence (Powered-lift) must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) hold a valid general radiotelephony operator's certificate;
  - (d) produce evidence of holding or having held in the previous 60 months, the following:
    - (i) a valid Private Pilot Licence (Powered-lift);
    - (ii) a valid pilot licence (powered-lift) issued by an appropriate authority; or
    - (iii) a valid Namibian Air Force pilot qualification (powered-lift); or
    - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Executive Director; and
    - (v) a valid night rating;
  - (e) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL-61;
  - (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
  - (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
  - (h) have undergone the skills test referred to in regulation 61.10.4.
- (2) An applicant for the issue of a Commercial Pilot Licence (Powered-lift) must have completed not less than:
- (a) 200 hours of flight time, which may include 20 hours of flight instruction time in a FSTD approved for this purpose; or
  - (b) 150 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.27.
- (3) The total of 200 hours or 150 hours, as the case may be, referred to in subregulation (2) must include:
- (a) 50 hours as pilot-in-command;
  - (b) 10 hours of cross-country flight time as pilot-in-command, including one flight of not less than 300 nm in the course of which not less than two full-stop landings at different aerodromes away from base have been made;
  - (c) five hours of night flying as pilot-in-command including not less than five take-offs and five landings by night and a cross-country flight of at least three legs, each of a minimum length of 50 NM;
  - (d) 10 hours of instrument flight instruction, of which not more than five hours may have been acquired in a FSTD approved for this purpose; and
  - (e) at least five hours instruction in a powered-lift with adjustable flaps, retractable undercarriage and variable pitch propeller or turbojet engine, as applicable.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) A Namibia Air Force pilot or a Namibia Air Force navigator applying for a Commercial Pilot Licence (Powered-lift) may apply for equivalency crediting for some or all of the requirements indicated in regulation 61.01.11.

**Application for, and issue of, a Commercial Pilot Licence (Powered-lift)**

**61.10.2** (1) An application for a Commercial Pilot Licence (Powered-lift) must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the practical test.

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) and (e) of subregulation (1) of regulation 61.10.1;
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (g) of subregulation (1) of regulation 61.10.1;
  - (d) the applicant's flying logbook summarised in the form set out in the Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
  - (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Commercial Pilot Licence (Powered-lift), if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.10.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) that the applicant complies with the applicable requirements of section 68 of the Act.

(4) A Commercial Pilot Licence (Powered-lift) must be issued in the form determined by the Executive Director.

(5) The holder of a Commercial Pilot Licence (Powered-lift) must, upon receipt of the Commercial Pilot Licence (Powered-lift), immediately affix his or her signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.10.3** The applicant must undergo the skills test referred to in regulation 61.10.1 within 36 months from the date of passing all the required examination papers referred to in regulation 61.10.1.

**Skills test**

**61.10.4** (1) An applicant for the issue of a Commercial Pilot Licence (Powered-lift) must undergo the skills test for a Commercial Pilot Licence (Powered-lift), referred to in paragraph (h) of subregulation (1) of regulation 61.10.1, within 30 days of the last period of dual instruction.

(2) An applicant referred to in subregulation (1) must demonstrate to a Designated Flight Examiner, the ability to perform as pilot-in-command of a powered-lift, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Commercial Pilot Licence (Powered-lift).

[The word “referred” is misspelt in the *Government Gazette*, as reproduced above.]

(3) The applicant referred to in subregulation (1) must have undergone the skills test referred to in that subregulation within the 90 days immediately preceding the date of application.

[The word “referred” is misspelt in the *Government Gazette* in its first appearance in subregulation (3), as reproduced above.]

(4) The skills test referred to in subregulation (1) must have been conducted in a complex powered-lift with:

- (a) variable pitch propellers, adjustable flaps and retractable undercarriage;
- (b) turbojet engines; or
- (c) an approved FSTD.

(5) The holder of a Commercial Pilot Licence (Powered-lift) must have flown a minimum of three hours as pilot-in-command of powered-lifts in the six months preceding the relevant skills test.

**Period of validity of Commercial Pilot Licence (Powered-lift)**

**61.10.5** A Commercial Pilot Licence (Powered-lift) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate as prescribed by regulation 61.10.1;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.10.8 annually; and
- (c) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

endorsements entered into the logbook in the preceding 12 months, as required in regulation 61.01.6 (10).

**Privileges of Commercial Pilot Licence (Powered-lift)**

**61.10.6** (1) The holder of a Commercial Pilot Licence (Powered-lift) may not exercise the privileges of that licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in subregulation (1) of regulation 61.01.13;
- (c) complies with the maintenance of competency requirements, and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) The holder of a valid Commercial Pilot Licence (Powered-lift) may, by day under VMC, act as pilot-in-command or co-pilot of any powered-lift for which he or she holds the appropriate valid class rating or type rating.

(3) The holder of a Commercial Pilot Licence (Powered-lift) may fly in compliance with IFR or in IMC, in sight of the surface and clear of cloud, fog, mist within a control zone, after being authorised to do so by the responsible air traffic services unit.

[It appears that the phrase “clear of cloud, fog, mist”  
may have been intended to be “clear of cloud, fog and mist”.]

(4) The holder of a valid Commercial Pilot Licence (Powered-lift) may in the type of powered-lift for which he or she is rated, be entitled to:

- (a) exercise all the privileges of a Private Pilot Licence (Powered-lift);
- (b) in operations other than the carrying of passengers or freight for reward, act as pilot-in-command in any powered-lift;
- (c) act as pilot-in-command in commercial air transport operations in any powered-lift certificated for single-pilot operations;
- (d) act as co-pilot in commercial air transport operations in any (powered-lift) required to be operated with a co-pilot;
- (e) act as a safety pilot; and
- (f) exercise all the privileges referred to in this subregulation by night.

(5) The holder of the Commercial Pilot Licence (Powered-lift) licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.05.7, if the holder holds the appropriate valid rating.

**Ratings for special purposes and certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.10.7** (1) The ratings for special purposes and certificate associated with a Commercial Pilot Licence (Powered-lift) are:

- (a) an Instrument Rating;
- (b) a flight instructor rating;
- (c) a Test Pilot Rating;
- (d) a Tug Pilot Rating;
- (e) an Aerobatics Rating;
- (f) a Tow Pilot Rating; and
- (g) an Agricultural Pilot Rating.

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the applicable regulations in Subpart 18, 20, 21, 25, 26, 27, 31 or 33, as the case may be.

**Maintenance of competency**

**61.10.8** (1) A Commercial Pilot Licence (Powered-lift) must undergo a revalidation check within 12 months from the date of initial issue and after that a revalidation check within a period of 24 months calculated from the date of revalidation.

[The phrase “date of revalidation” should be “date of revalidation”.]

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Commercial Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and landings in a powered-lift of the same type or a similar type, or in an approved FSDT.

[The acronym “FSDT” should be “FSTD”, for “Flight Simulator Training Device”.]

(4) The holder of a Commercial Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and landings by night in a powered-lift of the same type or a similar type or in an approved FSTD: Provided that if the holder complies with the provisions of this subregulation, such holder is exempted from the provisions of subregulation (2).

(5) The holder of a Commercial Pilot Licence (Powered-lift) may not act as pilot-in-command of a powered-lift under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been approved by the Executive Director or by an appropriate authority:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) executed at least two instrument approaches in an approved FSTD or in a powered-lift, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.18.5.

(6) The holder of a Commercial Pilot Licence (Powered-lift) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a Commercial Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft.
- (b) in the case of a holder of a Commercial Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to -
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (Powered-lift), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of a CPL (Powered-lift) who has not flown a minimum of three hours as either PIC or (PICUS), or six hours as co-pilot in the six months preceding a revalidation check, must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a CPL (Powered-lift), and meet the recency requirements to act as PIC.

- (8) The revalidation check must be undertaken in a powered-lift with:
  - (a) adjustable flaps, retractable undercarriage and variable pitch propellers;
  - (b) a turbojet engine; or
  - (c) an approved FSTD.

**Recency requirements for a Commercial Pilot Licence (Powered-lift)**

**61.10.9** The holder of a Commercial Pilot Licence (Powered-lift) must comply with the recency requirements set out in Part 91.

**SUBPART 11**  
**AIRLINE TRANSPORT PILOT LICENCE (POWERED-LIFT)**

**Requirements for Airline Transport Pilot Licence (Powered-Lift)**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.11.1** (1) An applicant for the issue of an Airline Transport Pilot Licence (Powered-Lift) must:

- (a) be 21 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) produce evidence of holding or having held within the previous 60 months, a valid Instrument Rating and any of the following:
  - (i) a valid Namibian Private Pilot Licence (Powered-lift);
  - (ii) a valid pilot licence (powered-lift) issued by an appropriate authority;
  - (iii) a valid Namibian Air Force pilot qualification (powered-lift); or
  - (iv) a valid Student Pilot Licence where the applicant has completed an integrated training course approved by the Executive Director;
- (e) hold an English Language Proficiency certification set out in Document NAM-CATS-FCL 61;
- (f) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61 referred to in regulation 61.11.3;
- (h) have undergone the skills test referred to in regulation 61.11.4; and
- (i) have, within the previous 60 months, completed a multi-crew cooperation course.

(2) An applicant for the issue of an Airline Transport Pilot Licence (Powered-Lift) must have completed, in powered-lifts, not less than 1 500 hours of flight time, of which:

- (a) 500 hours must be as pilot-in-command-under-supervision; or
- (b) 250 hours must be as pilot-in-command of which up to 150 hours may be pilot-in-command-under-supervision; and
- (c) 200 hours must be cross-country flight time, of which 100 hours may be either as co-pilot or as pilot-in-command-under-supervision;
- (d) 75 hours must be instrument time, of which not more than 30 hours may be acquired in FSTD approved for this purpose;
- (e) 100 hours must be night flight time as pilot-in-command; and
- (f) a maximum of 100 hours may be gained in an approved FSTD.

(3) For the purposes of subregulation (2), in the case of single-pilot powered-lifts operated by two pilots according to operational requirements as approved by the Executive

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

Director, both pilots must have successfully completed the multi-crew co-operation training as specified in this Part.

(4) The 1 500 hours flying experience referred to in subregulation (2) may comprise flight time in any of the following capacities:

- (a) as pilot-in-command, counted in full;
- (b) as pilot under instruction (dual), counted in full;
- (c) as co-pilot performing under the supervision of the pilot-in-command the functions and duties of the pilot-in-command, counted in full up to a maximum of 500 hours, provided both pilots have completed multi-crew cooperation training;
- (d) as an appropriately rated co-pilot, counted in full;
- (e) as student pilot-in-command and as student pilot-in-command-under-supervision up to a maximum of 50 hours towards the pilot-in-command time required for the issue of an Airline Transport Pilot Licence (Powered-Lift), counted in full: Provided that the approved ATO, has been authorised by the Executive Director to allow the logging of student pilot-in-command-under-supervision flight time; or
- (f) a maximum of 100 hours may have been completed in an approved FSTD of which a maximum of 25 hours may have been completed in a flight procedures trainer 1 (FNPT 1), or, where the training is provided in an integrated training course, 40 hours in an FNPT II, which may include 10 hours in an FNPT 1.

(5) A Namibia Air Force pilot or a Namibia Air Force navigator may apply for equivalency crediting for some or all of these requirements as indicated in regulation 61.01.11.

**Application for, and issue of, an Airline Transport Pilot Licence (Powered-Lift)**

**61.11.2** (1) An application for an Airline Transport Pilot Licence (Powered-Lift) must be made to the Executive Director on the appropriate form as set out in Document NAM-CATS-FCL 61 within 30 days of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraphs (d) and (e) of subregulation (1) of regulation 61.11.1;
  - (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (g) of subregulation (1) of regulation 61.11.1 and regulation 61.01.7;
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

(f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and

(g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue an Airline Transport Pilot Licence (Powered-Lift), if he or she is satisfied:

(a) that the applicant complies with the requirements referred to in regulation 61.11.1;

(b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and

(c) complies with the applicable requirements of section 68 of the Act.

[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue an Airline Transport Pilot Licence (Powered-Lift) in the appropriate form determined by the Executive Director.

(5) The holder of an Airline Transport Pilot Licence (Powered-Lift) must, upon receipt of the Airline Transport Pilot Licence (Powered-Lift), immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

### **Theoretical knowledge examination**

**61.11.3** (1) Applicants for the issued of ATPL (Power-Lift) who obtain credit or a pass for the Airline Transport Pilot Licence (Powered-Lift) subjects have 36 months to obtain an Instrument Rating (IR), and the subjects will remain valid for a period of 60 months from the date of expiry of the last Instrument Flying Revalidation Check.

[The word “issue” is misspelt as “issued” in the *Government Gazette*, as reproduced above.]

(2) If an Instrument Rating is not issued within the 36 month period from the date of passing the last CPL/IR or ATPL examination as the case may be, then the air law and procedures examination credit will lapse and candidates will be required to re-take the air law and procedures theoretical knowledge examination.

(3) If an applicant for the issue of ATPL (Power-Lift) has previously passed all ATPL/A theoretical knowledge examinations but was not issued with a within the 36-month period, the amount of credit to be given for the ATPL theoretical knowledge instruction will be at the discretion of the most senior person responsible for training of the approved ATO, and this discretion must be exercised lawfully.

[Some text is missing after the phrase “was not issued with a...”; compare regulations 61.07.3(3) and 61.08.3(3). The phrase “the most senior person responsible for training of the approved ATO” was probably intended to be “the most senior person responsible for training at the approved ATO”, as in similar provisions in these regulations.]

### **Skills test**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.11.4** (1) An applicant for the issue of an Airline Transport Pilot Licence (Powered-Lift) must have demonstrated to a designated examiner, the ability to perform as pilot-in-command of a powered-lift, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Airline Transport Pilot Licence (Powered-Lift).

(2) The applicant for the issue of an Airline Transport Pilot Licence (Powered-Lift) must have undergone the skills test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.11.3 and within the 90 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (2) must have been conducted in a multi-engine powered-lift which is required to be operated with a co-pilot and with:

- (a) variable pitch propellers, adjustable flaps and retractable undercarriage;
- (b) turbine engines; or
- (c) an approved FSTD.

**Period of validity of Airline Transport Licence (Powered-lift)**

**61.11.5** An Airline Transport Pilot Licence (Powered-Lift) is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate issued in terms of Part 67;
- (b) the licence holder complies with the maintenance of competency of regulation 61.11.8 annually;
- (c) the licence holder holds a valid Instrument Rating; and
- (d) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in regulation 61.01.6(10), and
- (e) the licence holder satisfies the condition set out in section 68(4) of the Act.

**Privileges of Airline Transport Pilot Licence (Powered-Lift)**

**61.11.6** (1) The holder of an Airline Transport Pilot Licence (Powered-Lift) may not exercise the privileges of the licence unless he or she:

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority as required in regulation 61.01.13;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) complies with the maintenance of competency requirements; and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) Subject to subregulation (1) the holder of a valid Airline Transport Pilot Licence (Powered-Lift) is entitled to:

- (a) exercise all the privileges of a private and Commercial Pilot Licence (Powered-lift);
- (b) act as pilot-in-command of a powered-lift engaged in air transport operations; and
- (c) exercise all the privileges referred to in this subregulation under IFR.

(3) Subject to subregulation (1) the holder of the licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.11.7, if the holder holds the appropriate valid rating.

(4) The holder of an Airline Transport Pilot Licence (Powered-Lift) may not exercise any of the privileges of his or her licence unless such holder has undergone, at any time during the preceding 12 months, a skills test for the issue of a type rating or an Airline Transport Pilot Licence (Powered-Lift) revalidation check.

(5) Any limitation of privileges must be endorsed on the Airline Transport Pilot Licence (Powered-Lift).

**Ratings for special purposes and certificate**

**61.11.7** (1) The ratings for special purposes and for FSTD Authorisation Certificate associated with an Airline Transport Pilot Licence (Powered-Lift) are:

- (a) a Flight Instructor Rating;
- (b) a Test Pilot Rating;
- (c) a Tug Pilot Rating,
- (d) an Aerobatics Rating,
- (e) a Tow Rating; and
- (f) an Agricultural Pilot Rating.

(2) An application for any rating or the certificate referred to in subregulation (1) must be made in accordance with the regulations in Subpart 19, 20, 21, 23, 25, 26, 27, 31 or 33, as the case may be.

**Maintenance of competency**

**61.11.8** (1) The holder of an Airline Transport Pilot Licence (Powered-Lift) must undergo a revalidation check within a period of 12 months calculated from the date of issue or the date of revalidation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The revalidation check in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of an Airline Transport Pilot Licence (Powered-Lift) may not act as pilot-in-command of a powered-lift transporting passengers by day, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings in a powered-lift of the same type or a similar type or in an approved FSTD.

(4) The holder of an Airline Transport Pilot Licence (Powered-Lift) may not act as pilot-in-command of a powered-lift transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight executed not less than three take-offs and three landings by night in a powered-lift of the same type or a similar type, or in an approved FSTD: Provided that if the holder complies with the provisions of this subregulation, such holder is exempt from the provisions of subregulation (2).

(5) The holder of an Airline Transport Pilot Licence (Powered-Lift) may not act as pilot-in-command of a powered-lift under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she is the holder of a valid Instrument Rating and, within the 90 days immediately preceding such flight, he or she has, by means of an instrument approach procedure or procedures, which have been established by the Executive Director or by an appropriate authority:

- (a) executed at least two instrument approaches approved FSTD or in a powered-lift, in IMC or simulated IMC; or
- (b) undergone the skills test referred to in regulation 61.11.4.

(6) The holder of an Airline Transport Pilot Licence (Powered-Lift) who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft.
- (b) in the case of a holder of an Airline Transport Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law and operational procedures examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a ATPL (powered-lift), and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same category of aircraft.

(7) The holder of an ATPL (powered-lift) who has not flown a minimum of three hours as either PIC or PICUS, or six hours as co-pilot in the six months preceding a revalidation check,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of an ATPL (powered-lift), and meet the recency requirements to act as PIC.

**Recency requirements for an Airline Transport Pilot Licence (Powered-Lift)**

**61.11.9** The holder of an Airline Transport Pilot Licence (Powered-Lift) must comply with the recency requirements referred to in Part 91.

**SUBPART 12**  
**GLIDER PILOT LICENCE**

**Requirements for Glider Pilot Licence**

**61.12.1** (1) An applicant for the issue of a Glider Pilot Licence must:

- (a) be 16 years of age or older;
- (b) hold at least a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;
- (c) hold a valid restricted radiotelephony operator's certificate;
- (d) show evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) a pilot licence (glider) issued by an appropriate authority;
  - (ii) a Namibian private pilot licence qualification (aeroplane); or
  - (iii) a Recreational Pilot Licence issued in terms of Part 62.
- (e) have successfully completed the training set out in Document NAM-CATS-FCL 61 at an approved ATO;
- (f) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
- (g) have undergone the skill test referred to in regulation 61.12.4.

(2) An applicant for the issue of a Glider Pilot Licence must:

- (a) have completed not less than six hours of flight time in a glider suitable for cross-country flights, of which not less than two hours must be solo flight time during which he or she must perform not less than 20 launches and landings; or
- (b) if the applicant is the holder of a pilot licence issued in terms of Subpart 3, 5 or 7, as the case may be, have completed not less than three hours of flight time, of which not less than one hour must be solo flight time during which he or she must perform not less than 10 launches and landings.

(3) The applicant for the issue of a Glider Pilot Licence must have gained, under appropriate supervision, operational experience in gliders in the following areas:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) pre-flight operations, including glider assembly and inspection;
- (b) techniques and procedures for the launching method used, including appropriate airspeed limitations, emergency procedures and signals used;
- (c) traffic pattern operations, collision avoidance precautions and procedures;
- (d) control of the glider by external visual reference;
- (e) flight throughout the flight envelope;
- (f) recognition of, and recovery from, incipient and full stalls and spiral dives;
- (g) normal and crosswind launches, approaches and landings;
- (h) cross-country flying using visual reference and dead reckoning; and
- (i) emergency procedures.

(4) The training, theoretical knowledge examinations and skills test for the applicant of a Glider Pilot Licence must include:

- (a) the specific launch method used for the appropriate type of glider; and
- (b) the completion of a minimum of 40 flights, including 20 solo flights and 10 launches.

(5) If the holder of a Glider Pilot Licence is to carry passengers on board, the applicant must have completed not less than 10 hours of flight time in a glider suitable for cross-country flights of which not less than four hours must be solo flight time during which he or she must perform not less than 30 launches and landings.

(6) Namibian Air Force pilots applying for a Glider Pilot Licence may apply for equivalency crediting for some or all of the requirements indicated in regulation 61.01.11.

**Application for, and issue of, a Glider Pilot Licence**

**61.12.2** (1) An application for a Glider Pilot Licence must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of taking the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) of subregulation (1) of regulation 61.12.1;
  - (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation (1) of 61.12.1;
  - (d) the applicant's flying logbook summarised in the form as set out in Document NAM-CATS-FCL 61;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of this Part or Part 62; and
  - (g) the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must issue a Glider Pilot Licence, if he or she is satisfied:
- (a) that the applicant complies with the requirements referred to in regulation 61.12.1;
  - (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
  - (c) complies with the applicable requirements of section 68 of the Act.

[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue the Glider Pilot Licence in the form determined by the Executive Director.

(5) The holder of a Glider Pilot Licence must, upon receipt of the Glider Pilot Licence immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.12.3** An applicant for the issue of a Glider Pilot Licence must have passed the appropriate written examination referred to in paragraph (f) of subregulation (1) of regulation 61.12.1 within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Glider Pilot Licence.

**Skills test**

**61.12.4** (1) An applicant for the issue of a Glider Pilot Licence must demonstrate the ability to perform, as pilot-in-command of a glider, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61 with a degree of competency appropriate to the privileges granted to the holder of a Glider Pilot Licence, to:

- (a) to a Chief Flying Instructor of an approved ATO with an examiner designation; or
- (b) a Grade II flight instructor (Glider) appointed in terms of Document NAM-CATS-FCL 61 by the chief flying instructor of the approved ATO with an examiner designation.

(2) The applicant must referred to in subregulation (1) have undergone the skills test referred to in that subregulation within the 90 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (1) must be conducted in a Glider and must include the requirements of regulation 61.12.1.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The holder of a Glider Pilot Licence must have flown a minimum of two hours as pilot of gliders in the six months preceding the relevant skills test.

**Period of validity of Glider Pilot Licence**

**61.12.5** A Glider Pilot Licence is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.12.8 annually; and
- (c) the licence holder pays currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

[The word “the” appears to have been omitted before the phrase “currency fee”.]

**Privileges of Glider Pilot Licence**

**61.12.6** (1) For the purposes of this regulation “remuneration” does not include the pro rata sharing of the direct operating costs of a flight among the occupants of a glider.

(2) The holder of a Glider Pilot Licence may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (b) has a copy of the medical certificate submitted to the Authority, as required in regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.12.8, and
- (d) satisfies the condition set out in section 68(4) of the Act.

(3) The holder of a Glider Pilot Licence may, by day under VMC, act as pilot-in-command of any glider for which he or she is type rated.

(4) Subject to subregulation (1) the holder of the Glider Pilot Licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.12.7, in a glider which has been certificated in terms of these regulations for such use and if the holder holds the appropriate valid rating.

(5) The holder of a Glider Pilot Licence with Tow Rating may act as pilot of a glider being launched by the tow method.

(6) The holder of a Glider Pilot Licence may use the launch method for which the requirements of regulation 12.01.1(3) have been completed.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (7) The holder of a Glider Pilot Licence:
- (a) may not act as pilot-in-command of a glider that is carrying passengers or freight for reward or hire;
  - (b) may not be remunerated for piloting a glider; and
  - (c) may act as a pilot-in-command of a glider in the course of his or her own or employer's business: Provided that:
    - (i) the flight is only incidental to that business or employment; and
    - (ii) the glider does not carry passengers or freight for reward or hire.

**Ratings for special purposes**

**61.12.7** (1) The ratings for special purposes associated with a Glider Pilot Licence are:

- (a) a Flight Instructor Rating; and
- (b) Tow Rating.

(2) An application for the ratings referred to in subregulation (1) must be made in accordance with the Regulations in Subpart 20, 21 or 27, as the case may be.

(3) The Glider Pilot Licence may be issued with an tow launch rating endorsement if:

[The word "an" before the phrase "tow launch rating endorsement" should be "a".]

- (a) the pilot has completed both the theoretical knowledge examinations and skills test for a Tow Rating specific to the tow launch method; and
- (b) a minimum of 40 flights, including 20 solo flights and 10 tow launches, have been completed.

**Maintenance of competency**

**61.12.8** (1) The holder of a Glider Pilot Licence must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that within a period of 24 months calculated from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Glider Pilot Licence may not act as pilot-in-command of a glider with passengers on board unless he or she has, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three launches and three landings in a glider of the same type.

(4) The holder of a Glider Pilot Licence who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a Glider Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same type of glider;
- (b) in the case of a holder of a Glider Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo a minimum of one period of dual flight instruction and fly at least three hours as pilot-in-command; and
  - (iii) pass an initial licence skills test in the same type of glider.

(5) The holder of a Glider Pilot Licence who has not flown a minimum of three hours as PIC of gliders in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Glider Pilot Licence, and meet the recency requirements to act as PIC.

**Recency requirements for a Glider Pilot Licence**

**61.12.9** The holder of a Glider Pilot Licence must comply with the recency requirements referred to in Part 91.

**SUBPART 13**  
**FREE BALLOON PILOT LICENCE****Requirements for Free Balloon Pilot Licence**

- 61.13.1** (1) An applicant for the issue of a Free Balloon Pilot Licence must:
- (a) be 16 years of age or older;
  - (b) hold at least a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid restricted radiotelephony operator's certificate;
  - (d) show acceptable evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
    - (i) a pilot licence (free balloon) issued by an appropriate authority;
    - (ii) a Namibian private pilot licence qualification (aeroplane); or
    - (iii) a Recreational Pilot Licence issued in terms of Part 62;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) have successfully completed the training set out in Document NAM-CATS-61 with an approved ATO;
- (f) have passed the theoretical knowledge examination set out in Document NAM-CATS-61; and
- (g) have undergone the skill test referred to in regulation 61.13.4.

(2) An applicant for the issue of a Free Balloon Pilot Licence must have completed not less than 16 hours aloft with not less than eight launches and ascents under dual instruction with a free balloon flight instructor, and one launch and ascent must be solo.

(3) The dual instruction referred to in subregulation (2) must include operational experience in free balloons under supervision of the Free Balloon flight instructor that includes:

- (a) pre-flight operations, including balloon assembly, rigging, inflation, mooring and inspection;
- (b) techniques and procedures for the launching and ascent, including appropriate limitations, emergency procedures and signals used;
- (c) collision avoidance precautions;
- (d) control of the free balloon by external visual reference;
- (e) recognition of, and recovery from, rapid descents;
- (f) approaches and landings, including ground handling; and
- (g) emergency procedures.

(4) The experience referred to in subregulation (2) must include one cross-country flight using visual reference and dead reckoning.

(5) If the privileges of the Free Balloon Pilot Licence are to be exercised at night, the applicant must have gained, under supervision, at least three hours aloft at night with two launches and ascents.

(6) If passengers are to be carried for remuneration or hire on the Free Balloon, the applicant for the issue of the Free Balloon Pilot Licence must have gained 35 hours of flight time including 20 hours as a pilot-in-command of a free balloon.

**Application for, and issue of, a Free Balloon Pilot Licence**

**61.13.2** (1) An application for a Free Balloon Pilot Licence must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 or Class 2 medical certificate, issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) documentary evidence of compliance with paragraph (d) of subregulation (1) of regulation 61.13.1;
  - (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation (1) of regulation 61.13.1;
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61 or 62; and
  - (g) the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must issue a Free Balloon Pilot Licence, if he or she is satisfied:
- (a) that the applicant complies with the requirements referred to in regulation 61.13.1;
  - (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
  - (c) complies with the applicable requirements of section 68 of the Act.
- [The phrase "that the applicant" should appear at the beginning of paragraph (c), before the word "complies", as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]
- (4) The Executive Director must issue a Free Balloon Pilot Licence in the appropriate form determined by the Executive Director.
- (5) The holder of a Free Balloon Pilot Licence must, upon receipt of the Free Balloon Pilot Licence, immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.13.3** An applicant for the issue of a Free Balloon Pilot Licence must have passed the appropriate written examination referred to in paragraph (f) of subregulation (1) of regulation 61.13.1 within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Free Balloon Pilot Licence.

**Skills test**

**61.13.4** (1) An applicant for the issue of a Free Balloon Pilot Licence must demonstrate the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Free Balloon Pilot Licence, to:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a Chief Flying Instructor of an approved ATO, with an examiner designation; or
- (b) free balloon Grade I or II flight instructor appointed in terms of Document NAM-CATS-FCL 61 by the chief flying instructor of the approved ATO, with an examiner designation.

(2) The applicant for a Free Balloon Pilot Licence must have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

- (3) The skills test referred to in subregulation (1) must be conducted in a free balloon.

(4) The holder of a Free Balloon Pilot Licence must have flown a minimum of two hours as pilot of free balloons in the six months preceding the relevant skills test.

**Period of validity of Free Balloon Pilot Licence**

**61.13.5** A Free Balloon Pilot Licence is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 2 medical certificate issued in terms of Part 67;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.13.8 annually; and
- (c) the licence holder pays the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

**Privileges of Free Balloon Pilot Licence**

**61.13.6** (1) The holder of a Free Balloon Pilot Licence may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority, as required in regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.13.8.and;
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) Subject to the requirements of the subregulation (1) the holder of a valid Free Balloon Pilot Licence is entitled to act as pilot-in-command of any free balloon engaged in non-revenue flights for which the holder is type rated, in VMC by day.

(3) The holder of the licence is entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.13.7, if the holder holds the appropriate valid rating.

- (4) The holder of a Free Balloon Pilot Licence:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) may not act as pilot-in-command of a Free Balloon that is carrying passengers or freight for hire or reward;
- (b) may not be remunerated or rewarded for piloting a Free Balloon; and
- (c) may act as a pilot-in-command of a Free Balloon in the course of his or her own or employer's business: Provided that:
  - (i) the flight is only incidental to that business or employment; and
  - (ii) the free balloon does not carry passengers or freight for reward or hire.

**Ratings for special purposes**

**61.13.7** (1) The ratings for special purposes associated with a Free Balloon Pilot Licence are a night rating and a Free Balloon Flight Instructor Rating (Grade III and Grade II).

(2) An application for the ratings referred to in subregulation (1) must be made in accordance with the Regulations in Subpart 20 or 21 and 24.

**Maintenance of competency**

**61.13.8** (1) The holder of a Free Balloon Pilot Licence must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that within a period of 24 months calculated from the date of revalidation.

**[The phrase "date of revalidation" should be "date of revalidation".]**

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Free Balloon Pilot Licence may not act as pilot-in-command of a free balloon with passengers on board unless he or she has, within the 90 days immediately preceding the flight executed not less than three launches and ascents in a free balloon of the same type.

(4) The holder of a Free Balloon Pilot Licence who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a Free Balloon Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
  - (ii) pass a revalidation check in the same type of free balloon.
- (b) in the case of a holder of a Free Balloon Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) rewrite the air law examination;
- (ii) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
- (iii) pass an initial licence skills test in the same type of free balloon.

(5) The holder of a Free Balloon Pilot Licence who has not flown a minimum of three hours as PI of gliders in the six months preceding a revalidation check must -

- (a) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Free Balloon Pilot Licence; and
- (b) meet the recency requirements to act as PI.

**Recency requirements for a Free Balloon Pilot Licence**

**61.13.9** The holder of a Free Balloon Pilot Licence must comply with the recency requirements referred to in Part 91.

**SUBPART 14**  
**COMMERCIAL FREE BALLOON PILOT LICENCE**

**Requirements for Commercial Free Balloon Pilot Licence**

**61.14.1** (1) An applicant who applies for the issuing of a Commercial Free Balloon Pilot Licence must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) show evidence of holding a valid Free Balloon Pilot Licence or having held, within the previous 60 months, any of the following -
  - (i) a pilot licence (free balloon) issued by an appropriate authority;
  - (ii) a Namibian Student Pilot Licence qualification (free balloon); or
  - (iii) a Recreational Pilot Licence issued in terms of Part 62;
- (e) have successfully completed the training set out in NAM-CATS-FCL-61 with an approved ATO;
- (f) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61;
- (g) have undergone the skills test referred to in regulation 61.14.4; and
- (h) meet the requirements of the Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An applicant who applies for the issuing of a Commercial Free Balloon Pilot Licence must have completed not less than 50 hours aloft with not less than 20 launches and ascents as the solo pilot.

- (3) The experience referred to in subregulation (2) must include the following:
- (a) at least 20 hours commercial operational experience in free balloons under supervision of a Free Balloon flight instructor;
  - (b) at least one cross-country flight using visual reference and dead reckoning; and
  - (c) if the privileges of the licence are to be exercised at night, the applicant must have gained, under supervision, at least five hours aloft at night with three launches and ascents.

**Application for, and issue of, a Commercial Free Balloon Pilot Licence**

**61.14.2** (1) An application for a Commercial Free Balloon Pilot Licence must be made to the Executive Director on the appropriate form as set out in Document NAM-CATS-FCL 61 within 30 days of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) a valid Class 2 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) of subregulation (1) of regulation 61.14.1;
  - (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation (1) of regulation 61.14.1;
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of this Part or Part 62; and
  - (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Commercial Free Balloon Pilot Licence, if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.03.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue a Commercial Free Balloon Pilot Licence in the form determined by the Executive Director.

(5) The holder of a Commercial Free Balloon Pilot Licence must, upon receipt of the Commercial Free Balloon Pilot Licence, immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

### **Theoretical knowledge examination**

**61.14.3** An applicant for the issue of a Commercial Free Balloon Pilot Licence must have passed the appropriate written examination referred to in paragraph (f) of subregulation (1) of regulation 61.14.1 within a period of 36 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Commercial Free Balloon Pilot Licence.

### **Skills test**

**61.14.4** (1) An applicant who applies for the issuing of a Commercial Free Balloon Pilot Licence must demonstrate to a designated examiner, the ability to perform, as pilot-in-command of a free balloon, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Free Balloon Pilot Licence for commercial purposes.

(2) The applicant must have undergone the skills test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (1) must be conducted in a free balloon.

(4) The holder of a Commercial Free Balloon Pilot Licence must have flown a minimum of three hours as pilot of free balloons in the six months preceding the relevant skills test.

### **Period of validity of Commercial Free Balloon Pilot Licence**

**61.14.5** A Commercial Free Balloon Pilot Licence is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 2 medical certificate issued in terms of Part 67;
- (b) the licence holder complies with the maintenance of competency in terms of regulation 61.14.8 annually; and
- (c) the licence holder pays currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in subregulation (10) of regulation 61.01.6.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “the” appears to have been omitted before the phrase “currency fee”.]

### **Privileges of a Commercial Free Balloon Pilot Licence**

**61.14.6** (1) The holder of a Commercial Free Balloon Pilot Licence may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 2 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority, as required in regulation 61.01.13; and
- (c) complies with the requirements for maintenance of competency in regulation 61.14.8.

(2) Subject to the requirements of the subregulation (1) the holder of a valid Commercial Free Balloon Pilot Licence is entitled to:

- (a) exercise all the privileges of a Free Balloon Pilot Licence; and
- (b) act as pilot-in-command in commercial balloon operations, in any free balloon which has been certificated for use in commercial operations and for which the holder is type rated.

(3) The holder of the Commercial Free Balloon Pilot Licence is entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.14.7, if the holder holds the appropriate valid rating.

### **Ratings for special purposes**

**61.14.7** (1) The ratings for special purposes associated with a Commercial Free Balloon Pilot Licence are a night rating and a free balloon flight instructor rating.

(2) An application for the rating referred to in subregulation (1) must be made in accordance with the Regulations in Subpart 19, 20 or 21 and 24.

### **Maintenance of competency**

**61.14.8** (1) The holder of a Commercial Free Balloon Pilot Licence must undergo a revalidation check within 12 months from the date of initial issue of the licence or from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Commercial Free Balloon Pilot Licence may not act as pilot-in-command of a free balloon transporting passengers unless he or she has, within the 90 days immediately preceding the flight executed not less than three launches and ascents in a free balloon of the same type.

(4) The holder of a Commercial Free Balloon Pilot Licence who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a Commercial Free Balloon Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
  - (ii) pass a revalidation check in the same type of free balloon.
- (b) in the case of a holder of a Commercial Free Balloon Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Commercial Free Balloon Pilot Licence, and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same type of free balloon.

(5) The holder of a Commercial Free Balloon Pilot Licence who has not flown a minimum of six hours as PIC of free balloons in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Commercial Free Balloon Pilot Licence, and meet the recency requirements to act as PIC.

**Recency requirements for a Commercial Free Balloon Pilot Licence**

**61.14.9** The holder of a Commercial Free Balloon Pilot Licence must comply with the recency requirements referred to in Part 91.

**SUBPART 15**  
**AIRSHIP PILOT LICENCE**

**Requirements for Airship Pilot Licence**

**61.15.1** (1) An applicant who applies for the issuing of an Airship Pilot Licence must:

- (a) be 17 years of age or older;
- (b) hold at least a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;
- (c) hold a valid restricted radiotelephony operator's certificate;
- (d) show evidence of holding a valid Student Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) a pilot licence (airship) issued by an appropriate authority; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a Recreational Pilot Licence issued in terms of Part 62;
  - (e) have successfully completed the training set out in Document NAM-CATS-FCL 61 with an approved ATO;
  - (f) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
  - (g) have undergone the skills test referred to in regulation 61.15.4.
- (2) An applicant who applies for the issuing of an Airship Pilot Licence must have completed not less than 25 hours as pilot of airships with not less than:
- (a) five hours as pilot-in-command-under-supervision including eight ascents under dual instruction with an airship flight instructor;
  - (b) three hours of cross-country flight in an airship of not less than 25 NM, including five ascents and full stop landings at different aerodromes with each landing involving a flight in the traffic pattern at the aerodrome; and
  - (c) three hours of instrument instruction time.

**Application for, and issue of, an Airship Pilot Licence**

**61.15.2** (1) An application for an Airship Pilot Licence must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the practical skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 or 2 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) of subregulation (1) of regulation 61.15.1;
  - (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation (1) of regulation 61.15.1;
  - (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
  - (e) the skills test report set out in Document NAM-CATS-FCL 61;
  - (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61 or Part 62; and
  - (g) the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must issue an Airship Pilot Licence, if he or she is satisfied:
  - (a) that the applicant complies with the requirements referred to in regulation 61.15.1;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

[The phrase “that the applicant” should appear at the beginning of paragraph (c), before the word “complies”, as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) The Executive Director must issue an Airship Pilot Licence in the form determined by the Executive Director.

(5) The holder of an Airship Pilot Licence must, upon receipt of the Airship Pilot Licence, immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.15.3** An applicant for the issue of an Airship Pilot Licence must have passed the appropriate written examination referred to in paragraph (f) of subregulation (1) of regulation 61.15.(1) within a period of 12 months and have passed the last theoretical knowledge examination within six months preceding the skills test for an Airship Pilot Licence.

[The correct cross-reference is “61.15.1”.]

**Skills test**

**61.15.4** (1) An applicant who applies for the issuing of an Airship Pilot Licence must demonstrate the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Airship Pilot Licence, to:

- (a) Chief Flying Instructor of an approved ATO, with an examiner designation; or
- (b) airship flight instructor Grade I or II appointed in terms of Document NAM-CATS-FCL 61 by the Chief Flying Instructor of the approved ATO, with an examiner designation.

(2) The applicant for Airship Pilot Licence must have undergone the skills test referred to in subregulation (1) within the 90 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (1) must be conducted in an airship.

(4) The holder of an Airship Pilot Licence must have flown a minimum of three hours as pilot of airships in the six months preceding the relevant skills test.

**Period of validity of Airship Pilot Licence**

**61.15.5** An Airship Pilot Licence is valid subject to the condition that:

- (a) the licence must be accompanied by a valid Class 1 or Class 2 medical certificate issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the licence holder must comply with the maintenance of competency in terms of regulation 61.15.8, annually; and
- (c) the licence holder must submit the currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

**Privileges of Airship Pilot Licence**

**61.15.6** (1) The holder of an Airship Pilot Licence may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 or 2 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority, as required in regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.15.8, and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) The holder of a valid Airship Pilot Licence is entitled to act as pilot-in-command of any airship engaged in non-revenue flights for which the holder is type rated, in VMC by day.

(3) Subject to subregulation (1)(d), the holder of the licence is entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.15.7, if the holder holds the appropriate valid rating.

- (4) The holder of an Airship Pilot Licence:
  - (a) may not act as pilot-in-command of an airship that is carrying passengers or freight for hire or reward;
  - (b) may not be remunerated or rewarded for acting piloting an airship; and
  - (c) may act as a pilot-in-command of an airship in the course of his or her own or employer's business: Provided that:
    - (i) the flight is only incidental to that business or employment; and
    - (ii) the airship does not carry passengers or freight for hire or reward.

**Ratings for special purposes**

**61.15.7** (1) The ratings for special purposes associated with an Airship Pilot Licence are a night rating and an airship flight instructor rating (Grade III and Grade II).

(2) An application for the ratings referred to in subregulation (1) must be made in accordance with the regulations in Subpart 20 or 21 and Subpart 24.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance of competency**

**61.15.8** (1) The holder of an Airship Pilot Licence must undergo a revalidation check within 12 months from the date of initial issue of the licence and after that within a period of 24 months calculated from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of an Airship Pilot Licence may not act as pilot-in-command of an airship with passengers on board unless he or she has, within the 90 days immediately preceding the flight executed not less than three ascents in an airship of the same type.

(4) The holder of an Airship Pilot Licence who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of an Airship Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
  - (ii) pass a revalidation check in the same type of airship.
- (b) in the case of a holder of an Airship Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
  - (iii) pass an initial licence skills test in the same type of airship.

(5) The holder of an Airship Pilot Licence who has not flown a minimum of three hours as PIC of airships in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of an Airship Pilot Licence, and meet the recency requirements to act as PIC.

**Recency requirements for an Airship Pilot Licence**

**61.15.9** The holder of an Airship Pilot Licence must comply with the recency requirements referred to in Part 91.

**SUBPART 16**  
**COMMERCIAL AIRSHIP PILOT LICENCE**

**Requirements for a Commercial Airship Pilot Licence**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.16.1** (1) An applicant who applies to be issued with a Commercial Airship Pilot Licence must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) show evidence of holding a valid Airship Pilot Licence or having held, within the previous 60 months, any of the following:
  - (i) an Airship Pilot Licence issued by an appropriate authority; or
  - (ii) a Recreational Pilot Licence issued in terms of Part 62;
- (e) have successfully completed the training set out in Document NAM-CATS-FCL 61 with an approved ATO;
- (f) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 61; and
- (g) have undergone the skills test referred to in regulation 61.16.4.

(2) An applicant for the issuing of a Commercial Airship Pilot Licence must have completed not less than 200 hours as a pilot, which must include:

- (a) not less than 50 hours as pilot of airships;
- (b) 30 hours in an airship as pilot-in-command-under-supervision, which must include 10 hours of cross-country flight time and 10 hours of night flight time;
- (c) 40 hours of instrument instruction time of which 20 hours is in flight and 10 hours in flight in airships; and
- (d) 20 hours of flight instruction in the training areas specified in Document NAM-CATS-FCL 61.

**Application for, and issue of, a Commercial Airship Pilot Licence**

**61.16.2** (1) An application for a Commercial Airship Pilot Licence must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61 within 30 days of the skills test.

- (2) The application referred to in subregulation (1) must be accompanied by:
  - (a) a valid Class 1 medical certificate, issued in terms of Part 67;
  - (b) documentary evidence of compliance with paragraph (d) of subregulation (1) of regulation 61.16.1(1);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of subregulation (1) of regulation 61.16.1;
- (d) the applicant's flying logbook summarised in the form set out in Document NAM-CATS-FCL 61;
- (e) the skills test report set out in Document NAM-CATS-FCL 61;
- (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61 or Part 62; and
- (g) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a Commercial Airship Pilot Licence, if he or she is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 61.16.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document in accordance with the provisions of the Act; and
- (c) complies with the applicable requirements of section 68 of the Act.

[The phrase "that the applicant" should appear at the beginning of paragraph (c), before the word "complies", as in subregulation 61.10.2(3); otherwise those words should be added to the introductory phrase to apply to all three paragraphs, as in subregulation 61.04.2(3).]

(4) A Commercial Airship Pilot Licence must be issued in the form determined by the Executive Director.

(5) The holder of a Commercial Airship Pilot Licence must, upon receipt of the Commercial Airship Pilot Licence, immediately affix his or her usual signature on the licence in ink in the space provided for such purpose.

**Theoretical knowledge examination**

**61.16.3** An applicant for the issue of a Commercial Airship Pilot Licence must have passed the appropriate written examination referred to in paragraph (f) of subregulation (1) of regulation 61.16.1 within a period of 36 months and have passed the last theoretical knowledge examination within six months preceding the skills test for a Commercial Airship Pilot Licence.

**Skills test**

**61.16.4** (1) An applicant who applies for the issue of a Commercial Airship Pilot Licence must demonstrate to a designated examiner, the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Commercial Airship Pilot Licence.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The applicant who applies for a Commercial Airship Licence must have undergone the skills test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (1) must be conducted in an airship.

(4) The holder of a Commercial Airship Pilot Licence must have flown a minimum of three hours as pilot of airships in the six months preceding the relevant skills test.

**Period of validity of Commercial Airship Pilot Licence**

**61.16.5** A Commercial Airship Pilot Licence is valid subject to the condition that:

- (a) the licence is accompanied by a valid Class 1 medical certificate as prescribed in subregulation (1) of regulation 61.16.1;
- (b) the licence holder annually complies with the maintenance of competency in terms of regulation 61.16.8;
- (c) the licence holder pays currency fee prescribed in regulation 61.01.28 accompanied by certified copies of the last three pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time as well as certified copies of any endorsements entered into the logbook in the preceding 12 months, as required in subregulation (10) of regulation 61.01.6; and

[The word “the” appears to have been omitted before the phrase “currency fee”.]

- (d) the licence holder satisfies the condition set out in section 68(4) of the Act.

**Privileges of Airship Pilot Licence for commercial purposes**

**61.16.6** (1) The holder of a Commercial Airship Pilot Licence may not exercise the privileges of that licence unless he or she:

- (a) holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the Authority, as required in regulation 61.01.13;
- (c) complies with the requirements for maintenance of competency in regulation 61.16.8; and
- (d) satisfies the condition set out in section 68(4) of the Act.

(2) Subject to the requirements of subregulation (1) the holder of a valid Commercial Airship Pilot Licence is entitled to:

- (a) exercise all the privileges of an Airship Pilot Licence; and
- (b) act as pilot-in-command in commercial operations, in any airship which has been certificated for use in such commercial operations and for which the holder is type rated.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The holder of the licence is entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.16.7, if the holder holds the appropriate valid rating.

**Ratings for special purposes**

**61.16.7** (1) The ratings for special purposes associated with a Commercial Airship Pilot Licence are a night rating and an airship flight instructor rating.

(2) An application for the ratings referred to in subregulation (1) must be made in accordance with the regulations in Subpart 19, 20 or 21 and 24.

**Maintenance of competency**

**61.16.8** (1) The holder of a Commercial Airship Pilot Licence must undergo a revalidation check within 12 months from the date of initial issue of the licence and from the date of revalidation.

(2) The revalidation check referred to in subregulation (1) must be completed within 90 days prior to expiry of the class or type rating of the licence.

(3) The holder of a Commercial Airship Pilot Licence may not act as pilot-in-command of an airship transporting passengers unless he or she has, within the 90 days immediately preceding the flight executed not less than three ascents in an airship of the same type.

(4) The holder of a Commercial Airship Pilot Licence who has not maintained competency by passing a revalidation check or an initial licence skills test in the same category of aircraft within the 12 months following the issue or revalidation of such licence must comply with the following requirements:

- (a) in the case of a holder of a Commercial Airship Pilot Licence where the maintenance of competency has lapsed by less than 36 months, the licence holder is required to:
  - (i) undergo a minimum of one period of dual flight instruction and fly at least three hours aloft under supervision; and
  - (ii) pass a revalidation check in the same type of airship;
- (b) in the case of a holder of a Commercial Airship Pilot Licence where the maintenance of competency has lapsed by more than 36 months, the licence holder is required to:
  - (i) rewrite the air law examination;
  - (ii) undergo sufficient ground and flight training at an approved ATO to reach the standard required for the revalidation check of a Commercial Airship Pilot Licence, and meet the recency requirements to act as PIC; and
  - (iii) pass an initial licence skills test in the same type of airship.

(5) The holder of a Commercial Airship Pilot Licence who has not flown a minimum of six hours as PIC of airships in the six months preceding a revalidation check must undergo sufficient ground and flight training at an approved ATO to reach the standard required for the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

revalidation check of a Commercial Airship Pilot Licence and meet the recency requirements to act as PIC.

**Recency requirements for a Commercial Airship Pilot Licence**

**61.16.9** The holder of a Commercial Airship Pilot Licence must comply with the recency requirements of regulation 91.02.4.

**SUBPART 17**  
**CLASS AND TYPE RATINGS**

**Requirements for and the issue of class and type ratings**

**61.17.1** (1) This Subpart applies to the issuing, revalidating and reissuing of Namibian pilot class and type ratings and warbird type endorsements and the privileges and limitations of such class and type ratings and warbird type endorsements.

(2) An aircraft class rating is required in order to pilot all types of aircraft within a particular aircraft class.

(3) A class rating is required for all single-pilot aircraft, except for those falling outside the classes defined in paragraph (b) of subregulation (1) of regulation 61.01.4, or as designated by the Executive Director in terms of paragraph (d) of subregulation (1) of regulation 61.01.4 as requiring a type rating.

(4) An aircraft type rating is required in order to pilot a type of aircraft that is not included within any of the aircraft classes set out in paragraph (b) of subregulation (1) of regulation 61.01.4.

(5) A type rating is required for all MP aircraft, other aircraft and warbirds as indicated in this Subpart.

(6) All licence endorsements in respect of aircraft class and type ratings are set out in Document NAM-CATS-FCL 61.

(7) Although an applicant will have an endorsement in his or her licence for a class rating, a change to another type or variant of the aeroplane within one class rating will require differences training, as indicated in Tables 1-10 of NAM-CATS-FCL 61.17.8 and such training must be endorsed into the pilot logbook.

(8) Differences training is also required for a transition between different types within a class rating.

(9) The differences training form set out in Document NAM-CATS-FCL 61 must be forwarded to the Executive Director within 30 days of completion of the training.

(10) An applicant for a type rating in respect of a MP aeroplane must have:

- (a) at least 100 hours experience as pilot-in-command of aeroplanes;
- (b) successfully completed appropriate training referred to in this Subpart;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) passed an appropriate written examination set out in Document NAM-CATS-FCL 61; and
- (d) passed appropriate skills test referred to in this Subpart with an appropriately rated Designated Flight Examiner (Aeroplanes).

(11) An applicant for a class or type rating, as the case may be, in respect of a single-pilot multi-engine aeroplane must have:

- (a) at least 70 hours as pilot-in-command of aeroplanes;
- (b) successfully completed appropriate training referred to this subpart;
- (c) passed appropriate written examinations set out in Document NAM-CATS-FCL 61; and
- (d) passed appropriate skills test referred to in this Subpart.

(12) An applicant for a type rating in respect of a MP helicopter must have:

- (a) at least 100 hours as pilot-in-command of helicopters;
- (b) successfully completed appropriate training referred to in this Subpart;
- (c) passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
- (d) passed appropriate skills test referred to in this Subpart carried out by a Designated Flight Examiner (Helicopters).

(13) An applicant for a class rating in respect of a single-pilot helicopter must have:

- (a) at least 25 hours flight time on helicopters of which a minimum of three hours must be as pilot-in-command of helicopters;
- (b) successfully completed appropriate training referred to in this Subpart;
- (c) passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
- (d) passed appropriate skills test referred to in this Subpart.

(14) An applicant for a type rating in respect of a warbird type aircraft must:

- (a) hold the category and class rating for the relevant aircraft;
- (b) have successfully completed appropriate training referred to in this Subpart;
- (c) have passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
- (d) have passed appropriate skills test referred to in this Subpart.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (15) An applicant for a type rating in respect of a powered-lift aircraft must:
- (a) hold the category and class rating for the relevant aircraft;
  - (b) have successfully completed appropriate training referred to in this Subpart;
  - (c) have passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
  - (d) have passed appropriate skills test referred to in this Subpart.

- (16) An applicant for a type rating in respect of a glider must:
- (a) hold the category and class rating for the relevant glider;
  - (b) have successfully completed appropriate training referred to in this subpart;
  - (c) have passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
  - (d) have passed appropriate skills test referred to in this Subpart.

(17) An applicant for the issuing of an initial type rating for a touring motor glider must have completed not less than 35 hours flight time as a pilot of a touring motor glider which must include a minimum total of 40 flights, including 20 solo flights: Provided that the solo flights include a minimum of 15 hours of solo flight time, which includes- one flight of minimum 30 minutes flight time continuous engine off, with:

- (a) a shutdown not exceeding 3 000 ft. AGL of the intended landing site; and
- (b) a soaring circuit and engine off landing;
- (c) two dual cross-country flights with a duration of not less than 90 minutes flown at normal cruising speed, of which at least one will be a navigation test;
- (d) one solo cross-country flight, duration of not less than 90 minutes flown at normal cruising speed including a full stop landing at a point other than the point of departure and destination (with no engine shutdown or soaring requirement); and
- (e) at least one dual and one solo flight into controlled airspace, including a full stop landing and take-off at a controlled airfield.

(18) An applicant for the issuing of an additional type rating for a touring motor glider must have completed not less than two flights of which one must be a solo flight of a minimum of one hour flying time including at least three take offs and landings during this time and must:

- (a) undergo a skills test with a Grade I or II instructor with the appropriate type rating as set out in Document NAM FCL-CATS 61;
- (b) with the examiner at the dual controls, perform at least 5 take-offs and 5 landings and any other exercise considered necessary; and
- (c) pass the technical exams as set out in Document NAM-CATS 61.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(19) An applicant with experience in microlight aeroplanes or light sport aeroplanes or the holder of another pilot licence issued in terms of this Part, may apply for an exemption from the requirements specified under subregulation (14) and (15) in accordance with Part 3 of the Regulations.

(20) An applicant who is the holder of a Recreational Pilot licence with a category rating for gyroplanes or weight-shift controlled microlight aeroplane, referred to in Subpart, the applicant may apply for an exemption from the requirements in terms of Part 3 of the regulation 61.03.1(2)(b).

(21) An applicant for the issuing of an initial type rating for conventional or power assisted gliders must have completed not less than 40 flights as a pilot of a conventional glider or power assisted glider which must include:

- (a) a minimum total of 20 solo flights;
- (b) a minimum of 10 flights accumulated per launch method;
- (c) a minimum of six hours of solo flight, of which;
  - (i) one flight must be at least two hours;
  - (ii) one flight of minimum 30 minutes flight time (for powered assisted gliders with engine off), with the launch not exceeding 3 000 ft. AGL of the intended landing site; and an ascend of at least two times the launch height, (for powered assisted gliders engine off).

(22) An applicant for the issuing of an additional type rating by name, in the category conventional or power assisted glider must have completed not less than:

- (a) minimum total of one flight, including one solo flight; and

**[The word “a” appears to have been omitted before the phrase “minimum total”.]**

- (b) one flight of minimum 30 minutes flight time.

(23) To obtain a first type rating for a conventional or power assisted glider, an applicant may be credited with dual instruction flights on a touring motor glider, accumulated in the category touring motor gliders, towards the minimum total flights required under regulation 61.01.20.

(24) An applicant with reasonable experience on a type in the other class who wants to obtain a type rating for conventional or power assisted gliders, the applicant must complete not less than:

- (a) a minimum total of one flight, including one solo flight; and
- (b) one flight of not less than 30 minutes flight time.

(25) An applicant with experience as the holder of a recreational pilot licence or the holder of a pilot licence issued in terms of this Part, may apply for an exemption from the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

requirements in terms of Subpart 3 of the Regulations, for a conventional or power assisted glider first type rating, if the applicant meet the minimum requirements referred to in subregulation (21).

[The verb “meet” should be “meets” to accord with the subject “applicant”.]

- (26) An applicant for a type rating in respect of a free balloon aircraft must:
  - (a) hold the category and class rating for the relevant free balloon;
  - (b) have successfully completed appropriate training referred to in this Subpart;
  - (c) have passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
  - (d) have passed appropriate skills test referred to in this Subpart.
- (27) An applicant for a type rating in respect of an airship must:
  - (a) hold the category and class rating for the relevant airship;
  - (b) have successfully completed appropriate training referred to in this subpart;
  - (c) have passed the appropriate written examinations set out in Document NAM-CATS-FCL 61; and
  - (d) have passed appropriate skills test referred to in this Subpart.

[The word “the” appears to have been omitted before the phrase “appropriate skills test”.]

## **Training**

**61.17.2** (1) An applicant for the issue of a class or type rating must have successfully completed the appropriate training set out in Document NAM-CATS-FCL 61.

(2) In the case an applicant is training for a single-pilot multi-engine class rating, or a first single-pilot multi-engine type rating, the training must consist of at least:

- (a) seven hours of theoretical knowledge instruction in multi-engine aeroplane operation; and
- (b) six hours dual flight training in multi-engine aeroplane operation, including not less than 2 hours 30 minutes dual flight training under normal conditions, and at least three hours 30 minutes dual flight training in engine failure procedures and asymmetric flight.

(3) At least three hours of the dual flight training referred to in paragraph (b) of subregulation (2) may be acquired in an approved FSTD.

(4) An applicant for a type or class rating on a high performance single pilot aeroplane who is not the holder of an Airline Transport Pilot Licence (ATPL), or who has not obtained credit for the ATPL theoretical knowledge examinations, must undergo the additional training set out in Document NAM-CATS-FCL 61.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (5) An applicant for a warbird type rating:
- (a) who is the holder of an ATPL with applicable military type experience may be endorsed with the applicable warbird type rating;
  - (b) who is the holder of an ATPL without applicable military type experience must undergo training set out in Document NAM-CATS-FCL 61 for endorsement of the warbird type rating contemplated;
  - (c) who is the holder of all ATPL theoretical knowledge credits and has applicable military type experience may be endorsed with the applicable warbird type rating; or
  - (d) who is the holder of all ATPL theoretical knowledge credits but who does not have applicable military type experience, must undergo training as described in Document NAM-CATS-FCL 61 for endorsement of the warbird type rating contemplated.

(6) Pilots operating in terms of Parts 91, 94, 96, 121, 127, 135 and 138, where two or more pilots are required for the operation of the aircraft, must undergo a multi-crew cooperation training course set out in Document NAM-CATS-FCL 61.

**Skills test**

**61.17.3** (1) An applicant for the issue of a type rating or multi-engine class rating must demonstrate to a designated examiner, the competence to perform as pilot-in-command of the aircraft concerned, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61.

(2) An applicant for a rating in any other class referred to in regulation 61.17.9 must demonstrate to a Designated Flight Examiner, or an appropriately rated flight instructor, the competence to perform as pilot-in-command of the aircraft concerned the procedures and manoeuvres set out in Document NAM-CATS-FCL 61.

(3) An applicant for the issue of a warbird type endorsement must demonstrate, to a Designated Flight Examiner or an appropriately rated flight instructor or other pilot authorised in writing by the Executive Director for the purpose, the competence to perform as pilot-in-command of the aircraft concerned, the procedures and manoeuvres set out in Document NAM-CATS-FCL 61.

(4) The applicant referred to in subregulation (1) must have undergone the skills test referred to in that subregulation within 90 days of passing the theoretical knowledge examination referred to in regulation 61.17.1 and within the 90 days immediately preceding the date of application for the warbird type rating.

(5) An applicant for the issuing of a type rating, who is the holder of an airline transport pilot licence, must have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres referred to in subregulation (1), with a degree of competency appropriate to the privileges granted to the holder of an Instrument Rating.

(6) The skills test referred to in subregulation (1) must have been conducted in an aircraft appropriate to the pilot licence held by the applicant, or in an approved FSTD.

**Circumstances in which type or class ratings are required**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.17.4** (1) The holder of a pilot licence may not act in any capacity as a pilot of an aircraft, except as a pilot undergoing skills testing or receiving flight instruction, unless the holder has a valid and appropriate class or type rating.

(2) The holder of a pilot licence may not act in any capacity as a pilot of a warbird, except as a pilot undergoing skills testing or receiving flight instruction, unless the holder has a valid and appropriate class or type rating applicable to the warbird.

(3) The Authority must endorse the conditions or limitations determined by the Authority in respect of a rating on the rating.

**Special authorisation for type or class ratings**

**61.17.5** Instead of issuing the class or type rating, the Executive Director may designate a pilot in writing in accordance with regulation 61.01.21 to issue such ratings.

**Application for class or type rating**

**61.17.6** (1) An application for a class, type or warbird rating must be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 61.

(2) The application referred to in subregulation (1) must be accompanied by:

- (a) documentary evidence of satisfying the requirements of the relevant provisions of this subpart; and
- (b) the appropriate fee as prescribed in Part 187.

(3) If the applicant contemplated in subregulation (1) wishes to apply for a class or type rating in respect of more than one class or type of aircraft, a separate application must be made in respect of each type of aircraft.

(4) If the applicant referred to in subregulation (1) complies with all the relevant requirements, the Executive Director must issue a class, type or warbird rating in the appropriate form set out in Document NAM-CATS-FCL 61.

[The word “referred” is misspelt in the *Government Gazette*, as reproduced above.]

(5) The Designated Flight Examiner or a flight instructor must, on satisfactory completion of all the requirements for the issue of a class or type rating, endorse the logbook of the applicant entitling the applicant to exercise the privileges of the rating, as pilot-in-command or pilot instructor as the case may be.

(6) The Designated Flight Examiner or flight instructor referred to in subregulation (5) may place a restriction on the applicant to act as co-pilot or as third pilot as the case may be.

(7) The application form for the endorsement of a warbird, class or type rating must be completed and submitted to the Executive Director by the applicant within 30 days of the performance of the skills test.

(8) The Executive Director may in terms of the Act revoke the privilege of a rating endorsed in terms of this regulation if any irregularity with respect to the endorsement is found.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Period of validity of class or type rating**

**61.17.7** (1) A type rating is valid for a period of 12 months calculated from the date of issue, revalidation or re-issue of the rating.

(2) A class rating issued to the holder of a private pilot licence, is valid for:

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of 24 months calculated from the date of revalidation or renewal or re-issue of the rating.

(3) A class rating issued to the holder of any other pilot licence, is valid for a period of 24 months calculated from the date of issue, renewal, revalidation or re-issue of the rating.

(4) Despite subregulation (1) a class rating or type rating for touring motor, conventional or power assisted gliders is valid for as long as the Glider Pilot Licence itself remains valid: Provided that the privileges of the class rating or type rating may not be exercised by the holder of the rating unless he or she:

- (a) has acted as pilot-in-command of a touring motor, conventional or powered assisted glider for a minimum of five hours flight time or 10 flights in the 12 months immediately preceding the intended flight and such minimum flight time may include check flights or flights undertaken by the pilot whilst receiving training appropriate to the type of glider; or
- (b) has:
  - (i) passed a skills test with an appropriately rated flight instructor within 90 days immediately preceding the intended flight; and
  - (ii) if transporting a passenger, within the 90 days immediately preceding the flight on which such passenger is to be transported, as pilot-in-command, has executed not less than three take-offs and three landings in a touring motor glider or not less than 3 flights in a conventional or powered assisted glider.

**Privileges and variants**

**61.17.8** (1) Subject to the provisions of the Act and regulation 61.17.1, a person is entitled to act as pilot-in-command of an aircraft for which he or she is the holder of an appropriate valid class and type rating.

(2) A person who receives training for the purpose of applying for a class or type rating, may act as pilot-in-command of an aircraft in respect of which he or she does not hold the rating, if:

- (a) the flight is not for remuneration or reward;
- (b) no passengers or cargo are transported in the aircraft; and

[The word "are" is misspelt in the Government Gazette, as reproduced above.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(c) the training is conducted by an appropriately type rated flight instructor.

(3) In order to extend his or her privileges to another variant of aircraft within one class or type rating, a pilot must undertake differences or familiarisation training and in the case of variants within a type rating, the differences or familiarisation training includes the relevant elements defined in the operational suitability data (OSD) provided to the operator on acquisition of that type of aircraft.

(4) If the variant of an aircraft referred to in subregulation (3) has not been flown within a period of two years following the differences training, further differences training or a proficiency check in that variant is required to maintain the privileges, except for types or variants within the single-engine piston and TMG class ratings.

(5) The differences training referred to in subregulation (3) and (4), conducted must be entered in the pilot's logbook and signed by the instructor as appropriate.

(6) The holder of a class rating for piston-engine aeroplanes is entitled to exercise the privileges of the rating, if such holder holds a type within the class for:

- (a) single-engine (SEP) piston aeroplanes with a maximum certificated mass of 5 700 kilograms or less, endorsed in the logbook of such holder; or
- (b) multi-engine (MEP) piston aeroplanes, with a maximum certificated mass of 5 700 kilograms or less, endorsed in the logbook of such holder.

(7) The holder of a class rating for single-pilot helicopters is entitled to exercise the privileges of the rating, if such holder holds a type within the class, for all single-pilot helicopters in the class if the skills test was conducted in the single-pilot helicopter with the highest maximum certificated mass within the class.

(8) The holder of a type rating for a piston-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms is entitled to exercise the privileges of the rating in the type of aeroplane in which the skills test for the issuing of such rating, was conducted provided that, if such holder holds more than one type rating for:

- (a) single-engine piston aeroplanes and the skills test was conducted in the type of single-engine piston aeroplane with the highest maximum certificated mass, such holder is entitled to exercise the privileges of the rating in all single-engine piston engine aeroplanes for which he or she is type rated; or
- (b) single-engine and multi-engine piston aeroplanes and the skills test was conducted in a multi-engine piston aeroplane, such holder is entitled to exercise the privileges of the rating in the single-engine and multi-engine piston engine aeroplanes for which he or she is type rated.

(9) The holder of a type rating for a turbo propeller aeroplane is entitled to exercise the privileges of the rating in the type of aeroplane in which the skills test for the issuing of such rating, was conducted provided that, if such holder holds more than one type rating for:

- (a) single-engine turbo propeller aeroplanes and the skills test was conducted in the type of single-engine turbo propeller aeroplane with the highest maximum certificated mass, such holder is entitled to exercise the privileges of the rating in all single-

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

engine turbo propeller and the single-engine piston aeroplanes for which he or she is type rated; or

- (b) single-engine and multi-engine turbo propeller aeroplanes and the skills test was conducted in a multi-engine turbo propeller aeroplane, such holder is entitled to exercise the privileges of the rating in the single-engine and multi-engine turbo propeller and single- and multi-engine piston aeroplanes for which he or she is type rated.

(10) The holder of a type rating for a turbojet aeroplane is entitled to exercise the privileges of the rating:

- (a) in the type of aeroplane in which the skills test for the issue of such rating was conducted; or
- (b) if more than one type rating is held, in one of the types on a rotational basis: Provided that the holder has successfully completed an operator proficiency check on each type every six months and provides proof of such proficiency check or an endorsement in the holder's logbook in the case of variants where training by a qualified and approved instructor has been conducted in accordance with regulation 61.17.2.

(11) The holder of a type rating for a helicopter is entitled to exercise the privileges of the rating:

- (a) in the type of helicopter in which the skills test for the issue of such rating was conducted, or
- (b) if more than one type rating is held, in one of the types on a rotational basis: Provided that the holder has successfully completed an operator proficiency check on each type every six months and provides proof of such proficiency check or in the case of variants, an endorsement in the holder's logbook where training by a qualified and approved instructor has been conducted in accordance with regulation 61.17.2.

(12) The holder of a class or type rating for a touring motor glider is entitled to act as pilot-in-command of the touring motor glider for which he or she is rated: Provided that it is not operated for the provision of an air service:

- (a) within Class F and Class G airspace;
- (b) within controlled airspace unless:
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) a two-way radio communication as the air traffic service unit may require, is established;
  - (iii) continuous radio watch is maintained; and
  - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(13) Despite paragraph (a), of subregulation (12) the holder of a type rating for a touring motor glider may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96: Provided that he or she is the holder of a valid Part 96 authorisation in terms of Part 62.

(14) The holder of a class rating or a type rating for a conventional or power assisted glider is entitled to act as pilot-in-command of conventional or power assisted glider for which he or she is rated: Provided that it is not operated for the provision of an air service:

- (a) within Class F and Class G airspace;
- (b) within controlled airspace unless:
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) a two-way radio communication as the air traffic service unit may require, is established;
  - (iii) continuous radio watch is maintained; and
  - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with.

(15) Despite paragraph (a) of subregulation (14) the holder of a type rating for a conventional or power assisted glider may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96: Provided that he or she is the holder of a valid Part 96 authorisation issued in terms of Part 62.

(16) The holder of a group type rating for free balloons is entitled to exercise the privileges of the rating in all free balloons endorsed in the logbook of such holder.

(17) The holder of a type rating for airships is entitled to exercise the privileges of the rating in all types of airships endorsed in the logbook of such holder.

(18) If the type variant has not been flown within a period of 24 months following the differences training or the date of last having flown the variant, further differences training or a proficiency check in that variant will be required as set out in Document NAM-CATS-FCL 61.

(19) Differences training set out in Document NAM-CATS-FCL 61 requires additional knowledge and training on an approved FSTD or aircraft to convert an applicant onto the type or class of aircraft under consideration.

(20) The differences training referred to in subregulation (19) must be endorsed in the pilot's logbook and duly signed by the appropriately rated instructor who conducted the training.

(21) Familiarisation training requires acquisition of additional knowledge specific to the individual aircraft under consideration and should not require actual or FSTD flight time.

**Transfer of foreign class and type ratings**

**61.17.9** (1) The Executive Director may, in terms of Article 33 of the Convention, transfer to a Namibian Pilot Licence a valid class or type rating, or a model or variant of an aircraft



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

within a class or type rating which an appropriate authority has endorsed in a licence and logbook of an applicant: Provided that the requirements for the ratings that were issued or renewed are equal to or above the minimum standards of this Part and that the aircraft type or types has or have been accepted on the Namibian Aircraft Register.

(2) The holder of a Namibian Pilot Licence who wishes to have the endorsements referred to in subregulation (1) added to his or her licence must make a written application to the Executive Director showing proof that the required training and testing was successfully completed at an approved ATO.

(3) If a Namibian Pilot Licence holder wishes to undergo training for the addition of a class rating, type rating, model or variant to his or her licence at a foreign ATO, he or she must request approval in writing from the Executive Director and to allow for up to 14 days for such approval.

(4) Any training required for the purpose of this regulation and conducted at a foreign ATO without prior approval may not be accepted.

(5) If a FSTD is to be used for the training referred to in this regulation, the FSTD must be approved in terms of these regulations or the requirements of the appropriate authority.

### **Revalidation**

**61.17.10** (1) A type and class rating is valid for the period referred to in regulation 61.17.7.

**[The text above should be numbered as subregulation (1), as indicated in green type.]**

- (2) To revalidate an aeroplane class or type rating the holder of the rating must:
- (a) within 90 days immediately prior to the date of expiry of the class rating, pass a skills test on a type within the class with a Designated Flight Examiner;
  - (b) within 90 days immediately prior to the date of expiry of the type rating for piston engine and turbo-props, pass a skill test on the type with the highest certificated mass with a Designated Flight Examiner;
  - (c) within 90 days immediately prior to the date of expiry of the type rating for turbojets, pass a skills test with a Designated Flight Examiner on one of the types for which a revalidation is sought as set out in regulation 61.17.8 (9); and
  - (d) in addition for a type rating test, within the three months immediately preceding the date of expiry, provide proof of having attended a refresher course conducted by an approved ATO.
- (3) To revalidate a helicopter class and type rating the holder must:
- (a) within 90 days immediately prior to the date of expiry of the class and type rating, pass a skills test with a Designated Flight Examiner on each type for which a revalidation is sought; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) in addition for a complex type, within the three months immediately preceding the date of expiry, provide proof of having attended a refresher course conducted by an approved ATO.

(4) The type or class rating referred to in subregulation (3) will be revalidated in terms of this regulation from the current expiry date of the rating, unless the skills test was completed earlier than 90 days before expiry, in which case the type or class rating will be revalidated from the date of the skills test.

(5) If the rating referred to in subregulation (3) has lapsed for a period not exceeding 36 months, the applicant must undergo appropriate refresher training and pass a proficiency check, with a Designated Flight Examiner, set out in Document NAM-CATS-FCL 61 in an aircraft appropriate to the particular type or class rating being renewed.

(6) If the validity of the type or class rating has lapsed for more than 36 months the applicant must:

- (a) complete the appropriate training for the type or class rating sought with an approved ATO; and
- (b) pass a proficiency check, with a Designated Flight Examiner, set out in Document NAM-CATS-FCL 61, in an aircraft or FSTD of the category appropriate to the particular rating being renewed.

(7) If the applicant passes the proficiency check referred to in subregulation (2), (4) and (5) as applicable, the DFE must:

- (a) complete and submit to the Executive Director, the appropriate form set out in Document NAM-CAT-FCL 61; and
- (b) endorse the holder's pilot logbook set out in Document NAM-CATS-FCL 61.

(8) The applicant must submit the revalidation check form within 30 days of having completed the check, together with the applicable fee as prescribed in Part 187.

(9) If the result of the skills test contemplated in subregulation (2), (4) or (5) as applicable, reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the relevant privileges, the Designated Flight Examiner must:

- (a) inform the applicant that he or she does not meet the requirements for the revalidation of the rating and that he or she must, with immediate effect, not exercise the privileges of the rating until such time he or she meets the all the requirements for the revalidation or re-issue of the rating; and

[The first "the" in the phrase "the all the" is superfluous.]

- (b) report such result to the Executive Director in writing.

**SUBPART 18**  
**INSTRUMENT RATING**

**General**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.18.1** (1) Except when receiving flight training or undergoing a skills test a person may not act as pilot of an aircraft in accordance with instrument flight rules (IFR) or in instrument meteorological conditions (IMC) unless that person has a valid Instrument Rating (IR) appropriate to the aircraft being flown.

(2) An IR may be endorsed with the following when applicable:

- (a) single-engine aeroplanes (SEA);
- (b) multi-engine aeroplanes (MEA);
- (c) single- and multi-engine helicopters (H); or
- (d) RNAV (GNSS).

**Requirements for Instrument Rating**

**61.18.2** (1) An applicant for the issue of an Instrument Rating must:

- (a) hold a valid pilot licence;
- (b) hold a general radiotelephony operator's certificate;
- (c) hold a valid night rating, unless such rating is an integral part of the pilot licence;
- (d) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (e) have successfully completed the training set out in in Document NAM-CATS-FCL 61 with an approved ATO;

[The word "in" is repeated before the phrase  
"Document NAM-CATS-FCL 61" in the *Government Gazette*.]

- (f) have passed the theoretical knowledge examination referred to in regulation 61.18.4; and
- (g) have undergone the skill test referred to in regulation 61.18.5.

(2) An applicant for the issue of an Instrument Rating must have completed at least:

- (a) 50 hours of cross-country flight time as pilot-in-command of an aircraft, of which not less than 10 hours must be in an aeroplane, helicopter, powered-lift or airship as the case may be; and
- (b) 40 hours of instrument flight instruction time, of which not more than 20 hours may be in a FSTD.

(3) In the case of an Instrument Rating for a multi-engine aircraft, at least five hours instrument flight training referred to in paragraph (b) of subregulation (2) must be conducted on the type of aircraft to be used for the skills test and is additional to the initial multi-engine class rating training.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) In the case of an application for an Instrument Rating in a category of aircraft other than that for which a valid Instrument Rating is already held, the applicant must have undergone, in addition to the requirements of paragraph (b) of subregulation (2), at least another five hours of instrument flight instruction in the new category of aircraft prior to the skills test: Provided that 3 of the five hours may be conducted in an approved FSTD.

(5) An aircraft, used for the purpose of acquiring instrument flight time with an instructor or in a skills test, must be equipped for IFR flight and be fitted with fully functioning dual controls.

### **Application for an Instrument Rating**

**61.18.3** (1) An application for an Instrument Rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61, and must be accompanied by the appropriate fee as prescribed in Part 187.

(2) If the applicant referred to in subregulation (1) complies with all the prescribed requirements of this Part, the Executive Director must issue an Instrument Rating in the appropriate form determined by the Executive Director.

### **Theoretical knowledge examination**

**61.18.4** An applicant for the issuing of an Instrument Rating must have passed the appropriate written examination as set out in Document NAM-CATS-FCL 61: Provided that the holder of a valid Instrument Rating applying for an Instrument Rating in a different category must not be required to write the examination again.

### **Skills test**

**61.18.5** (1) An applicant for the issue of an Instrument Rating must demonstrate to a designated examiner, the ability to perform as pilot the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Instrument Rating.

(2) The applicant for an Instrument Rating must have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination and within 30 days of the last period of dual instruction.

(3) The skills test referred to in subregulation (1) for a helicopter Instrument Rating must have been conducted in a helicopter certificated for instrument flying, or in an approved FSTD

**[There is no full stop at the end of subregulation (3);  
there are no additional words in the *Government Gazette*.]**

(4) If applicant referred to in subregulation (1) applies for an Instrument Rating in a multi-engine aircraft, the skills test must be conducted in the appropriate class of aircraft, or in an approved FSTD.

**[The word “the” appears to have been omitted before the word “applicant”.]**

(5) If the skills test referred to in subregulation (1) was successfully completed in a multi-engine aeroplane with centre-line thrust, the rating is restricted to centre-line thrust

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

aeroplanes, until such time as sufficient instrument flight training and skill test have been completed in a non-centre-line thrust multi-engine aeroplane or approved FSTD.

(6) If an applicant referred to in subregulation (1) has successfully completed the skills test in a multi-engine aircraft, he or she is deemed to have met the skills test requirements for a single-engine aircraft of the same category.

**Period of validity of Instrument Rating**

**61.18.6** An Instrument Rating is valid for a period of 12 months provided that maintenance of competency for the associated licence in terms of these regulations is complied with.

**Privileges**

**61.18.7** (1) Subject to the provisions of the Act the holder of a valid Instrument Rating:

- (a) may act, within the limitations of his or her pilot licence and particular Instrument Rating, as pilot of an aircraft in compliance with IFR and under IMC by day or by night;
- (b) may carry out an approach and a landing under IMC with the aid of approved approach aids and procedures; and
- (c) may act as safety pilot in an aircraft in respect of which such pilot holds the appropriate type rating.

(2) If the examiner or another pilot functions as a flight crew member during an initial Instrument Rating skills test, the privileges of the Instrument Rating is restricted to MP operations only.

(3) The limitation in subregulation (2) does not apply to a holder of a valid Instrument Rating who has been tested in a single-pilot aircraft without any assistance from the examiner or another pilot.

(4) The holder of an Instrument Rating who wishes to conduct RNAV (GNSS) approaches must have his or her IR endorsed with RNAV (GNSS) after having complied with the requirements as set out in Document NAM-CATS-FCL 61.

**Revalidation**

**61.18.8** (1) An Instrument Rating is valid for a period of 12 months calculated from:

[The text above should be numbered as subregulation (1), as indicated in green type.]

- (a) the date of revalidation, where the rating is revalidated more than 90 days prior to expiry; or
- (b) the beginning of the month following the date of expiry of the rating, where the rating is revalidated 90 days or less prior to expiry.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) To revalidate an Instrument Rating the following must be done:
- (a) if the validation period has not lapsed or has lapsed for a period not exceeding 36 months, the applicant must pass a proficiency check with a Designated Flight Examiner, as set out in Document NAM-CATS-FCL 61, in an aircraft appropriate to the particular Instrument Rating being revalidated;
  - (b) if the validity of the Instrument Rating has lapsed for more than 36 months the applicant must:
    - (i) re-write the air law and operational procedures theoretical knowledge examinations as listed in Document NAM-CATS-FCL 61;
    - (ii) acquire, in an aircraft appropriate to the particular Instrument Rating, or in a FSTD, at least 10 hours instrument time, including at least 5 instrument approach procedures and a missed approach; and
    - (iii) within 90 days of having acquired the instrument time, pass a proficiency check with a Designated Flight Examiner, as set out in Document NAM-CATS-FCL 61, in an aircraft or FSTD of the category appropriate to the particular Instrument Rating being revalidated.
- (3) If a pilot holds an Instrument Rating in more than one category of aircraft, revalidation must be alternated annually in respect of each category.
- (4) If a pilot holds an Instrument Rating in a particular category of aircraft for both single-engine and multi-engine aircraft, the revalidation of these ratings may be carried out alternately in a single-engine aircraft and a multi-engine aircraft of the particular category or in an approved FSTD.
- (5) If an Instrument Rating is not revalidating the single-pilot Instrument Rating every alternate year in a single-pilot aircraft, the single-pilot rating becomes invalid.
- (6) If the holder of an Instrument Rating passes the proficiency check referred to in subregulation (1), the Designated Flight Examiner must:
- (a) complete, and submit to the Executive Director, the appropriate form as set out in Document NAM-CAT-FCL 61; and
  - (b) endorse the holder's pilot logbook as set out in Document NAM-CATS-FCL 61.
- (7) If the holder of a valid Instrument Rating has failed the revalidation test, the Designated Flight Examiner must notify the Executive Director immediately in writing and also inform the holder that the rating has become invalid and that he or she may not exercise the privileges of an Instrument Rating.

**Maintenance of competency**

**61.18.9** The holder of an Instrument Rating may not act as pilot-in-command of an aircraft under IFR or in weather conditions less than the minimum prescribed for VFR, unless he or she has, within the 90 days immediately preceding such flight, by means of an instrument approach procedure or procedures which have been established by the Executive Director or by an appropriate authority:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) executed at least two instrument approaches in an appropriate aircraft or an approved FSTD, under IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.18.5 or revalidation proficiency check in regulation 61.18.8.

**SUBPART 19**  
**GRADE I FLIGHT INSTRUCTOR RATING**

**Requirements for Grade I Flight Instructor Rating**

**61.19.1** An applicant for the issue of a Grade I Flight Instructor Rating must:

- (a) hold a valid airline transport pilot licence for the applicable aeroplane, helicopter or powered-lift categories of aircraft;
- (b) hold a valid commercial pilot licence for the applicable free balloon or airship categories of aircraft;
- (c) for aeroplanes, helicopters and powered-lift categories -
  - (i) hold a valid Instrument Rating; and
  - (ii) hold the appropriate instrument flight training endorsement if applicable;
- (d) hold or have held during the immediately preceding 90 days, a valid Grade II flight instructor rating;
- (e) have held a Grade II Flight Instructor Rating for at least 8 months;
- (f) for the aeroplane, helicopter and powered-lift categories, must have:
  - (i) given not less than 1500 hours of flight instruction as a flight instructor; and
  - (ii) acquired in an aircraft or an approved FSTD at least 10 hours of instrument flight time during the six months immediately preceding the application;
- (g) for free balloon and airship categories, must have given not less than 500 hours of flight instruction as a flight instructor;
- (h) have successfully completed the appropriate training course as set out in Document NAM-CATS-FCL 61 with an approved ATO;
- (i) have successfully completed the instructor ground evaluation test as set out in Document NAM-CATS-FCL 61; and
- (j) have undergone the skill test referred to in regulation 61.19.3 within 30 days of successfully completing the instructor ground evaluation referred to in paragraph (i).

**Application for a Grade I Flight Instructor Rating**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.19.2** (1) An application for a Grade I Flight Instructor Rating must be made to the Executive Director on the appropriate form and in the manner set out in Document NAM-CATS-FCL 61 and submitted to the Executive Director within 30 days of having completed the skills test.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

(3) If the applicant referred to in subregulation (1) complies with the requirements referred to in regulation 61.19.1 the Executive Director must issue a Grade I Flight Instructor Rating in the appropriate form as set out in Document NAM-CATS-FCL 61.

**Skills test**

**61.19.3** (1) An applicant for the issue of a Grade I Flight Instructor Rating must have demonstrated to a designated examiner, the ability to perform as a Grade I flight instructor the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, in the applicable category of aircraft, with a degree of competency appropriate to the privileges granted to the holder of a Grade I Flight Instructor Rating.

(2) The applicant for a Grade I Flight Instructor Rating must have undergone the skills test referred to in subregulation (1), within the 30 days immediately preceding the date of application.

(3) In case of an aeroplane, the initial skill test must have been conducted in:

**[The word “the” appears to have been omitted between the words “In” and “case.”]**

- (a) a complex single- or multi-engine aircraft which has variable pitch propellers and retractable undercarriage,
- (b) in an aircraft with a turbojet engine, or
- (c) in an approved level D FSTD.

(4) In case of a helicopter, the initial skills test must be conducted in a multi-engine helicopter with fully functional dual controls, or in an approved level D FS.

**[The word “the” appears to have been omitted between the words “In” and “case.”]**

(5) In the case of free balloons, initial skills test must be conducted in the class and type of free balloon for which the instructor endorsement is required.

**[The word “the” appears to have been omitted before the phrase “initial skills test”.]**

(6) In the case of airships, initial skills test must be conducted in the class and type of airship for which the instructor endorsement is required.

**[The word “the” appears to have been omitted before the phrase “initial skills test”.]**

(7) Before an applicant for a Grade I Flight Instructor Rating submits himself or herself for an initial skills test, he or she must provide the examiner with satisfactory written evidence that:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) he or she has satisfactorily completed the required training at an approved ATO; and
- (b) the Grade I or II Flight Instructor who has provided the supervision considers the performance of the applicant as a flight instructor adequate for his or her upgrade to a Grade I Flight Instructor.

**Period of validity of Grade I Flight Instructor Rating**

**61.19.4** (1) A Grade I Flight Instructor Rating is valid for a period of 12 months calculated from the date of issue and after that for a period of 36 months calculated from:

- (a) the date of revalidation, where the rating is revalidated within 90 days prior to expiry; or
- (b) the date of the test, where the rating has expired and must be renewed or where it is revalidated more than 90 days prior to expiry.

(2) The holder of a Grade I Flight Instructor Rating that has expired for more than 12 months, may, before a period of 60 months calculated from the date of expiry of the rating, apply to the Executive Director for the re-issue of a Grade I Flight Instructor Rating: Provided that he or she has:

- (a) attended a flight instructor seminar as described in Document NAM-CATS-FCL 61 conducted by an approved ATO; and
- (b) passed the appropriate skills test.

(3) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the re-issue of the rating, provided that the applicant complies with the following:

- (a) the re-issue of an expired Grade III flight Instructor Rating;
- (b) must give not less than 50 hours flight instruction as holder of a Grade III flight Instructor Rating issued in terms of Subpart 61.21; and
- (c) must undergo the appropriate skills test.

**Privileges**

**61.19.5** (1) Subject to the provisions of the Act the holder of a valid Grade I Flight Instructor Rating may:

- (a) conduct the training on any class or type in the appropriate category of aircraft provided that he or she holds the appropriate class or type rating with an instructor endorsement and at least 50 hours on type or similar types;
- (b) exercise all the privileges of a Grade II and III flight instructor rating that he or she qualified for, in the appropriate category of aircraft;
- (c) in the case of aeroplanes, helicopters or powered-lift aircraft, conduct proficiency checks and skill tests for the issue of type ratings in respect of MP aircraft: Provided he or she holds the appropriate class and type rating with an instructor endorsement

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

and at least 50 hours on type or similar types, and has been designated as an examiner in terms of Subpart 32; and

- (d) in the case of free balloons and airships, with the approval of the Executive Director conduct proficiency checks and skills test for the issue and revalidation of:
  - (i) type and class ratings in respect of any type and class rating for which he or she holds the appropriate class and type rating with an instructor endorsement; and
  - (ii) free balloon and Airship Pilot Licences and instructor ratings.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

### Revalidation

**61.19.6** (1) To revalidate a Grade I Flight Instructor Rating, the holder of the rating must comply with the following requirements:

- (a) within the 90 days immediately preceding the date of expiry of such rating, he or she must pass the appropriate skills test with a Designated Flight Examiner; and
- (b) within the 12 months immediately preceding the date of expiry of such rating, he or she must either:
  - (i) have given not less than 20 hours of flight instruction in aeroplanes; or
  - (ii) provide proof of having attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO.

(2) The applicant must submit the revalidation check form within 30 days of having completed the check, together with the applicable fee as prescribed in Part 187.

(3) If the result of the skills test contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the relevant privileges, the Designated Flight Examiner must:

- (a) inform the applicant that he or she does not meet the requirements for the revalidation of the rating and that he or she must, with immediate effect, not exercise the privileges of the rating until such time he or she meets the all the requirements for the revalidation or re-issue of the rating; and

[The first “the” in the phrase “the all the” is superfluous.]

- (b) report such result to the Executive Director in writing.

## SUBPART 20 GRADE II FLIGHT INSTRUCTOR RATING

### Requirements for Grade II Flight Instructor Rating

**61.20.1** (1) An applicant for the issue of a Grade II Flight Instructor Rating must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) hold a valid glider pilot, free balloon pilot, airship pilot, or in the case of the aeroplane, helicopter or powered-lift categories, a commercial pilot or an airline transport pilot licence;
- (b) in addition, for the aeroplane, helicopter and powered-lift categories,
- (c) hold a valid Instrument Rating;
- (d) hold the appropriate instrument flight training endorsement if applicable;
- (e) hold or have held during the immediately preceding 90 days a valid Grade III flight Instructor Rating;
- (f) have held a Grade III flight Instructor Rating for at least 8 months and must have -
  - (i) given not less than 200 hours of flight instruction as a Grade III Flight Instructor of which 25 instructional flight hours may be accumulated and accredited in terms of the category of gliders or power gliders and another 25 instructional flight hours accumulated in any other category in this part or Part 62;
  - (ii) proof of having given instruction in every exercise of the PPL Syllabus as listed in NAM-CATS-FCL 61;
  - (iii) acquired in aeroplanes, helicopters or powered-lift categories or in an approved FSTD, at least 10 hours of instrument flight time during the six months immediately preceding the application;
- (g) for the glider category:
  - (i) in the case of touring gliders, have no less than 300 hours flight time;
  - (ii) in the case of conventional or power assisted gliders, have completed no less than 600 solo flights on gliders or 200 gliding hours in total;
- (h) have successfully completed the training course as set out in NAM-CATS-FCL 61 with an approved ATO;
- (i) have successfully undergone the instructor ground evaluation test referred to in Document NAM-CATS-FCL 61; and
- (j) have undergone the skill test referred to in regulation 61.20.3 conducted by a Designated Flight Examiner within 30 days of successfully completing the instructor ground evaluation referred to in paragraph (i).

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Application for a Grade II Flight Instructor Rating**

**61.20.2** (1) An application for a Grade II Flight Instructor Rating must be made to the Executive Director on the appropriate form and in the manner as set out in Document NAM-

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

CATS-FCL 61 and submitted to the Executive Director, within 30 days of having completed the skills test.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

(3) If the applicant contemplated in subregulation (1) complies with the requirements referred to in regulation 61.20.1, the Executive Director must issue a Grade II Flight Instructor Rating in the appropriate form set out in Documents NAM-CATS-FCL 61.

**Skills test**

**61.20.2** (1) An applicant for the issue of a Grade II Flight Instructor Rating must have demonstrated to an appropriately rated designated examiner, the ability to perform as a Grade II flight instructor the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade II Flight Instructor Rating.

(2) In the case of an aeroplane the initial skills test must be undertaken:

- (a) in a complex single- or multi-engine aeroplane with retractable undercarriage and variable pitch propeller; or
- (b) in an aircraft with a turbojet engine, or
- (c) in an approved aeroplane FSTD.

(3) In the case of a helicopter, the initial skills test must be conducted in a helicopter, fitted with fully functional dual controls or in an approved helicopter FSTD.

(4) In the case of a glider, the initial skills test must be conducted in the class and type of glider for which the instructor endorsement is required.

(5) In the case of free balloons, initial skills test must be conducted in the class and type of free balloon for which the instructor endorsement is required.

**[The word “the” appears to have been omitted before the phrase “initial skills test”.]**

(6) In the case of airships, initial skills test must be conducted in the class and type of airship for which the instructor endorsement is required.

**[The word “the” appears to have been omitted before the phrase “initial skills test”.]**

(7) Before an applicant submits himself or herself for an initial skills test, he or she must provide the examiner with written proof that:

- (a) he or she has satisfactorily completed the required training at an approved ATO; and
- (b) the Grade I or Grade II Flight Instructor who has provided the supervision considers the performance of the applicant as a flight instructor adequate for his or her upgrade to a Grade II Flight Instructor.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The applicant for a Grade II Flight Instructor Rating must have undergone the skill test referred to in subregulation (1), within the 30 days immediately preceding the date of application.

**Period of validity of Grade II Flight Instructor Rating**

**61.20.4** (1) A Grade II Flight Instructor Rating is valid for a period of 12 months calculated from the date of initial issue and after that for a period of 36 months calculated from:

- (a) the date of revalidation, where the rating is revalidated within 90 days prior to expiry; or
- (b) the date of the test, where the rating has expired and must be renewed or where it is revalidated more than 90 days prior to expiry.

(2) The holder of a Grade II Flight Instructor Rating that has expired for more than 12 months may before a period of 60 months calculated from the date of expiry of the rating, apply to the Executive Director for the reissuing of a Grade II Flight Instructor Rating: Provided that he or she has:

- (a) attended a flight instructor seminar as set out in Document NAM-CATS-FCL 61 conducted by an approved ATO; and
- (b) passed the appropriate skills test.

(3) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the re-issuing of the rating: Provided that the applicant complies with the following:

- (a) the re-issue of an expired Grade III flight Instructor Rating;
- (b) must give not less than 50 hours flight instruction as holder of a Grade III flight Instructor Rating issued in terms of Subpart 61.21; and
- (c) must undergo the appropriate skills test.

**Privileges**

**61.20.5** (1) The holder of a valid Grade II Flight Instructor Rating may with due regard to the provisions of the Act and subregulation (2), exercise all the privileges of a Grade III flight Instructor Rating which he or she qualified for and may in addition in respect of those categories of aircraft of which he or she is the holder of the appropriate class or type ratings as flight instructor with at least 50 hours on type or similar types:

- (a) authorise the holder of a Student Pilot Licence for his or her initial solo flight;
- (b) conduct the training for all single-engine class and in-class types within the category of aircraft hold;
- (c) conduct the training and theoretical knowledge examinations for a Glider, Free Balloon, Airship, Private Pilot or Commercial Pilot Licence;
- (d) for the glider category:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) conduct and supervise basic and medium to advanced upper-air flight training, including launch and landings;
  - (ii) with the approval of the Executive Director and when designated as an examiner in accordance with Subpart 32, conduct the initial skill tests and issue skill test reports required for the issuing of a Glider Pilot Licences;
  - (iii) with the approval of the Executive Director and when designated as an examiner in accordance with Subpart 32, conduct the initial skill and revalidation tests and issue skill test reports for instructor ratings; and
  - (iv) conduct the training for the issue of a Grade II or Grade III flight Instructor Rating.
- (e) for single pilot, single-engine type ratings within the aeroplane, helicopter or powered-lift categories:
- (i) conduct training for piston-engine aircraft, provided he or she holds the type rating with at least 50 hours on type or similar types;
  - (ii) conduct training for a turbine-engine aircraft, provided he or she is the holder of the turbine instructor rating endorsement with at least 50 hours on type or similar types;
  - (iii) conduct the training for an Instrument Rating: Provided that he or she is the holder of an Instrument Rating and instrument flight training endorsement;
- (f) if he or she is the holder of appropriate instructor rating endorsement, as set out in Document NAM-CATS-FCL 61, conduct the training relevant to the appropriate category or aircraft and may endorse the pilot logbook, for the issue of the following ratings, if the requirements in subregulation (2) are complied with:
- (i) a Tug Pilot Rating;
  - (ii) an Agricultural Pilot Rating;
  - (iii) an Aerobatics Rating;
  - (iv) a Tow Rating;
  - (v) a test pilot qualification;
  - (vi) a sling load rating;
  - (vii) a game or livestock cull rating; and
  - (viii) a winching rating;

**[Capitalisation in the list above is reproduced as it appears in the *Government Gazette*.]**

- (g) for single pilot and multi pilot multi-engine type ratings in the aeroplane, helicopter or powered-lift categories:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) conduct training for a single-pilot multi-engine class or type rating: Provided that he or she is the holder of an appropriate class or type rating for multi-engine aircraft with at least 50 hours experience on type or similar types;
  - (ii) conduct training for a multi-engine class or type ratings: Provided that he or she is the holder of the appropriate class or type rating and of a multi-engine flight instructor endorsement with at least 50 hours on type or similar types;
  - (iii) conduct training in multi-pilot aeroplanes: Provided that he or she is the holder of appropriate valid type rating as flight instructor with at least 50 hours on type or similar types;
  - (iv) conduct the training for the issue of a Grade II or Grade III flight Instructor Rating;
- (h) for the aeroplane, helicopter or powered-lift categories, after being designated as an examiner in terms of Subpart 32, conduct initial skill tests and issue skill test reports required for:
- (i) the issue of a private pilot licence, provided that he or she meets the requirements as set out in Document NAM-CATS-FCL 61 and has been appointed as Chief Flying Instructor (CFI) of an approved ATO, or has been appointed by the CFI of an approved ATO;
  - (ii) the revalidation of a Private Pilot Licence without Instrument Rating, and enter the appropriate endorsements;
  - (iii) the issue of a night rating;
  - (iv) the issue of a single-engine piston class rating;
  - (v) the endorsement of differences training for single- or multi-engine piston class aircraft below 5 700 kg maximum certificated mass (MCM): Provided that the instructor is the holder of the appropriate instructor endorsement;
  - (vi) the issue of class or type rating for a single-engine turboprop aircraft or a type rating for multi-engine turboprop/turbojet aircraft: Provided that the applicant is already the holder of an appropriate MEP class or a SE or ME turbine or turbojet type rating and that the flight instructor holds the applicable turboprop or turbojet flight instructor endorsement; and
  - (vii) the endorsement of pilot logbooks in respect of familiarisation and differences training.
- (2) The requirements for the endorsements referred to in paragraph (f) of subregulation (1) are as follows:
- (a) in all cases the instructor must have:
    - (i) the flight instructor endorsement (FI) for the specific category and class, including make and model within a class and type rating, if a type rating is required, in his or her logbook and licence as required; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) written authorisation in the case of instruction on an approved FSTD;
- (b) in the case of instruction in an aircraft, the instructor must have demonstrated proficiency in flying the aircraft from each pilot seat;
- (c) for each endorsement, all relevant recency requirements must be met before the privileges of that endorsement may be exercised;
- (d) for the night rating instructor endorsement, the instructor must:
  - (i) be the holder of a night rating and show evidence of having completed the training at an approved ATO as described in Appendix 13.1, exercises 19 and 20, of Document NAM-CATS-FCL 61;
  - (ii) have demonstrated to a Designated Flight Examiner in the case of an initial Grade III skills test, or the chief flying instructor (CFI) of an approved aviation training organization (ATO) in the case of an existing Grade III instructor, the ability to:
    - (aa) give a suitable night flying briefing;
    - (ba) give instruction in an aeroplane or approved FSTD on instrument flying to the level required for a night rating; and
    - (ca) give flight instruction at night in an aeroplane which must consist of at least three take-offs and three landings;
  - (iii) have his or her logbook endorsed by the Designated Flight Examiner DFE or chief flying instructor CFI with the words "Authorised to give instruction for night ratings".
- (e) for the instrument flight instructor endorsement, the instructor must:
  - (i) have given not less than 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) be the holder of a valid Instrument Rating appropriate to the category in which the instrument training is provided;
  - (iii) show evidence of having completed a course at an approved ATO, as described in Appendix 13.4 of Document NAM-CATS-FCL 61, or an equivalent course acceptable to the Executive Director;
  - (iv) have demonstrated to a Designated Flight Examiner I or II the ability to give suitable briefings and instruction in instrument flying to the level required for an Instrument Rating; and
  - (v) have his or her logbook endorsed by the Designated Flight Examiner with the words "Authorised to give instruction for Instrument Ratings".
- (f) for the multi-engine class rating instructor endorsement, the instructor must:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) have given at least 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) have accumulated at least 20 hours of flight time as pilot-in-command of a multi-engine aircraft;
  - (iii) show evidence of having completed a course at an approved ATO as described in Appendix 13.2 of NAM CATS FCL 61, or an equivalent course acceptable to the Executive Director;
  - (iv) have accumulated at least five hours as pilot-in-command in the specific make and model of the multi-engine aircraft used for training;
  - (v) undergo a skills test for the endorsement with a Designated Flight Examiner I or II (A); and
  - (vi) have his or her logbook endorsed by the Designated Flight Examiner with the words "Authorised to give instruction for multi-engine class ratings".
- (g) for the Single-Engine Turbo-Propeller Class Rating Instructor endorsement, the instructor must:
- (i) have accumulated at least 100 hours of instruction in an aeroplane or an approved FSTD;
  - (ii) have accumulated at least 50 hours of flight time as pilot-in-command of a single-engine turbo-propeller aeroplane;
  - (iii) show evidence of having completed a course at an approved as described in Appendix 13.3 of NAM-CATS-FCL 61, or an equivalent course acceptable to the Executive Director;
  - (iv) have passed the Turbo-propeller or Turbojet endorsement examination, have completed the high-performance aircraft theory requirements or be the holder of an ATPL(A);
  - (v) undergo a skills test for the endorsement with a Designated Flight Examiner I or II (A); and
  - (vi) have his or her logbook endorsed by the Designated Flight Examiner with the words "Authorised to give instruction for single-engine turbo-propeller class ratings";
- (h) for the type rating instructor endorsement, the operator offering the type rating training must apply in writing to the Executive Director motivating the reason for requiring the Grade III instructor and how he or she will be supervised;
- (i) the instructor must:
- (i) have accumulated at least 100 hours of instruction in an aircraft or approved FSTD;
  - (ii) be rated as pilot-in-command on the type if required to instruct on an aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) show evidence of having completed a course of instruction, acceptable to the Executive Director, at an approved ATO, on the specific type;
- (iv) have passed the Turbo-propeller or Turbojet endorsement examination;
- (v) have completed the high-performance aircraft theory requirements or be the holder of an ATPL(A);
- (vi) undergo a skills test for the endorsement with a Designated Flight Examiner I or II (A) in the case of instructing on an aircraft, or have a written authorisation in the case of instructing on an approved FSTD; and
- (vii) have his or her logbook endorsed by the Designated Flight Examiner with the words "Authorised to give instruction for the (type by name) type rating.

**Revalidation**

**61.20.6** (1) To revalidate a Grade II Flight Instructor Rating the holder of the rating must comply with the following requirements:

- (a) within the 90 days immediately preceding the date of expiry of such rating, he or she must have undergone the appropriate skills test with a designated examiner; and
- (b) within the 12 months immediately preceding the date of expiry of such rating, he or she must either:
  - (i) have given not less than 20 hours of flight instruction in the appropriate category of aircraft; or
  - (ii) provide proof of having attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO.

(2) The holder referred to in subregulation (1) must submit the revalidation check form within 30 days of having completed the check, together with the applicable fee as prescribed in Part 187.

(3) If the result of the skills test contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the relevant privileges, the Designated Flight Examiner must:

- (a) inform the applicant that he or she does not meet the requirements for the revalidation of the rating and that he or she must, with immediate effect, not exercise the privileges of the rating until such time he or she meets the requirements for the revalidation or re-issue of the rating; and
- (b) report such result to the Executive Director in writing as soon as practicable.

**SUBPART 21**  
**GRADE III FLIGHT INSTRUCTOR RATING**

**Requirements for Grade III flight Instructor Rating**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.21.1** (1) An applicant for the issue of a Grade III flight Instructor Rating must:

- (a) hold a valid glider pilot, free balloon pilot, airship pilot, commercial pilot licence or airline transport pilot licence;
- (b) have successfully completed 20 hours of flight instructor padder training as set out in Document NAM-CATS-FCL 61, conducted by a Grade I or a Grade II Flight Instructor;
- (c) for the aeroplane, helicopter or powered-lift categories, 15 hours must be in an aircraft and five hours may be in an approved FSTD;

[Paragraph (c) does not fit the introductory phrase in subregulation (1).]

- (d) for the glider, free balloon and airship categories, have no less than 200 hours flight time as pilot-in-command with experience gained in not less than 6 months; and 30 hours of class teaching;

[The semicolon after “6 months” should be a comma.]

- (e) have successfully completed the training course and ground evaluation as set out in Document NAM-CATS-FCL 61 with an approved ATO;
- (f) have passed the theoretical knowledge examination referred to in regulation 61.21.3;
- (g) have successfully undergone the instructor ground evaluation test referred to in Document NAM-CATS-FCL 61; and
- (h) have undergone the skill test referred to in regulation 61.21.4 conducted by a Designated Flight Examiner within 36 months of completing the instructor theoretical knowledge examinations and within 30 days of successfully completing the instructor ground evaluation referred to in paragraph (e).

(2) Namibia Air Force pilot instructors and Namibian Air Force navigator instructors may apply for credit for some or all the requirements prescribed in subregulation (1) as indicated in regulation 61.01.11.

(3) The holder of a flight instructor rating in another category of aircraft may be exempted from attending the theoretical training referred to in paragraph (d) of subregulation (1).

(4) The number of hours referred to in paragraph (b) of subregulation (1) may be reduced to 10 hours of flight training in the applicable category of aircraft if the applicant is the holder of a flight instructor rating in another category of aircraft.

**Application for a Grade III flight Instructor Rating**

**61.21.2** (1) An application for a Grade III Flight Instructor Rating must be made to the Director on the appropriate form and in the manner as set out in Document NAM-CATS-FCL 61 and submitted to the Director within 30 days of having completed the skills test.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the applicant for a Grade III Flight Instructor Rating in subregulation (1) complies with the requirements referred to in regulation 61.21.1 the Executive Director must issue a Grade III flight Instructor Rating in the appropriate format as set out in Documents NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.21.3** (1) An applicant for the issue of a Grade III flight Instructor Rating must have passed the appropriate written examination, conducted by either the Authority or an approved ATO, as set out in Document NAM-CATS-FCL 61.

(2) An applicant, for the issue of a Grade III flight Instructor Rating, who is the holder of a flight instructor rating in another category of aircraft, is exempted from that portion of the theoretical knowledge examinations dealing with matters of a common nature already passed.

**Skills test**

**61.21.4** (1) An applicant for the issue of a Grade III Flight Instructor Rating must have demonstrated to an appropriately rated designated examiner, the ability to perform as a Grade III flight instructor the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade III flight Instructor Rating.

(2) The applicant for a Grade III Flight Instructor Rating must have undergone the skill test referred to in subregulation (1), within the 30 days immediately preceding the date of application.

(3) In case of an aeroplane, the skills test referred to in subregulation (1) must be conducted in an aeroplane with a maximum certificated mass in excess of 450 kg, fitted with fully functional dual controls, or in an approved FSTD.

[The word “the” appears to have been omitted between the words “In” and “case”.]

(4) In case of a helicopter the skills test referred to in subregulation (1) must be conducted in a helicopter fitted with fully functional dual controls, or in an approved FSTD.

[The word “the” appears to have been omitted between the words “In” and “case”.]

(5) In case of a glider free balloon or airship, the skills test referred to in subregulation (1) must be conducted in the type of glider, free balloon or airship for which the instructor endorsement is required.

[The word “the” appears to have been omitted between the words “In” and “case”.]

(6) Before an applicant submits himself or herself for the initial skills test, he or she must provide the examiner with written proof that:

- (a) he or she has satisfactorily completed the required training conducted by an approved ATO; and
- (b) the Grade I or Grade II Flight Instructor who has provided the supervision and training considers the performance of the applicant adequate for the skills test for a Grade III Flight Instructor.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) The applicant referred to in subregulation (1) must submit the skills test forms to the Executive Director within 30 days of having completed the skills test.

**Period of validity of Grade III Flight Instructor Rating**

**61.21.5** (1) A Grade III Flight Instructor Rating is valid for a period of 12 months calculated from the date of initial issue or of the rating and after that for a period of 36 months calculated from:

- (a) the date of revalidation, if the rating is revalidated within 90 days prior to expiry; or
- (b) the date of the test, if the rating has expired or if revalidated more than 90 days prior to expiry.

(2) The holder of a Grade III Flight Instructor Rating that has expired may, before a further period of 12 months calculated from the date of expiry of the rating has lapsed, apply to the Executive Director for the re-issuing of a Grade III Flight Instructor Rating: Provided that he or she has:

- (a) attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO; and
- (b) undergone the appropriate skills test referred to in regulation 61.21.4.

(3) If a period of more than 12 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the re-issuing of the rating: Provided that he or she:

- (a) has complied with the requirements for an initial issue for Grade III flight Instructor Rating, or
- (b) can provide satisfactory evidence that he or she has held a valid instructor rating during the lapsed period, in an appropriate authority or on another category of aircraft, he or she may apply to the Executive Director for exemption from paragraphs (b), (c) and (d) of regulation 61.21.1(1).

(4) An application for the reissuing of the expired rating must be made in the manner prescribed in regulation 61.21.2.

**Privileges and limitations**

**61.21.6** (1) A person may only hold a type rating as instructor in respect of the category of aircraft for which he or she holds the corresponding type rating as pilot, issued in terms of this Part, and for which he has at least 50 hours experience on type.

(2) In case of an aeroplane the rating referred to in subregulation (1) is restricted to single-engine, piston-class aeroplane up to 1 600 kg maximum certificated mass.

[The word “the” appears to have been omitted between the words “In” and “case”.]

(3) The holder of a valid Grade III Flight Instructor Rating may, under the supervision of a Grade I or Grade II Flight Instructor with the appropriate class ratings or type ratings and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

endorsements, and with due regard for the provisions of subregulation (4) and (5), give flight instruction in those aircraft for which he or she has been certified proficient by an endorsement in his or her pilot logbook.

- (4) A Grade III flight instructor may only give flight instruction towards:
  - (a) the issue or revalidation of a Glider Pilot, Free Balloon Pilot, Airship Pilot or Private Pilot Licence;
  - (b) those parts of an integrated training course at Private Pilot Licence level, excluding authorisation of first solo flights;
  - (c) for the aeroplane, helicopter, or powered-lift categories, instrument flight training required for the issue of a night rating, in an approved FSTD and in the appropriate aircraft: Provided the flight instructor has a valid Instrument Rating and an appropriate FSTD instructor authorisation;
  - (d) in the case of a helicopter:
    - (i) single-engine type ratings in respect of helicopters with a maximum certificated mass of 3 175 kg or less;
    - (ii) differences and familiarisation training;
    - (iii) recurrent training; and
    - (iv) route training.

(5) For the purposes of subregulation (3) and (4), the Chief Flying Instructor or a Grade I or Grade II Flight Instructor who has been approved for the purpose by the Chief Flying Instructor, must provide supervision and guidance with regard to the following:

- (a) periodic surveillance;
- (b) assessment of the standard of instruction provided;
- (c) standardisation of the methods of instruction used; and
- (d) guidance on the conduct of all ATO operations.

(6) In addition to the subregulation of (3) and (4), the holder of a valid Grade III Helicopter Flight Instructor Rating must have demonstrated, to a Designated Flight Examiner with the appropriate type rating and specific field endorsement, or to a person authorised for the purpose in writing by the Executive Director, the ability to provide flight instruction in any of the following fields with a degree of competency appropriate to the privileges granted by the rating and endorsement, in order for him or her to exercise the privileges of:

- (a) instrument flight training: Provided that the holder has a valid Instrument Rating on either aeroplanes or helicopters;
- (b) turbine-engine helicopter flight training;
- (c) multi-engine helicopter flight training; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) FSTD training.

(7) Despite the provisions of subregulation (3), the holder of a Grade III Flight Instructor Rating, who has been the holder of a Grade I or Grade II Flight Instructor Rating in the past, may apply to the Executive Director to retain all or some of the privileges of a Grade II Flight Instructor.

(8) Despite the provisions of subregulation (3), the holder of a Grade III Flight Instructor Rating, who has a minimum of 500 hours flight instructor experience in the applicable category of aircraft, may apply to the Executive Director to exercise some of the privileges of a Grade II Flight Instructor.

(9) The requirements for the endorsements referred to in subregulation (6) are as follows:

(a) in all cases the instructor must have:

(i) the flight instructor endorsement (FI) for the specific aircraft class, including make and model within a class, and aircraft type (where a type rating is required) in his or her logbook and licence (as required); or

(ii) written authorisation in the case of instruction on an approved FSTD;

(b) in the case of instruction in an aeroplane helicopter or powered-lift, the instructor must have demonstrated proficiency in flying from each pilot seat.

(c) for each endorsement, all relevant recency requirements must be met before the privileges of that endorsement may be exercised; and

(d) for the night rating instructor endorsement, the instructor must:

(i) be the holder of a night rating and show evidence of having completed the training at an approved ATO, as described in Appendix 13.1, exercises 19 and 20, of NAM CATS FCL 61;

(ii) demonstrate to a Designated Flight Examiner Grade I or II in the case of an initial Grade III skills test, or the Chief Flying Instructor of an approved ATO, in the case of an existing Grade III instructor, the ability to:

(aa) give a suitable night flying briefing;

(ba) give instruction in an aircraft or approved FSTD on instrument flying to the level required for a night rating; and

(ca) give flight instruction at night in an aircraft which must consist of at least three take-offs and three landings;

(iii) have his or her logbook endorsed by the Designated Flight Examiner or Chief Flying Instructor with the words "Authorised to give instruction for night ratings".

(e) for the instrument flight instructor endorsement, the instructor must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) have given not less than 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) be the holder of a valid Instrument Rating appropriate to the aircraft category in which the instrument training is provided;
  - (iii) show evidence of having completed a course at an approved ATO as described in Appendix 13.4 of Document NAM CATS FCL 61, or an equivalent course acceptable to the Executive Director;
  - (iv) have demonstrated to a Designated Flight Examiner Grade I or II the ability to give suitable briefings and instruction in instrument flying to the level required for an Instrument Rating; and
  - (v) have his or her logbook endorsed by the Designated Flight Examiner Grade with the words “Authorised to give instruction for Instrument Ratings”;
- (f) for the multi-engine class rating instructor endorsement, the instructor must:
- (i) have given at least 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) have accumulated at least 20 hours of flight time as pilot-in-command of a multi-engine aircraft;
  - (iii) show evidence of having completed a course at an approved ATO, as described in Appendix 13.2 of NAM-CATS-FCL 61 or an equivalent course acceptable to the Executive Director;
  - (iv) have accumulated at least five hours as pilot-in-command in the specific make and model of the multi-engine aircraft used for training;
  - (v) undergo a skills test for the endorsement with a Designated Flight Examiner Grade I or II; and
  - (vi) have his or her logbook endorsed by the Designated Flight Examiner with the words: “Authorised to give instruction for multi-engine class ratings”;
- (g) for the Single-Engine Turbo-Propeller Class Rating Instructor endorsement, the instructor must:
- (i) have accumulated at least 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) have accumulated at least 50 hours of flight time as pilot-in-command of a single-engine turbo-propeller aircraft;
  - (iii) show evidence of having completed a course at an approved ATO, as described in Appendix 13.3 of Document NAM-CATS-FCL 61, or an equivalent course acceptable to the Executive Director;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) have passed the Turbo-propeller or Turbojet endorsement examination, have completed the high-performance aircraft theory requirements or be the holder of an ATPL;
  - (v) undergo a skills test for the endorsement with a Designated Flight Examiner Grade I or II; and
  - (vi) have his or her logbook endorsed by the Designated Flight Examiner with the words: “Authorised to give instruction for single-engine turbo-propeller class ratings;
- (h) for the type rating instructor endorsement, the operator offering the type rating training must apply in writing to the Executive Director motivating the reason for requiring the Grade III instructor and how he or she will be supervised;
- (i) the instructor must:
- (i) have accumulated at least 100 hours of instruction in an aircraft or an approved FSTD;
  - (ii) be rated as pilot-in-command on the type if required to instruct on an aircraft;
  - (iii) show evidence of having completed a course of instruction, acceptable to the Executive Director, at an approved ATO, on the specific type;
  - (iv) have passed the Turbo-propeller or Turbojet endorsement examination;
  - (v) have completed the high-performance aircraft theory requirements or be the holder of an ATPL;
  - (vi) undergo a skills test for the endorsement with a Designated Flight Examiner Grade I or II in the case of instructing on an aircraft, or have a written authorisation in the case of instructing on an approved FSTD; and
  - (vii) have his or her logbook endorsed by the Designated Flight Examiner with the words, “Authorised to give instruction for the type rating”.

**Revalidation**

**61.21.7** (1) To revalidate a Grade III Flight Instructor Rating, the holder of the rating must comply with the following requirements:

- (a) within the 90 days immediately preceding the date of expiry of such rating, have undergone the appropriate skill test conducted by a designated examiner; and
- (b) within the 12 months immediately preceding the date of expiry of such rating, he or she must either:
  - (i) have given not less than 20 hours of flight instruction in the appropriate category of aircraft; or
  - (ii) provide proof of having attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Designated Flight Examiner must endorse the successful revalidation check as a Flight Instructor Grade III in the candidate's pilot logbook, complete the appropriate revalidation skills test form as set out Document NAM-CATS-FCL 61, and submit the form to the Executive Director within 30 days of having completed the skills test, together with the applicable fee as prescribed in Part 187.

(3) If the result of the skills test contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the relevant privileges, the Designated Flight Examiner must:

- (a) inform the applicant that he or she does not meet the requirements for the revalidation of the rating and that, with immediate effect, he or she may not exercise the privileges of the rating until such time he or she meets all the requirements for the revalidation or re-issue of the rating; and
- (b) report such result to the Executive Director in writing as soon as practicable.

**SUBPART 22**  
**TYPE RATING INSTRUCTOR RATING (MULTI-PILOT AIRCRAFT)**

**Requirements for a Type Rating Instructor Rating**

**61.22.1** An applicant for the issue of a Type Rating Instructor Rating must:

- (a) hold a valid Airline Transport Pilot Licence (Aeroplane);
- (b) have successfully completed an approved type rating instructor training course;
- (c) have successfully completed 20 hours of type rating instructor pattern training as set out in Document NAM-CATS-FCL 61, conducted by a Grade I or a Grade II Flight Instructor in an approved FSTD;
- (d) have successfully undergone the instructor ground evaluation test referred to in Document NAM-CATS-FCL 61;
- (e) have undergone 5 sectors of type rating instruction under supervision of a type rated Grade I or II flight Instructor in an approved FSTD; and
- (f) have undergone the skill test referred to in regulation 61.22.3 conducted by a Designated Flight Examiner (FE) within 30 days of successfully completing the instructor ground evaluation referred to in paragraph (d).

**Application for a Type Rating Instructor Rating**

**61.22.2** (1) An application for a Type Rating Instructor Rating must be made to the Executive Director on the appropriate form and in the manner set out in Document NAM-CATS-FCL 61 and submitted to the Executive Director within 30 days of having completed the skills test.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the applicant referred to in subregulation (1) complies with the requirements referred to in subregulation (1) the Executive Director must issue a Type Rating Instructor Rating in the appropriate form set out in Documents NAM-CATS-FCL 61.

**Skills test**

**61.22.3** (1) An applicant for the issue of a Type Rating Instructor Rating must have demonstrated to an appropriately rated designated examiner, the ability to perform as a Type Rating instructor the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Type Rating Instructor Rating.

(2) The applicant for Type Rating Instructor Rating must have undergone the skill test referred to in subregulation (1) within the 30 days immediately preceding the date of application.

(3) Before an applicant referred to in subregulation (1) submits himself or herself for the initial skills test, he or she must provide the examiner with written proof that:

- (a) he or she has satisfactorily completed the required training conducted by an approved ATO; and
- (b) the Grade I or Grade II Aeroplane Flight Instructor who has provided the supervision and training considers the performance of the applicant adequate for the skills test for a Type Rating Instructor.

(4) The applicant referred to in subregulation (1) must submit the skills test forms to the Executive Director, within 30 days of having completed the skills test.

**Period of validity of Type Rating Instructor Rating**

**61.22.4** (1) A Type Rating Instructor Rating is valid for a period of 12 months calculated from the date of the initial issue of the rating and after that for a period of 36 months calculated from:

- (a) the date of revalidation, if the rating is revalidated within 90 days immediately prior to expiry; or
- (b) the date of the test, if the rating has expired or if revalidated more than 90 days prior to expiry.

(2) The holder of a Type Rating Instructor Rating that has expired, may, before a further period of 12 months calculated from the date of expiry of the rating has lapsed, apply to the Executive Director for the reissuing of a Type Rating Instructor Rating: Provided that the holder has:

- (a) attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO; and
- (b) undergone the appropriate skills test referred to in regulation 61.22.3.

(3) If a period of more than 12 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the reissuing of the rating: Provided that he or she:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) has complied with the requirements for an initial issue for the Type Rating Instructor Rating; or
- (b) can prove that he or she has held a valid instructor rating during the lapsed period, in another Contracting State or on another category of aircraft, he or she may in accordance with Part 3 apply to the Executive Director for exemption from paragraphs (b), (c) and (d) of subregulation (1) of regulation 61.22.1.

(4) An application for the reissuing of the expired rating must be made in the manner prescribed in regulation 61.22.2.

**Privileges and limitations**

**61.22.5** (1) A person may only hold a Type Rating Instructor Rating in respect of the category of aircraft for which he or she holds the corresponding type rating as pilot-in-command, issued in terms of this Part.

(2) A person holding a Type Rating Instructor Rating is entitled to provide type rating training under the auspices of an approved Part 121 operator in an aircraft or an approved FSTD.

**Revalidation**

**61.22.6** (1) To revalidate a Type Rating Instructor Rating, the holder of the rating must comply with the following requirements:

- (a) within the 90 days immediately preceding the date of expiry of such rating, have undergone the appropriate skills test conducted by a designated examiner; and
- (b) within the 12 months immediately preceding the date of expiry of such rating, he or she must either:
  - (i) have given not less than 20 hours of type rating instruction in the appropriate category of aircraft; or
  - (ii) provide satisfactory evidence proof of having attended a flight instructor refresher seminar as set out in Document NAM-CATS-FCL 61, conducted by an approved ATO.

(2) The Designated Flight Examiner must endorse the successful revalidation check as a Type Rating Instructor in the candidate's pilot logbook, complete the appropriate revalidation skills test form set out in Document NAM-CATS-FCL 61, and submit the form to the Executive Director within 30 days of having completed the skills test, together with the applicable fee as prescribed in Part 187.

(3) If the result of the skills test referred to in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the relevant privileges, the Designated Flight Examiner must:

- (a) inform the applicant that he or she does not meet the requirements for the revalidation of the rating and that with immediate effect, he or she may not exercise the privileges of the rating until such time he or she meets all the requirements for the revalidation or re-issue of the rating; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) report the result to the Executive Director in writing as soon as practicable.

**SUBPART 23**

**FLIGHT SIMULATION TRAINING DEVICE INSTRUCTOR AUTHORISATION**

**Requirements for FSTD instructor authorisation**

**[The heading of this regulation in the LIST OF REGULATIONS is “Requirements for Flight Simulation Training Device instructor authorisation” (with the acronym spelt out).]**

**61.23.1** (1) An applicant for the issue of a FSTD instructor authorisation for an aeroplane, helicopter or powered-lift category must:

- (a) hold or have held:
  - (i) a valid commercial pilot licence or Airline Transport Pilot Licence or an equivalent licence issued by an appropriate authority; and
  - (ii) a valid flight instructor rating, Type Rating Instructor Rating or an equivalent instructor rating issued by an appropriate authority in the past six months;
- (b) have undergone the skills test referred to in regulation 61.23.4; and
- (c) meet the requirements of the Act.

(2) The holder of a FSTD instructor authorisation seeking to qualify as a type-rating instructor must complete the following additional elements:

- (a) the operator’s complete type-rating course as a learner, including technical knowledge and FSTD training;
- (b) the operator’s type rating skills test conducted in the FSTD;
- (c) presentation of a complete type-rating course as a trainee instructor, conducted under the supervision of an appropriately authorised holder of a FSTD instructor authorisation or an appropriately rated flight instructor; and

**[The acronym “FSTD” should be “FSTD”, for “Flight Simulator Training Device”.]**

- (d) a skills test as a FSTD type-rating instructor, conducted by a suitably type-rated and experienced Designated Flight Examiner II or Designated Flight Examiner I.

(3) The holder of a FSTD instructor authorisation seeking to conduct instrument flight (IF) training towards an Instrument Rating must hold or have held, in the previous 60 months, a valid Instrument Rating.

(4) The holder of a FSTD instructor authorisation seeking to qualify as a multi-crew cooperation (MCC) instructor must complete the training as outlined in Document NAM-CATS-FCL 61.

(5) The holder of a FSTD instructor authorisation seeking to qualify for any other FSTD Instructor Authorisation must undergo:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) training appropriate to the training to be conducted; and
  - (b) skills tests appropriate to the course as a FSTD instructor for which authorisation is sought, by a suitably rated and experienced Designated Flight Examiner DFE II or DFE I.
- (6) An applicant for a FSTD instructor authorisation in a multi-pilot FSTD must:
- (a) have completed at least 500 hours of flight time as pilot of multi-pilot aeroplanes, helicopters or powered-lift aircraft; and
  - (b) within the 12 months immediately preceding the date of application, have completed at least four route sectors on the same type, as pilot or co-pilot or as supernumerary crew of aeroplanes, helicopters or powered-lift aircraft; or
  - (c) in the case of a person no longer holding a valid pilot licence, have completed at least 1 500 hours of flight time as pilot of multi-pilot aeroplanes, helicopters or powered-lift aircraft; and
  - (d) if the authorisation is sought for training in a FSTD other than a multi-pilot FSTD, have 500 hours of flight time as pilot of aeroplanes, helicopters or powered-lift aircraft.
- (7) For the purpose of this Subpart, the phrase “multi-pilot aeroplane” or “multi-pilot helicopter” or “multi-pilot powered-lift” is deemed to be:
- (a) an aeroplane or a helicopter or a powered-lift required in terms of its approved flight manual to be operated by more than one pilot; or
  - (b) an aeroplane or helicopter or powered-lift required to be operated in terms of the Regulations with more than one pilot, and for which the operations manual provide for a division of the tasks between the Pilot Flying (PF) and the Pilot Not Flying (PNF).
- (8) An applicant for a FSTD instructor authorisation must have successfully completed, as a learner, the FSTD content of the training course for which the authorisation is sought.
- (9) If the FSTD instructor authorisation is sought for training in a multi-pilot FSTD, the applicant must have successfully completed an approved crew resource management (CRM) course.
- (10) In the case of a course leading to the authorisation for conducting training for any of the courses, the applicant must have presented all the applicable course under the direct supervision of a Grade I or Grade II instructor who is the holder of the appropriate type rating as flight instructor, or of a person authorised in writing for the purpose by the Executive Director.
- [The phrase “all the applicable course” does not fit the sentence structure; it may have been intended to be “all of the applicable course”.]**
- (11) The applicant for a FSTD instructor authorisation must record in the appropriate logbook all training for the purposes of FSTD instructor authorisation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Application for a FSDT instructor authorisation**

[The acronym “FSDT” should be “FSTD”, for “Flight Simulator Training Device”.  
The heading of this regulation in the LIST OF REGULATIONS is “Application for a Flight  
Simulation Training Device instructor authorisation” (with the acronym spelt out).]

**61.23.2** (1) An application for a FSDT authorisation must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61.

[The acronym “FSDT” should be “FSTD”, for “Flight Simulator Training Device”.]

- (2) The application referred to in subregulation (1) must be accompanied by:
- (a) proof that the applicant has been the holder of a Commercial Pilot Licence or Airline Transport Pilot Licence in the appropriate category if not currently holding such pilot licence;
  - (b) proof of holding or having held an Instrument Rating if the applicant is to conduct training towards an Instrument Rating;
  - (c) a certified summary of the applicant’s logbook or logbooks reflecting his or her pilot flying hours and the FSTD hours; and
  - (d) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue a FSTD instructor authorisation in the appropriate form set out in Document NAM-CATS-FCL 61, if the applicant complies with the prescribed requirements.

**Theoretical knowledge examination**

**61.23.3** (1) An applicant for the issue of a FSTD instructor authorisation must have passed the appropriate written examination as set out in Document NAM-CATS-FCL 61.

(2) The holder of a valid instructor rating may be exempted in terms of the regulations and technical standards from the parts of the examination already passed for the issue of his or her instructor rating.

(3) In the case of an instructor rating that has lapsed for a period of more than five years, the applicant for a FSDT instructor authorisation will be required to undergo the examinations referred to in subregulation (1).

[The acronym “FSDT” should be “FSTD”, for “Flight Simulator Training Device”.]

**Skills test**

**61.23.4** (1) An applicant for the issuing of a FSTD instructor authorisation must demonstrate the ability to perform the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a FSTD instructor authorisation.

- (2) The skills test referred to in subregulation (1) must be conducted:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) by a Designated Flight Examiner, who must be the holder of the appropriate type rating, if the authorisation is sought for a type rating; or
- (b) in other cases, by a Grade I or a Grade II flight instructor with the appropriate ratings and endorsements, or by a person authorised in writing for the purpose by the Executive Director.

(3) The applicant referred to in subregulation (1) must have undergone the skills test referred to in that subregulation, within six months of passing the theoretical knowledge examination referred to in regulation 61.22.3, and within the 30 days immediately preceding the date of application.

(4) The skills test referred to in subregulation (1) must have been conducted in an appropriate FSTD.

(5) If the applicant for the issuing of a FSTD instructor authorisation complies with the prescribed requirements, the Designated Flight Examiner must:

- (a) sign the appropriate page of the authorisation of such holder;
- (b) endorse the logbook of such holder; and
- (c) complete the appropriate form set out in Document NAM-CATS-FCL 61 and submits the form to the Executive Director.

[The verb “submits” should be “submit” to fit with the word “must” in the introductory phrase.]

**Period of validity of FSTD instructor authorisation**

[The heading of this regulation in the LIST OF REGULATIONS is “Period of validity of Flight Simulations Training Device instructor authorisation” (with the acronym spelt out).]

**61.23.5** A FSTD instructor authorisation is valid for a period of three years calculated from the date of issue or re-issue of the authorisation or from the date of expiry of the authorisation if such authorisation is revalidated.

**Privileges**

**61.23.6** (1) A person at an approved ATO may not conduct training in a FSTD towards obtaining a licence or a rating, or for the purposes of prescribed recurrent or refresher training, unless he or she is the holder of a valid:

- (a) FSTD instructor authorisation appropriate to the aircraft category and level of qualification of the FSTD in which the training is conducted; or
- (b) flight instructor rating and endorsements appropriate to the training to be given in the FSTD and unless he or she has been trained, to the satisfaction of the approved ATO, to provide instruction in the FSTD to be utilised, and has been trained in the techniques required to give instruction in a FSTD.

(2) A FSTD instructor authorisation may be issued for any of the following courses in aeroplanes, helicopters or powered-lift aircraft:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) training towards type ratings and class ratings for which there is an approved FSTD;
- (b) instrument flight training;
- (c) recurrent training;
- (d) refresher training;
- (e) multi-crew cooperation (MCC) training; and
- (f) other training.

(3) The holder of a FSTD instructor authorisation has a responsibility of properly maintaining a logbook detailing all training undergone and conducted, and also showing all flights as an observer.

[The phrase “a responsibility of properly maintaining...” should be “responsibility for properly maintaining...” or perhaps “a responsibility to properly maintain...”.]

(4) The holder of a FSTD instructor authorisation, whilst conducting training in a FSTD, must produce the authorisation when requested by an authorised officer, inspector or authorised person.

### **Revalidation**

**61.23.7** (1) To revalidate a FSTD instructor authorisation, the holder of FSTD Instructor Authorisation Certificate must, within the 12 months immediately preceding the date of expiry of such authorisation:

- (a) have conducted a type rating, refresher, recurrent, Instrument Rating or multi-crew co-operation (MCC) training course;
- (b) have completed an exercise of at least one hour duration in the role of Pilot Flying (PF) in the FSTD comprising at least two approaches and, where applicable, two take-offs and landings;

[The phrase “one hour duration” should be “one hour’s duration” or “one hour in duration”.]

- (c) in the case of a type rating training authorisation, have completed at least four route sectors as a flight crew member or observer on the flight deck of the applicable type of aircraft; and
- (d) have within the 90 days immediately preceding the date of application, undergone the skills test referred to in regulation 61.23.4.

(2) The flight instructor or designated examiner, as the case may be, must, upon compliance with the requirements referred to in subregulation (1) by the holder of the authorisation:

- (a) issue the skills test report; and
- (b) sign the appropriate page of the authorisation.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the authorisation has failed to maintain the minimum standard required to exercise the relevant privileges the flight instructor or designated examiner:

**[There should be a comma before the phrase “the flight instructor or designated examiner”, as in other similar provisions in these regulations.]**

- (a) must submit the skill test report to the Executive Director; and
- (b) may not sign the appropriate page of the authorisation.

(4) In the case of failure of a revalidation test, the Executive Director must in terms of the Act, suspend the FSTD instructor authorisation with immediate effect and until such time that the holder passes the revalidation test.

(5) The holder of a FSTD instructor authorisation must make the application for the revalidation of the FSTD instructor authorisation in terms of regulation 61.23.2.

**Re-issue**

**61.23.8** (1) The holder of a FSTD instructor authorisation that has expired may apply to the Executive Director for the re-issue of the expired authorisation.

(2) The Executive Director must re-issue the expired FSTD instructor authorisation if the applicant complies with the requirements for a FSTD instructor authorisation.

**SUBPART 24  
NIGHT RATING****Requirements for Night Rating**

**61.24.1** (1) An applicant for the issuing of a night rating must:

- (a) hold a valid pilot licence;
- (b) submit proof of having completed the training referred to in subregulation (2);
- (c) submit proof of having passed the theoretical knowledge examination referred to in regulation 61.24.3; and
- (d) have undergone the skills test referred to in regulation 61.24.4.

(2) An applicant for a night rating must have completed under the auspices of an approved ATO:

- (a) five hours of theoretical knowledge instruction and have successfully completed the appropriate training as set out in Document NAM-CATS-FCL 61;
- (b) not less than 10 hours of instrument instruction, of which not more than five hours may be accumulated in an approved FSTD;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) in the case of a night rating on aeroplanes, not less than five take-offs and five landings by night as pilot manipulating the controls of the aircraft whilst under dual instruction; or
  - (d) in the case of a night rating on helicopters, not less than five circuits with five take-offs and five landings by night as pilot manipulating the controls of the aircraft whilst under dual instruction;
  - (e) in the case of a night rating on a glider, not less than five launches and landings by night as pilot manipulating the controls of the aircraft whilst under dual instruction;
  - (f) in the case of a night rating on a free balloon, not less than five launches and ascents by night as pilot manipulating the controls of the aircraft whilst under dual instruction;
  - (g) in the case of a night rating for an airship, not less than five ascents and descents by night as pilot manipulating the controls of the aircraft under dual instruction; and
  - (h) a dual cross-country flight by night consisting of at least:
    - (i) in the case of a night rating for aeroplanes a total distance of not less than 150 NM in the course of which at least one full stop landing at a different aerodrome away from base is made; or
    - (ii) in the case of a night rating for helicopters, a total distance of not less than 75 NM in the course of which landings at two different aerodromes away from base are made;
    - (iii) in the case of a night rating for gliders, a total distance of not less than 35 NM in the course of which two landings are made;
    - (iv) in the case of a night rating for free balloons, a total distance of not less than 35 NM in the course of which landings at two different aerodromes away from base are made;
    - (v) in the case of a night rating for airships, a total distance of not less than 15 NM in the course of which two landings are made.
- (3) A maximum of five hours instrument time can be credited towards the 10-hour requirement for:
- (a) a helicopter pilot if the applicant for a night rating is the holder of an instrument or night rating on an aeroplane; and
  - (b) aeroplane pilot if the applicant for a night rating is the holder of a night rating on a helicopter.

**Application for a Night Rating**

**61.24.2** (1) An application for a night rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61.

(2) The application must be accompanied by:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the skills test report as prescribed in Document NAM-CATS-FCL 61;
- (b) satisfactory evidence that the applicant meets the requirements of regulation 61.24.1; and
- (c) the appropriate fee as prescribed in Part 187.

(3) If the applicant referred to in subregulation (1) complies with the appropriate requirements, the Executive Director must issue a night rating in the appropriate form set out in Document NAM-CATS-FCL 61.

(4) A night rating is valid as long as the pilot licence of the holder of the rating is valid and the appropriate requirements for the rating are maintained.

**Theoretical knowledge examination**

**61.24.3** An applicant for the issue of a night rating must have passed the written examination on the theoretical knowledge requirements administered by the Authority.

**Skills test**

**61.24.4** (1) An applicant for the issue of a night rating must have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a night rating.

(2) The skills test referred to in subregulation (1) must be conducted in an aircraft of the applicable category, and must include a minimum of three take-offs, three circuits and three landings by night and if applicable, the instrument component of the skills test may be conducted by day.

(3) The applicant referred to in subregulation (1) must have undergone the skills test within the 30 days immediately preceding the date of application.

(4) The skills test referred to in subregulation (1) may be conducted in an approved FSTD.

**Period of validity of Night Rating**

**61.24.5** A night rating is valid for the period for which the pilot licence held by the holder of the rating is valid.

**Privileges**

**61.24.6** (1) Subject to the provisions of the Act the holder of a valid night rating is entitled to exercise all the privileges of his or her pilot licence by night in the type of aircraft for which the holder is rated.

(2) Despite subregulation (1), the holder of a night rating must, in the case of single-pilot helicopter operations carried out in terms of Part 127, meet additional experience requirements as prescribed by that Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 25**  
**TEST PILOT QUALIFICATION**

**General**

**61.25.1** (1) For purpose of this Subpart, “test flight” means a flight for the purpose of the issuing, validation or rendering effective an authority to fly or a certificate of airworthiness of an aircraft.

[The word “the” appears to have been omitted between the words “For” and “purpose”.]

- (2) A test flight must be carried out:
- (a) prior to the initial issuing of a certificate of airworthiness;
  - (b) for the validation required to render effective a certificate of airworthiness previously issued by the Authority;
  - (c) after any maintenance, adjustment or repair likely to affect the flying characteristics of the aircraft as referred to in the maintenance manual prescribed in Part 148;
  - (d) to test the operation or effective functioning of a system of an aircraft that does not affect the flying characteristics of the aircraft;
  - (e) to certify that an aircraft meets all applicable safety and performance requirements for type certification; and
  - (f) to certify that an experimental or prototype aircraft meets all applicable safety and performance requirements for non-type certification.

**Pilots qualified to conduct flight test**

**61.25.2** A test flight must be carried out by:

- (a) a pilot who is a graduate test pilot of one of the test pilot schools recognised and approved by the Executive Director; or
- (b) a graduate test pilot from any other school whose written application and supporting documents have been evaluated against the qualifications listed in this Subpart and accepted by the Executive Director.

**Test pilot rating requirements**

**61.25.3** An applicant for the issuing of a test pilot rating must:

- (a) be 21 years of age or older;
- (b) hold a valid Private Pilot Licence, Commercial Pilot Licence or Airline Transport Pilot Licence;
- (c) hold a valid Class 1 medical certificate issued in terms of Part 67 irrespective of the type of pilot licence held by the applicant;
- (d) be the holder of the appropriate aircraft category rating;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) be the holder of the appropriate aircraft class and type rating;
- (f) have acquired the experience referred to in regulation 61.25.4; and
- (g) have successfully completed the training referred to in subregulation 61.25.5.

**Experience required for test pilot rating**

**61.25.4** An applicant for the issuing of a test pilot rating must:

- (a) if the privileges of the rating are to be exercised as co-pilot of an aircraft or prototype, have acquired no less than 500 hours flight time as pilot-in-command of aircraft; or
- (b) if the privileges of the rating are to be exercised as pilot-in-command of an aircraft or prototype, have completed not less than 1 000 hours of flight time on an aircraft of which 700 hours must be as pilot-in-command of aircraft including at least 300 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148.

**Training required for test pilot rating**

**61.25.5** An applicant for the issuing of a test pilot rating must have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for a test pilot rating**

**61.25.6** An application for the issuing of a test pilot rating must be made to the Executive Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61 and accompanied by:

- (a) a certified true copy of the pilot licence held by the applicant;
- (b) a valid Class 1 medical certificate issued in terms of Part 67;
- (c) a copy of a summary of the logbook of the applicant;
- (d) an original or certified copy of proof that the applicant has successfully completed the appropriate training referred to in regulation 61.25.5; and
- (e) the appropriate
- (f) fee as prescribed in Part 187.

**[Paragraphs (e) and (f) are reproduced above as they appear in the *Government Gazette*. Some text may be missing, or the text that appears was perhaps intended to be combined into a single paragraph (as in regulation 61.24.2 or regulation 61.26.2, for example).]**

**Issuance of a test pilot rating**

**61.25.7** (1) The Executive Director must issue a test pilot rating if the applicant complies with the requirements referred to in regulation 61.25.3.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must issue the test pilot rating on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity of a test pilot rating**

**61.25.8** Unless revoked or suspended in terms of the Act, a test pilot rating is valid for a period for which the pilot licence held by the holder of the rating is valid: Provided that the holder of the rating may not exercise the privileges of the test pilot rating, unless he or she complies with the provisions of regulation 61.25.9.

**Privileges of a test pilot rating**

**61.25.9** The holder of a test pilot rating is entitled to act as a co-pilot or pilot-in-command of an experimental, prototype aircraft which is engaged in experimental, developmental, or investigative test flying in accordance with the test schedule approved by the Executive Director, for the purpose of issuing a type certificate, or a non-type certificate, or a validation of or rendering effective a certificate of airworthiness of such aircraft.

**Maintenance of competency**

**61.25.10** A person may not act as pilot-in-command of a prototype aircraft, unless he or she has, within the six months immediately preceding the test flight, completed not less than 50 hours of flight time on test flights as co-pilot or pilot-in-command of prototype aircraft.

**SUBPART 26  
TUG PILOT RATING****Requirements for Tug Pilot Rating**

**61.26.1** (1) An applicant for the issuing of a tug pilot rating must:

- (a) hold a valid private pilot licence, commercial pilot licence or airline transport licence;
- (b) hold an appropriate type rating for the aircraft in respect of which the applicant will act as a tug pilot; and
- (c) have acquired at least 60 hours as pilot-in-command of the type of aircraft to be used for the tug operation;
- (d) complete at least 10 tug operations under the supervision of an appropriately rated Grade I or Grade II flight instructor, or by the holder of a Tug Pilot Rating designated for such purpose in writing by the Executive Director; and
- (e) have demonstrated to an appropriately rated Grade I or Grade II flight instructor or the holder of a Tug Pilot Rating designated for such purpose in writing by the Executive Director, the ability to act as pilot-in-command of a tug aeroplane whilst having an aircraft in tow.

(2) The Grade I or Grade II flight instructor who oversees the skills test must endorse the pilot's logbook and submit notification of the endorsement to the Executive Director as set out in Document NAM-CATS-FCL 61.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Application for Tug Pilot Rating**

**61.26.2** An application for the issuing of a Tug Pilot Rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61, and be accompanied by:

- (a) a copy of the summary of the logbook of the applicant; and
- (b) the appropriate fee as prescribed in Part 187.

**Privileges**

**61.26.3** Subject to the provisions of the Act the holder of a Tug Pilot Rating is entitled to act as a pilot-in-command of an aircraft during tug operations.

**SUBPART 27**  
**TOW RATING**

**Requirements for a Tow Rating (Aeroplane)**

**61.27.1** An applicant for a Tow Rating must:

- (a) hold at least a valid Private Pilot Licence (Aeroplane);
- (b) hold the appropriate endorsement for an aircraft within a class rating or type rating for the aeroplane;
- (c) have acquired at least 60 hours as pilot-in-command of a tow aircraft;
- (d) have acquired suitable experience that includes at least completion of 10 tow operations under the supervision of an appropriately rated Grade I or Grade II flight instructor, or by the holder of a Tow Rating designated for such purpose in writing by the Executive Director; and
- (e) have demonstrated to an appropriately rated Grade I or Grade II flight instructor or the holder of a Tow Rating designated for such purpose in writing by the Executive Director, the ability to act as pilot-in-command of an aeroplane while having a banner in tow.

(2) The Grade I or Grade II flight instructor who oversees the skills test referred to in subregulation (1) must endorse the pilot's logbook and submit notification of the endorsement to the Executive Director as set out in Document NAM-CATS-FCL 61.

**Application for tow pilot rating (Aeroplane)**

**61.27.2** An application for the issuing of a tow pilot rating is made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61, and accompanied by:

- (a) a copy of the summary of the logbook of the applicant; and
- (b) the appropriate fee as prescribed in Part 187.

**Privileges of a Tow Rating (Aeroplane)**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.27.3** The holder of a Tow Rating may act as pilot-in-command of an aeroplane during tow operations.

**SUBPART 28**  
**HELICOPTER SLING-LOAD RATING**

**Requirements for Helicopter Sling-Load Rating**

**61.28.1** (1) An applicant for the issuing of a Helicopter Sling-Load Rating must:

- (a) hold, a valid Commercial Pilot Licence (Helicopter) or a valid Airline Transport Pilot Licence (Helicopter);
- (b) hold an appropriate valid class and type rating for the helicopter in respect of which the applicant will carry out helicopter sling-load operations;
- (c) have acquired not less than 250 hours of flight time as pilot-in-command of a helicopter of which not less than five hours flight time of sling load operations must have been undertaken under the supervision of an appropriately rated Grade I or Grade II flight instructor who is the holder of a valid helicopter sling load rating;
- (d) have successfully completed the appropriate training set out in Document NAM-CATS-FCL 61; and
- (e) have successfully undergone a skills test demonstrating to an appropriately rated Grade I flight instructor, or to a person designated by the Executive Director in writing for the purpose, his or her ability to perform as pilot-in-command of a helicopter the procedures and manoeuvres set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a helicopter sling load rating.

(2) The applicant must undergo the skills test referred to in paragraph (e) of subregulation (1) within 30 days immediately preceding the date of application.

**Application for Helicopter Sling-Load Rating**

**61.28.2** (1) An application for the issuing of a Helicopter Sling-Load Rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61, and must be accompanied by:

- (a) a copy of a summary of the logbook of the applicant reflecting the appropriate experience;
- (b) certified proof of completion of the training referred to in regulation 61.28.(1)(d); and

[The cross-reference should be “regulation 61.28.1(1)(d)”.]

- (c) the appropriate fee as prescribed in Part 187.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must issue a helicopter sling load rating, in the appropriate form set out in Document NAM-CATS-FCL 61, if the applicant complies with the prescribed requirements.

**Privileges**

**61.28.3** (1) Subject to the provisions of the Act the holder of a Helicopter Sling-Load Rating is entitled to act in VMC under VFR as pilot-in-command of the type of helicopter for which the holder is class and type rated, engaged in sling-load operations.

(2) The privileges referred to in subregulation (1) may only be exercised at night if the holder of the sling load rating is also the holder of the night rating, and the position of the helicopter, its flight attitude and its height can be maintained by reference to external objects, adequately illuminated by helicopter, ground or celestial lighting.

(3) Despite the provisions of subregulation (1), the privileges referred to in that subregulation may be exercised in IMC under IFR by an appropriately rated helicopter pilot who is also the holder of a valid helicopter Instrument Rating: Provided that the uplift and laying down of the sling load is carried out with the use of external visual references by day or night and prior approval is received from the Executive Director.

**Period of validity of Helicopter Sling-Load Rating**

**61.28.4** A Helicopter Sling-Load Rating is valid as long as the pilot licence and type rating held are valid.

**SUBPART 29  
HELICOPTER WINCHING RATING****Requirements for Winching Rating (Helicopter)**

**61.29.1** (1) A person who applies for the issuing of a helicopter winching rating must:

- (a) hold a valid Commercial Pilot Licence (Helicopter) or a valid Airline Transport Pilot Licence (Helicopter);
- (b) hold an appropriate valid type rating for the helicopter in respect of which the applicant will carry out winching operations;
- (c) have acquired at least 250 hours of flight time experience as pilot-in-command of a helicopter of which not less than five hours flight time of winching operations must have been undertaken under the supervision of an appropriately rated Grade II or Grade I flight instructor, who is the holder of a valid helicopter winching rating;
- (d) have successfully completed the training as set out in Document NAM-CATS-FCL 61; and
- (e) have successfully passed the prescribed skills test by demonstrating, to an appropriately rated Grade I flight instructor, or to a person designated by the Executive Director in writing for the purpose, the ability to perform as pilot-in-command of a helicopter the procedures and manoeuvres as set out in Document

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a helicopter winching rating referred to in regulation 61.29.3.

(2) The applicant must undergo the skills test referred to in paragraph (e) of subregulation (1) within 30 days immediately preceding the date of application.

**Application for Winching Rating (Helicopter)**

**61.29.2** (1) An application for the issuing of a helicopter winching rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61; and accompanied by:

- (a) a copy of a summary of the logbook reflecting the relevant experience of the applicant;
- (b) proof of completion of the training referred to in paragraph (d) of subregulation (1) of regulation 61.29.1; and
- (c) the appropriate fee as prescribed in Part 187.

(2) If the applicant for the issuing of a helicopter winching rating complies with the prescribed requirements, the Executive Director must issue a helicopter winching rating in the form set out in Document NAM-CATS-FCL 61.

**Privileges**

**61.29.3** (1) The holder of a helicopter winching rating is entitled to act as pilot-in-command of the type of helicopter for which the holder is rated under VMC, for a helicopter engaged in helicopter winching operations.

(2) The privileges referred to in subregulation (1) may only be exercised at night if the holder of the winching rating is also the holder of the night rating and the position of the helicopter, its flight attitude and its height can be maintained by reference to external objects, adequately illuminated by helicopter, ground or celestial lighting.

(3) The privileges of the helicopter winch rating may not be exercised in IMC.

**Period of validity of Winching Rating (Helicopter)**

**61.29.4** A Helicopter Winching Rating is valid for the period for which the pilot licence and type rating are valid.

**SUBPART 30**  
**HELICOPTER GAME OR LIVESTOCK CULL RATING****Requirements for Helicopter Game or Livestock Cull Rating**

**61.30.1** (1) An applicant for the issuing of a Helicopter Game or Livestock Cull Rating must:

- (a) hold a valid Commercial Pilot Licence (Helicopter) or a valid Airline Transport Pilot Licence (Helicopter);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) hold an appropriate valid type rating for the helicopter in respect of which the applicant will carry out game or livestock cull operations;
- (c) have acquired the relevant experience that should at least include completion of not less than 100 hours of flight time as pilot-in-command of a helicopter of which not less than five hours of flight time of game or livestock cull operations must have been undertaken under the supervision of:
  - (i) an appropriately rated Grade I or Grade II flight instructor who is the holder of a valid Helicopter Game or Livestock Cull Rating; or
  - (ii) a pilot designated in writing for the purpose by the Executive Director;
- (d) have successfully completed the training as set out in Document NAM-CATS-FCL 61; and
- (e) have successfully undergone a skills test demonstrating to a Designated Flight Examiner, in a suitable helicopter for which the Helicopter Game or Livestock Cull Rating is sought, the ability to perform the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of the Helicopter Game or Livestock Cull Rating.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

### **Application for Helicopter Game or Livestock Cull Rating**

**61.30.2** (1) An application for the issuing of a Helicopter Game or Livestock Cull Rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61, and accompanied by:

- (a) a copy of a summary of the logbook reflecting the relevant experience of the applicant;
- (b) proof of completion of the training referred to in regulation 61.30.1 (1)(d); and
- (c) the appropriate fee as prescribed in Part 187.

(2) If the applicant for a Helicopter or Livestock Cull Rating complies with the prescribed requirements, the Executive Director must issue a Helicopter Game or Livestock Cull Rating in the form set out in Document NAM-CATS-FCL 61.

### **Privileges and limitations**

**61.30.3** (1) The holder of a Helicopter Game or Livestock Cull Rating is entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in game or livestock cull operations.

[There is no subregulation (2) in the *Government Gazette*.]

(3) A person may not act as pilot-in-command of a helicopter engaged in game or livestock culling operation, unless within the 12 months immediately preceding the intended flight he or she has performed a game or livestock culling operation in a helicopter of the same

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

type by name either independently or under the supervision of an appropriately rated Grade I or Grade II flight instructor.

**Period of validity of Helicopter Game or Livestock Cull Rating**

**61.30.4** A game or livestock cull rating (for helicopter) is valid for the period for which the pilot licence and type rating held by the holder of the rating is valid.

**SUBPART 31**  
**AGRICULTURAL PILOT RATING**

**Requirements for Agricultural Pilot Rating**

**61.31.1** (1) An applicant for the issue of an Agricultural Pilot Rating must:

- (a) hold a valid pilot licence issued in terms of Part 61 or Part 62 in the category aeroplane, helicopter, or other applicable licence or type ratings and in the event of acting for remuneration, hold at least a valid Commercial Pilot Licence (Aeroplane or Helicopter) or a valid Part 96 authorisation, as applicable;
- (b) hold an appropriate valid class and type rating for the aircraft in respect of which the applicant will carry out agricultural operations;
- (c) hold an environmental clearance certificate required in terms of the environmental legislation of Namibia, if required in terms of such legislation;
- (d) have acquired not less than 300 hours of flight time experience, which must include not less than 30 hours in the case of aeroplanes and 10 hours in the case of helicopters, of flight experience in aerial applications under supervision by a suitably qualified person; and
- (e) have undergone the skills test referred to in regulation 61.31.3.

(2) At least two hours of the flight experience referred to in subregulation (1) must be dual instruction conducted by the holder of an appropriately rated Grade I or a Grade II flight instructor who is the holder of the appropriate category, class or type rating and the Agricultural Pilot Rating.

(3) The remainder of the prescribed flight experience referred to in subregulation (1) may be conducted under the supervision of the holder of a valid Commercial or Airline Transport Pilot Licence (Aeroplane or Helicopter) as the case may be, with an Agricultural Pilot Rating, designated by the Executive Director in writing for the purpose.

**Application for an Agricultural Pilot Rating**

**61.31.2** (1) An application for an Agricultural Pilot Rating must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-FCL 61.

(2) The application must be accompanied by:

- (a) a certified true copy of the environmental clearance certificate referred to in regulation 61.31.1;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a copy of the relevant page of the logbook of the applicant;
- (c) the skills test report as set out in Document NAM-CATS-FCL 61; and
- (d) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must issue an Agricultural Pilot Rating in the form prescribed in Document NAM-CATS-FCL 61 if the applicant complies with the prescribed requirements.

(4) An Agricultural Pilot Rating is valid for as long as the pilot licence and the environmental clearance certificate held by the holder of the rating, remains valid.

[The verb “remains” should be “remain” to accord with the subject “licence and ... certificate”.]

**Skills test**

**61.31.3** (1) An applicant for the issue of an Agricultural Pilot Rating must have demonstrated to a Grade I instructor with an Agricultural Rating, or to a person designated by the Executive Director in writing for the purpose, the ability to perform as pilot-in-command of the type of aircraft for which the applicant is rated, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an Agricultural Pilot Rating.

(2) The applicant for an Agricultural Pilot Rating must have undergone the skills test referred to in subregulation (1), within the 30 days immediately preceding the date of application.

(3) The skills test referred to in subregulation (1) must be carried out in an aircraft which is equipped with dispensing apparatus and which is certificated for agricultural operations in terms of Part 21 or Part 24 as the case may be.

**Privileges**

**61.31.4** (1) Subject to the provisions of the Act the holder of an Agricultural Pilot Rating is entitled to act as pilot-in-command of the type of aircraft for which the holder is rated, engaged in agricultural operations.

(2) The holder of an Agricultural Pilot Rating may not exercise the privilege in subregulation (1) unless such pilot has:

- (a) within the 12 months immediately preceding the flight, conducted at least five hours of agricultural flight time; or
- (b) successfully undergone a skills test as contemplated in regulation 61.31.3 and which has been endorsed in the pilot’s logbook.

(3) The holder of a Recreational or Private Pilot Licence (Helicopter) may not exercise the privilege in subregulation (1) for hire or reward or while engaged in a commercial air transport operation unless the holder of the Recreational Pilot Licence (Helicopter) is also the holder of the appropriate Part 96 Authorisation.

**SUBPART 32**  
**DESIGNATED EXAMINERS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## Categories of Examiners

[In the heading of this regulation in the LIST OF REGULATIONS,  
the word “examiners” is not capitalised.]

**61.32.1** (1) Designation of examiners may be in one or more of the following categories:

- (a) Flight Examiner (FE);
- (b) Type Rating Examiner (TRE);
- (c) Class Rating Examiner (CRE);
- (d) Commercial & Instrument Rating Examiner (CIRE);
- (e) Airline Transport Pilot Examiner (ATPE);
- (f) Flight Instructor Examiner (FIE); and
- (g) Synthetic Flight Examiner (SFE);
- (h) Glider Flight Examiner (GFE);
- (i) Free Balloon Flight Examiner (FBFE); and
- (j) Airship Flight Examiner (AsFE);

(2) Any reference to “examiner” in this Subpart means a reference to each and every category of the examiners referred to in subregulation (1).

(3) Designation in any of the categories referred to in subregulation (1) may be in any of the aircraft categories and will be indicated by the letters A, H, G, B or A for Aeroplane, Helicopter, Glider, Free Balloon or Airship respectively.

(4) Examiners may be designated in more than one of the aircraft categories provided that they meet the qualification and experience requirements set out in this Subpart for each of the aircraft categories for which authorisation is sought.

(5) In order to provide for exceptional circumstances, the Executive Director may, on written application, approve a national of an appropriate authority to act as a Foreign Flight Examiner (FFE), for a period not exceeding 90 days, for the purposes of Instrument Rating revalidation, class and type rating revalidations, initial type ratings or differences training.

(6) The FFE must comply with the validation requirements of regulation 61.01.10.

(7) The Executive Director must issue the designation referred to in subregulation (5) in writing, subject to the payment of relevant fee referred to in Part 187.

(8) In order to be considered for the purposes of subregulation (5), the applicant for designation as examiner must meet at least the following minimum experience and qualification levels:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) hold the equivalent examiner designation or qualifications prescribed in the technical standards for examiners of the same nature issued by the appropriate authority and acceptable to the Executive Director; or
- (b) hold at least a valid Commercial Pilot Licence; and
- (c) have accumulated not less than 2 000 flying hours, of which at least:
  - (i) 100 hours must be instrument flight time;
  - (ii) 50 hours must be night flight time; and
  - (iii) 100 hours must be as pilot-in-command on type;
- (d) in the case of a type rating, the applicant must have accumulated not less than 10 hours as instructor on type;
- (e) in the case the applicant does not hold the equivalent of a Namibian Grade II Flight Instructor Rating, such person must act under the supervision of a suitably qualified instructor, a Designated Flight Examiner, an authorised officer or a person with examining privileges designated by the Executive Director.

**General requirements for designation as flight examiners**

**61.32.2** An applicant for designation as flight examiner must:

- (a) hold at least a valid Commercial Pilot Licence in the applicable category of aircraft and a valid Grade I or Grade II Flight Instructor Rating or in the case of a Type Rating Examiner, a Type Rating Instructor certificate;
- (b) hold valid licences and type or class ratings issued in terms of this Part, at least equal to the licence and ratings for which he or she seeks authorisation to conduct skills tests or proficiency checks and unless specified otherwise, the appropriate valid flight instructor rating and endorsements;
- (c) be qualified to act as pilot-in-command of the aircraft during a skills test or proficiency check;
- (e) meet the applicable experience requirements prescribed under 61.32.3;

[The paragraph above should be labelled as “(d)” instead of “(e)”.]

- (e) meet the conditions as prescribed in the Regulations and in Document NAM-CATS-FCL 61;
- (f) have attended a flight examiner assessment course, as prescribed in Document NAM-CATS-FCL 61;
- (g) have conducted at least one skills test in the role of a candidate examiner for which designation is sought and be trained and exercised in:
  - (i) briefing of candidate prior to a skills test;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The singular word “candidate” should be plural.]

- (ii) conduct of the skills test;
- (iii) de-briefing after the skills test; and
- (iv) handling of post-test documentation;
- (h) have undergone a Designated Examiner Acceptance Skills Test otherwise known as the Flight Examiner Oversight Monitored check flight prescribed in paragraph 2 of NAM-CATS 61.32.2 and conducted by an Aviation Safety Inspector (ASI) or an authorised officer or by a Designated Flight Examiner appointed for the purpose by the Executive Director;
- (i) be currently active in the field of aviation for which the designation is sought; and
- (j) prior to initial appointment, appear before and be approved by a panel constituted by the Executive Director for the purpose of assessing the eligibility of the candidate examiner for designation.

**Specific requirements for designation as flight examiners**

**61.32.3** (1) An applicant for designation as a Flight Examiner (Aeroplane) (FE (A)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(FE (A))”.]

- (a) for conducting skills tests for the issue of the PPL (A) and skills tests and proficiency checks for associated single-pilot class and type ratings, except for single-pilot high performance complex aeroplanes, the applicant must have:
  - (i) completed at least 1,000 hour of flight time as a PI on aeroplanes or TMGs, of which at least 300 in aeroplane class for designation;
  - (ii) 500 hours of flight instruction in aeroplanes and 100 in class;
  - (iii) 100 hours pilot-in-command night time.
- (b) for conducting skills tests for the issue of the CPL (A) and skills tests and proficiency checks for the associated single-pilot class and type ratings, except for single-pilot high performance and complex aeroplanes, the applicant must have:
  - (i) a CPL (A), appropriate class rating;
  - (ii) a valid Flight Instructor (FI) Grade II rating with an aeroplane category and an appropriate class rating.
  - (iii) 2000 hours as pilot-in-command which includes at least
  - (iv) 1000 hours in aeroplanes;
  - (v) 500 hours in the class of aeroplane for which the designation is sought;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (vi) 100 hours in aeroplanes at night;
- (vii) 200 hours in high performance and complex aeroplanes;
- (viii) 500 hours as a FI in aeroplane which includes at least 100 hours of flight instruction given in the class of aeroplane appropriate to the designation sought;
- (ix) 200 hours as an instrument FI of which 100 hours were in aeroplanes; and
- (x) 100 instruction time preparing pilots for CPL.

[Paragraphs (iv)-(x) appear to be wrongly formatted; they should be subordinate to subparagraph (iii), as in, for example, subparagraph (7)(c)(v), subparagraph (8)(c)(iii) and subparagraph (9)(c)(vi) below.]

(2) An applicant for designation as a Flight Examiner (Helicopter) (FE (H)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(FE (H))”.]

- (a) for conducting skills tests for the issue of the PPL (H) and skills tests and proficiency checks for associated class and type ratings:
  - (i) completed at least 1,000 hours of flight time as a pilot-in-command, of which at least 500 were in helicopters; and
  - (ii) 200 hours of flight instruction in helicopters.
- (b) for conducting skills tests for the issue of the CPL(H) and skills tests and proficiency checks for the associated single-pilot single engine helicopter type ratings:
  - (i) hold a CPL (H), appropriate class rating;
  - (ii) hold a valid FI Grade II rating with a helicopter category and appropriate class rating;
  - (iii) 2 000 hours flight time as PI, of which at least 500 hours were in helicopters;
  - (iv) 200 hours as a FI in helicopters which includes; and
  - (v) 50 hours instruction time preparing pilots for CPL;
- (c) if applying for large helicopters to be listed on the designation certificate, 100 hours acting as pilot-in-command in large helicopters, including a minimum of 50 hours in the type sought.

(3) An applicant for designation as a Type Rating Examiner (Aeroplane) (TRE (A)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(TRE (A))”.]

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- (a) in the case of MP aeroplanes, have completed 1,500 hours of flight time as a pilot of MP aeroplanes, as applicable, of which at least 500 hours may be as PIC as pilot-in-command;
- (b) in the case of single pilot high performance complex aeroplanes, have completed 500 hours of flight time as a pilot of single pilot aeroplanes, of which at least 200 hours may be as pilot-in-command;
  - (i) hold a CPL or ATPL and a FI rating or TRI certificate for the applicable type;
  - (ii) for the initial issue of a TRE designation, have completed at least 50 hours of flight instruction as a FI, TRI or SFI with a type rating endorsement in the applicable type or FSDT representing that type.

**[The acronym “FSDT” should be “FSTD”, for “Flight Simulator Training Device”.]**

(4) An applicant for designation as a Type Rating Examiner (Helicopter) (TRE (H)) must meet the following additional requirements:

**[The abbreviation above is missing a closing bracket; it should be “(TRE (H))”.]**

- (a) hold a TRI (H) certificate or, in the case of single-pilot single-engine helicopters, a valid FI (H) rating with a TRI endorsement for the applicable type;
- (b) for the initial issue of a TRE certificate, have completed 50 hours of flight instruction as a TRI, FI or SFI in the applicable type or FSTD representing that type;
- (c) in the case of multi-pilot helicopters:
  - (i) hold a CPL (H) or ATPL(H); and
  - (ii) have completed 1,000 hours of flight as a pilot on multi-pilot helicopters; of which at least 500 hours must be as pilot-in-command.

**[The full stop at the end of subparagraph (ii) should be a semicolon.]**

- (d) in the case of single-pilot multi-engine helicopters:
  - (i) have completed 1,000 hours of flight as pilot on helicopters, of which at least 500 hours must be as pilot-in-command; and
  - (ii) hold a CPL (H) or ATPL (H) and, when applicable, a valid IR (H).

**[The full stop at the end of subparagraph (ii) should be a semicolon.]**

- (e) in the case of single-pilot single-engine helicopters:
  - (i) have completed 750 hours of flight as a pilot on helicopters, of which at least 500 hours must be as pilot-in-command; and
  - (ii) hold a CPL (H) or ATPL (H);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) to extend the authorisation of a TRE (H) from single-pilot multi-engine to multi-pilot multi-engine authorisation on the same type of helicopter, the holder must have at least 100 hours in multi-pilot operations on this type.

(5) An applicant for designation as a Class Rating Examiner (Aeroplane) (CRE A) must meet the following additional requirements:

[The abbreviation above may have been intended to appear as “(CRE (A))”.]

- (a) hold a CPL (A), or ATPL (A) with single pilot privileges;
- (b) hold a Grade II FI rating with a class rating instructor endorsement for the applicable class or type; and
- (c) have completed 500 hours of flight time as a pilot on aeroplanes.

(6) An applicant for designation as a Class Rating Examiner (Helicopter) (CRE (H)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(CRE (H))”.]

- (a) hold a CPL (H), or ATPL (H) with single pilot privileges;
- (b) hold a Grade II FI rating with class rating instructor endorsement certificate for the applicable class or type; and
- (c) have completed 500 hours of flight time as a pilot on helicopters.

(7) An applicant for designation as a Commercial and Instrument Rating Examiner (Aeroplane) (CIRE (A)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(CIRE (A))”.]

- (a) hold a commercial pilot licence with an aeroplane category rating, the appropriate class rating or ratings, and an Instrument (A) rating;
- (b) hold a valid FI rating with an aeroplane category, the appropriate class rating(s) and an IF (A) rating; and
- (c) have 2 000 hours as PI, which includes at least:
  - (i) 1 000 hours in aeroplanes;
  - (ii) 500 hours in the class of aeroplane for which the designation is sought;
  - (iii) 200 hours of instrument flight time in actual or simulated conditions; and
  - (iv) 100 hours at night in aeroplanes;
  - (v) 500 hours as a FI in aeroplanes which include at least:
    - (aa) 100 hours of flight instruction given in the class of aeroplanes applicable to the designation sought; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ba) 250 hours of IF instruction, of which 200 hours were given in aeroplanes;
- (d) if applying for large, turbine-powered aircraft to be listed on the designation certificate, an additional 300 hours acting as pilot-in-command in large, turbine powered aircraft, of which at least 50 hours in the type sought is required, and 25 hours on type for each additional type.
- (8) An applicant for designation as a Commercial and Instrument Rating Examiner (Helicopter) (CIRE (H)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(CIRE (H))”.]

- (a) hold a valid CPL (H) with appropriate class rating, and an IF (H) rating;
- (b) have 2000 hours as PIC which includes at least:
  - (i) 500 hours in helicopters; and
  - (ii) 200 hours of IF time in actual or simulated conditions;
- (c) for authority to conduct skills tests in large or turbine-powered Helicopters:
  - (i) 100 hours as PIC of large helicopters, of which 50 hours are in the type of helicopter for which designation is sought; and
  - (ii) 25 hours for each additional type of large helicopter for which designation is sought.
  - (iii) 250 hours as a FI (H), which include at least:
    - (aa) 100 hours of flight instruction given in preparing pilots for CPL(H); and
    - (ba) 50 hours of IF instruction in helicopters.
- (9) An applicant for designation as an Airline Transport Pilot Examiner (Aeroplane) (ATPE (A)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be “(ATPE (A))”.]

- (a) hold an ATPL with an aeroplane category rating, appropriate class rating(s) and an IF (A) rating;
- (b) hold a valid FI (A) rating with the appropriate class rating(s) and an IF (A) rating;
- (c) have 2 000 hours as PIC, which includes at least:
  - (i) 1 500 hours in aeroplanes;
  - (ii) 500 hours in the class of aeroplane for which the designation is sought;
  - (iii) 100 hours at night in aeroplanes;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) 200 hours in complex aeroplanes;
- (v) 100 hours of IF time in actual or simulated conditions; and
- (vi) 500 hours as a FI in aeroplanes, which include at least:
  - (aa) 100 hours of flight instruction given in the class of aeroplane applicable to the designation sought;
  - (ba) 250 hours of IF instruction, of which 200 hours were given in aeroplanes; and
  - (ca) 150 hours flight instruction given to pilots, preparing them for a CPL (A) or ATPL (A) or an IR (A);
- (d) to conduct skills tests in large or turbine powered aeroplanes additional requirements are:
  - (i) 300 hours in large or turbine-powered aeroplanes, of which 50 hours are in the type of aeroplane for which designation is sought, and
  - (ii) 25 hours for each additional type of large aeroplane for which designation is sought.

(10) An applicant for designation as an Airline Transport Pilot Examiner (Helicopter) (ATPE (H)) must meet the following additional requirements:

[The abbreviation above is missing a closing bracket; it should be "(ATPE (H))".]

- (a) hold an ATPL (H) with appropriate class rating(s) and an IF (H) rating;
- (b) hold a valid FI (H) rating with the appropriate class rating(s) and an IF (H) rating;
- (c) have 2 000 hours as PIC, which includes at least:
  - (i) 1 200 hours PIC in helicopters;
  - (ii) 100 hours as FI of IF in actual or simulated conditions;
  - (iii) for authority to conduct skills tests in large helicopters:
    - (aa) 100 hours PIC in large helicopters, of which 50 hours are in the type of helicopter for which designation is sought, and
    - (ba) 25 hours for each additional type of large helicopter for which designation is sought;
  - (iv) have 250 hours as a FI (H), which include at least:
    - (aa) 100 hours of flight instruction given, preparing pilots for CPL(H) or ATPL(H); and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

(ba) 50 hours of IF instruction in helicopters.

(11) An applicant for designation as a Flight Instructor Examiner (Aeroplane) (FIE (A)) must meet the following additional requirements:

**[The abbreviation above is missing a closing bracket; it should be "(FIE (A))".]**

- (a) the requirements for a CIRE designation, as appropriate for the category and class of aircraft pertinent to the FIE designation sought;
- (b) have held a CIRE designation for at least a year prior to designation as a FIE;
- (c) hold the relevant FI rating endorsement as applicable;
- (d) have completed 2 000 hours of flight time as a pilot on aeroplanes; and
- (e) have at least 100 hours of flight time instructing applicants for FI rating with the relevant endorsement.

(12) An applicant for designation as a Flight Instructor Examiner (Helicopter) (FIE (H)) must meet the following additional requirements:

**[The abbreviation above is missing a closing bracket; it should be "(FIE (H))".]**

- (a) hold the relevant FI rating and endorsement, as applicable;
- (b) have completed 2 000 hours of flight time as pilot on helicopters; and
- (c) have at least 100 hours of flight time instructing applicants for a FI rating with relevant endorsement.

(13) An applicant for designation as a Synthetic Flight Examiner (Aeroplane) (SFE (A)) must meet the following additional requirements:

**[The abbreviation above is missing a closing bracket; it should be "(SFE (A))".]**

- (a) hold or have held an ATPL (A), a class or type rating and a SFI (A) certificate for the applicable type of aeroplane;
- (b) have at least 1 500 hours of flight time as a pilot on multi-pilot aeroplanes; and
- (c) for the initial issue of a SFE designation, have completed at least 50 hours of synthetic flight instruction as a SFI (A) on the applicable type.

(14) An applicant for designation as a Synthetic Flight Examiner (Helicopter) (SFE (H)) must meet the following additional requirements:

**[The abbreviation above is missing a closing bracket; it should be "(SFE (H))".]**

- (a) hold or have held an ATPL(H), a class or type rating and an SFI (H) certificate for the applicable category and type of helicopter;
- (b) have at least 1500 hours of flight time as a pilot on multi-pilot helicopters; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) for the initial issue of an SFE (H) designation, have completed at least 50 hours of synthetic flight instruction as a SFI (H) on the applicable type.

(15) An applicant for designation as a Designated Flight Examiner (Glider) DFE (G)) must meet the following additional requirements:

[The abbreviation above is missing an opening bracket; it should be "(DFE (G))".]

- (a) hold at least a valid Glider Pilot Licence and a valid Grade II FI rating; and
- (b) have accumulated in gliders, not less than 1000 flying hours, of which at least:
  - (i) 500 hours must be in the appropriate class of gliders;
  - (ii) 200 hours must be flight instruction time on the specific type of glider for which designation is sought.

(16) An applicant for designation as a Designated Flight Examiner (Free Balloon) (DFE (FB)) must meet the following additional requirements:

- (a) hold at least a valid CPL (FB) and a valid Grade I FI rating; and
- (b) have accumulated in FB not less than 1 000 flying hours, of which at least:
  - (i) 500 hours must be in the appropriate class of FBs;
  - (ii) 200 hours must be flight instruction time on the specific type of FB for which designation is sought.

(17) An applicant for designation as a Designated Flight Examiner (Airship) (DFE (As)) must meet the following additional requirements:

- (a) hold at least a valid CPL (As) and a valid Grade I FI rating; and
- (b) have accumulated in airships not less than 1 000 flying hours, of which at least:
  - (i) 500 hours must be in the relevant class of As;
  - (ii) 200 hours must be flight instruction time on the specific type of As.

(18) An applicant for authorisation to act as examiner in a skills test or a proficiency check in respect of a helicopter sea class rating, a helicopter Agricultural Pilot Rating, a helicopter sling load rating, a helicopter winching rating, or a Helicopter Game or Livestock Cull Rating, must be the holder of the applicable valid rating.

(19) An applicant for designation as a Designated Flight Examiner (Aeroplane or Helicopter or Powered-lift) must, prior to conducting a skills test in a FSTD, have conducted a similar test under the supervision of a Designated Flight Examiner who has experience at examining skills tests in a FSTD.

**Application for designation as flight examiner**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.32.4** (1) An application for designation as flight examiner must be made to the Executive Director on the form set out in Document NAM-CATS-FCL 61 and must be accompanied by:

- (a) original or certified copy of the two most recent pages of the applicant's flying logbook indicating flying experience;
- (b) proof of holding the required valid licence;
- (c) original or certified proof of the applicant having successfully attended the flight examiner assessment course as prescribed in subregulation 61.32.2(f);
- (d) original or certified proof of the applicant having passed the examiner designation acceptance test as prescribed in subregulation 61.32.2(h);
- (e) motivation as to why the applicant believes he or she should be considered for designation; and
- (f) the applicable fee as prescribed in NAM-CARS 187.

(2) An application in terms of subregulation (1), containing any incorrect, false or misleading information, including in respect of any supporting documentation must be disqualified.

(3) If any incorrect, false or misleading information comes to light, subsequent to the approval of the application in terms of subregulation (1), the Executive Director may in terms of Sections 42 to 45 of the Act suspend or revoke the designation of a person as a Designated Flight Examiner.

(4) In addition to the suspension or revocation, referred to in subregulation (3), criminal proceedings may be instituted in terms of Part 185 and any tests that may have been conducted by the applicant may be declared invalid.

**Issuing of designation as Designated Flight Examiner**

**61.32.5** (1) The Executive Director may issue a designation as flight examiner in the form determined by the Executive Director, if the applicant:

- (a) meets the requirements prescribed in regulations 61.32.2 and 61.32.3;
- (b) has a good record as a pilot and as flight instructor as far as safety and adherence to the regulations are concerned; and
- (c) signs an undertaking to abide by the Code of Conduct for Designated Flight Examiners as compiled by the Executive Director.

(2) The designation referred to in subregulation (1) must indicate the period of validity, its category, and any endorsements, restrictions or limitations that may apply.

(3) An initial designation as examiner is valid for a period of one year from date of designation, and after that for a period of 24 months.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If designation referred to in subregulation (1) is refused, despite the fact that the applicant meets the requirements the Executive Director must provide the applicant with written reasons for the refusal.

[The word “the” appears to have been omitted before the word “designation”.]

**Re-designation as Designated Flight Examiner**

**61.32.6** (1) An application for re-designation as flight examiner must be made on the form set out in Document NAM-CATS-FCL 61 to reach the Executive Director not less than 90 days prior to the beginning of the month in which the designation expires, together with the non-refundable fee as prescribed in Part 187.

(2) Submission of an application in terms of subregulation (1) does not automatically entitle the applicant to continue to exercise the privileges of a Designated Flight Examiner after the expiry date.

(3) Redesignation of as Flight Examiners is dependent on the examiner:

- (a) having attended at least one Designated Flight Examiners conference or workshop under the auspices of the Authority during the preceding 12 months from expiry of his or her current designation;
- (b) having been subjected to the oversight prescribed in regulation 61.32.7;
- (c) having completed at least five skills tests or proficiency checks annually to the standard required by the Executive Director; and
- (d) having complied with the duties as prescribed in Document NAM-CATS-FCL 61.

**Designation, oversight, suspension and revoking of designation as Flight Examiner**

[In the LIST OF REGULATIONS, the heading of this regulation is  
“Designation, oversight, suspension and revoking of designation as **Designated** Flight Examiner”.]

**61.32.7** (1) A designation to act as flight examiner is a privilege and not a right and, a designation or re-designation is not automatic upon meeting the requirements of this subpart.

(2) The designated flight examiner conducts tests or checks on behalf of the Authority.

(3) The Executive Director must exercise oversight in respect of DFE, before the designation and after the designation within 12 months after initial designation and after that at least once every two years in respect of each Designated Flight Examiner for the purposes of compliance with the requirements, including maintenance of flight and safety standards.

(4) If the Executive Director has reasonable grounds to suspect misconduct, or any commissions or omissions that could compromise flight safety, he or she may refuse to designate, or may suspend or revoke designation as flight examiner.

(5) The Executive Director must provide written reasons for any refusal to designate, or any suspension, revocation, or limitation of designation as flight examiner.

**Authorisations and limitations of Designated Flight Examiners**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**61.32.8** (1) The Executive Director must determine the authorisations and limitations of a Designated Flight Examiner dependent upon the applicant's qualifications, recent and total flight experience and must specify the qualifications and experience on the certificate issued by the Executive Director.

(2) If a Designated Flight Examiner exercises the authorisations of his or her designation as an observer in flight or in an approved FSTD, and not as a required flight crew member, the holder of the designation is not required to hold a valid medical certificate.

(3) A Designated Flight Examiner must limit the number of skills tests and proficiency checks to a maximum of four tests or checks for each working day, subject to the limitations of Part 91 or the operator's flight and duty time limitations as filed with the Executive Director.

(4) A skills test or proficiency check may be conducted by a Designated Flight Examiner in an aircraft under the following conditions:

- (a) if a test is to be administered in a piston engine aeroplane (single- or multi-) having a maximum certificated mass of 5 700 kg or less, or in a helicopter, as the case may be, and if the Designated Flight Examiner is not current on such aircraft, the pilot to be tested must have a valid licence and be appropriately rated to act as pilot-in-command on the aircraft;
- (b) in the case where the test is to be executed in aircraft that require a single-engine turboprop class rating or type rating to be endorsed in the pilot licence, the Designated Flight Examiner must be instructor rated in that class or type of aircraft;
- (c) for the purposes of conducting an Instrument Rating revalidation in an aircraft certified for multi crew operation, and if the Designated Flight Examiner is not rated, the aircraft crew must comprise of two appropriately licenced pilots, and where the test is assessed by the Designated Flight Examiner, not occupying a pilot seat; and
- (d) the Designated Flight Examiner, when occupying a pilot seat as examiner in an aircraft with a maximum certificated mass in excess of 5 700 kg must hold a valid type rating for the aircraft in which the test is being carried out.

(5) DE's may conduct skills test or proficiency checks in an approved FSTD, under the following conditions:

**[The word "DE's" should be "DEs", without the apostrophe.  
The phrase "skills test" (singular) should be "skills tests" (plural).]**

- (a) except as otherwise stated, a flight simulator training device, whether a flight simulator (FFS) or flight training device (FTD) used for flight checks must:
  - (i) meet the requirements of the simulator manual or equivalent document of an appropriate authority; and
  - (ii) provide visual scenery approved for circling to permit the demonstration of one approach manoeuvre to land, where the flight crew is authorised to conduct circling approaches in accordance with the company operations manual;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) if conducting a skills test or proficiency check or an OPC in an approved FSTD the DE's may not participate as a crew member and must limit their activities to the conduct of the PPT/OPC;

**[The word "DE's" should be "DEs", without the apostrophe.]**

- (c) the DE must conduct the skills test or proficiency check in real time to maintain verisimilitude and only use freeze and repositioning sparingly;
- (d) the DE may not operate the approved FSTD unless qualified to do so;
- (e) simulators must have for each observer an approved seat secured to the floor and fitted with positive restraint devices.
- (f) the seat referred to in paragraph (e) must safely restrain the occupant during any known or predicted motion system excursion;
- (g) if the simulator is unserviceable, the DE must refer to the Simulator Component Inoperative Guide, the Simulator Manual and the simulator qualification documents to determine if the test or check can proceed with the unserviceability;
- (h) if guidance referred to in paragraph (g) is not available, the DE may refer to the NAM-CARS, aircraft MEL, AOM/AFM, and use their experience and judgment to continue the test or check;
- (i) if requesting a monitored check ride for a DE in a simulator with seating for four persons, the operator has the following options:
  - (aa) ask the training centre to add a seat to the simulator and observer seats must be secured to the floor of the flight simulator fitted with positive restraint devices and be of sufficient integrity to safely restrain the occupant during any known or predicted motion system excursion;
  - (ba) co-ordinate simulator training for the monitored DE to operate the (ca) console (replacing the sim operator);
  - (ca) use a different simulator that has sufficient seating;

**[The sub-subparagraphs (aa)-(ca) should be subparagraphs (i)-(iii) since they are subordinate to paragraph (i) (the letter) and not to subparagraph (i) (the Roman numeral).]**

- (j) the Executive Director may also assess the possibility to conduct a monitor on a different aircraft type, where the DE has authority on more than one type;
- (k) special cases must be assessed on an individual basis to determine the particular requirements;
- (l) authorisations and limitations for aeroplane and helicopter flight examiners are based on their qualifications and experience and will be contained in the examiner authorisation letter;
- (m) the following authorisations apply to gliders, free balloons and airship flight examiners:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) a DFE (G) will be authorised to exercise the test or check privileges of a Grade II Flight Instructor (Glider), and to conduct the skills tests or proficiency checks for the issue, revalidation or re-issue of a Grade II and III Flight Instructor Rating;
- (ii) a DFE (FB) will be authorised to exercise the test/check privileges of a Grade I Flight Instructor (Free Balloon), and to conduct the skills tests or proficiency checks for the issue, revalidation or re-issue of a Commercial Free Balloon Pilot Licence and a Grade I, II and III Flight Instructor Rating;
- (iii) a DFE (As) will be authorised to exercise the test/check privileges of a Grade I Flight Instructor (Airship), and to conduct the skills tests or proficiency checks for the issue, revalidation or re-issue of a Commercial Airship Pilot Licence and a Grade I, II and III Flight Instructor Rating;
- (n) in the case of a person designated in terms of subregulation (4) of regulation 61.32.1 to exercise the authorisations granted to him or her by the Executive Director; and
- (o) if a skills test or proficiency check involves a rating for special purposes, the examiner must be the holder of such special purpose rating.

**Crew member status of Designated Flight Examiners**

**61.32.9** (1) If an examiner in an aircraft acts as a required flight crew member or as pilot-in-command when conducting a skills test or proficiency check, he or she may do so only by prior written agreement, proof of which must be retained at the point of departure.

(2) A Designated Flight Examiner may be allowed to act as pilot-in-command of an aircraft during a flight test under the following circumstances:

- (a) the skills test or proficiency check is for the issue of an Instrument Rating;
- (b) the skills test or proficiency check is for an aircraft type rating conducted from a pilot seat;
- (c) the Designated Flight Examiner considers this to be necessary in the interest of safety and the skills test or proficiency check is for the issue of an initial private pilot licence; and
- (d) in all other cases the status of the Designated Flight Examiner must be that of an observer.

**Skills tests and proficiency checks by Designated Flight Examiners**

**61.32.10** Guidelines in respect of conducting skills tests and proficiency checks are set out in Document NAM-CATS-FCL 61.

**Register of Designated Flight Examiners**

**61.32.11** (1) The Executive Director must keep a register of Designated Flight Examiners and persons approved by the Executive Director to act as Designated Flight Examiners.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The register referred to in subregulation (1) must contain the following details:

- (a) name of the examiner;
- (b) category and authorisations and limitations of the designation or approval;
- (c) licences and ratings held by the examiner; and
- (d) expiry date.

(3) The Executive Director must on the Authority's website publish the names and details of Designated Flight Examiners.

**SUBPART 33**  
**AEROBATICS RATING**

**Requirements for an Aerobatics Rating (Graduate)**

**61.33.1** (1) For the purpose of this Subpart "designated ARO" means an organisation, approved or designated by the Executive Director in accordance with Part 149 to have control over aerobatics sport activities prescribed in NAM-CATS Part 61.

(2) An applicant for an Aerobatics Rating (Graduate) must:

- (a) hold at least a valid Private Pilot Licence (Aeroplane);
- (b) be a member of a designated ARO;
- (c) have completed the aerobatics training course prescribed in Document NAM-CATS-FCL 61;
- (d) hold the appropriate type rating for the aeroplane; and
- (e) passed the skills test demonstrating to an aerobatics examiner as appointed by a designated ARO, that he or she can fly a linked sequence of spin, loop, stall turn and roll in a safe and controlled manner.

[The word "have" should appear before the word "passed" at the beginning of paragraph (e) to fit with the introductory phrase of subregulation (2).]

(3) The skills test referred to in subregulation (2)(e) must have been passed within 30 days immediately preceding the date of application.

**Application for an Aerobatics Rating (Graduate)**

**61.33.2** (1) An application for an Aerobatics Rating (Graduate) must be made in the appropriate form set out in Document NAM-CATS-FCL 61 to the Executive Director or to a designated ARO.

(2) The application referred to in subregulation (1) must be accompanied by the skills test report as prescribed in Document NAM-CATS-FCL 61 and the prescribed fee, which may be not more than the fee prescribed in Part 187, if set by an designated ARO.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “an” before the phrase “designated ARO” should be “a”.]

(3) If the applicant complies with the requirements referred to in regulation 61.33.1, the designated ARO must issue an Aerobatics Rating (Graduate) in the form determined by the Executive Director.

(4) An aerobatics rating is valid for the period of one year from the date of issue, provided the pilot licence of the holder is valid.

(5) The procedure for the revalidation of an aerobatics rating must be in accordance with Document NAM-CATS-FCL 61.

(6) An aerobatics rating, which has not been revalidated in time, may be re-issued after its holder has applied for, and meets the conditions for its initial issue, as prescribed in this Subpart.

**Classes of Aerobatics Ratings**

**61.33.3** (1) The holder of an Aerobatics Rating (Graduate) may apply for any of the following classes of Aerobatics Ratings:

- (a) sportsman;
- (b) intermediate;
- (c) advanced; and
- (d) unlimited.

(2) An aerobatics rating in any of the classes, referred to in subregulation (1), must be issued if the candidate has complied with the appropriate requirements as set out in Document NAM-CATS-FCL 61.

(3) The provisions of regulations 61.33.1 and 61.33.2 apply with changes required by the context to the application for, and the issue of, the ratings referred to in subregulation (1).

**Privileges of an Aerobatics Rating**

[In the heading of this regulation in the LIST OF REGULATIONS,  
“aerobatics rating” is not capitalised.]

**61.33.4** (1) The holder of an aerobatics rating may, within the privileges of his or her pilot licence:

- (a) fly all the manoeuvres, figures and sequences pertaining to the class for which he or she holds the appropriate rating;
- (b) practise all the manoeuvres, figures and sequences pertaining to the class immediately above the one for which he or she holds a rating;
- (c) participate in any aerobatics event, sanctioned by an designated ARO; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) apply for a display authorisation, as contemplated in Part 91 of these regulations.
- (2) The holder of an aerobatics rating may only exercise the privileges in subregulation (1) if he or she is a member in good standing of a designated ARO.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 62**  
**RECREATIONAL PILOT LICENSING**

[Part 62 is inserted by GN 178/2023.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 62.01.1 Applicability
- 62.01.2 Authority to act as pilot of an aircraft in Namibia
- 62.01.3 Recreational pilot licences
- 62.01.4 Ratings for recreational pilots and recreational flight instructors
- 62.01.5 Category ratings
- 62.01.6 Class ratings
- 62.01.7 Type ratings
- 62.01.8 Rating for special purposes
- 62.01.9 Competency
- 62.01.10 Medical fitness
- 62.01.11 Language
- 62.01.12 Logging of flight time
- 62.01.13 Crediting of flight time and theoretical knowledge
- 62.01.14 Recognition and validation of recreational pilot licences and ratings issued by an appropriate authority of a Contracting State
- 62.01.15 Application for, and issuing of, a validation of a foreign recreational pilot licence and ratings
- 62.01.16 Documentation
- 62.01.17 Register of licences
- 62.01.18 Aviation training providers
- 62.01.19 Payment of currency fee
- 62.01.20 Radiotelephony certificates

**SUBPART 2: RECREATIONAL STUDENT PILOT CERTIFICATE**

- 62.02.1 Requirements for the recreational student pilot certificate
- 62.02.2 Certificate of competency
- 62.02.3 Application for recreational student pilot certificate
- 62.02.4 Period of validity
- 62.02.5 Privileges and limitations of recreational student pilot certificate
- 62.02.6 Crediting of flight time

**SUBPART 3: RECREATIONAL STUDENT PILOT LICENCE**

[In the text below, the heading of SUBPART 3 is  
“RECREATIONAL PILOT LICENCE” (without the word “STUDENT”).]

- 62.03.1 Requirements for recreational pilot licence
- 62.03.2 Application for recreational pilot licence
- 62.03.3 Period of validity
- 62.03.4 Privileges of the recreational pilot licence
- 62.03.5 Maintenance of competency
- 62.03.6 Requirements for the issue of a category rating
- 62.03.7 Requirements for the issue of an additional class rating

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 62.03.8 Requirements for the issue of an additional type rating
- 62.03.9 Requirements for the issue of a special purpose rating

**SUBPART 4: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING BY NAME FOR CONVENTIONAL MICROLIGHT AEROPLANES**

- 62.04.1 General
- 62.04.2 Experience
- 62.04.3 Theoretical knowledge examination
- 62.04.4 Skills test
- 62.04.5 Crediting of flight time and theoretical knowledge
- 62.04.6 Application
- 62.04.7 Period of validity
- 62.04.8 Privileges and limitations of the class rating or type rating for conventional microlight aeroplanes
- 62.04.9 Maintenance of competency

**SUBPART 5: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING BY NAME FOR WEIGHT-SHIFT CONTROLLED MICROLIGHT AEROPLANES**

- 62.05.1 General
- 62.05.2 Experience
- 62.05.3 Theoretical knowledge examination
- 62.05.4 Skills test
- 62.05.5 Crediting of flight time and theoretical knowledge
- 62.05.6 Application
- 62.05.7 Period of validity
- 62.05.8 Privileges and limitations of the class rating for weight-shift controlled microlight aeroplanes
- 62.05.9 Maintenance of competency

**SUBPART 6: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING FOR GYROPLANES**

- 62.06.1 General
- 62.06.2 Experience
- 62.06.3 Skills test
- 62.06.4 Crediting of flight time
- 62.06.5 Application
- 62.06.6 Period of validity
- 62.06.7 Privileges and limitations
- 62.06.8 Maintenance of competency

**SUBPART 7: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR ADD-ON RATING FOR HANG-GLIDERS**

- 62.07.1 General
- 62.07.2 Experience
- 62.07.3 Skills test
- 62.07.4 Application for hang-glider class or add-on rating
- 62.07.5 Period of validity
- 62.07.6 Privileges and limitations

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 62.07.7 Maintenance of competency
- 62.07.8 Type ratings

**SUBPART 8: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR ADD-ON RATING FOR PARAGLIDERS**

- 62.08.1 General
- 62.08.2 Experience
- 62.08.3 Skills test
- 62.08.4 Application for paraglider class or add-on rating
- 62.08.5 Period of validity
- 62.08.6 Privileges and limitations
- 62.08.7 Maintenance of competency

**SUBPART 9: REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL FLIGHT INSTRUCTOR RATING**

- 62.09.1 General
- 62.09.2 Experience
- 62.09.3 Skills test
- 62.09.4 Application
- 62.09.5 Privileges and limitations
- 62.09.6 Period of validity
- 62.09.7 Renewal
- 62.09.8 Crediting of flight time and theoretical knowledge

**SUBPART 10: REQUIREMENTS FOR THE ISSUE OF A TEST PILOT QUALIFICATION**

- 62.10.1 General
- 62.10.2 Privileges and limitations

**SUBPART 11: REQUIREMENTS FOR THE ISSUE OF A MICROLIGHT AND LIGHT SPORT AEROPLANE TUG AND TOW RATINGS**

[The article “A” does not agree with the plural word “RATINGS”.]

- 62.11.1 General
- 62.11.2 Experience
- 62.11.3 Training
- 62.11.4 Skills test
- 62.11.5 Hang-gliding tug endorsement
- 62.11.6 Application
- 62.11.7 Privileges and limitations

**SUBPART 12: REQUIREMENTS FOR THE ISSUE OF AN AGRICULTURAL PILOT RATING**

- 62.12.1 General

**SUBPART 13: REQUIREMENTS FOR THE ISSUE OF A HANG-GLIDER AERO-TOW ENDORSEMENT**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 62.13.1 General
- 62.13.2 Experience
- 62.13.3 Application
- 62.13.4 Privileges and limitations
- 62.13.5 Period of validity
- 62.13.6 Maintenance of competency

**SUBPART 14: REQUIREMENTS FOR THE ISSUE OF A PART 96 AUTHORISATION**

- 62.14.1 Background
- 62.14.2 Requirements for a Part 96 authorisation
- 62.14.3 Experience
- 62.14.4 Skills test
- 62.14.5 Application for a Part 96 authorisation
- 62.14.6 Period of validity
- 62.14.7 Privileges of a Part 96 authorisation
- 62.14.8 Maintenance of competency

**SUBPART 15: REQUIREMENTS FOR THE DESIGNATION OF EXAMINERS (DE)**

- 62.15.1 Categories of designated examiners
- 62.15.2 Requirements
- 62.15.3 Application
- 62.15.4 Period of validity
- 62.15.5 Re-designation and re-issue  
[The heading of this regulation in the text below is “Re-designation”.]
- 62.15.6 Designation, oversight, suspension and revocation
- 62.15.7 Privileges and limitations

**SUBPART 16: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING BY NAME FOR LIGHT SPORT AEROPLANES**

- 62.16.1 General
- 62.16.2 Experience
- 62.16.3 Theoretical knowledge examination
- 62.16.4 Skills test
- 62.16.5 Crediting of flight time
- 62.16.6 Additional type ratings by name for light sport aeroplanes
- 62.16.7 Application
- 62.16.8 Period of validity
- 62.16.9 Privileges and limitations
- 62.16.10 Maintenance of competency

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**62.01.1** (1) This Part prescribes the requirements relating to:

- (a) the issuing, renewal and re-issuing of recreational pilot licences and ratings for Namibian recreational pilots, and privileges and limitations of such licences and ratings; and
- (b) the issuing of a validation of foreign recreational pilots licences and ratings, and privileges and limitations of such validations.

[To be grammatically correct, paragraph (b) should read: “the issuing of **validations** of foreign recreational **pilot** licences and ratings...” or “the issuing of **validations** of foreign recreational **pilots’** licences and ratings...”.]

(2) A validation of a foreign recreational pilot licence issued in terms of this Part and the privileges relating to such licence may only be used or exercised within Namibia if holder of the licence, privileges or validation is specifically authorised by the appropriate authority to use or exercise such licence or privileges within its airspace.

[The word “the” appears to have been omitted before the word “holder”.]

(3) In this Part any requirements for the issuing, renewal or re-issuing of an aviation document issued in terms of this Part are subject to, and must be read in conjunction with, the applicable requirements of the Act and technical standards relating to aviation documents.

**Authority to act as pilot of an aircraft in Namibia**

**62.01.2** (1) A person may not act as a recreational pilot of an aircraft in Namibia unless such person:

- (a) holds a valid appropriate pilot licence and rating issued by the Executive Director in terms of this Part or Part 61;
- (b) holds a valid pilot licence and rating issued by an appropriate authority and validated by the Executive Director in terms of this Part or Part 61;
- (c) is undergoing instruction under the supervision of a qualified and rated flight instructor; or
- (d) if the aircraft is a Foreign Registered Aircraft:
  - (i) holds a valid pilot licence and rating issued by the State of Registry or an organisation approved by the State of Registry; and
  - (ii) has obtained the permission of the Executive Director in accordance with Parts 91 and 149.

(2) The holder of a pilot licence who intends using a foreign registered aircraft as contemplated in paragraph (d) of subregulation (1) must submit his or her request to use the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

foreign registered aircraft to the Executive Director at least 14 days in advance of the intended use.

(3) The Executive Director may grant or refuse to grant permission to a pilot to use a foreign registered aircraft as contemplated in paragraph (d) of subregulation (1).

(4) The holder of a recreational pilot licence may not exercise any of the privileges relating to the licence other than the privileges granted by the licence and rating or validation held by the holder.

(5) The holder of a validation of a foreign recreational pilot licence must adhere to all the requirements and limitations prescribed by this Part in respect of the holder of a recreational pilot licence when exercising the privileges of his or her validation as a recreational pilot.

**Recreational pilot licences**

**62.01.3** Recreational pilot licences are:

- (a) a recreational pilot learner's certificate; and
- (b) a recreational pilot licence.

**Ratings for recreational pilots and recreational flight instructors**

**62.01.4** The ratings for recreational pilots and recreational flight instructors are:

- (a) a category rating;
- (b) a class rating;
- (c) a type rating by name; and
- (d) a rating for special purposes.

**Category ratings**

**62.01.5** The category ratings for recreational pilot licences comprise of:

- (a) conventional microlight aeroplanes;
- (b) weight-shift controlled microlight aeroplanes;
- (c) gyroplanes and gyrogliders with a maximum all-up mass of 2 000 kg or less;
- (d) hang-gliders, including powered hang-gliders;
- (e) paragliders, including powered paragliders and powered paratrikes; and
- (f) light sport aeroplanes with a maximum all-up mass of 600 kg or less.

**Class ratings**

**62.01.6** The class ratings in respect of recreational pilot licences comprise:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) in the case of conventional microlight aeroplanes:
  - (i) conventional microlight aeroplanes, land; and
  - (ii) conventional microlight aeroplanes, amphibian and sea;
- (b) in the case of weight-shift controlled microlight aeroplanes:
  - (i) a single weight-shift controlled microlight aeroplane, land; and
  - (ii) a single weight-shift controlled microlight aeroplane, amphibian and sea;
- (c) in the case of hang-gliders:
  - (i) novice;
  - (ii) Class A;
  - (iii) Class B; and
  - (iv) Class C,

[The comma at the end of subparagraph (iv) should be a semicolon.]
- (d) in the case of paragliders, powered paragliders and powered paratrikes:
  - (i) basic; and
  - (ii) sport;
- (e) in the case of gyroplanes:
  - (i) gyroplanes, land;
  - (ii) gyroplanes, amphibian and sea; and
  - (iii) gyrogliders; and
- (f) in the case of light sport aeroplanes:
  - (i) light sport aeroplanes, land; and
  - (ii) light sport aeroplanes, amphibian and sea.

### **Type ratings**

**62.01.7** (1) The type ratings in respect of a recreational pilot licence for conventional microlight aeroplanes comprise type ratings for each type of conventional microlight aeroplane.

(2) Type ratings in respect of recreation pilot licence for hang-gliders and paragliders comprise:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) Type 1, a hang-glider having a rigid primary structure with pilot weight-shift as the method of primary control;
- (b) Type 2, a hang-glider having a rigid primary structure with moveable aerodynamic surfaces as the method of control in at least two axis;

**[The phrase “two axis” should be “two axes” (with “axes” being the plural of “axis”).]**

- (c) Type 3, a hang-glider having no rigid primary structure, a paraglider;
- (d) Type 4, a hang-glider unable to demonstrate the ability to safely take-off or land in no-wind conditions but that is capable of being launched and landed safely by the use of the pilot’s legs;
- (e) Type 5, a hang-glider or a paraglider capable of being foot- launched, and being flown with an engine; a powered hang-glider or powered paraglider;
- (f) Type 6, a powered paraglider fitted with a wheeled undercarriage and steerable nose wheel(s); and
- (g) Type 7, a powered hang-glider fitted with a three-wheel undercarriage and steerable nose wheel, of which the wing must be a certified hang-gliding wing.

(3) In respect of recreational pilot licences, type ratings for gyroplanes and gyrogliders comprise a rating for each type of gyroplane or gyroglider.

(4) In respect of recreational pilot licences, the type ratings for weight-shift microlight aeroplanes comprise a type rating for each weight-shift microlight.

(5) In respect of recreational pilot licences, the type ratings for light sport aeroplanes comprise a type rating for each light sport aeroplanes.

**Rating for special purposes**

**62.01.8** (1) The ratings for special purposes in respect of the appropriate licence comprise:

- (a) a tandem rating;
  - (b) a recreational flight instructor rating;
  - (c) a tug and tow rating for conventional, weight-shift controlled microlight and light sport aeroplanes;
  - (d) test pilot qualification;
  - (e) an agricultural pilot rating; and
  - (f) a Part 96 authorisation.
- (2) Recreational flight instructor ratings comprise:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) in the category microlight aeroplanes (conventional or weight-shift controlled):
  - (i) a Grade C recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);
  - (ii) a Grade B recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane); and
  - (iii) a Grade A recreational flight instructor rating (conventional/weight-shift controlled microlight aeroplane);
- (b) in the category gyroplanes:
  - (i) a Grade C recreational flight instructor rating (gyroplane);
  - (ii) a Grade B recreational flight instructor rating (gyroplane); and
  - (iii) a Grade A recreational flight instructor rating (gyroplane);
- (c) in the categories hang-gliders and paragliders category:

**[The word “category” at the end of the introductory phrase above is superfluous.]**

  - (i) a recreational assistant flight instructor rating (hang-gliding paragliding);
  - (ii) a Grade C recreational flight instructor rating (hang-gliding paragliding);
  - (iii) a Grade B recreational flight instructor rating (hang-gliding paragliding);
  - (iv) a Grade A recreational flight instructor rating (hang-gliding paragliding); and
- (d) in the category light sport aeroplanes:
  - (i) a Grade C recreational flight instructor rating (light sport aeroplane);
  - (ii) a Grade B recreational flight instructor rating (light sport aeroplane); and
  - (iii) a Grade A recreational flight instructor rating (light sport aeroplane).

**Competency**

**62.01.9** (1) It is a condition of every recreational pilot licence or rating that the holder of the licence:

- (a) may not exercise the privileges granted by the licence or rating unless such holder maintains competency by complying with the appropriate requirements prescribed in the Regulations; and
- (b) complies with the requirement set out in section 68(4) of the Act.

(2) The holder of a recreational pilot licence must undergo a general proficiency check not later than 24 months since the issue of the licence or a previous proficiency check, as the case may be, and:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The word “since” is inappropriate in this sentence structure; the correct word would be “after”.]**

- (a) in the case of hang-gliders and paragliders, the annual revalidation of the category rating is sufficient to confirm proficiency; and
  - (b) the proficiency check or the annual revalidation procedure, as the case may be, must include a review of applicable regulations, NOTAMs and AICs.
- (3) The proficiency check referred to in subregulation (2) may be conducted by a recreational flight instructor who is the holder of the appropriate category, class or type rating.

(4) If the holder of a recreational pilot licence in a particular category has not maintained competency by passing the general proficiency check or an initial skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence, he or she must comply with the following requirements:

- (a) in the case where the maintenance of competency has lapsed for less than 24 months he or she must in the same category for which he or she previously held a category endorsement:
  - (i) undergo a minimum of two periods of dual training of not less than one hour;
  - (ii) practice at least one hour solo flight including 3 take-offs and landings; and

**[The phrase “at least one hour solo flight” is ambiguous, since it could refer to a single hour-long flight, or one hour of solo flight in total. It was probably intended to refer to “a minimum of one hour solo flight” as in paragraphs (b)(iii) and (c)(iii) below.]**

- (iii) pass a general proficiency check;
- (b) in the case where the maintenance of competency has lapsed by more than 24 months, but less than 60 months, he or she must:
- (i) rewrite the air law examination;
  - (ii) undergo a minimum of two periods of dual training of not less than one hour;
  - (iii) practice a minimum of three hours solo flight including 3 take-offs and landings; and
  - (iv) pass a general proficiency check; and
- (c) in the case where the maintenance of competency has lapsed by more than 60 months he or she must:
- (i) rewrite the air law examination;
  - (ii) undergo a minimum of three periods of dual training of not less than 1 hour each;
  - (iii) practice a minimum of five hours solo flight including five take-offs and landings;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) undergo a navigation exercise dual or under supervision of 90 minutes or more including one full stop landing at a point other than departure or final destination, and
- (v) pass a general proficiency check, including a general confirmation of knowledge on all theoretical subjects.

(5) The proficiency check referred to in subregulation (2) must consist of a skills test without the need for a cross country flight test as defined in Document NAM-CATS-FCL 62, to be conducted in an aircraft of the category for which the holder of a recreational pilot licence holder is licensed: Provided that in the case of hang-gliders and paragliders the skills test is not a requirement unless the pilot has not met the annually required number of flights or hours.

(6) The person conducting the proficiency check referred to in subregulation (5) must enter the outcome of the proficiency check in the pilot's logbook and sign it accordingly and submit the relevant test report to the Executive Director or to the designated organisation, as the case may be.

(7) The test report, referred to in subregulation (6), must be countersigned by the pilot, and the pilot concerned must be provided with a copy of the report.

(8) If a pilot fails a proficiency check referred to subregulation (2):

[The word "in" appears to have been omitted after the phrase "referred to".]

- (a) the pilot must undergo corrective training with a flight instructor, other than the person who conducted the failed proficiency check, before submitting himself or herself for a retest; and
- (b) no re-test may be conducted without a letter of recommendation by the flight instructor referred to in paragraph (a).

(9) The holder of a recreational pilot licence must pay annually the applicable currency fee as prescribed in regulation 62.01.19 and in Part 187 on the anniversary date of his or her licence.

(10) The fee referred to in subregulation (9) must be paid to the Authority or to the designated organisation, as the case may, and must be accompanied by a summary of the recreational pilot licence holder's logbook for the previous 12 months;

(11) The summary referred to in subregulation (10) must be in the form set out in Document NAM-CATS-FCL 62 and be signed, certifying it to be a true reflection of the recreational pilot's licence flying experience during the period summarised.

(12) Despite subregulation (11), it is not necessary for the summary referred to in that subregulation to accompany the currency fee if during the preceding 12 months a six-monthly or annual summary was submitted as part of an application for the issue, renewal or re-issue of a rating.

(13) Without prejudice to the general powers of the Executive Director contained in sections 42, 43 and 44 of the Act to suspend or revoke or to impose conditions upon aviation documents:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) if, the Executive Director or the designated organisation, as the case may be, suspects that a person licensed in terms of this Part, has failed to maintain the minimum standard required to exercise the privileges of the recreational pilot licence or any of the ratings that he or she holds, the Executive Director or the organisation may, after having afforded the licensee an opportunity to respond, give in writing the licensee reasonable notice of such suspension; and

[The comma after the word "if" is superfluous.]

- (b) the Executive Director or the designated organisation may require the person referred to in paragraph (a) to undergo, by a date specified by the Executive Director or the designated organisation, the skills test or all or some of theoretical knowledge examinations prescribed in this Part in respect of such licence or rating.

(14) If the tests or examinations, referred in subregulation (13), show that the standard of the licence or rating holder is below that required for the licence or rating concerned, the Executive Director or the designated organisation, as the case may be, must suspend the holder from exercising all or any of the privileges of that licence or rating until such time as the holder can show that he or she is again able to meet the skills or theoretical knowledge requirements for that licence or rating.

[The word "to" appears to have been omitted between the word "referred" and the phrase "in subregulation (13)".]

(15) If the person, who has been duly notified in terms of subregulation (14), fails without reasonable cause to present himself or herself by the specified date to undergo the prescribed test or examination, his or her standard is deemed to be below that required for the license or rating concerned.

### **Medical fitness**

**62.01.10** (1) An applicant for, or holder of, a recreational pilot licence must hold an appropriate valid medical certificate issued in terms of Part 67 of these regulations and must have a copy the certificate submitted to the Executive Director or the designated organisation.

(2) Despite the provisions of subregulation (1), where a recreational pilot licence is to be endorsed only for the category hang-glider or paraglider, its holder must complete and submit a medical fitness certificate set out in Document NAM-CATS-FCL 62.

(3) The medical fitness certificate referred to in subregulation (2) may not be older than three months when submitted.

(4) The medical fitness certificate referred to in subregulation (2) must be submitted annually together with the annual currency fee as prescribed in regulation Part 187.

(5) The provisions of subregulation (2), (3) and (4) do not apply if the applicant for a licence in terms of this Part or the licence holder is the holder of any valid medical certificate issued in terms of Part 67.

(6) The holder of a recreational pilot licence issued in terms of this Part may not exercise the privileges of that licence, unless that holder:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) holds an appropriate valid medical certificate or medical fitness certificate, as the case may be;
- (b) complies with all medical endorsements on that medical certificate or medical fitness certificate;
- (c) complies with the requirement set out in section 68(4) of the Act; and
- (d) being aware that he or she has a medical condition that would render him or her unfit, undergoes a medical assessment to declare him or her medically fit to continue exercising the privileges of the licence.

### Language

**62.01.11** The applicant who has applied for a recreational pilot licence, to be issued under this Part, must have demonstrated his or her ability to use the English language set out in Document NAM-CATS-FCL 62.

### Logging of flight time

**62.01.12** (1) The holder of a recreational pilot licence:

- (a) must maintain a record of all his or her flight time and instruction time;
- (b) may keep electronic logbooks: Provided that the electronic data is printed onto paper at least every 90 days and the printed pages are filed sequentially in a binder;
- (c) must keep the form and information to be contained in the logbook, as set out in Document NAM-CATS-FCL 62;
- (d) must make entries in pilot logbook within seven days after the completion of the flight to be recorded, and

[The word “the” appears to have been omitted before the phrase “pilot logbook”.]

- (e) must ensure that the logbook summaries are verified and signed off by the person responsible for training or for operations.

(2) If the holder of the recreational pilot licence is engaged in flight operations away from the base where the pilot logbook is kept normally, the period specified subregulation (1)(b) may be extended to 48 hours after return to base.

[The word “in” appears to have been omitted between “specified” and “subregulation”.]

(3) The holder of the Recreational Pilot Licence must retain logbooks for at least 60 months from the date of the last flight recorded in it.

(4) Flight time during which the holder of a recreational pilot licence is:

- (a) receiving dual instruction must be logged as dual flight time, and must include a record of the air exercises undertaken; and
- (b) the designated pilot-in-command, must be logged as pilot-in-command time.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The holder of a recreational learner's certificate may log as solo flight time only the flight time when the learner is the sole occupant of the aircraft.

(6) A recreational flight instructor must log the time spent in an aircraft occupying a pilot seat with access to the controls, whilst acting as a flight instructor, as flight instructor time, and may log all flight time whilst acting as such as pilot-in-command time.

(7) A recreational flight instructor, acting as an examiner while occupying a pilot seat with access to the flight controls, may log all flight time whilst acting as such as pilot-in-command, and must make the entry "EXAMINER" in the remarks column and such time must not be logged as flight instructor time.

**Crediting of flight time and theoretical knowledge**

**62.01.13** (1) Flight time, entered in a logbook that has been lost or destroyed, may only be accepted for crediting purposes by the Executive Director or the designated organisation, as the case may be, if the flight time can be substantiated by means acceptable to the Executive Director or the designated organisation.

(2) A person acting as pilot of an aircraft for which he or she does not hold the prescribed qualifications may not credit that flight time for any purpose, unless he or she is under a flight instruction approved by the flight instructor.

(3) An applicant for a recreational pilot licence or any rating relating to such licence may be credited with any previously acquired flight time in any category of aircraft to the extent recommended by the flight instructor, signing out the skills test report prescribed for the issue of the licence or rating, to the Executive Director or the designated organisation, as the case may be.

(4) An applicant for a recreational pilot licence or any rating related to it who is or who during the five years immediately preceding the application has been the holder of a pilot licence issued in terms of Part 61 or issued by the Namibian Air Force may be credited with flight hours for any cross-country requirement prescribed in this Part, if any, at the discretion of the flight instructor signing out the skills test report prescribed for the issue of the licence or rating and this discretion must be exercised lawfully.

(5) If the holder of a recreational pilot licence applies for an additional category, class or type rating, he or she may be credited with any theoretical knowledge previously acquired in obtaining the licence or any rating, provided that such theoretical knowledge meets or exceeds the standard of theoretical knowledge of the category being applied for, and at the discretion of the Executive Director or the designated organisation, as the case may be, and this discretion must be exercised lawfully.

**Recognition and validation of recreational pilot licences and ratings issued by an appropriate authority of a Constructing State**

[The word "Contracting" is misspelt as "Constructing" here;  
it is spelt correctly in the LIST OF REGULATIONS.]

**62.01.14** (1) The Executive Director or the designated organisation, as the case may be, may recognise through validation foreign recreational pilot licences and ratings issued by or on behalf of an appropriate authority, if the standard of such foreign licences or ratings is deemed by the Executive Director, having regard to Document NAM-CATS-FCL 62 or such other

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

information as may be appropriate, to be equivalent to, or higher than, the Namibian qualification being sought, and on the basis of competence by the holder.

(2) Document NAM-CATS-FCL 62 contains a list of ICAO member states of which the licences and ratings issued by or on behalf of the appropriate authority of that State are deemed to be of a standard equal to, or higher than, those issued by or on behalf of the Authority.

(3) For paragliding and hang-gliding, a designated Aviation Recreation Organization (ARO) must validate national pilot licences or certificates issued by an appropriate authority.

(4) Validation of foreign recreational pilot licences in terms of this regulation, apply for flights in Namibian aircraft, where such privileges are required for a limited period, not to exceed one year.

(5) Purposes for which a validation may be issued include:

- (a) to exercise the privileges of a recreational pilot licence in a Namibian registered aircraft;
- (b) to conduct demonstration flights in a Namibian registered aircraft;
- (c) to conduct endorsement training of Namibian flight crew; or
- (d) to participate in sporting or competition events, organised by or under the auspices of sections of the designated ARO.

(6) If the privileges of the validated foreign recreational pilot licence are to be exercised in commercial air transport operations, the requirements of Part 96 must be complied with.

(7) The Executive Director or the designated organisation, as the case may be, may, if he or she or it considers it necessary, require an applicant for a validation to undergo additional theoretical or practical assessments to ensure compatibility with the relevant Namibian licensing standards.

**Application for, and issuing of, a validation of a foreign recreational pilot licence and ratings**

**62.01.15** (1) The holder of a foreign recreational pilot licence or equivalent or higher pilot licence or rating, who wishes to exercise the privileges of such licence or rating as a recreational pilot of a Namibian registered aircraft, may apply to the Executive Director or the designated organisation, as the case may be, in the appropriate form set out in Document NAM-CATS-FCL 62, for a validation of such pilot licence or rating.

(2) No validation may be considered by the Executive Director or a designated organisation if the applicant has:

- (a) been refused a Namibian pilot licence or validation before the commencement of this regulation; or
- (b) had a Namibian pilot licence or validation revoked before the commencement of this regulation for reasons other than failing a skill test, a proficiency test or a theoretical knowledge test.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If, in the opinion of the Executive Director or the designated organisation, the requirements for the issue of a pilot licence by a particular Contracting State are lower than those set by Namibia, the Executive Director or the designated organisation may direct that the applicant meets the higher requirement before granting a validation.

(4) A pilot licence and rating issued by or on behalf of an appropriate authority may be validated by the Executive Director or the designated organisation:

- (a) subject to the same restrictions which apply to such pilot licence and rating;
- (b) subject to such conditions and limitations as the Executive Director or the designated organisation may deem necessary in the interest of aviation safety;
- (c) in accordance with and subject to the requirements and conditions set out in Document NAM-CATS-FCL 62; and
- (d) in the appropriate form as determined by the Executive Director, provided that such validation may not give rise to the grant of privileges in excess of those granted by the equivalent Namibian recreational pilot licence or rating.

(5) The application for a validation referred to in subregulation (1) must be accompanied by:

- (a) the appropriate fee as prescribed in Part 187;
- (b) an original or certified copy of the pilot licence and rating to which the validation refers;
- (c) an original or certified copy of a valid medical certificate or valid medical fitness certificate;
- (d) an original or certified copy of the radiotelephony certificate, if applicable, or, in the case where the appropriate authority does not have requirements for such certificate for its licence holders, acceptable certified evidence that the applicant has passed a practical skill test with an approved radio licence examiner;
- (e) evidence of English proficiency at Level 4 of the ICAO Rating Scale;
- (f) a summary of the applicant's logbook, certified by the applicant to be a true reflection of the hours flown; and
- (g) any other document that may set out in Document NAM-CATS-FCL 62.

(6) The minimum knowledge, experience and skill requirements for the issue of a validation for the various pilot licences and ratings are set out in Document NAM-CATS-FCL 62 for the Namibian recreational pilot licence and associated ratings.

(7) Where a proficiency check or skills test is required, such check or test must be undertaken in an aircraft of the class or type appropriate to the recreational pilot licence category for which a certificate of validation is sought.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The holder of a validation issued by the Executive Director or the designated organisation in terms of this regulation must comply with all the applicable provisions prescribed in the Regulations.

(9) None of the privileges of an additional rating as a recreational pilot may be exercised in terms of the validation before the licence issuing authority has endorsed such privileges on the applicant's foreign pilot's licence.

(10) The period of validity of a certificate of validation issued by the Executive Director or the designated organisation must be the lesser of:

- (a) twelve months calculated from the date of issue of such Certificate of Validation by the Executive Director or the designated organisation; or
- (b) the period of validity of the pilot licence and rating to which the validation applies;

(11) In exceptional cases, such as demonstration flights or instruction on new aircraft to be registered in Namibia, the Executive Director or the designated organisation may consider the validation of a foreign recreational pilot licence to meet short-term operational requirements of the licence holder by exempting the applicant from all or some of the requirements of this Part, in accordance with Part 3 of the Regulations.

### **Documentation**

**62.01.16** The Executive Director or the designated organisation, as the case may be, must ensure that a recreational pilot licence and rating is issued in such a manner that the validity of it may readily be determined by any appropriate authority.

### **Register of licences**

**62.01.17** (1) The Executive Director or the designated organisation as the case may be, must maintain within the Civil Aviation Registry a register of all recreational pilot licences and ratings issued or validated in terms of this Part.

- (2) The register referred to in subregulation (1) must contain the following particulars:
  - (a) the full name of the holder of the licence;
  - (b) date of birth of the holder of the licence;
  - (c) the postal and residential address of the holder of the licence;
  - (d) the number of the licence;
  - (e) the date on which the licence was issued or validated;
  - (f) particulars of the ratings held by the holder of the licence;
  - (g) the nationality of the holder of the licence; and
  - (h) in the case of a validation, the authority that issued the validated licence or rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register referred to in subregulation (1) within seven days from the date on which the licence or rating is issued or validated.

(4) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Aviation training providers**

**62.01.18** Any *ab initio* training required by this Part may be provided only by the holder of an approved ATO approval.

**Payment of currency fee**

**62.01.19** (1) The holder of a recreational pilot licence must pay the currency fee as prescribed in Part 187, applicable to the type of licence, on the anniversary date of the licence to either the Authority or to the designated organisation, as the case may be.

(2) Where applicable, the payment of a currency fee must be accompanied by the summary as prescribed by subregulation (10) of regulation 62.01.9 and when applicable, by acceptable evidence of compliance to the relevant licence or rating revalidation requirements prescribed in 62.01.9 or 62.03.5 or in both regulations and in the relevant Subpart applicable to the type rating held.

**Radiotelephony certificates**

**62.01.20** (1) The requirement for holders of a recreational pilot licence to be also the holder of a radiotelephony certificate is regulated by the Communications Act, 2009 (Act No. 8 of 2009).

(2) The requirements for the issue of radiotelephony certificate referred to in subregulation (1) are set out in Document NAM-CATS-FCL 62.

**SUBPART 2:**  
**RECREATIONAL STUDENT PILOT CERTIFICATE**

**Requirements for the recreational student pilot certificate**

**62.02.1** (1) An applicant for the issuing of a recreational student pilot certificate must:

- (a) be 16 years of age or older, except where subregulation (2) applies;
- (b) hold a valid medical certificate issued in terms of Part 67; or
- (c) in the case of hang-gliding or paragliding, hold a medical fitness certificate, dated not less than three months before the date of application;
- (d) have successfully completed the training set out in Document NAM-CATS-FCL 62; and
- (e) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 62, within the 90 days immediately preceding the date of application.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Despite the provisions of subregulation (1), an applicant for the issuing of a recreational student pilot's certificate in the category paraglider must be 14 years of age or older.

**Certificate of competency**

**62.02.2** (1) If the recreational student pilot, in terms of these regulations, is required to operate radio apparatus while flying solo, a recreational student pilot certificate must be issued to the student pilot who is not in the possession of a radiotelephony certificate of competency: Provided that the student pilot has undergone basic training in the use of the radio apparatus installed in the aircraft and the flight instructor releasing him or her for solo issues to him or her a certificate of competency on the basis that he or she has assessed him or her as competent in operating the radio apparatus during:

[The phrase "him of her" should be "him or her".]

- (a) the circuit area of the aerodrome or approved site where the training flights originate and terminate;
  - (b) the associated general flying area of such aerodrome or approved site, or
  - (c) cross-country flights.
- (2) The certificate of competency referred to in (1) must contain a statement that:
- (a) the student pilot has undergone basic training in the use of the radio apparatus installed in the aircraft in which he or she is being trained; and
  - (b) the student pilot is considered capable of operating such radio apparatus satisfactorily to undertake solo flights in the conditions listed under subregulation (1)(a), (b) and (c).

(3) The basic training and knowledge requirements referred to in this regulation must be based on the communication syllabus set out in NAM-CATS-FCL 62.

(4) The certificate of competency referred to in subregulation (2) is valid for three months for a recreational licence holder requiring a radiotelephony licence or in the case of hang gliders and paragliders, as long as the recreational student pilot certificate is valid.

[Most provisions in these regulations refer to a radiotelephony "certificate" rather than a "licence".  
See, for example, Regulation 62.01.20.]

**Application for recreational student pilot certificate**

**62.02.3** (1) An application for the issuing of a recreational student pilot's certificate in a category, other than hang-glider or paraglider, must:

- (a) be made to the Executive Director or the designated organisation, as the case may be, in the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) original or acceptable certified evidence of:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ab) the identity of the applicant; and
- (bb) a document indicating the age of the applicant;
- (ii) a valid medical certificate issued in terms of Part 67;
- (iii) if applicable, the valid restricted or higher grade radiotelephony operator's certificate or the certificate of competency referred to in regulation 62.02.2;
- (iv) original or acceptable certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation 62.02.2;
- (v) an application for the appropriate category and type rating;
- (vi) two recent passport size photographs of the applicant; and
- (vii) the appropriate fee prescribed in 187.

(2) The Executive Director or the designated organisation, as the case may be, must issue a recreational student pilot's certificate to the applicant if the applicant complies with the requirements referred to in regulation 62.02.1.

(3) The Executive Director or the designated organisation must issue the recreational student pilot's certificate in the form determined by the Executive Director.

(4) Upon the issuing of a recreational student pilot's certificate, the holder of the certificate must immediately affix his or her signature in ink in the space provided for that purpose on the certificate.

**Period of validity**

**62.02.4** (1) A recreational student pilot certificate is valid:

- (a) for the period the holder's medical certificate issued in accordance with Part 67 is valid; and
- (b) in the case of a student pilot certificate issued in the categories of hang-gliding or paragliding, the validity of the student pilot's certificate depends on the medical certificate issued for that certificate in accordance with Part 67.

**Privileges and limitations of recreational student pilot certificate**

**62.02.5** (1) The holder of a valid recreational student pilot certificate is entitled to fly solo only for the purpose of training for the applicable recreational pilot licence or rating:

- (a) in the type of aircraft in which he or she is undergoing training;
- (b) after being authorised and while under supervision, as prescribed in subregulation (2);
- (c) without carrying any passengers; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) in VMC by day.

(2) The holder of a valid recreational student pilot certificate may not fly solo unless authority is granted by the relevant flight instructor for the flight, or for a sequence of flights, as prescribed in the relevant practical training course syllabus, by the holder of a flight instructor rating who is to supervise the solo flight.

(3) The authority referred to in subregulation (2) must be in writing and be issued in the presence of the holder of a valid recreational student pilot certificate at the time when such flight or sequence of flights is about to commence.

(4) The holder of a valid recreational student pilot certificate may not fly solo in the circuit unless he or she has successfully completed the practical training and theoretical knowledge examinations as prescribed, and his or her logbook has been endorsed to fly solo in the circuit by the instructor authorized to release him or her for the solo flight.

(5) The holder of a valid recreational student pilot certificate may not fly solo outside of the circuit or in the general flying area unless he or she has successfully completed the practical training and theoretical knowledge examinations as prescribed in subregulation (4) and his or her logbook has been endorsed to do so by the instructor authorised to release him/her for the solo flight.

(6) A holder of a valid recreational student pilot certificate may not fly solo on a cross-country flight unless he or she has successfully completed the practical training and theoretical knowledge examinations as prescribed in subregulation (4) and (5) and his or her logbook has been endorsed to do so by the instructor authorized to release him or her for the solo flight.

(7) Except in an emergency, the holder of a valid recreational student pilot certificate may not take-off from and land on an area other than an aerodrome or a site approved in terms of the Regulations.

[The word “of” appears to have been omitted between “in terms” and “the Regulations”.]

(8) If a holder of a valid recreational student pilot certificate does execute an emergency landing on an area other than an aerodrome or an approved site, only the holder of a recreational pilot licence with the appropriate category and class rating, or another pilot approved for the purpose by the Executive Director or the designated organisation, may fly the aircraft from the area.

(9) In the case of the holder of a recreational student pilot certificate in the category hang-glider, powered hang-glider, paraglider or powered paraglider, the provisions of subregulation (2) apply.

**Crediting of flight time**

**62.02.6** A holder of a valid recreational student pilot certificate is entitled to be credited in full with all solo and dual instruction time towards the total flight time requirement for the initial issue of a recreational pilot licence in the category in which he or she is undergoing instruction.

**SUBPART 3:**  
**RECREATIONAL PILOT LICENCE**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this SUBPART in the LIST OF REGULATIONS  
“RECREATIONAL STUDENT PILOT LICENCE”.]

**Requirements for recreational pilot licence**

**62.03.1** (1) An applicant for the issuing of a recreational pilot licence must:

- (a) be 17 years of age or older;
- (b) either hold a valid Class 2 or higher class medical certificate issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
- (c) hold a valid recreational student pilot certificate or a valid pilot licence issued in terms of Part 61; and
- (d) qualify for the issue of at least one of the category ratings, referred to in regulation 62.01.5.

(2) Despite the provisions of paragraph (a) of subregulation (1), an applicant for the issuing of a recreational pilot licence in the category paraglider, hang-glider, powered paraglider and powered paratrike must be 16 years of age or older.

**Application for recreational pilot licence**

**62.03.2** (1) An application for the issuing of a recreational pilot licence must:

- (a) be made to the Executive Director or to the designated organisation as the case may be, on the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) either a valid Class 2 or higher class medical certificate, issued in terms of Part 67, or in the case of an application in the category hang-glider or paraglider a valid medical fitness certificate;
  - (ii) a valid pilot licence reference number;
  - (iii) original or acceptable certified evidence that the applicant meets the requirements for the issue of at least one of the category ratings, referred to in regulation 62.01.5;
  - (iv) one passport-sized photograph;
  - (v) the appropriate fee as prescribed in terms of Part 187, as the case may be, provided that any fee set by the designated organisation may not exceed those prescribed in Part 187; and
  - (vi) a copy of the applicant's logbook showing all training, and accurately summarised as set out in Document NAM-CATS-FCL 62.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director or the designated organisation, as the case may be, must issue a recreational pilot licence if the applicant complies with the requirements referred to in regulation 62.03.1.

(3) A recreational pilot licence must be issued in the form determined by the Executive Director.

**Period of validity**

**62.03.3** (1) A recreational pilot licence is valid for an indefinite period unless revoked or suspended in terms of the Act;

(2) The privileges of the recreational pilot licence may not be exercised by licence holder unless he or she:

- (a) either holds a valid Class 2 or higher class medical certificate issued in terms of Part 67, or in the case of a licence endorsed for the category hang-glider or paraglider only, a valid medical fitness certificate;
- (b) complies with the provisions of regulation 62.03.6; and
- (c) holds an appropriate valid category, class or type rating.

**Privileges of the recreational pilot licence**

**62.03.4** (1) The holder of a recreational pilot licence is entitled to act as pilot-in-command of a non-type certificated aircraft for which he or she holds the appropriate valid category, class or type rating and which is not engaged in the provision of an air service or carriage for reward or remuneration but is engaged in a flight carried out:

- (a) under VMC;
- (b) by day; and
- (c) in accordance with the provisions of Part 94.

(2) The holder of a recreational pilot licence is entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 62.01.8.

(3) Despite the provisions of subregulation (1):

- (a) the holder of a recreational pilot licence may exercise the privileges of his or her licence for reward or remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part; and
- (b) the holder of a valid recreational flight instructor rating may conduct flight training for remuneration under the control of an approved ATO.

**Maintenance of competency**

**62.03.5** The holder of a recreational pilot licence may not act as pilot-in-command of a non-type certificated aircraft, unless he or she:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) meets the maintenance of competency requirements prescribed in this Part for the type of aircraft for which he or she holds a valid category, class or type rating; and
- (b) has passed a written examination on the subject of air law if he or she has not exercised the privileges of any pilot licence for a period in excess of 60 months.

**Requirements for the issue of a category rating**

**62.03.6** (1) For the applicant for, or the holder of a recreational pilot licence to be issued with a first or an additional category rating, he or she must meet the requirements for the issue of a class or type rating in that particular category.

(2) If a category rating is issued as referred in subregulation (1), a class or type rating in that category is automatically included.

[The word “to” appears to have been omitted between the word “referred” and the phrase “in subregulation (1)”.]

**Requirements for the issue of an additional class rating**

**62.03.7** For the holder of a recreational pilot licence to be issued with an additional class rating, he or she must meet the relevant requirements as prescribed in this Part for that particular category and class of aircraft.

**Requirements for the issue of an additional type rating**

**62.03.8** For the holder of a recreational pilot licence to be issued with an additional type rating, he or she must meet the requirements for the issue of the particular type rating.

**Requirements for the issue of a special purpose rating**

**62.03.9** For the holder of a recreational pilot licence to be issued with a special purpose rating, he or she must meet the requirements for the issue of the particular special purpose rating.

**SUBPART 4:**

**REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING  
BY NAME FOR CONVENTIONAL MICROLIGHT AEROPLANES**

**General**

**62.04.1** For an applicant for, or the holder of, a recreational pilot licence to be issued with an initial type rating by name for conventional microlight aeroplanes, he or she must:

- (a) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
- (b) have acquired the experience referred to in regulation 62.04.2;
- (c) have successfully completed the training set out in Document NAM-CATS-FCL 62;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.04.3; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) have successfully passed the skill test referred to in regulation 62.04.4.

**Experience**

**62.04.2** (1) An applicant for the issuing of an initial type rating for conventional microlight aeroplanes must have completed not less than 25 hours flight time as a pilot of a conventional microlight aeroplane, of which at least 15 hours must be solo flight time, and which must include:

- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed consisting of 3 legs; and
- (b) one dual cross-country flight of a duration of not less than 90 minutes flown at normal cruising speed consisting of three legs and which includes a full stop landing at a point other than the point of departure.

(2) Despite the provisions of subregulation (1), in the case of an applicant who is the holder of a category, class or type rating for weight-shift controlled microlight aeroplanes or light sport aeroplanes, the hours already gained in these categories may be credited toward the hour requirements and the cross-country requirements at the discretion of the flight instructor which discretion must be exercised lawfully.

(3) In the case of a holder of a category, class or type rating for weight-shift controlled microlight aeroplanes, a minimum of 10 hours dual must be flown on type and five solo take-offs and landings must be conducted on type.

(4) In the case of an additional type rating for conventional microlight aeroplanes, not less than five hours dual and five solo take-offs and landings must be conducted on type.

(5) An applicant for the issuing of a class rating for conventional microlight aeroplanes must have completed not less than 500 hours flight time as a pilot of a conventional microlight aeroplane, and hold at least five type ratings for conventional microlight aeroplanes.

**Theoretical knowledge examination**

**62.04.3** (1) An applicant for the issuing of a type rating by name for conventional microlight aeroplanes must have passed the appropriate written examination set out in Document NAM-CATS-FCL 62.

(2) Despite the provisions of subregulation (1), in the case of an applicant who holds a pilot licence issued in terms of Part 61, or the holder of a class or type rating for weight-shift controlled microlight aeroplanes, light sport aeroplanes or gyroplanes, the applicant may be given credit for any theory at the discretion of the person accountable for training in the approved ATO, and this discretion must be exercised lawfully.

(3) Despite the provisions of subregulation (2), the theoretical knowledge examination, "Principles of Flight" for conventional microlight aeroplanes must be written by both weight-shift controlled microlight pilots and gyroplane pilots seeking endorsement for a conventional microlight aeroplane.

**Skills test**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**62.04.4** (1) An applicant for the issuing of an initial type rating by name for conventional microlight aeroplanes must have demonstrated:

- (a) to the holder of a Grade B or Grade A conventional microlight aeroplane flight instructor rating; or
- (b) a flight instructor appropriately rated in terms of Part 61, the ability to perform, as pilot-in-command of a conventional microlight aeroplane, the procedures and manoeuvres set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.

(2) An applicant for the issue of an additional type rating by name for conventional microlight aeroplanes must:

- (a) undergo a skills test with a Grade C, B or A-instructor with the appropriate type or class rating in which a high standard of vital action drill is required;

**[Paragraph (a) should refer to “a Grade C-, B- or A-instructor”, as in regulation 62.16.6.]**

- (b) with the examiner at the dual controls, or under direct supervision in the case of a single-seater aeroplane, perform at least three take-offs and three landings and any other exercise considered necessary; and
- (c) pass the technical examinations set out in Document NAM-CATS-FCL 62.

(3) The applicant referred to in subregulation (1) must undergo the skills test referred to in that subregulation within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.04.3 and within the 60 days immediately preceding the date of application.

**[The word “the” before the phrase “12 months” is superfluous.]**

(4) The applicant referred to in subregulation (1) must undergo the skills test referred to in subregulation (2) within the 60 days immediately preceding the date of application.

**Crediting of flight time and theoretical knowledge**

**62.04.5** The holder of an aeroplane pilot licence issued in terms of Part 61 or in terms of this Part, endorsed with:

- (a) the category weight-shift controlled microlight aeroplane may be credited with not more than 15 hours flight time acquired in a weight-shift microlight aeroplane, and the additional 10 hours required for the licence referred to in subregulation (1) applied for must consist of:
  - (i) a minimum of 10 hours dual flying in a conventional microlight;
  - (ii) a minimum of five solo take-offs and landings in a conventional microlight; and
  - (iii) the applicant having acquired knowledge in the subjects principles of flight and engines and airframes towards the theoretical knowledge requirements

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

prescribed for the endorsement of a national pilot licence endorsed for the category conventionally controlled microlight aeroplanes; or

- (b) the category gyroplane or a helicopter licence issued in terms of Part 61 may be credited with not more than 10 hours flight time acquired in a gyroplane, and the additional 15 hours required for the licence applied for must consist of:
  - (i) a minimum of five hours dual flying in a conventional microlight;
  - (ii) a minimum of 10 hours solo flying in a conventional microlight; and
  - (iii) have acquired knowledge in the subjects engines and air frames and principles of flight towards the theoretical knowledge requirements prescribed for the endorsement of a national pilot licence endorsed for the category conventionally controlled microlight aeroplanes;
- (c) the category light sport aeroplanes or touring motor gliders or a license issued in terms of Part 61 (aeroplane), the hour requirements and the cross-country requirements may be credited at the discretion of the person responsible for training of the approved ATO, and this discretion must be exercised lawfully.

### **Application**

**62.04.6** (1) An application for the issuing of a class rating or type rating for conventional microlight aeroplanes must:

- (a) be made to the Executive Director or to the designated organisation, as the case may be, on the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) a valid licence reference number or a valid application for the issue of such licence;
  - (ii) acceptable certified evidence that the requirements prescribed in regulation 62.04.1 have been complied with; and
  - (iii) the appropriate fee as prescribed in terms of Part 187 or by the designated organisation, as the case may be: Provided that the fees set by the designated organisation may not exceed those prescribed in Part 187.

(2) The Executive Director or the designated organisation as the case may be, must issue a class rating or type rating for conventional microlight aeroplanes if the applicant complies with the requirements referred to in regulation 62.04.1.

(3) A class rating or type rating for conventional microlight aeroplanes must be issued in the form determined by the Executive Director.

### **Period of validity**

**62.04.7** A class rating or type rating by name for conventional microlight aeroplanes is valid for as long as the recreational pilot licence itself remains valid: Provided that the privileges

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

of the class rating or type rating may not be exercised by the licence holder unless he or she complies with the provisions of regulation 62.04.9.

**Privileges and limitations of the class rating or type rating for conventional microlight aeroplanes**

**62.04.8** (1) The holder of a class rating or type rating by name for conventional microlight aeroplanes is entitled to act as pilot-in-command of the conventional microlight aeroplane for which he or she is rated by name, or of any conventional microlight aeroplane for which he or she holds the appropriate class rating: Provided it is not operated for the provision of an air service:

- (a) within Class F and Class G airspace;
- (b) within controlled airspace unless:
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) a two-way radio communication as the responsible air traffic service unit may require, is established;
  - (iii) continuous radio watch is maintained; and
  - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with.
- (2) Despite the provisions of subregulation (1):
  - (a) the holder of a class rating for conventional microlight aeroplanes must familiarise himself or herself with any type of conventional microlight aeroplane that he or she has not flown previously, before undertaking a flight in such aeroplane; and
  - (b) the holder of a class rating or type rating by name for conventional microlight aeroplanes may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96: Provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

**Maintenance of competency**

**62.04.9** The holder of a class rating or type rating by name for conventional microlight aeroplanes may not act as pilot-in-command of a conventional microlight aeroplane unless he or she:

- (a) has:
  - (i) acted as pilot-in-command of a conventional microlight aeroplane for a minimum of five hours in the 12 months immediately preceding the intended flight and such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of conventional microlight aeroplane; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) passed a skills test with an appropriately rated flight instructor within the three months immediately preceding the intended flight; and
- (b) if transporting a passenger, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a conventional microlight aeroplane.

**SUBPART 5:**  
**REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING**  
**BY NAME FOR WEIGHT-SHIFT CONTROLLED MICROLIGHT AEROPLANES**

**General**

**62.05.1** For the applicant for, or the holder of, a recreational pilot licence to be issued with a type rating by name for weight-shift controlled microlight aeroplanes, he or she must:

- (a) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
- (b) have acquired the experience referred to in regulation 62.05.2;
- (c) have successfully completed the training as set out in Document NAM-CATS-FCL 62;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.05.3; and
- (e) have successfully passed the skill test referred to in regulation 62.05.4.

**Experience**

**62.05.2** (1) An applicant for the issuing of an initial type rating for weight-shift controlled microlight aeroplanes must have completed not less than 25 hours flight time as a pilot of a weight-shift controlled microlight aeroplane, of which at least 15 hours must be solo flight time, and which must include:

- (a) one dual cross-country flight and one solo cross-country flight, each of a duration of not less than 90 minutes with at least three legs, flown at normal cruising speed; and
- (b) one dual cross-country flight of a duration of not less than 90 minutes with at least three legs, flown at normal cruising speed and which includes a full-stop landing at a point other than the point of departure.

(2) Despite the provisions of subregulation (1), in the case of an applicant for the issuing of an initial type rating:

- (a) with extensive experience as the holder of an Aeroplane Pilot Licence, issued in terms of Part 61; or
- (b) who is the holder of a category, class rating or type rating by name for conventional microlight aeroplanes or light sport aeroplanes,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the hour requirements and the cross-country requirements may be credited at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

(3) The dual instruction hour requirement referred to in subregulation (1) may also be reduced in the case of an applicant with extensive experience of hang-gliding: Provided that in both the instances referred to in subregulation (2) and this subregulation, a minimum of 10 hours dual must be flown on type and five solo take-offs and landings must be conducted on type.

(4) In the case of an additional type rating for weight-shift microlight aeroplanes, not less than five hours dual and five solo take-offs and landings are required on type.

(5) An applicant for the issuing of a class rating for weight-shift controlled microlight aeroplanes must have completed not less than 500 hours flight time as a pilot of a weight-shift controlled micro light aeroplane, and hold at least five type ratings for weight-shift controlled microlight aeroplanes.

**Theoretical knowledge examination**

**62.05.3** (1) An applicant for the issuing of an initial type rating for weight-shift controlled microlight aeroplanes must have passed the appropriate written examination as set out in Document NAM-CATS-FCL 62.

(2) Despite the provisions of subregulation (1), in the case of an applicant with extensive experience as the holder of a pilot licence issued in terms of Part 61 or the holder of a class or type rating for conventional controlled microlight aeroplanes or gyroplanes, the applicant may be given credit for any theory at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

(3) Despite the provisions of subregulation (2), the theoretical knowledge examination, "Principles of Flight" for weight-shift microlight aeroplanes must be written by aeroplane pilots licensed in terms of Part 61 and pilots of conventionally controlled microlight aeroplanes and gyroplane pilots seeking endorsement for weight-shift microlight aeroplanes.

**Skills test**

**62.05.4** (1) An applicant for the issuing of type rating by name for weight-shift controlled microlight aeroplanes must have demonstrated to the holder of a Grade B or Grade A weight-shift controlled microlight aeroplane flight instructor rating the ability to perform, as pilot-in-command of a weight-shift controlled microlight aeroplane, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.

(2) An applicant for the issue of an additional type rating by name for weight-shift controlled microlight aeroplanes must:

- (a) undergo a skills test with a Grade C, B or A-instructor with the appropriate type or class rating in which a high standard of vital action drill is required;

[Paragraph (a) should refer to "a Grade C-, B- or A-instructor", as in regulation 62.16.6.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) perform, with the instructor at the dual controls or under direct supervision in the case of a single-seater aeroplane, at least three take-offs and three landings and any other exercise considered necessary; and
- (c) pass the technical exams as set out in Document NAM-CATS-FCL 62.

(3) The applicant referred to in subregulation (1) must undergo the skills test referred to in that subregulation within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.05.3 and within the 60 days immediately preceding the date of application.

[The word “the” before the phrase “12 months” is superfluous.]

(4) The applicant referred to in subregulation (2) must undergo the skills test referred to in that subregulation within the 60 days immediately preceding the date of application.

**Crediting of flight time and theoretical knowledge**

**62.05.5** (1) The holder of an aeroplane license issued in terms of Part 61 or in terms of this Part as the case may be, endorsed with:

- (a) the category conventionally controlled microlight aeroplane, light sport aeroplane, touring motor glider or license issued in terms of Part 61 (aeroplane), must:
  - (i) complete a minimum of 10 hours dual flying in a weight shift microlight;
  - (ii) complete a minimum of five solo take-offs and landings in a weight shift microlight; and
  - (iii) have acquired knowledge in the subjects, principles of flight and engines and airframes, towards the theoretical knowledge requirements prescribed for the endorsement of a national pilot licence endorsed for the category weight-shift controlled microlight aeroplanes;
- (b) the category gyroplane or helicopter license issued in terms of Part 61, must complete:
  - (i) the training as required in terms of regulation 62.05.2: Provided that the cross country requirements may be relaxed at the discretion of the instructor conducting the test as referred to in 62.05.5, and this discretion must be exercised lawfully; and
  - (ii) have acquired knowledge in the subjects, engines and air frames and principles of flight, towards the theoretical knowledge requirements prescribed for the endorsement of a national pilot licence endorsed for the category weight-shift controlled microlight aeroplanes; and
- (c) the category hang-gliding, an applicant with extensive experience of hang-gliding, must:
  - (i) complete a minimum of 10 hours dual flying in a weight shift microlight;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) complete a minimum of five solo take-offs and landings in a weight shift microlight; and
- (iii) have acquired knowledge in the subjects, principles of flight and engines and airframes, towards the theoretical knowledge requirements prescribed for the endorsement of a national pilot licence endorsed for the category weight-shift controlled microlight aeroplanes.

**Application**

**62.05.6** (1) An application for the issuing of a type rating by name or a class rating for weight-shift controlled microlight aeroplanes must:

- (a) be made to the Executive Director or to the designated organisation, as the case may be, on the appropriate form as set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) a valid licence reference number or a valid application for the issue of such licence;
  - (ii) acceptable certified evidence that the requirements prescribed in regulation 62.05.1 have been complied with; and
  - (iii) the appropriate fee as prescribed in terms of Part 187 or by the designated organisation, as the case may be, provided that the fees set by the designated organisation may not exceed those prescribed in Part 187.

(2) The Executive Director or the designated organisation as the case may be, must issue a class rating for weight-shift controlled microlight aeroplanes if the applicant complies with the requirements referred to in regulation 62.05.1.

(3) A type rating by name and a class rating for weight-shift controlled microlight aeroplanes must be issued in the form determined by the Executive Director.

**Period of validity**

**62.05.7** A class rating for weight-shift controlled microlight aeroplanes is valid for as long as the recreational pilot licence remains valid: Provided that the privileges of the class rating may not be exercised by the licence holder unless he or she complies with the provisions of regulation 62.05.9.

**Privileges and limitations of the class rating for weight-shift controlled microlight aeroplanes**

**62.05.8** (1) The holder of a class rating for weight-shift controlled microlight aeroplanes is entitled to act as pilot-in-command of any weight-shift controlled microlight aeroplane: Provided it is not operated for the provision of an air service:

- (a) within Class F and Class G airspace;
- (b) within controlled airspace unless:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
- (ii) a two-way radio communication as the responsible air traffic service unit may require, is established;
- (iii) continuous radio watch is maintained; and
- (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such microlight aeroplane is within such aerodrome traffic zone.

(2) Despite the provisions of subregulation (1), the holder of a class rating for weight-shift microlight aeroplanes:

- (a) must familiarise himself or herself with any weight-shift microlight aeroplane that he or she has not flown previously, before undertaking a flight in such microlight aeroplane; and
- (b) may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96: Provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

**Maintenance of competency**

**62.05.9** The holder of a class rating for weight-shift controlled microlight aeroplanes may not act as pilot-in-command of a weight-shift controlled microlight aeroplane, unless he or she:

- (a) has:
  - (i) acted as pilot-in-command of a weight-shift controlled microlight aeroplane for a minimum of five hours in the 12 months immediately preceding the intended flight and such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of weight-shift controlled microlight aeroplane; or
  - (ii) has passed a skills test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and
- (b) if transporting a passenger, within the 90 days immediately preceding the flight on which such passenger is to be transported, executed not less than three take-offs and three landings in a weight-shift controlled microlight aeroplane.

**SUBPART 6:**  
**REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS**  
**OR TYPE RATING FOR GYROPLANES**

**General**

**62.06.1** (1) For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating for gyroplanes and a first class rating and first type rating by name for gyroplanes, he or she must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) hold at least a valid restricted certificate of proficiency (aeronautical);
  - (b) have acquired the experience referred to in regulation 62.06.2;
  - (c) have successfully completed the training as set out in Document NAM-CATS-FCL 62;
  - (d) have passed the theoretical knowledge examination as set out in Document NAM-CATS-FCL 62; and
  - (e) have passed the skills test referred to in regulation 62.06.3.
- (2) An applicant for an additional type rating by name in the category gyroplanes must:
- (a) be the holder of a valid recreational pilot licence endorsed for the category gyroplane;
  - (b) have successfully completed the appropriate training as set out in Document NAM-CATS-FCL 62;
  - (c) have passed the theoretical knowledge examination as set out in Document NAM-CATS-FCL 62; and
  - (d) have passed the skills test referred to in regulation 62.06.3 in the type of gyroplane for which the additional type rating is sought.

(3) An applicant for an additional class rating in the category gyroplanes must meet the requirements for a gyroplane type rating in the class for which the rating is sought.

**Experience**

**62.06.2** (1) An applicant for the issuing of a first type rating in the category gyroplane must have completed not less than 30 hours flight time as a pilot of a gyroplane, of which at least 15 hours must be solo flight time, and which flight time must include:

- (a) one cross-country flight, whether dual or under supervision, and one solo cross-country flight, each of a duration of not less than 90 minutes, flown at normal cruising speed; and
- (b) one cross-country flight, whether dual or under supervision, of a duration of not less than 90 minutes, flown at normal cruising speed, and which includes a full-stop landing at a point other than the point of departure: Provided that the cross-country requirement does not apply in the case of a type rating to be endorsed 'tethered flight only'.

[The word "dual" is misspelt in the *Government Gazette*, as reproduced above.]

- (2) The cross-country flights referred to in subregulation (1) must consist of at least three legs.
- (3) Despite the provisions of subregulation (1), in the case of an applicant with extensive cross-country experience as the holder of a pilot licence issued in terms of this Part or of Part 61,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

or as a pilot in the Namibian Air Force, the cross-country requirements may be credited at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

### **Skills test**

**62.06.3** (1) An applicant for the issuing of a type rating by name in the category gyroplane must have demonstrated to the holder of a gyroplane flight instructor rating, the ability to perform as pilot-in-command of the gyroplane the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence.

(2) The applicant must undergo the skills test referred to in subregulation (1) within 90 days of passing the theoretical knowledge examination referred to in regulation 62.06.1 and within the 60 days immediately preceding the date of application.

### **Crediting of flight time**

**62.06.4** The holder of a license issued in terms of Part 61 or in terms of this Part as the case may be:

- (a) may be credited with not more than five hours solo and five hours dual instruction time, and the additional 20 hours experience required for the gyroplane licence must consist of:
  - (i) a minimum of 10 hours dual flying in a gyroplane;
  - (ii) a minimum of 10 hours solo flying in a gyroplane; and
- (b) must have acquired knowledge in the subjects principles of flight and engines and airframes towards the theoretical knowledge requirements prescribed for the endorsement of a national pilot licence endorsed for the category gyroplane.

**[The phrases “the endorsement of” and “endorsed for” in paragraph (b) appear to be unnecessarily repetitious.]**

### **Application**

**62.06.5** (1) An application for the issuing of a type rating by name in the category gyroplanes must:

- (a) be made to the Executive Director or to the designated organisation, as the case may be, on the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) a certified true copy of the applicant’s recreational pilot licence or a valid application for the issue of such licence;
  - (ii) acceptable certified evidence that the requirements prescribed in regulation 62.06.1 have been complied with; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) the appropriate fee as prescribed in terms of Part 187 or by the designated organisation, as the case may be: Provided that the fees set by the designated organisation may not exceed the fees prescribed in Part 187.

(2) The Executive Director or the designated organisation, as the case may be, must issue a gyroplane type rating by name if the applicant complies with the requirements referred to in regulation 62.06.1.

(3) A gyroplane type rating by name must be issued in the form determined by the Executive Director.

**Period of validity**

**62.06.6** A gyroplane type rating by name is valid for as long as the recreational pilot licence remains valid: Provided that the privileges of the type rating may not be exercised by the licence holder unless he or she complies with the provisions of regulation 62.06.7.

**Privileges and limitations**

**62.06.7** (1) The holder of a gyroplane type rating by name is entitled to act as pilot-in-command of any gyroplane for which he or she holds a type rating by name: Provided that it is not operated for the provision of an air service:

- (a) within Class F and Class G airspace; and
- (b) within controlled airspace unless:
  - (i) prior permission to enter such airspace has been obtained from the responsible air traffic service unit;
  - (ii) a two-way radio communication is established, as the responsible air traffic service unit may require;
  - (iii) a continuous radio watch is maintained; and
  - (iv) while in an aerodrome traffic zone, the appropriate radio position reporting procedures is complied with, while such gyroplane is within such airspace.

[The verb “is” should be “are” to accord with the subject “procedures”.]

(2) If a gyroplane rating was issued with the restriction ‘tethered flight only’, its holder may not exercise its privileges in free flight.

**Maintenance of competency**

**62.06.8** The holder of a type rating by name in the category gyroplanes may not act as pilot-in-command of a gyroplane unless he or she:

- (a) has:
  - (i) acted as pilot-in-command of a gyroplane for a minimum of 10 hours in the 12 months immediately preceding the intended flight, and such minimum

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

flight time may include flights undertaken by the pilot whilst receiving training appropriate to the gyroplane; or

- (ii) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight; and
- (b) if transporting a passenger has, within the 90 days immediately preceding the flight on which such passenger is to be transported, spent not less than one hour in the circuit exercising take-offs and landings in a gyroplane.

**SUBPART 7:**  
**REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS**  
**OR ADD-ON RATING FOR HANG-GLIDERS**

**General**

**62.07.1** (1) A hang-glider rating may be issued in the following four classes:

- (a) Novice;
- (b) Class A;
- (c) Class B; and
- (d) Class C.

(2) The classes of the hang-glider rating referred to in subregulation (1) may be issued with the tandem add-on rating.

(3) For the applicant for, or the holder of a recreational pilot licence to be issued with a category rating, and the Novice Class rating, or an add-on rating for hang-gliders he or she must:

- (a) have acquired the applicable experience referred to in regulation 62.07.2;
- (b) have successfully completed the applicable training as set out in Document NAM-CATS-FCL 62;
- (c) have passed the applicable theoretical knowledge examination as set out in Document NAM-CATS-FCL 62; and
- (d) have passed the applicable skill test referred to in regulation 62.07.3.

(4) The requirements for the upgrading from Novice to Class A, from Class A to Class B, and from Class B to Class C, are those prescribed in this Subpart for the issue of the relevant ratings.

**Experience**

**62.07.2** (1) An applicant for the issuing of any of the class ratings or add-on ratings, referred to in subregulation 62.07.1(1) in the category hang-glider must have the experience as set out in Document NAM-CATS-FCL 62.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) In the case of an applicant referred to in subregulation (1), and with extensive experience in weight-shift controlled microlight aeroplanes, the person responsible for training at the approved ATO may at his or her discretion, exercised lawfully, reduce the prescribed flight-time requirements.

(3) In the case of an applicant referred to in subregulation (1), and with a foreign hanglider or paraglider licence, the person responsible for training at the approved ATO may at his or her discretion, exercised lawfully, reduce the prescribed flight time requirements.

[The word “hang-glider” is misspelt in the *Government Gazette*, as reproduced above.]

### **Skills test**

**62.07.3** (1) An applicant for the issuing of any of the class ratings or add-on ratings, referred to in subregulation 62.07.1(1) in the category hang-glider, must have demonstrated to the holder of a hang-glider flight instructor rating, the ability to perform as pilot-in-command of the hang-glider the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class or add-on rating.

(2) The applicant referred to in subregulation (1), must undergo the skills test referred to in that subregulation within 90 days of passing the theoretical knowledge examination referred to in regulation 62.07.1 and within the 60 days immediately preceding the date of application.

### **Application for hang-glider class or add-on rating**

**62.07.4** (1) An application for the issuing of a hang-glider class or add-on rating must:

- (a) be made to the Executive Director or the designated organisation, as the case may be, on the appropriate form set out in Document NAM-CATS-FCL 62;
- (b) be accompanied by:
  - (i) a certified summary of the applicant’s pilot logbook;
  - (ii) an application for, or certified copy of the applicant’s recreational pilot licence;
  - (iii) a valid medical fitness certificate as set out in Document NAM-CATS-FCL 62;
  - (iv) the completed training as set out in Document NAM-CATS-FCL 62;
  - (v) original evidence or acceptable certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation 62.07.1;
  - (vi) original evidence or acceptable certified evidence that the applicant has passed the skill test referred to in regulation 62.07.3;
  - (vii) the appropriate fee as prescribed in Part 187; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (viii) any additional information requested by the Executive Director or designated organisation the case may be.

[The word “as” appears to have been omitted before the phrase “the case may be”.]

(2) An applicant for the Class B hang-glider rating must have been the holder of a Class A rating for at least three months.

(3) An applicant for the Class C hang-glider rating must have been the holder of a Class B rating for at least twelve months.

(4) An applicant for the tandem rating must be the holder of a valid Class C hang-glider rating.

(5) The Executive Director or the designated organisation, as the case may be, must endorse the applicant’s recreational pilot licence with the appropriate hang-glider class or add-on rating, if the applicant complies with the requirements prescribed in regulation 62.07.1.

**Period of validity**

**62.07.5** A hang-glider class or add-on rating is valid for an indefinite period: Provided its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.07.7.

**Privileges and limitations**

**62.07.6** (1) The holder of a hang-glider Novice class rating is permitted to act as pilot-in-command of a hang-glider under the supervision of an appropriately rated flight instructor or the holder of a valid hang-glider Class C rating under the conditions set out in Document NAM-CATS-FCL 62.

(2) The holder of a recreational pilot licence endorsed for the category hang-gliders and a Class As, B, or C rating, is entitled to act as pilot-in-command of a hang-glider for which he or she holds the appropriate class rating and add-on rating within Class F and Class G airspace: Provided that it is not operated for the provision of an air service.

**Maintenance of competency**

**62.07.7** (1) The holder of a hang-glider class or add-on rating may not act as pilot-in-command of a hang-glider for which he or she holds the appropriate rating unless he or she:

- (a) in the 12 months immediately preceding the intended flight has acted as pilot-in-command of a hang-glider for a minimum of:
  - (i) 10 flights and 1 hour, in the case of a Class A rating;
  - (ii) 10 flights and five hours, in the case of a Class B rating; or
  - (iii) 20 flights, 15 hours and 50 km total cross-country flight distance, in the case of a Class C rating; or
- (b) has passed a practical flight test with an appropriately rated flying instructor within the three months immediately preceding the intended flight.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The minimum flight time, referred to in subregulation (1)(a), may include flights undertaken by the pilot whilst receiving training appropriate to the type of hang-glider.

**Type ratings**

**62.07.8** (1) The listing in regulation 62.01.7(1) prescribes the various types of hang-gliders in use that may be flown by the holder of any of the class ratings, referred to in regulation 62.07.1(1).

(2) A hang-glider type is not endorsed in the recreational pilot's licence, but before attempting to fly a new type, the hang-glider pilot must undergo the familiarisation training as set out in Document NAM-CATS-FCL 62, and details of such familiarisation training must be endorsed in the pilot's logbook by the instructor who had conducted the training with the pilot.

**SUBPART 8:**  
**REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR ADD-ON**  
**RATING FOR PARAGLIDERS**

**General**

**62.08.1** (1) A paraglider rating may be issued in the following two classes, with an add-on rating for tandem flying:

- (a) Basic; and
- (b) Sport.

(2) For the applicant for, or the holder of, a recreational pilot licence to be issued with a category rating and the Basic Class rating or add-on ratings for paragliders, he or she must:

- (a) have acquired the applicable experience referred to in regulation; 62.08.2

**[The semicolon is misplaced in paragraph (a); it should appear after the regulation number, at the end of the paragraph.]**

- (b) have successfully completed the applicable training as set out in Document NAM-CATS-FCL 62;
- (c) have passed the applicable theoretical knowledge examination as set out in Document NAM-CATS-FCL 62; and
- (d) have passed the applicable skills test referred to in regulation 62.08.3.

(3) The applicant for the upgrading from the Basic Class to the Sport Class paraglider rating must have held the Basic Class rating for at least six months and have acquired the experience prescribed in regulation 62.08.2.

- (4) The applicant for the paraglider tandem rating must:

- (a) have held a paraglider rating for at least 24 months;
- (b) be the holder of a sport class rating;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) hold an appropriate medical fitness certificate, set out in Document NAM-CATS-FCL 62; and
- (d) have acquired the experience prescribed in regulation 62.08.2.

**Experience**

**62.08.2** An applicant for the issuing of any of the class or add-on ratings, referred to in subregulation 62.08.1(1), in the category paraglider, must have the experience as set out in Document NAM-CATS-FCL 62.

**Skills test**

**62.08.3** (1) An applicant for the issuing of any of the class or add-on ratings, referred to in regulation 62.08.1(1) in the category paraglider must have demonstrated to the holder of a paraglider flight instructor rating, the ability to perform as pilot-in-command of the paraglider, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational licence who is the holder of the respective class rating.

(2) The applicant referred to in subregulation (1) must undergo the skills test referred to that subregulation within 90 days of passing the theoretical knowledge examination referred to in regulation 62.08.1 and within the 60 days immediately preceding the date of application.

**Application for paraglider class or add-on rating**

**62.08.4** (1) An application for the issuing of a paraglider class or add-on rating must:

- (a) be made to the Executive Director or the designated organisation, as the case may be, on the appropriate form as set out in Document NAM-CATS-FCL 62;
- (b) be accompanied by:
  - (i) a certified summary of the applicant's pilot logbook;
  - (ii) an application for, or certified copy of the applicant's recreational pilot licence;
  - (iii) a valid medical fitness certificate as set out in Document NAM-CATS-FCL 62;
  - (iv) the completed training proficiency card as set out in Document NAM-CATS-FCL 62;
  - (v) original evidence or acceptable certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation; 62.08.1

[The semicolon is misplaced in subparagraph (v); it should appear after the regulation number, at the end of the subparagraph.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (vi) original evidence or acceptable certified evidence that the applicant has passed the skills test referred to in regulation 62.08.3;
- (vii) the appropriate fee as prescribed in Part 187; and
- (viii) any additional information as requested by the Executive Director or the designated organisation, as the case may be.

(2) The Executive Director or the designated organisation, as the case may be, must endorse the applicant's recreational pilot licence with the appropriate paraglider class or add-on rating, if the applicant complies with the requirements prescribed in regulation 62.08.1.

**Period of validity**

**62.08.5** A paraglider class or add-on rating is valid for an indefinite period: Provided that its holder is the holder of a valid recreational pilot licence and maintains competency as prescribed in regulation 62.08.7.

**Privileges and limitations**

**62.08.6** (1) The holder of a valid recreational pilot licence, endorsed for the category paragliders, is permitted within Class F and Class G airspace to act as pilot-in-command of a paraglider for which he or she holds the appropriate class rating: Provided that it is not operated for the provision of an air service.

(2) The holder of a paraglider basic rating is permitted to fly:

- (a) un-assisted at basic-graded sites;

[The word "unassisted" appears with a hyphen in the *Government Gazette*, as reproduced above.]

- (b) under supervision of the holder of a valid paraglider Sport Class rating when flying at a site requiring additional supervision according to the rules governing the site; and

- (c) for the first 80 flights, only basic- and intermediate-rated paragliders.

(3) The holder of a paraglider Sport Class rating is permitted to:

- (a) fly any paraglider, other than a tandem-class paraglider: Provided that heavy pilots may fly approved tandem gliders solo, provided that they meet the minimum specified mass range;
- (b) fly at all sites after local site requirements have been met; and
- (c) conduct training as a recreational assistant flight instructor (paraglider) under the supervision of an appropriately rated recreational flight instructor (paraglider).

(4) The holder of a paraglider tandem rating is permitted to act as pilot-in-command of a paraglider while carrying a passenger: Provided that, for the first 20 flights, any passenger must be the holder of a valid recreational pilot licence endorsed for the paraglider category.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) Despite the provisions of subregulation (2), (3) and (4), the designated organisation may set minimum experience requirements for specific types and models of paragliders to be published as an addendum in that organisation's operations manual approved in accordance with the Regulations or technical standards.

(6) The grading of sites, referred to in subregulation (2) and (3), and the setting of the rules governing such sites, is the responsibility of the designated organisation.

**Maintenance of competency**

**62.08.7** (1) The holder of a recreational pilot licence, endorsed for the category paraglider may not act as pilot-in-command of a paraglider for which he or she holds the appropriate class rating unless he or she has:

- (a) in the 12 months immediately preceding the intended flight acted as pilot-in-command of a paraglider for a minimum of:
  - (i) 20 flights and five hours, in the case of a Basic Class rating;
  - (ii) 40 flights and 10 hours, in the case of a Sport Class rating; or
  - (iii) 20 flights and five hours on tandem gliders, in the case of a tandem rating, in addition to having met the competency requirements for a Sport Class rating; and
- (b) passed a practical flight test with an appropriately rated recreational flying instructor within the three months immediately preceding the intended flight.

(2) The minimum flight time referred to in paragraph (a) of subregulation (1) may include flights undertaken by the pilot whilst receiving training appropriate to the type of paraglider.

**SUBPART 9:**  
**REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL**  
**FLIGHT INSTRUCTOR RATING**

**General**

**62.09.1** (1) The applicant for the issue of a recreational flight instructor rating must:

- (a) be the holder of a valid recreational pilot licence;
- (b) hold at least a valid Class 1 medical certificate issued in terms of Part 67;
- (c) have acquired the experience referred to in regulation 62.09.2;
- (d) have successfully completed the training as set out in Document NAM-CATS-FCL 62;
- (e) have passed the theoretical knowledge examination as set out in Document NAM-CATS-FCL 62;
- (f) have undergone the skills test referred to in regulation 62.09.3; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (g) in the case of a recreational flight instructor rating (hang-glider) or (paraglider) be the holder of a valid recognised certificate of competency in first aid.

(2) The applicant for the issue of a recreational assistant flight instructor (paraglider) must in addition to the requirements of subregulation (1) be the holder of a valid Sport Class rating for at least 12 months.

(3) Despite the provisions of subregulation (1), where a recreational flight instructor rating is to be endorsed only for the category hang-glider or paraglider, the applicant must complete and submit instead a medical fitness certificate, as set out in Document NAM-CATS-FCL 62.

### **Experience**

**62.09.2** (1) The applicant for the issuing of Grade C recreational flight instructor rating must:

- (a) in the case of the holder of a type or class rating for conventional or weight-shift controlled microlight aeroplanes or a category rating for weight-shift controlled microlight aeroplanes or a type rating for light sport aeroplanes or gyroplanes, have a minimum of 200 hours of flight time of which at least 100 hours must be on weight-shift controlled microlight aeroplanes, conventional microlight aeroplanes, gyroplanes or light sport aeroplanes in the applicable category;
- (b) in the case of weight-shift controlled microlight aeroplanes, have at least 10 hours of practical instruction and 30 hours of class teaching are required; or
- (c) in the case of conventional microlight aeroplanes, have at least 10 hours of practical instruction pattern and 30 hours of class teaching; or
- (d) in the case of light sport aeroplanes or gyroplanes at least 15 hours of practical instruction pattern and 30 hours of class teaching are required.

(2) The applicant for the issue of a Grade B recreational flight instructor rating, must have at least six months experience as a Grade C microlight, light sport aeroplane or gyroplane flight instructor, and not less than 200 hours of flight instruction of which at least 100 hours must be on a microlight, gyroplane or light sport aeroplane in the applicable category.

(3) The applicant for a Grade A recreational flight instructor rating, must have at least three years' experience as a Grade B microlight, light sport aeroplane or gyroplane flight instructor is required and not less than 500 hours of flight instruction time, of which at least 300 hours of flight instruction time must be on a microlight, gyroplane or light sport aeroplane in the applicable category.

[The phrase "is required" appears to be superfluous.]

(4) In the case of the holder of a category rating for hang-gliders, the applicant for the issue of an assistant recreational flight instructor rating (hang-glider), must:

- (a) have conducted 30 hours of classroom training under the supervision of at least a Grade C hang-glider rating; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) have held a hang-glider rating, including a learner's certificate, for at least one year;

**[The semicolon at the end of paragraph (b) should be a full stop; there is no additional text.]**

(5) The applicant for the issue of a recreational flight instructor rating (hang-glider) Grade C, must:

- (a) have attended an instructor Grade C course; and
- (b) have completed the practical requirements as set out in Document NAM-CATS-FCL 62.

(6) The applicant for the issue of a recreational flight instructor rating (hang-glider) Grade B, must:

- (a) have held a Class C hang-glider rating for at least 12 months or have attended an instructor Grade C course;
- (b) have logged at least 200 flights or 100 hours air time; and
- (c) have gained at least 10 days practical experience in flight instruction by observing and assisting an appropriated rated recreational flight instructor (hang-glider) on training slopes.

**[The phrase "appropriated rated" should be "appropriately rated".]**

(7) The applicant for the issue of a recreational flight instructor rating (hang-glider) Grade A, must:

- (a) have held a Class B hang-glider rating for at least 12 months;
- (b) have logged at least 300 flights or 150 hours air time; and
- (c) have gained at least 20 days practical experience in flight instruction by assisting an appropriated rated recreational flight instructor (hang-glider) on training slopes.

**[The phrase "appropriated rated" should be "appropriately rated".]**

(8) In the case of the holder of a category rating for paragliders, the applicant for a recreational assistant flight instructor (paragliding), must have at least one year paragliding experience.

(9) An applicant for recreational flight instructor rating (paragliding) Grade C, must:

- (a) have held a Sport Class paraglider rating for at least 6 months;
- (b) have attended an instructor Grade C course; and
- (c) have completed the practical requirements as set out in Document NAM-CATS-FCL 62.

(10) An applicant for a recreational flight instructor (paragliding) Grade B, must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) have paraglider flight experience for at least two years;
- (b) have been the holder of the Sport Class rating for at least twelve months;
- (c) have logged at least 200 flights and 100 hours flight time, and have either:
  - (i) gained practical experience by observing and assisting at least three approved paraglider training schools on training slopes for at least 15 days; or
  - (ii) have attended an approved paraglider flight instructor course and observing and assisting an appropriately rated paraglider flight on training slopes for at least 10 days.

[The phrase “observing and assisting” should be  
“observed and assisted” to fit the sentence structure.]

- (11) An applicant for a recreational flight instructor (paragliding) Grade A, must:
  - (a) have paraglider flight experience for at least three years;
  - (b) have been the holder of the Sport Class rating for at least 18 months; and
  - (c) have logged at least 300 solo flights and 150 solo hours flight time, and have gained practical experience by observing and assisting at least three approved paraglider training schools on training slopes for at least 20 days.

**Skills test**

**62.09.3** (1) The applicant for the issuing of a recreational flight instructor rating must have demonstrated to an appropriately rated flight instructor or designated examiner the ability to perform as a flight instructor the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62 for the category of aircraft for which the instructor rating is sought, with a degree of competency appropriate to the privileges granted to the holder of a recreational flight instructor rating.

(2) The skills test referred to in subregulation (1) must be demonstrated in an aircraft of the category for which the recreational flight instructor rating is sought.

(3) The applicant must undergo the skills test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination, referred to in regulation 62.09.1 and within the 90 days immediately preceding the date of application.

**Application**

**62.09.4** (1) An application for the issue of a recreational flight instructor rating must be made to the Executive Director or the designated organisation, as the case may be, on the appropriate form as set out in document NAM-CATS-FCL 62, and be accompanied by:

- (a) a valid licence reference number, held by the applicant;
- (b) a valid class 1 medical certificate issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the original or acceptable certified evidence that the applicant has passed the theoretical knowledge examination, referred to in regulation 62.09.1;
- (d) the skills test report as set out in Document NAM-CATS-FCL 62; and
- (e) the appropriate fee as prescribed in Part 187 of the Regulations.

(2) The Executive Director, or the designated organisation, as the case may be, must issue the appropriate recreational flight instructor rating if the applicant complies with the requirements referred to in regulation 62.09.1, in the form determined by the Executive Director.

**Privileges and limitations**

**62.09.5** (1) The holder of a valid recreational flight instructor rating is entitled to conduct flight instruction for reward under the control of an approved ATO, in a non-type certificated aircraft for which he or she holds a valid category rating and class rating or type rating by name, as the case may be, to the extent of the privileges of the particular recreational flight instructor rating held as follows:

- (a) in the case of a Grade C recreational flight instructor (microlight aeroplane, gyroplane or light sport aeroplane), under direct supervision by a Grade B or Grade A instructor:
  - (i) to conduct *ab initio* training on only those aircraft for which he or she holds an instructor conversion on type as per Document NAM-CATS-FCL 62;
  - (ii) to conduct additional type conversion training for the holder of a recreational pilot licence or instructor rating; and
  - (iii) to give lectures;
- (b) in the case of a Grade B recreational flight instructor (microlight aeroplane, gyroplane or light sport aeroplane):
  - (i) to exercise the privileges of a Grade C recreational flight instructor (microlight aeroplane or light sport aeroplane);
  - (ii) to authorise the holder of a microlight aeroplane learner's certificate for his or her first solo flight;
  - (iii) to conduct flight tests for the issuing of a type or class rating for which he or she holds the appropriate category and type or class rating;
  - (iv) to develop examinations under the supervision of a Grade A instructor;
  - (v) to sign application forms and certificates of competency;
  - (vi) to supervise Grade C-instructors;
  - (vii) in the case of micro light aeroplanes, may apply for a class rating (microlight aeroplane) for instruction on obtaining a B-grade rating if he or she is the holder of instructor type ratings on at least 5 microlight types and has a minimum of 200 hours of instruction on microlight aeroplanes; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (viii) conduct additional type conversion training for the holder of a recreational pilots licence or instructor rating;

**[The word “pilots” should be “pilot’s” in the phrase “recreational pilot’s licence”.]**

- (c) in the case of a Grade A recreational flight instructor (microlight, gyroplane and light sport aircraft):
  - (i) to exercise the privileges of a Grade B recreational flight instructor (microlight aeroplane, gyroplane or light sport aircraft);
  - (ii) to conduct the training (including patten training) required for a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane, gyroplane or light sport aircraft);
  - (iii) to conduct the skills tests required for a Grade B or Grade C recreational flight instructor (microlight aeroplane);
  - (iv) to undertake the duties, in conducting the skills test, as prescribed in regulation 62.14.04;

**[The regulation referred to is numbered as “62.14.4” rather than “62.14.04”.]**

- (v) to conduct the training required for other special ratings; and
  - (vi) to conduct and mark examinations;
- (d) in the case of a recreational assistant flight instructor (hang-glider):
  - (i) to assist with ab initio training conducted by an approved ATO, such as ground-handling exercises, ground-skimming flight;
  - (ii) to assist in presenting theoretical lectures; and
  - (iii) to supervise flights by the holders of a Novice Class rating;
- (e) in the case of a recreational Grade C flight instructor (hang-glider):
  - (i) to conduct *ab initio* training, through an approved ATO, such as ground-handling exercises, ground-skimming flight. under supervision of a Grade A or B flight instructor (hang glider);
  - (ii) to present theoretical lectures;
  - (iii) to supervise flights by the holders of a Novice Class rating; and
  - (iv) to supervise assistant recreational instructors (hang glider);
- (f) in the case of a recreational Grade B flight instructor (hang-glider):
  - (i) to exercise the privileges of a Grade C recreational flight instructor (hang glider);



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) to authorise the holder of a hang glider learner's certificate for his or her first solo flight;
- (iii) to conduct flight tests for the issuing of a type or class rating for which he or she holds the appropriate category and type or class rating;
- (iv) to develop examinations under the supervision of a Grade A instructor;
- (v) to sign application forms and certificates of competency; and
- (vi) to supervise Grade C-instructors;
- (g) in the case of a recreational Grade A flight instructor (hang-glider):
  - (i) to exercise the privileges of a Grade B recreational flight instructor (hang glider);
  - (ii) to conduct the training (including patter training) required for a Grade A, Grade B or Grade C recreational flight instructor (hang glider);
  - (iii) to conduct the skills tests required for a Grade B or Grade C recreational flight instructor (hang glider);
  - (iv) to undertake the duties, in conducting the skills, test as prescribed in regulation 62.14.04;
- [The regulation referred to is numbered as "62.14.4" rather than "62.14.04".]
- (v) to conduct the training required for other special ratings; and
- (vi) to conduct and mark examinations.
- (h) in the case of a recreational assistant flight instructor (paraglider):
  - (i) to assist with *ab initio* training conducted by an approved ATO, such as ground-handling exercises, ground-skimming flight;
  - (ii) to assist in presenting theoretical lectures; and
  - (iii) to supervise flights by the holders of a Basic Class rating;
- (i) in the case of a recreational Grade C flight instructor (paraglider):
  - (i) to conduct *ab initio* training through an approved Part 141 training, such as ground-handling exercises, ground-skimming flight. under supervision of a Grade A or B flight instructor (paraglider);
  - (ii) to present theoretical lectures;
  - (iii) to supervise flights by the holders of a Novice Class rating; and
  - (iv) to supervise assistant recreational instructors (paraglider);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (j) in the case of a recreational Grade B flight instructor (paraglider):
  - (i) to exercise the privileges of a Grade C recreational flight instructor (paraglider);
  - (ii) to authorise the holder of a hang glider learner's certificate for his or her first solo flight;
  - (iii) to conduct flight tests for the issuing of a type or class rating for which he or she holds the appropriate category and type or class rating;
  - (iv) to develop examinations under the supervision of a Grade A instructor;
  - (v) to sign application forms and certificates of competency;
  - (vi) to supervise Grade C-instructors;
- (k) in the case of a recreational Grade A flight instructor (paraglider):
  - (i) to exercise the privileges of a Grade B recreational flight instructor (paraglider);
  - (ii) to conduct the training (including padder training) required for a Grade A, Grade B or Grade C recreational flight instructor (paraglider);
  - (iii) to conduct the skill tests required for a Grade B or Grade C recreational flight instructor (paraglider);
  - (iv) to undertake the duties, in conducting the skills test, as prescribed in regulation 62.14.04;

**[The regulation referred to is numbered as "62.14.4" rather than "62.14.04".]**

- (v) to conduct the training required for other special ratings; and
- (vi) to conduct and mark examinations.

(2) Despite the provisions of subregulation (1), the following requirements are applicable to endorsements on a recreational flight instructor's rating:

- (a) in all cases the recreational flight instructor must have the flight instructor endorsement (PI) for the specific class and aeroplane type in his or her logbook and licence, as required; and
- (b) in all cases the recreational flight instructor must have the flight instructor endorsement (PI) for any rating of special purposes for which he has been trained as an instructor, and as endorsed on his licence with at least 25 hours of experience on the special rating.

(3) For each endorsement referred to in subregulation (2), all relevant recency requirements must be met before the privileges of that endorsement may be exercised.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (4) For the type or class rating instructor endorsement, the instructor must:
  - (a) in the case of a microlight aeroplane, gyroplane and light sport aircraft type, have accumulated at least 50 hours on type;
  - (b) in the case a of gyroplanes and light sport aircraft class, have accumulated at least 200 hours in the category;

[The words “of” and “a” have been reversed in the phrase “in the case of a”.]

- (c) in the case of hang gliders and paragliders types or for class ratings, have accumulated at least 20 hours on type or 50 hours in the class; and
- (d) have his or her logbook endorsed by the DFE with the words: “Authorised to give instruction for the (type by name) type rating”.

**Period of validity**

**62.09.6** A recreational flight instructor rating is valid for a period of two years, calculated from the end of the month following the date of issue, re-issue, or upgrade, or from the date of expiry of the rating if such rating is revalidated in accordance with the provisions of regulation 62.09.7.

**Renewal**

**62.09.7** To renew a recreational flight instructor rating:

- (a) in the case of either a Grade A, Grade B or Grade C recreational flight instructor (microlight aeroplane or light sport aeroplanes) the holder of the rating must:
  - (i) have attended a flight instructor refresher course as set out in Document NAM-CATS-FCL 62 within the two years immediately preceding the date of expiring of such rating;
  - (ii) have given not less than 50 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours must have been within the 12 months immediately preceding the date of expiry of such rating; and
  - (iii) have undergone the skills test referred to in regulation 62.09.3 within 90 days prior to date of expiry;
- (b) in the case of a recreational flight instructor (gyroplane), the holder must:
  - (i) have attended a flight instructor refresher seminar, as set out in Document NAM-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating;
  - (ii) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours must have been given within the 12 months immediately preceding the date of expiry of such rating; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) within the 90 days immediately preceding the date of expiry of the rating have undergone the skills test referred to in regulation 62.09.3;
- (c) in the case of a recreational assistant flight instructor (hang-glider) within the 90 days immediately preceding the date of expiry of the rating have undergone the skill test referred to in regulation 62.09.3;
- (d) in the case of a recreational flight instructor (hang-glider):
  - (i) have attended a flight instructor refresher seminar, as set out in Document NAM-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating;
  - (ii) have logged a minimum of 20 flights, 15 hours, and 50 km total cross-country flight distance during the previous 12 months;
  - (iii) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours must have been given within the 12 months immediately preceding the date of expiry of such rating, or within the 90 days immediately preceding the date of expiry of the rating have undergone the skills test referred to in regulation 62.09.3; and
  - iv) be in possession of a First Aid certificate valid for the period of the rating.

**[The opening bracket is missing before the Roman number “iv” in the Government Gazette.]**

- (e) in the case of a recreational flight instructor (paraglider):
  - (i) have attended a flight instructor refresher seminar, as prescribed in Document NAM-CATS-FCL 62, within the two years immediately preceding the date of expiring of such rating;
  - (ii) have logged a minimum of 40 flights and 10 hours within the 12 months immediately preceding the date of expiry of such rating;
  - (iii) have given not less than 30 hours of flight instruction within the three years preceding the date of expiry, of which not less than 25 hours must have been given within the 12 months immediately preceding the date of expiry of such rating; or within the 90 days immediately preceding the date of expiry of the rating have undergone the skills test referred to in regulation 62.09.3; and
  - (iv) be in possession of a First Aid certificate valid for the period of the rating.

**Crediting of flight time and theoretical knowledge**

**62.09.8** (1) A recreational flight instructor is entitled to be credited with all instruction time acquired while giving flight instruction for the purpose of initial flight training, instructor training, conversion to type training, safety training referred to in Part 141, and training towards various ratings, towards a higher grade flight instructor rating, or towards the revalidation or re-issue of any existing rating in that category class or type: Provided that he or she holds the appropriate category, class or type rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The holder of a national flight instructor rating endorsed for the category weight-shift microlight aeroplane or gyroplane:

- (a) is entitled to be credited with not more than 100 hours flight time acquired in a weight-shift microlight aeroplane or gyroplane, as the case may be, towards the total flight time experience prescribed for the endorsement of a national flight instructor rating for the category light sport aeroplane; and
- (b) must have acquired knowledge in the subjects, principles of flight and engines and airframes, towards the theoretical knowledge requirements prescribed for the endorsement of a national flight instructor rating endorsed for the category light sport aeroplane.

[The phrases “the endorsement of ” and “endorsed for” in paragraph (b) appear to be unnecessarily repetitious. The commas before and after the phrase “principles of flight and engines and airframes” are superfluous.]

(3) Despite the provisions of this regulation, the holder of a national flight instructor rating endorsed for the category conventionally controlled microlight aeroplane:

- (a) is entitled to be credited with not more than 150 hours flight time acquired in a conventionally controlled microlight aeroplane towards the total flight time experience prescribed for the endorsement of a national flight instructor rating for the category light sport aeroplane; and
- (b) must have acquired knowledge in the subjects, engines and air frames and principles of flight, towards the theoretical knowledge requirements prescribed for the endorsement of a national flight instructor rating endorsed for the category light sport aeroplane.

**SUBPART 10:**  
**REQUIREMENTS FOR THE ISSUE OF A TEST PILOT QUALIFICATION**

**General**

**62.10.1** (1) The requirements for the issue of a test pilot qualification is provided for in Subpart 25 of Part 61 of these regulations.

[The verb “is” should be “are” to accord with the subject “requirements”.]

(2) A test pilot qualification may be issued to the holder of a valid recreational pilot licence: Provided that all other requirements for the issuing of the test pilot qualification are met and the requirements for a medical certificate as prescribed in Part 67 are met.

**Privileges and limitations**

**62.10.2** If a test pilot qualification has been issued to the holder of a recreational pilot licence, the privileges of the rating may be exercised only in a non-type certificated aircraft for which he or she holds a valid type, class and category rating.

**SUBPART 11:**  
**REQUIREMENTS FOR THE ISSUE OF A MICROLIGHT AND LIGHT SPORT**  
**AEROPLANE TUG AND TOW RATINGS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The article “A” does not agree with the plural word “RATINGS”.]

## **General**

**62.11.1** An applicant for the issuing of a conventional microlight aeroplane or light sport aeroplane tug or tow rating must:

- (a) be the holder of a valid aeroplane pilot licence issued under Part 61 of these regulations, or a recreational pilot licence issued in terms of this Part, endorsed for the category conventional microlight aeroplanes or light sport aeroplanes and with the appropriate class rating or type rating for the tug aeroplane to be used;
- (b) have acquired the experience referred to in regulation 62.11.2;
- (c) have successfully completed the training referred to in regulation 62.11.3;
- (d) have passed the theoretical knowledge examination as set out in Document NAM-CATS-FCL 61; and
- (e) have successfully passed the skills test referred to in regulation 62.11.4.

## **Experience**

**62.11.2** (1) An applicant for a microlight aeroplane or light sport aeroplane tug or tow rating must have acquired on conventional microlight aeroplanes or light sport aeroplanes, in the category for which the tug or tow rating is sought, at least 100 hours as pilot-in-command.

(2) The 100 hour requirement referred to in subregulation (1) may be reduced to 50 hours as pilot-in-command of a microlight aeroplane or light sport aeroplane if the applicant is the holder of a valid tug pilot rating issued in terms of Part 61 and is the holder of a valid pilot licence with the applicable microlight aeroplane class rating or type rating or light sport aeroplane type rating.

## **Training**

**62.11.3** An applicant for a microlight aeroplane or light sport aeroplane tug or tow rating must complete successfully under supervision of an appropriately rated flight instructor or a person designated for the purpose in writing by the Executive Director or a designated organisation, as the case may be a minimum of 10 aero-tows.

## **Skills test**

**62.11.4** An applicant for a microlight aeroplane or light sport aeroplane tug or tow rating must within the 30 days immediately preceding the date of application have demonstrated to an appropriately rated flight instructor or a person designated for the purpose in writing by the Executive Director or a designated organisation, as the case may be, the ability to satisfactorily execute the skills as set out in Document NAM-CATS-FCL 62.

## **Hang-gliding tug endorsement**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**62.11.5** (1) A recreational pilot or an aeroplane pilot with a tug rating for conventional microlights may not tow a hang-glider without a valid hang-gliding tug endorsement issued by the Executive Director or the designated organisation, as the case may be.

(2) For a hang-gliding tug endorsement referred to in subregulation (1), the pilot is required to demonstrate at least 10 hang-gliding tugs, of which five must be in moderately thermic conditions.

(3) A pilot with a tug rating hang-gliding endorsement referred to in subregulation (1) may tug a hang-glider: Provided that the pilot of the hang-glider is the holder of a valid recreational pilot licence in the category hang-gliders with a valid aero-tow rating.

(4) A hang-gliding tug endorsement referred to in subregulation (1) may be obtained independently of the tug rating: Provided that the holder of a hang-gliding tug endorsement may not tow anything other than a hang-glider.

**Application**

**62.11.6** (1) An applicant for a microlight aeroplane or light sport aeroplane tug or tow rating must submit together with his or her application a certificate, signed by an appropriately rated flight instructor, confirming that the applicant has passed the theoretical knowledge examination and skills test, referred to in regulations 62.11.1 and 62.11.4 respectively, and is deemed to be fit to act as pilot-in-command of a microlight aeroplane or light sport aeroplane while towing a hang-glider.

(2) The Executive Director or the designated organisation, as the case may be, must endorse the applicant's pilot licence with the tug or tow rating if the applicant complies with the requirements prescribed regulation in 62.11.1 and 62.11.4.

**Privileges and limitations**

**62.11.7** The holder of a pilot licence in the category microlight aeroplanes or light sport aeroplanes endorsed with the tug or tow rating is entitled to act as pilot-in-command of a conventional microlight aeroplane or light sport aeroplane of the appropriate type by name or in the appropriate class.

**SUBPART 12:**  
**REQUIREMENTS FOR THE ISSUE OF AN AGRICULTURAL PILOT RATING**

**General**

**62.12.1** The requirements for the issue of an agricultural pilot rating are the requirements for the issue of an agricultural pilot rating prescribed in Part 61 of the regulations.

**SUBPART 13:**  
**REQUIREMENTS FOR THE ISSUE OF A HANG-GLIDER AERO-TOW**  
**ENDORSEMENT**

**General**

**62.13.1** An applicant for the issuing of a hang-glider aero-tow endorsement must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be the holder of a valid recreational pilot licence, endorsed for the category hang-gliding;
- (b) have acquired the experience referred to in regulation 62.13.2; and
- (c) have successfully passed the written theoretical knowledge examination set out in Document NAM-CATS-FCL 62.

### **Experience**

**62.13.2** An applicant for the issuing of a hang-glider aero-tow endorsement must have satisfactorily completed under the supervision of an appropriately rated flight instructor 10 aero-tows, of which at least five were completed in moderately thermal conditions.

### **Application**

**62.13.3** (1) An applicant for the issuing of a hang-glider aero-tow endorsement must:

- (a) be made to the Executive Director or the designated organisation, as the case may be, on the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) the original or acceptable certified copy of the applicant's valid pilot licence, endorsed for the category hang-glider;
  - (ii) a certificate of competency signed by a suitably licensed and rated flight instructor stating that the applicant has met the requirements of regulations 62.13.1; and

[The plural word "regulations" should be singular.]

- (iii) the applicable fee as prescribed in Part 187 of the Regulations.

(2) The Executive Director or, if applicable, the designated, as the case may be, must issue in the form determined by the Executive Director a hang-glider aero-tow endorsement if the applicant complies with the requirements of regulation 62.13.1.

[The word "organisation" appears to have been omitted after the word "designated".]

### **Privileges and limitations**

**62.13.4** The holder of a valid hang-glider aero-tow endorsement may act as pilot-in-command of a hang-glider for which he or she holds the appropriate rating whilst under tow from an amateur-built or production-built aircraft, including a microlight aeroplane, certified for tug operations.

### **Period of validity**

**62.13.5** A hang-glider aero-tow endorsement is valid for the period of the recreational pilot licence or unless the endorsement is revoked or suspended in terms of the Act.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance of competency**

**62.13.6** The holder of a hang-glider aero-tow endorsement may not exercise the privileges relating to rating unless:

- (a) he or she during the six months immediately preceding the flight has carried out at least five aero-tows; or
- (b) he or she has carried out at least five aero-tows under the supervision of an appropriately rated flight instructor.

**SUBPART 14:**  
**REQUIREMENTS FOR THE ISSUE OF A PART 96 AUTHORISATION**

**Background**

**62.14.1** (1) Part 96 of the Regulations regulates the commercial operation of non-type certificated recreational aircraft of a maximum certificated mass of 600 kg or less.

(2) Non-type certificated aircraft, issued with an Authority to Fly in terms of Part 24 do not meet ICAO standards and may only be operated within the borders of Namibia, unless specifically authorised by the appropriate authority for the foreign airspace.

[The comma after the phrase “Non-type certificated aircraft” is superfluous.]

(3) As non-type certificated aircraft may not be operated in international commercial air transport, ICAO requirements in respect of pilot licensing do not apply and national authorities may regulate such operations for domestic operations.

(4) The Executive Director, in accordance with (1) and (2), may authorise the holder of a valid appropriate recreational pilot licence to conduct commercial operations with non-type certificated recreational aircraft in terms of Part 96 on conditions prescribed by the Executive Director in this Part.

[The word “subregulations” appears to have been omitted before the phrase “(1) and (2)”.]

(5) The requirements for a Part 96 authorisation as applicable to the aircraft types which may be operated by a recreational pilot licensed in terms of this Part are set out in this Subpart.

**Requirements for a Part 96 authorisation**

**62.14.2** An applicant for the issuing of a Part 96 authorisation must:

- (a) be 18 years of age or older;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold at least a valid restricted radiotelephony operator’s certificate;
- (d) hold a valid recreational pilot licence issued in terms of this Part
- (e) have acquired the experience referred to in regulation 62.14.3;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) have successfully completed the training set out in Document NAM-CATS-FCL 62;
- (g) have passed the theoretical knowledge examination set out in Document NAM-CATS-FCL 62; and
- (h) have undergone the skill test referred to in regulation 62.14.4.

**Experience**

**62.14.3** An applicant for the issuing of a Part 96 authorisation must:

- (a) in the case of the category microlight aeroplanes and light sport aeroplanes:
  - (i) have 200 hours flight time as pilot of a microlight aeroplane or light sport aeroplane, as the case may be, of which not less than 150 hours must be as pilot-in-command; or
  - (ii) have 100 hours as pilot-in-command of an aeroplane with a maximum certificated mass of 5 700 kg or less and at least 100 hours as pilot-in-command of an aeroplane in the same category for which Part 96 authorisation is sought;
- (b) in the case of the category gyroplanes have 200 hours of flight time as pilot-in-command of a gyroplane; and
- (c) in the case of a category paragliders, powered paragliders, hang-gliders and powered hang-gliders have a minimum of 300 flights and 200 hours of flight time and hold a valid Grade A, B or C instructor licence and valid tandem add on rating.

**Skills test**

**62.14.4** (1) An applicant for the issuing of a Part 96 authorisation must have demonstrated to an appropriately qualified flight instructor the ability to perform, as pilot-in-command of an aircraft in the category for which the authorisation is sought, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62 with a degree of competency appropriate to the privileges granted to the holder of a Part 96 authorisation.

(2) The applicant referred to in subregulation (1) must undergo the skills test referred to in that subregulation within six months of passing the theoretical knowledge examination referred to in regulation 62.14.2 and within the 90 days immediately preceding the date of application.

**Application for a Part 96 authorisation**

**62.14.5** (1) An application for the issuing of a Part 96 authorisation must:

- (a) be made to the Executive Director on the appropriate form set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) the original or acceptable certified true copy of a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) original or acceptable certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation 62.14.2;
- (iii) original or acceptable certified evidence that the applicant has the practical experience referred to in regulation 62.14.3;
- (iv) the skills test report set out in Document NAM-CATS-FCL 62; and
- (v) the appropriate fee as prescribed in Part 187.

(2) The Executive Director must issue a Part 96 authorisation to the applicant if the applicant complies with the requirements referred to in regulation 62.14.2.

(3) The Executive Director must issue Part 96 authorisation in the form determined by the Executive Director.

**Period of validity**

**62.14.6** (1) A Part 96 authorisation is valid for an indefinite period unless suspended or revoked in terms of the Act.

(2) The holder of the Part 96 authorisation may not exercise the privileges of the authorisation, unless the holder:

- (a) holds a valid Class 2 or Class 1 medical certificate issued in terms of Part 67;
- (b) holds an appropriate valid category, class or type rating; and
- (c) complies with the provision of regulation 62.14.8.

**Privileges of a Part 96 authorisation**

**62.14.7** (1) The holder of a Part 96 authorisation is entitled to:

- (a) exercise all the privileges of his or her recreational pilot licence; and
- (b) act as pilot-in-command for remuneration in Part 96 operations in any production-built aircraft, including a microlight or light sport aeroplane, or any gyroplane with a maximum all-up mass of 2 000 kg, for which he or she holds a valid category rating, class rating, or type rating.

(2) The holder of the recreational pilot licence is entitled to exercise the privileges of the authorisation for any of the special purposes for which he or she holds the appropriate valid rating.

**Maintenance of competency**

**62.14.8** The holder of a Part 96 authorisation may not act as pilot-in-command in commercial air transport operations unless he or she complies with the recency requirements prescribed for his or her pilot licence and the category rating, class rating, or type rating of which he or she is the holder.

**SUBPART 15:**  
**REQUIREMENTS FOR THE DESIGNATION OF EXAMINERS (DE)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Categories of designated examiners**

**62.15.1** (1) Designation of examiners may be in one or more of the following categories:

- (a) conventional microlight aeroplane examiner;
- (b) weight-shift controlled microlight aeroplane examiner;
- (c) gyroplane examiner; and
- (d) light sport aeroplane examiner.

(2) The Executive Director may designate examiners in more than one of the aircraft categories, referred to in subregulation (1): Provided that applicants for designation meet the qualification and experience requirements set out in this Subpart for each of the aircraft categories for which designation is sought.

(3) To provide for exceptional circumstances, the Executive Director or the designated organisation, as the case may be, may on written application, approve a suitably qualified national of an appropriate authority to act as a foreign flight examiner, for a period not exceeding 90 days, for the purpose of renewals of class and initial type ratings, if there are no designated examiners who are Namibian citizens.

(4) The foreign flight examiner referred to in subregulation (3) must comply with the validation requirements of regulation 62.01.15 of the Regulations.

(5) The Executive Director or the designated organisation, as the case may be, must issue the designation referred to in subregulation (3) in writing, subject to the payment of the applicable fee as prescribed in Part 187.

(6) To be considered for the designation as an examiner an applicant must meet at least the following minimum experience and qualification levels:

- (a) hold the equivalent examiner designation, or qualifications prescribed in regulation 62.15.2 issued by the appropriate authority, acceptable to the Executive Director; or
- (b) hold at least a valid recreational pilot instructor rating Grade A or equivalent; and
- (c) have accumulated not less than 1 500 flying hours, of which at least:
  - (i) 1 000 hours must be flight time on category; and
  - (ii) 50 hours as pilot-in-command on type

[There is no full stop at the end of subparagraph (ii);  
there are no additional words in the *Government Gazette*.]

**Requirements**

**62.15.2** An applicant for designated examiner must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be at least 21 years of age or older;
- (b) be currently active in the field of aviation for which the designation is sought; and
- (c) hold at least a valid recreational instructors rating Grade A in the category for which designated examiner status is sought for a minimum of five years; or
- (d) hold a Commercial Pilot Licence issued in terms of Part 61 with at least an Instructor Grade II rating;
- (e) have accumulated not less than 1 500 flying hours, of which at least 500 hours must be in the category for which designation is sought, and
- (f) have at least 50 hours as pilot-in-command on the type for which the designation is sought.

**Application**

**62.15.3** (1) An application for designation as a designated examiner must be made to the Executive Director or to the designated organisation, as the case may be, on the form set out in Document NAM-CATS-FCL 62 and be accompanied by:

- (a) the original or certified copy of the two most recent pages of the applicant's flying logbook indicating flying experience;
- (b) evidence of holding the required valid licence and rating;
- (c) a complete summary of all flying experience and ratings;
- (d) a letter to motivate the reasons why the applicant believes he or she should be considered for designation; and
- (e) the applicable fee as prescribed in Part 187.

(2) The Executive Director or the designated organisation, as the case may be, may designate a person as a designated examiner if the applicant:

- (a) meets the requirements prescribed in this Subpart;
- (b) has a good record as a pilot and as flight instructor as far as safety and adherence to these regulations are concerned; and
- (c) signs an undertaking to abide by the code of conduct for designated examiners as set out in Document NAM-CATS-FCL 62.

(3) The designation as examiner must be issued by the Executive Director or the designated organisation, as the case may be, in the form as determined by the Executive Director, and must indicate the period for which the designation is valid, its category, and any endorsements, restrictions or limitations that may apply.

(4) If designation is refused, the Executive Director or the designated organisation, as the case may be, must provide the applicant the reasons for the refusal in writing within 30 days.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “with” appears to have been omitted before the phrase “the reasons”.]

**Period of validity**

**62.15.4** Designation as examiner in terms of this Part is issued for a maximum period of 36 months from the date of appointment.

**Re-designation**

[The heading of this regulation in the LIST OF REGULATIONS is “Re-designation and re-issue”.]

**62.15.5** (1) Applications for re-designation must be made every 36 months on the form set out in Document NAM-CATS-FCL 62, to the Executive Director or the designated organisation, as the case may be, not less than 30 days prior to the beginning of the month in which the designation expires, and must be accompanied by the fee prescribed in Part 187.

(2) An application for re-designation or re-issue as designated examiner does not automatically entitle the applicant to continue to exercise the privileges of a designated examiner after the expiry date.

**Designation, oversight, suspension and revocation**

**62.15.6** (1) A designated examiner is designated to conduct tests or checks on behalf of the Executive Director.

(2) The Executive Director or the designated organisation, as the case may be, must exercise oversight in respect of designated examiners for the purposes of maintenance of flight and safety standards.

(3) The Executive Director or the designated organisation, as the case may be, may suspend or revoke at any time a designation of a designated examiner where there is reasonable grounds to suspect misconduct, which could lead to the compromising of flight safety.

[The verb “is” should be “are” to accord with the plural word “grounds”.]

(4) The Executive Director or the designated organisation, as the case may be, must provide in writing reasons for the suspension or revocation of a designation referred to in subregulation (3).

**Privileges and limitations**

**62.15.7** The Executive Director or the designated organisation, as the case may be, must determine the privileges and limitations of a designated examiner dependent upon the applicant’s qualifications, recent and total flight experience and must indicate these privileges and limitations on the certificate issued.

[The comma after the word “qualifications” should be replaced with the word “and” to make the regulation grammatically correct.]

**SUBPART 16:  
REQUIREMENTS FOR THE ISSUE OF A CATEGORY, CLASS OR TYPE RATING  
BY NAME FOR LIGHT SPORT AEROPLANES**

**General**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**62.16.1** An applicant for the issuing of a type rating by name for light sport aeroplanes must:

- (a) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
- (b) have acquired the experience referred to in regulation 62.16.2;
- (c) have successfully completed the training as set out in Document NAM-CATS-FCL 62;
- (d) have passed the theoretical knowledge examination referred to in regulation 62.16.3; and
- (e) have successfully passed the skills test referred to in regulation 62.16.4.

**Experience**

**62.16.2** (1) An applicant for the issuing of a type rating by name for light sport aeroplanes must have completed not less than 35 hours flight time as a pilot of a light sport aeroplane, of which at least 15 hours must be solo flight time, and which must include:

- (a) one dual cross-country flight and one solo cross-country flight each of at least three legs and of a duration of not less than 90 minutes flown at normal cruising speed;
- (b) one dual cross-country flight of at least three legs and a duration of not less than 90 minutes flown at normal cruising speed and which includes a full-stop landing at a controlled airport other than the point of departure; and
- (c) three hours of dual and two hours of solo circuits and landings at a controlled airport.

(2) In the case of an applicant for a type rating who is the holder of a pilot licence issued in terms of Part 61, the hour requirements and the cross-country requirements referred to in paragraph (a) of subregulation (1) may be credited at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

(3) In the case of an applicant who is the holder of a recreational pilot licence with a category rating for gyroplanes or microlight aeroplanes, the cross-country requirements referred to in paragraph (a) of subregulation (1) may be credited at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

**Theoretical knowledge examination**

**62.16.3** (1) An applicant for the issuing of a type rating by name for light sport aeroplanes must have passed the appropriate written examination as set out in Document NAM-CATS-FCL 62.

(2) In the case of an applicant for the issuing of a type rating and who is the holder of a pilot licence issued in terms of Part 61 the applicant may be given credit for any theory at the discretion of the person responsible for training at the approved ATO, and this discretion must be exercised lawfully.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) In the case of an applicant for the issuing of a type rating and who is the holder of a recreational pilot licence endorsed for the category microlight aeroplanes or gyrocopters, the applicant may be given credit for any theory at the discretion of the person responsible for training at the approved ATO and this discretion must be exercised lawfully: Provided that the “principles of flight” and “air law” theoretical knowledge examinations must be written.

### **Skills test**

**62.16.4** (1) An applicant for the issuing of an initial type rating by name for light sport aeroplanes must have demonstrated to the holder of a Grade B or Grade A light sport aeroplane flight instructor rating, or a flight instructor appropriately rated in terms of Part 61, the ability to perform, as pilot-in-command of a light sport aeroplane, the procedures and manoeuvres as set out in Document NAM-CATS-FCL 62, with a degree of competency appropriate to the privileges granted to the holder of a recreational pilot licence.

(2) The applicant must undergo the skills test referred to in subregulation (1) within the 12 months of passing the theoretical knowledge examination referred to in regulation 62.16.3 and within the 60 days immediately preceding the date of application.

[The word “the” before the phrase “12 months” is superfluous.]

### **Crediting of flight time**

**62.16.5** The holder of a glider pilot licence, or of a recreational pilot licence endorsed for the category microlight aeroplane or gyroplane, is entitled to be credited with not more than 25 hours of flight time acquired in a glider, microlight aeroplane or gyroplane, as the case may be, towards the total flight time experience prescribed for the issuing of a recreational pilot licence endorsed for the category light sport aeroplane.

### **Additional type ratings by name for light sport aeroplanes**

**62.16.6** An applicant for the issue of an additional type rating by name for light sport aeroplanes must:

- (a) undergo a skills test with a Grade C-, B- or A-instructor or designated examiner with the appropriate type rating as set out in Document NAM-CATS-FCL 62; and
- (b) pass the technical exams as set out in Document NAM-CATS-FCL 62.

### **Application**

**62.16.7** (1) An application for the issuing of type rating by name for light sport aeroplanes must:

- (a) be made to the Executive Director or to the designated organisation, as the case may be, on the appropriate form as set out in Document NAM-CATS-FCL 62; and
- (b) be accompanied by:
  - (i) a valid application for the issue of such licence;
  - (ii) acceptable certified evidence that the requirements prescribed in regulation 62.16.1 or 62.16.5 if applicable, have been complied with; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) the appropriate fee as prescribed in terms of Part 187 or by the designated organisation, as the case may be: Provided that the fees set by the designated organisation may not exceed those prescribed in Part 187.

(2) The Executive Director or the designated organisation, as the case may be, must issue a type rating by name for light sport aeroplanes if the applicant complies with the requirements referred to in regulation 62.16.1.

(3) A type rating by name for light sport aeroplanes referred to in this regulation must be issued in the form determined by the Executive Director.

**Period of validity**

**62.16.8** (1) A type rating by name for light sport aeroplanes is valid for as long as the recreational pilot licence itself remains valid or unless the licence revoked or suspended in terms of the Act.

[The word “is” appears to have been omitted before the phrase “revoked or suspended”.]

(2) The holder of the recreational pilot licence may not exercise the privileges of the type rating unless he or she complies with the provisions of regulation 62.16.10.

**Privileges and limitations**

**62.16.9** (1) The holder of a type rating by name for light sport aeroplanes is entitled to act as pilot-in-command of the light sport aeroplane for which he or she is rated by name: Provided that the light sport aeroplane is not operated for the provision of an air service:

- (a) within Class F and Class G airspace; and
- (b) within controlled airspace, unless:
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) such two-way radio communication as the said unit may require, is established;
  - (iii) continuous radio watch is maintained; and
  - (iv) while within an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with.

(2) The holder of a type rating by name for light sport aeroplanes may exercise the privileges of his or her rating for remuneration in an aircraft operated in terms of Part 96, provided he or she is the holder of a valid Part 96 authorisation issued in terms of Subpart 14 of this Part.

**Maintenance of competency**

**62.16.10** The holder of a type rating by name for light sport aeroplanes may not act as pilot-in-command of a light sport aeroplane unless he or she:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) has acted as pilot-in-command of a light sport aeroplane for a minimum of five hours in the 12 months immediately preceding the intended flight and such minimum flight time may include flights undertaken by the pilot whilst receiving training appropriate to the type of light sport aeroplane; or
- (b) has passed a skills test with an appropriately-rated flight instructor within the three months immediately preceding the intended flight; and
- (c) if transporting a passenger, has within the 90 days immediately preceding the flight on which such passenger is to be transported, as pilot-in-command executed not less than three take-offs and three landings in a light sport aeroplane.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 63**  
**FLIGHT ENGINEER LICENSING**

[Part 63 is substituted by GN 178/2023.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 63.01.1 Applicability
- 63.01.2 Authority to act as flight engineer of Namibian aircraft
- 63.01.3 Validation of foreign flight engineer licence issued by appropriate authority
- 63.01.4 Competency
- 63.01.5 Documentation
- 63.01.6 Logbooks
- 63.01.7 Medical fitness
- 63.01.8 Ratings for flight engineers and flight engineer instructors
- 63.01.9 Type ratings
- 63.01.10 Ratings for special purposes  
[The heading of this regulation in the text below is  
"Rating for special purposes" (with "Rating" being singular).]
- 63.01.11 Register of licences
- 63.01.12 Language
- 63.01.13 Retesting after failure
- 63.01.14 Designation of examiner
- 63.01.15 Training
- 63.01.16 Credit for military service
- 63.01.17 Conversion of flight engineer licence issued by appropriate authority
- 63.01.18 Change of name or address
- 63.01.19 Duplicate flight engineer licence
- 63.01.20 Duties of flight engineer
- 63.01.21 Unauthorised conduct during theoretical examinations

**SUBPART 2: FLIGHT ENGINEER LICENCE**

- 63.02.1 Requirements for flight engineer licence
- 63.02.2 Experience
- 63.02.3 Training
- 63.02.4 Theoretical knowledge examination
- 63.02.5 Skills test
- 63.02.6 Application for flight engineer licence
- 63.02.7 Issuing of flight engineer licence
- 63.02.8 Period of validity
- 63.02.9 Privileges

**SUBPART 3: TYPE RATING**

- 63.03.1 Requirements for type rating
- 63.03.2 Training
- 63.03.3 Theoretical knowledge examination
- 63.03.4 Skills test
- 63.03.5 Temporary certificate of competency
- 63.03.6 Application for type rating

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 63.03.7 Issuing of type rating
- 63.03.8 Period of validity
- 63.03.9 Privileges
- 63.03.10 Renewal
- 63.03.11 Re-issue

**SUBPART 4: GRADE I FLIGHT ENGINEER INSTRUCTOR RATING**

- 63.04.1 Requirements for Grade I flight engineer instructor rating
- 63.04.2 Experience
- 63.04.3 Skills test
- 63.04.4 Application for Grade I flight engineer instructor rating
- 63.04.5 Issuing of Grade I flight engineer instructor rating
- 63.04.6 Period of validity
- 63.04.7 Privileges
- 63.04.8 Renewal
- 63.04.9 Re-issue

**SUBPART 5: GRADE II FLIGHT ENGINEER INSTRUCTOR RATING**

- 63.05.1 Requirements for Grade II flight engineer instructor rating
- 63.05.2 Experience
- 63.05.3 Training
- 63.05.4 Theoretical knowledge examination
- 63.05.5 Skills test
- 63.05.6 Application for Grade II flight engineer instructor rating
- 63.05.7 Issuing of Grade II flight engineer instructor rating
- 63.05.8 Period of validity
- 63.05.9 Privileges
- 63.05.10 Renewal
- 63.05.11 Re-issue

[There are multiple references in this Part to “Document NAM-CATS 63” and “Document NAM-CATS Part 63”. The definitions in regulation 1 do not list either of these documents. These references may refer to “Document NAM-CATS-FCL 63” (Flight Crew Licensing: Flight Engineers).]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**63.01.1** (1) This Part prescribes the requirements relating to the:

- (a) the issuing, renewal and re-issuing of flight engineer licences and ratings for Namibian flight engineers;
- (b) the validation of foreign flight engineer licences and ratings; and
- (c) designation of examiners for the purposes of skills tests required for flight engineer licences and ratings.

(2) In this Part any requirements for the issuing of, the holding of an aviation document issued in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

[There appears to be a word such as “or” or “and” missing between the phrases “the issuing of” and “the holding of an aviation document issued in terms of this Part”.]

**Authority to act as flight engineer of Namibian aircraft**

**63.01.2** (1) A person may not act as a flight engineer of a Namibian aircraft unless such person holds a valid:

- (a) flight engineer licence and rating issued, renewed and re-issued by the Executive Director in terms of this Part; or
- (b) flight engineer licence and rating issued by an appropriate authority and validated by the Executive Director in terms of this Part.

(2) The holder of a flight engineer licence may not exercise privileges other than the privileges granted by the licence and the appropriate rating held by the holder.

(3) The holder of a flight engineer licence must pay the annual currency fee as prescribed in Part 187 applicable to the type of licence on the anniversary date of such licence.

**Validation of foreign flight engineer licence issued by appropriate authority**

**63.01.3** (1) The holder of a foreign flight engineer licence and rating, issued by an appropriate authority, who wishes to act as a flight engineer on a Namibian aircraft must apply to the Executive Director in the appropriate form determined by the Executive Director for the validation of the foreign flight engineer licence and rating.

(2) Before the Executive Director validates a foreign flight engineer licence or rating for commercial purposes the Executive Director must confirm the validity of the foreign licence or rating with the appropriate authority.

(3) The application for a validation referred to in subregulation (1) must be accompanied by:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the appropriate fee as prescribed in Part 187;
- (b) a certified true copy of the licence and rating to which the validation pertains;
- (c) a valid foreign medical certificate; and
- (d) in the case of a validation of a licence and rating, the privileges which are to be exercised for commercial purposes, a letter of appointment from an employer who requires the services of the applicant.

(4) A foreign flight engineer licence and rating issued by an appropriate authority must be validated by the Executive Director:

- (a) subject to the same restrictions which apply to such licence and rating;
- (b) in accordance with and subject to the requirements set out in Document NAM-CATS-FCL 63; and
- (c) If the applicant for a validation of a foreign flight engineer licence and rating complies with:
  - (i) the requirements of subregulation (2) and (3); and
  - (ii) the provisions of section 68 and 69 of the Act,

the Executive Director must issue a validation of a licence or rating in the form determined by the Executive Director.

[The first word “if” in paragraph (c) should not be capitalised. The singular word “section” in subparagraph (ii) should be plural. Paragraph (c) does not fit the sentence structure of the rest of subregulation (4); it is not clear what was intended.]

(5) A validation of a license or rating issued by the Executive Director in terms of this regulation is deemed to be an aviation document for the purposes of the Act.

- (6) The validation issued by the Executive Director in terms of this regulation is valid:
  - (a) for 12 months calculated from the date of issue of such validation by the Executive Director;
  - (b) for the period of validity of the licence and rating issued by the appropriate authority concerned; or
  - (c) unless revoked or suspended in terms of the Act,

whichever occurs earlier.

(7) The holder of a valid licence and a rating validated in terms of this regulation may apply to the Executive Director for the renewal of such validation at least 21 days immediately preceding the date of expiry of such validation.

(8) The Executive Director may renew a validation of a licence and rating issued in terms of this regulation in accordance with this Part and Document NAM-CATS 63.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) The holder of a valid a licence or a rating validated by the Executive Director in terms of this regulation must comply with the provisions prescribed in this Part and the requirements set out in Document NAM-CATS 63.

(10) Despite subregulation (1), the Executive Director may validate a licence and rating issued by an appropriate authority, to authorise the holder to conduct training on a particular type of aircraft to which the rating pertains, if a holder of a Grade I flight instructor rating is not available in Namibia to conduct such training.

**Competency**

**63.01.4** (1) A holder of a flight engineer licence and rating may not exercise the privileges granted by the licence and rating unless the holder maintains competency by complying with the appropriate requirements prescribed in this Part.

(2) The holder of a flight engineer licence and rating must submit copies of all documentation relating to continued maintenance of competency to the Executive Director within seven days after compliance with the applicable requirements prescribed in this Part.

**Documentation**

**63.01.5** The Executive Director must ensure that a flight engineer licence and rating is issued in such a manner that the appropriate authority may readily determine the validity of the licence and rating.

**Logbooks**

**63.01.6** (1) The holder of a flight engineer licence must maintain a logbook and must record in the logbook all flight time spent as a flight engineer.

[The word “flight” is misspelt in the *Government Gazette* in the term “flight engineer” at the end of subregulation (1), as reproduced above.]

(2) The information to be contained in a logbook as well as the form and manner of keeping the logbook referred to in subregulation (1) is set out in Document NAM-CATS 63.

**Medical fitness**

**63.01.7** An applicant for a flight engineer licence or a holder of a flight engineer licence must obtain a Class 2 medical certificate issued in terms of Part 67.

**Ratings for flight engineers and flight engineer instructors**

**63.01.8** The ratings for flight engineers and flight engineer instructors are:

- (a) a type rating; and
- (b) a rating for special purposes.

**Type ratings**

**63.01.9** Type ratings for aircraft comprise:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a rating by name for each type of aircraft of which the design necessitates the carriage of a flight engineer; and
- (b) a rating by name for each type of engine.

**Rating for special purposes**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Ratings for special purposes" (with "Ratings" being plural).]

**63.01.10** The ratings for special purposes comprise:

- (a) Grade I flight engineer instructor rating; and
- (b) Grade II flight engineer instructor rating.

**Register of licences**

**63.01.11** (1) The Executive Director must maintain in the Civil Aviation Registry a register of all flight engineer licences and ratings issued or validated in terms of this Part.

(2) The register referred to in subregulation (1) must contain the following particulars:

- (a) The full name of the holder of the licence;
- (b) the postal address of the holder of the licence;
- (c) the date on which the licence was issued or validated;
- (d) particulars of the ratings held by the holder of the licence; and
- (e) the nationality of the holder of the licence.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register referred to in subregulation (1) within seven days from the date on which the licence or rating is issued or validated by the Executive Director.

(4) The Executive Director must keep the register referred to subregulation (1) at the office of the Executive Director.

[The word "in" appears to have been omitted after the phrase "referred to".]

(5) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Language**

**63.01.12** (1) The holder of a flight engineer licence issued under this part must have sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a flight engineer.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may not issue a flight engineer licence to a person who is required to operate the radio equipment on board the aircraft unless that person has demonstrated the appropriate English Language Proficiency set out in Document NAM-CATS 63.

**Retesting after failure**

**63.01.13** An applicant, for the issuing of a flight engineer licence or rating, who fails a theoretical knowledge examination required for such licence or rating may apply for retesting after the appropriate period set out in Document NAM-CATS Part 63.

**Designation of examiner**

**63.01.14** (1) The Executive Director may designate an examiner to:

- (a) conduct skills tests and to complete skills test reports required for the issuing and reissuing of flight engineer licences and type ratings; and
- (b) conduct skills tests and to complete skills test reports required for the issuing and reissuing of flight engineer instructor ratings.

(2) The privileges referred to in subregulation (1) must be exercised and performed according to the requirements set out in Document NAM-CATS 63.

(3) A person who wishes to be designated as an examiner for the purposes stated in subregulation (1) must apply for designation to the Executive Director.

(4) The application referred to in subregulation (3) must be accompanied by:

- (a) details of the licence and ratings to which the application applies; and
- (b) the appropriate fee as prescribed in Part 187.

(5) If the Executive Director is satisfied that:

- (a) the applicant for designation in terms of this regulation complies with the requirements referred to in subregulation (2) and (3);
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act,

the Executive Director must approve the application.

(6) On approving the application for designation as an examiner the Executive Director must sign and issue to the applicant a document which state the full name of the examiner and the document must contain a statement that:

[The verb “state” should be “states” to accord with the subject “document”.]

- (a) the examiner has been designated in terms of subregulation (1); and
- (b) the examiner is authorised to exercise the privileges referred to in subregulation (1).

(7) A designation of an examiner issued by the Executive Director in terms of this regulation is deemed to be an aviation document for the purposes of the Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) An inspector must annually conduct surveillance over the activities of an examiner designated in terms of this Part and as set out in Document NAM-CATS 63.

**Training**

**63.01.15** Training as required by this Part may only be provided by the holder of an approval issued in terms of Part 141 by an approved ATO or a foreign aviation training organisation of a Contracting State approved by the Executive Director in accordance with Part 141.

**Credit for military service**

**63.01.16** (1) Flight engineers qualified as flight engineers in the Namibian Air Force, may apply to the Executive Director for the issuing of a flight engineer licence and rating prescribed in this Part.

(2) An application referred to in subregulation (1) must be:

- (a) made in the appropriate form set out in Document NAM-CATS 63;
- (b) accompanied by:
  - (i) the original or certified evidence of the identity and age of the applicant and indicating his or her employment in the Namibian Air Force;
  - (ii) a valid Class 1 medical certificate issued in terms of Part 67;
  - (iii) a document showing that the applicant has passed the theoretical knowledge examination or part of the examination, if the passing of such theoretical knowledge examination or part of the examination is required;
  - (iv) two recent passport size photographs of the applicant; and
  - (v) the appropriate fee as prescribed in Part 187.

(3) For the purpose of issuing a flight engineer licence and rating, the Executive Director may in terms NAM-CATS Part 63 credit the theoretical knowledge, experience and skills or part of the knowledge, experience and skills gained in military service.

(4) A flight engineer license or rating issued by the Executive Director in terms of this regulation is deemed to be an aviation document for the purposes of the Act.

**Conversion of flight engineer licence issued by appropriate authority**

**63.01.17** (1) The holder of a flight engineer licence and rating issued by an appropriate authority may apply to the Executive Director for a conversion of the licence and rating.

(2) An application for the conversion of the licence and rating must be:

- (a) made in the appropriate form set out in Document NAM-CATS 63; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) accompanied by:
  - (i) a copy of the flight engineer licence and rating to which the conversion pertains;
  - (ii) an appropriate valid medical certificate; and
  - (iii) the appropriate fee as prescribed in Part 187.
- (3) If the Executive Director is satisfied that:
  - (a) the applicant for conversion of a licence or rating in terms of this regulation complies with the requirements of this regulation;
  - (b) the applicant is a fit and proper person within the meaning of section 69 of the Act; and
  - (c) the applicant complies with the other requirements referred to in section 68 of the Act,

the Executive Director may convert the licence and rating.

(4) The Executive Director must convert the license and rating in terms of this regulation on the appropriate form determined by the Executive Director.

(5) A license or rating converted by the Executive Director in terms of this regulation is deemed to be an aviation document for the purposes of the Act.

**Change of name or address**

**63.01.18** (1) If a flight engineer licence and rating issued in terms of this Part:

- (a) does not correctly reflect the name or address of the holder; or
- (b) contains a photograph which is no longer a recognisable image of the holder,

the holder of the licence or rating must apply, to the Executive Director for the issuing of a new licence and rating, within 30 days from the day on which such name or address was changed or such photograph became an unrecognisable image.

(2) An application for the issuing of a new licence and rating in terms of this regulation must be:

- (a) made in the appropriate form set out in Document NAM-CATS 63; and
- (b) accompanied by:
  - (i) the original licence and rating;
  - (ii) in the case of a change of name, a copy of a certificate issued in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), a court order or any other legal document which verifies the change of name;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

(a) issue a new licence and rating in terms of this Part, if the applicant complies with the requirements referred to in subregulation (2); and

(b) cancel and destroy the original licence and rating.

(4) Upon the issuing of a new licence in terms of this regulation the holder of the licence or rating, the holder of the licence or rating must immediately affix his or her signature in ink in the space provided for that purpose on the new licence and rating.

**Duplicate flight engineer licence**

**63.01.19** (1) The holder of a flight engineer licence and rating which has been lost, destroyed or defaced to such an extent that the particulars on it are illegible, must apply to the Executive Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating must be:

(a) made in the appropriate form set out in Document NAM-CATS 63; and

(b) accompanied by:

(i) a valid Class 2 medical certificate issued in terms of Part 67;

(ii) two recent passport size photographs of the applicant; and

(iii) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

(a) issue a duplicate licence and rating if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate licence and rating with the word “DUPLICATE” on the licence.

(4) Upon the issuing of a duplicate licence in terms of this regulation the holder of the licence must immediately affix his or her signature in ink in the space provided for that purpose on the duplicate licence.

(5) If the original licence and rating is found after the issuing of a duplicate licence and rating in terms of this regulation, the holder of the duplicate licence and rating must immediately surrender original licence and rating to the Executive Director.

**Duties of flight engineer**

**63.01.20** A flight engineer must:

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) carry the flight engineer licence and rating issued to him or her, on his or her person when exercising the privileges of the licence and rating;
- (b) produce the flight engineer licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and
- (c) produce the flight engineer licence and rating to the authorised representative of an appropriate authority if so requested by the representative.

**Unauthorised conduct during theoretical examinations**

**63.01.21** (1) A person may not provide another person with, or obtain from another person, any examination paper for theoretical examination for the purposes of this Part, or part or copy of an examination, unless authorised by the Executive Director to do so.

- (2) During any theoretical examination under this Part, a person may not:
  - (a) copy from another person;
  - (b) use any unauthorised source of information;
  - (c) communicate in any way with another person, except the invigilator;
  - (d) take the examination on behalf of another person; or
  - (e) remove any written or printed material from the examination room, unless authorised by the Executive Director to do so.
- (3) Any unauthorised conduct referred to in subregulation (1) and (2) may result in:
  - (a) disqualification in the subject concerned;
  - (b) disqualification in any or all subjects already passed; or
  - (c) disbarment from taking further examinations for a period not exceeding 12 months.

**SUBPART 2:  
FLIGHT ENGINEER LICENCE**

**Requirements for flight engineer licence**

**63.02.1** An applicant for the issuing of a flight engineer licence must:

- (a) be 18 years of age or older;
- (b) in the case of a flight engineer who is required to conduct radio telephony, comply with the requirements for the issue of a general radio licence as contained in Part 61 and must also be a holder of an English Language Proficiency certification set out in Document NAM-CATS 63;
- (c) hold a valid Class 2 medical certificate issued in terms of Part 67;
- (d) have acquired the experience referred to in regulation 63.02.2;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) have successfully completed the training referred to in regulation 63.02.3;
- (f) have passed the theoretical knowledge examination referred to in regulation 63.02.4;
- (g) have undergone the skills test referred to in regulation 63.02.5; and
- (h) have acquired or be a holder of:
  - (i) not less than three years practical aeronautical engineering experience of which not less than one year must have been obtained on a multi-engine aircraft with a maximum certificated mass exceeding 11 400 kilograms;
  - (ii) a Bachelor of Science Aeronautical Engineering degree as approved by the Authority;
  - (iii) a valid commercial pilot licence with a valid instrument rating; or
  - (iv) a valid airline transport pilot licence.

### **Experience**

**63.02.2** (1) An applicant for a flight engineer licence must have completed, under the supervision of the holder of a flight engineer instructor rating, not less than 100 hours of flight time performing the duties of a flight engineer, of which 50 hours may be acquired in an approved FSTD.

(2) The applicant for a flight engineer licence must have operational experience under the supervision of a licenced flight engineer that includes at least the following:

- (a) normal procedures:
  - (i) pre-flight inspections;
  - (ii) fuelling procedures and fuel management;
  - (iii) inspection of maintenance documents;
  - (iv) normal flight deck procedures during all phases of flight;
  - (v) crew coordination and procedures in case of crew incapacitation; and
  - (vi) defect reporting;
- (b) abnormal and alternate standby procedures:
  - (i) recognition of abnormal functioning of aircraft systems; and
  - (ii) use of abnormal and alternate standby procedures;
- (c) emergency procedures:
  - (i) recognition of emergency conditions; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) use of appropriate emergency procedures.

**Training**

**63.02.3** An applicant for a flight engineer licence must have successfully completed the appropriate training set out in Document NAM-CATS 63.

**Theoretical knowledge examination**

**63.02.4** An applicant for a flight engineer licence must have passed the appropriate theoretical examination set out Document NAM-CATS 63.

[The word “in” appears to have been omitted after the phrase “set out”.]

**Skills test**

**63.02.5** (1) An applicant for a flight engineer licence must demonstrate the ability to perform as flight engineer of an aircraft the duties and procedures set out in Document NAM-CATS 63 with a degree of competency appropriate to the privileges granted to the holder of a flight engineer licence, to:

- (a) to the holder of a Grade I flight engineer instructor rating; or
- (b) an appropriately type rated designated flight examiner.

(2) The demonstration referred to in subregulation (1) may be conducted in a flight simulation training device approved for this purpose.

(3) The applicant for a flight engineer licence must undergo the demonstration referred to in subregulation (1) within 24 months of passing the theoretical knowledge examination referred to in regulation 63.02.4 and within the 90 days immediately preceding the date of application.

**Application for flight engineer licence**

**63.02.6** An application for a flight engineer licence must be:

- (a) made to the Executive Director in the appropriate form determined by the Executive Director; and
- (b) accompanied by:
  - (i) original or certified evidence of the identity and age of the applicant;
  - (ii) a valid Class 2 medical certificate issued in terms of Part 67;
  - (iii) the general radiotelephony certificate and English Language Proficiency certification set out in Document NAM-CATS-FCL-63;
  - (iv) original or certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation 63.02.4;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (v) the skills test report set out in Document NAM-CATS 63;
- (vi) the valid commercial pilot licence, airline transport pilot licence, proof of the practical aeronautical engineering experience or a Bachelor of Science Aeronautical Engineering degree, as the case may be, held or obtained by the applicant;
- (vii) the appropriate fee as prescribed in Part 187; and
- (viii) two recent passport size photographs of the applicant.

**Issuing of flight engineer licence**

**63.02.7** (1) The Executive Director must issue a flight engineer licence if the applicant complies with:

- (a) the requirements of this regulation;
- (b) fit and proper person requirement within the meaning of section 69 of the Act; and
- (c) other requirements of section 68 of the Act.

(2) The Executive Director must issue the flight engineer licence on the appropriate form determined by the Executive Director.

(3) Upon the issuing of a flight engineer licence the holder of the licence must immediately affix his or her signature in ink in the space provided for that purpose on the licence.

(4) A license issued by the Executive Director in accordance with this regulation is deemed to be an aviation document for the purposes of the Act.

**Period of validity**

**63.02.8** A flight engineer licence is valid for an indefinite period unless suspended or revoked in terms of the Act.

**Privileges**

**63.02.9** The holder of a valid flight engineer licence is entitled to act as a flight engineer:

- (a) in any aircraft in respect of which he or she is the holder of a type rating; or
- (b) in an aircraft of a type other than that in respect of which he or she is the holder of a type rating:
  - (i) if he or she so acts under the direct supervision of the holder of a flight engineer licence with a type rating appropriate to that aircraft; or
  - (ii) if he or she acts in an aircraft on which a flight engineer is not required, under the direct supervision of the pilot-in-command of that aircraft.

**SUBPART 3:**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## TYPE RATING

### Requirements for type rating

- 63.03.1** (1) An applicant for the issuing of a type rating must:
- (a) have successfully completed the training referred to in regulation 63.03.2;
  - (b) have passed the theoretical knowledge examination referred to in regulation 63.03.3;
  - (c) have undergone the skill test referred to in regulation 63.03.4; and
  - (d) have complied with the requirements for a flight engineer licence referred to in regulation 63.02.1.
- (2) An applicant for the issuing of any additional type rating must:
- (a) hold a valid flight engineer licence;
  - (b) comply with the requirements prescribed in regulation 63.03.3;
  - (c) submit to the Executive Director his or her logbook or a certificate signed by the holder of a Grade I flight engineer instructor rating and showing that he or she has completed during the 12 months immediately preceding the date of application, not less than 50 hours of flight time in the performance of the duties of a flight engineer on board the type of aircraft to which the application relates or on board an aircraft with similar characteristics; and
  - (d) have undergone the skills test referred to in regulation 63.03.4, in the type of aircraft to which the application relates.

### Training

**63.03.2** An applicant for the issuing of a type rating must have successfully completed the appropriate training set out in Document NAM-CATS 63.

### Theoretical knowledge examination

**63.03.3** An applicant for the issuing of a type rating must have passed the appropriate written examination set out in Document NAM-CATS 63.

### Skills test

**63.03.4** An applicant for the issuing of a type rating must demonstrate to the holder of a Grade I flight engineer instructor rating the ability to perform the procedures and manoeuvres, set out in Document NAM-CATS 63 with a degree of competency appropriate to the privileges granted to the holder of such type rating.

### Temporary certificate of competency

**63.03.5** The holder of a Grade I flight engineer instructor rating may issue the applicant for the issuing of a type rating with a temporary certificate of competency which permits

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the applicant to exercise the privileges of such type rating for a period of 30 days calculated from the date of issue of such temporary certificate.

**Application for type rating**

**63.03.6** An application for the issuing of a type rating must be:

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS 63; and
- (b) accompanied by:
  - (i) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 63.03.3;
  - (ii) the skills test report set out in Document NAM-CATS 63; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Issuing of type rating**

**63.03.7** (1) The Executive Director must issue a type rating if the applicant complies with the requirements referred to in regulation 63.03.1.

(2) A type rating must be issued in the appropriate form determined by the Executive Director.

**Period of validity**

**63.03.8** A type rating is valid:

- (a) for a period of 12 months calculated from the date of issue or re-issue of the rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 63.03.10; or
- (b) unless revoked or suspended in terms of the Act,

whichever occurs earlier.

**Privileges**

**63.03.9** Subject to the provisions of the Act the holder of a valid type rating is entitled to act as a flight engineer in the type of aircraft for which the holder is rated.

**Renewal**

**63.03.10** (1) To renew a type rating, the holder of the rating must:

- (a) within the 12 months immediately preceding the date of expiry of such rating, have completed not less than 50 hours of flight time as flight engineer of an aircraft for which the holder is type rated; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check set out in Document NAM-CATS 63, conducted by the holder of a Grade I flight engineer instructor rating.

(2) Upon compliance by the holder of a rating with the requirements of subregulation (1)(a) or (b), the holder of a Grade I flight engineer instructor rating must:

- (a) provide the Executive Director with the appropriate certificate of competency set out in Document NAM-CATS 63;
- (b) sign the appropriate page of the licence of such holder; and
- (c) endorse the logbook of such holder.

(2) If the result of the proficiency check referred to in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.03.9, the holder of the Grade I flight engineer instructor rating must:

- (a) report such result to the Executive Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Re-issue**

**63.03.11** (1) To be re-issued with a type rating which has expired due to the lapse of the period referred to in regulation 63.03.8, the holder of such expired rating must:

- (a) within the 12 months immediately preceding the date of application, have completed not less than eight hours of flight time as flight engineer under the supervision of the holder of a flight engineer rating; and
- (b) demonstrate to a designated examiner the procedures and manoeuvres referred to in regulation 63.03.4 within 90 days preceding the date of application.

(2) Upon compliance with the requirements prescribed in subregulation (1)(a) and (b) by the holder of the expired rating, the relevant designated examiner must:

- (a) provide the Executive Director with the skills test report set out in Document NAM-CATS 63;
- (b) sign the appropriate page of the licence of such holder; and
- (c) endorse the logbook of such holder.

(3) If the result of the test referred to in subregulation (1) reveal that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.03.9, the designated examiner must:

[The verb “reveal” should be “reveals” to accord with the subject “result”.]

- (a) report the result to the Executive Director; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) not sign the appropriate page of the licence of the holder of the expired rating.

**SUBPART 4:**  
**GRADE I FLIGHT ENGINEER INSTRUCTOR RATING**

**Requirements for Grade I flight engineer instructor rating**

**63.04.1** An applicant for the issuing of a Grade I flight engineer instructor rating must:

- (a) hold a valid flight engineer licence, a type rating and a Grade II flight engineer instructor rating;
- (b) have acquired the experience referred to in regulation 63.04.2; and
- (c) have undergone the skill test referred to in regulation 63.04.3.

**Experience**

**63.04.2** An applicant for the issuing of a Grade I flight engineer instructor rating must have at least three years experience as a Grade II flight engineer instructor during which he or she must have given not less than 500 hours of flight engineer instruction.

**Skills test**

**63.04.3** (1) An applicant for the issuing of a Grade I flight engineer instructor rating must demonstrate to a designated examiner the ability to perform the procedures set out in Document NAM-CATS 63 with a degree of competency appropriate to the privileges granted to the holder of a Grade I flight engineer instructor rating.

(2) The applicant referred to in subregulation (1) must undergo the skills test referred to in that subregulation within the 90 days immediately preceding the date of application.

**Application for Grade I flight engineer instructor rating**

**63.04.4** An application for a Grade I flight engineer instructor rating must be:

- (a) made to the Executive Director in the appropriate form determined by the Executive Director;
- (b) accompanied by:
  - (i) the skills test report set out in Document NAM-CATS 63;
  - (ii) the flight engineer licence, type rating and Grade II flight engineer instructor rating of the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Issuing of Grade I flight engineer instructor rating**

**63.04.5** (1) The Executive Director must issue a Grade I flight engineer instructor rating if the applicant complies with the requirements referred to in regulation 63.04.1.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must issue the Grade I flight engineer instructor rating in the appropriate form determined by the Executive Director.

**Period of validity**

**63.04.6** A Grade I flight engineer instructor rating is valid:

- (a) for a period of three years calculated from the date of issue or re-issue of the rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 63.04.8; or
- (b) unless revoked or suspended in terms of the Act,

whichever occurs earlier.

**Privileges**

**63.04.7** (1) Subject to the provisions of the Act, the holder of a valid Grade I flight engineer instructor rating may exercise the privileges of such rating in the type of aircraft for which the holder is rated.

- (2) The holder of a valid Grade I flight engineer instructor rating:
  - (a) may give flight engineer instruction for the issuing of a flight engineer licence or type rating; and
  - (b) may assess any applicant for the issuing of a flight engineer licence or type rating and complete the appropriate skills test report and certificate of competency.

**Renewal**

**63.04.8** (1) To renew a Grade I flight engineer instructor rating the holder of the rating must within the 90 days immediately preceding the date of expiry of such rating comply with any two of the following requirements:

- (a) give not less than 50 hours flight engineer instruction within the three years preceding the date of expiry, of which not less than 30 hours must be given within the 12 months immediately preceding the date of expiry of such rating;
- (b) attend a flight engineer instructor refresher seminar set out in Document NAM-CATS 63;
- (c) undergo the skills test referred to in regulation 63.04.3.

(2) Upon compliance with the requirements referred to in subregulation (1)(a) and (b) by the holder of the rating, the designated examiner must:

- (a) provide the Executive Director with the skills test report set out in Document NAM-CATS 63;
- (b) sign the appropriate page of the licence of such holder; and
- (c) endorse the logbook of such holder.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the result of the test contemplated in subregulation (1) reveal that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.04.7, the designated examiner must:

[The verb “reveal” should be “reveals” to accord with the subject “result”.]

- (a) report such result to the Executive Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Re-issue**

**63.04.9** (1) The holder of a Grade I flight engineer instructor rating which has expired due to the lapse of the period referred to in regulation 63.04.8 may, before a further period of 60 months calculated from the date of expiry of the rating has lapsed, apply for the reissuing of the expired rating.

(2) The Executive Director must re-issue the rating referred to in subregulation (1) if the applicant has:

- (a) complied with the requirements for the re-issue of an expired Grade I flight engineer instructor rating prescribed in subregulation (1);
  - (b) given not less than 50 hours flight engineer instruction as the holder of a Grade II flight engineer instructor rating re-issued in terms of regulation 63.05.11; and
  - (c) undergone the skills test referred to in regulation 63.04.3.
- (3) An application for the reissuing of the expired rating must be accompanied by:
- (a) the Grade II flight engineer instructor rating re-issued in terms of regulation 63.05.11;
  - (b) a copy of the relevant page of the logbook of the applicant;
  - (c) the skills test report set out in Document NAM-CATS 63; and
  - (d) the appropriate fee as prescribed in Part 187.

(4) If a period of 60 months has lapsed after the date of expiry of the rating the holder of the expired rating may apply to the Executive Director for the re-issuing of the rating.

(5) The Executive Director must re-issue the rating referred to in subregulation (4) if the applicant complies with the requirements for a Grade I flight engineer instructor rating referred to in regulation 63.04.1.

(6) The provisions of regulation 63.04.4 apply with changes required by the context to an application referred to in this regulation.

**SUBPART 5:**  
**GRADE II FLIGHT ENGINEER INSTRUCTOR RATING**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Requirements for Grade II flight engineer instructor rating**

**63.05.1** An applicant for the issuing of a Grade II flight engineer instructor rating must:

- (a) hold a valid flight engineer licence and type rating;
- (b) have acquired the experience referred to in regulation 63.05.2;
- (c) have successfully completed the training referred to in regulation 63.05.3;
- (d) have passed the theoretical knowledge examination referred to in regulation 63.05.4; and
- (e) have undergone the skill test referred to in regulation 63.05.5.

**Experience**

**63.05.2** An applicant for the issuing of a Grade II flight engineer instructor rating must have completed a training course during which not less than 25 hours of flight engineer instruction must have been given under the supervision of the holder of a Grade I flight engineer instructor rating.

[The word “flight” is misspelt in the *Government Gazette* in the term “Grade II flight engineer”, as reproduced above.]

**Training**

**63.05.3** An applicant for the issuing of a Grade II flight engineer instructor rating must have completed the appropriate training set out in Document NAM-CATS 63.

**Theoretical knowledge examination**

**63.05.4** An applicant for the issuing of a Grade II flight engineer instructor rating must have passed the appropriate written examination set out in Document NAM-CATS 63.

**Skills test**

**63.05.5** (1) An applicant for the issuing of a Grade II flight engineer instructor rating must demonstrate to a designated examiner the ability to perform the procedures set out in Document NAM-CATS 63 with a degree of competency appropriate to the privileges granted to the holder of a Grade II flight engineer instructor rating.

(2) The applicant referred to in subregulation (1) must undergo the skills test referred to in that subregulation within six months of passing the theoretical knowledge examination referred to in regulation 63.05.4 and within the 90 days immediately preceding the date of application.

**Application for Grade II flight engineer instructor rating**

**63.05.6** An application for a Grade II flight engineer instructor rating must be:

[The word “flight” is misspelt in the *Government Gazette* in the term “Grade II flight engineer”, as reproduced above.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) made to the Executive Director in the appropriate form determined by the Executive Director;
- (b) accompanied by:
  - (i) original or certified evidence that the applicant has passed the theoretical knowledge examination referred to in regulation 63.05.4;
  - (ii) the skills test report set out in Document NAM-CATS 63;
  - (iii) the flight engineer licence and type rating of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade II flight engineer instructor rating**

**63.05.7** (1) The Executive Director must issue a Grade II flight engineer instructor rating if the applicant complies with the requirements referred to in regulation 63.05.1.

(2) A Grade II flight engineer instructor rating must be issued in the appropriate form set out in Document NAM-CATS 63.

**Period of validity**

**63.05.8** A Grade II flight engineer instructor rating is valid:

- (a) for a period of three years calculated from the date of issue or re-issue of the rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 63.05.10; or
- (b) unless suspended or revoked in terms of the Act,

whichever occurs earlier.

**Privileges**

**63.05.9** (1) The holder of a valid Grade II flight engineer instructor rating may exercise the privileges of such rating in the type or aircraft for which the holder is rated.

(2) The holder of a valid Grade II flight engineer instructor rating may give flight engineer instruction for the issuing of a flight engineer licence or type rating.

**Renewal**

**63.05.10** (1) To renew a Grade II flight engineer instructor rating the holder of the rating must, within the 90 days immediately preceding the date of expiry of such rating, comply with any two of the following requirements:

- (a) give not less than 50 hours flight engineer instruction within the three years preceding the date of expiry, of which not less than 30 hours must be given within the 12 months immediately preceding the date of expiry of such rating;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) attend a flight engineer instructor refresher seminar set out in Document NAM-CATS 63;

(c) undergo the skills test referred to in regulation 63.05.5.

(2) Upon compliance with the requirements referred to in subregulation (1)(a) and (b), the designated examiner must:

(a) provide the Executive Director with the skills test report set out Document NAM-CATS 63;

(b) sign the appropriate page of the licence of such holder; and

(c) endorse the logbook of such holder.

(3) If the results of the skills test referred to in subregulation (1) reveal that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 63.05.9, the designated examiner must:

(a) report such result to the Executive Director; and

(b) not sign the appropriate page of the licence of the holder of the rating.

**Re-issue**

**63.05.11** (1) If a Grade II flight engineer instructor rating expires due to the lapse of the period referred to in regulation 63.05.8, the holder of the rating may apply to the Executive Director for the re-issuing of the expired rating before a further period of 60 months has lapsed, if such holder has within the 90 days preceding the date of application:

(a) attended a flight engineer instructor refresher seminar set out in Document NAM-CATS 63; and

(b) undergone the skill test referred to in regulation 63.05.5.

(2) An application for the re-issuing of the expired rating referred to in subregulation (1) must be accompanied by:

(a) original or certified proof that the applicant has attended the flight engineer instructor refresher seminar referred to in subregulation (1)(a);

(b) the skills test report referred to in subregulation (1)(b); and

(c) the appropriate fee as prescribed in Part 187.

(3) If the holder of such expired flight engineer instructor rating complies with the requirements for the initial issue of a Grade II flight engineer instructor rating, the Executive Director must re-issue a Grade II flight engineer instructor rating which has expired due to the lapse of the period referred to in regulation 63.05.8 and after a further period of 60 months has lapsed.

(4) The provisions of regulation 63.05.6 apply with changes required in the context to an application referred to in this regulation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 64**  
**PERSONNEL: CABIN CREW LICENSING**

[Part 64 is substituted by GN 178/2023.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 64.01.1 Applicability
- 64.01.2 Authority to act as cabin crew member
- 64.01.3 Ratings for cabin crew members
- 64.01.4 Competency
- 64.01.5 Documentation
- 64.01.6 Logbooks
- 64.01.7 Medical fitness
- 64.01.8 Register of licences
- 64.01.9 Language
- 64.01.10 Designation of examiner
- 64.01.11 Designation of the First Aid Examiner
- 64.01.12 Training
- 64.01.13 Validation of foreign licence issued by an appropriate authority
- 64.01.14 Conversion of foreign licence issued by appropriate authority
- 64.01.15 Change of name or address
- 64.01.16 Duplicate cabin crew member licence
- 64.01.17 Duties of cabin crew member
- 64.01.18 Unauthorised conduct

**SUBPART 2: CABIN CREW MEMBER LICENCE**

- 64.02.1 Requirements for cabin crew member licence
- 64.02.2 Training
- 64.02.3 Theoretical knowledge examination
- 64.02.4 Experience
- 64.02.5 Skills test
- 64.02.6 Application for cabin crew member licence
- 64.02.7 Issuing of cabin crew member licence
- 64.02.8 Period of validity
- 64.02.9 Privileges

**SUBPART 3: TYPE RATING**

- 64.03.1 Requirements for type rating
  - 64.03.2 Skill test
- [The heading of this regulation in the text below is “Skills test” (with “Skills” being plural).]
- 64.03.3 Temporary certificate of competency
  - 64.03.4 Application for type rating
  - 64.03.5 Period of validity
  - 64.03.6 Privileges
  - 64.03.7 Renewal
  - 64.03.8 Re-issue

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 4: INSTRUCTOR RATING**

- 64.04.1 Requirements for instructor rating
- 64.04.2 Training
- 64.04.3 Theoretical knowledge examination
- 64.04.4 Skill test
- 64.04.5 Application for cabin crew instructor rating
- 64.04.6 Issuing of cabin crew instructor rating
- 64.04.7 Period of validity
- 64.04.8 Privileges of cabin crew instructor rating
- 64.04.9 Renewal
- 64.04.10 Re-issue
- 64.04.11 Maintenance of competency

[There are multiple references in this Part to "[Document NAM-CATS 64](#)". The definitions in regulation 1 do not list this document. These references may have been intended to refer to "[Document NAM-CATS-CCL](#)" on Cabin Crew Licensing.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**64.01.1** (1) This Part prescribes the requirements relating to the issuing, renewal and re-issuing of licences for cabin crew members and the privileges and limitations of such licences.

(2) For the purpose of this Part “designated examiner” means a person designated as an examiner in terms of regulation 64.01.10 to conduct skills tests and to issue skills test reports for purposes issuing of cabin crew member licences.

(3) In this Part any requirements for the issuing, renewal and re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

**Authority to act as cabin crew member**

**64.01.2** (1) A person may not act as a cabin crew member on a Namibian aircraft, unless:

- (a) the person is the holder of a valid cabin crew member licence issued by the Executive Director in terms of this Part; or
- (b) the person is in training under supervision of a cabin crew instructor licenced in terms of these regulations.

(2) A cabin crew member may not exercise privileges other than the privileges granted by the licence held by the cabin crew member.

(3) The holder of a cabin crew member licence must pay the annual currency fees as prescribed in Part 187 applicable to the type of licence on the anniversary date of the licence.

**Ratings for cabin crew members**

**64.01.3** A cabin crew member’s licence may be endorsed with the following ratings:

- (a) a type rating; and
- (b) an instructor rating.

**Competency**

**64.01.4** (1) A cabin crew member may not exercise the privileges granted by a cabin crew member licence unless the cabin crew member maintains competency by complying with the requirements prescribed in this Part.

(2) The holder of a cabin crew member licence must submit copies of all documentation reflecting continued maintenance of competency to the Executive Director within 30 days after compliance with the appropriate requirements prescribed in this Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The requirements of subregulation (1) are subject to the condition imposed by section 68(4) of the Act.

**Documentation**

**64.01.5** The Executive Director must ensure that a cabin crew member licence is issued in such a manner that the validity of the licence may readily be determined by any appropriate authority.

**Logbooks**

**64.01.6** (1) A cabin crew member must maintain a logbook and must record in the logbook all flight time on an aircraft as a cabin crew member.

(2) The form of and information to be contained in a logbook referred to in subregulation (1) and the manner in which such logbook has to be maintained are as set out in Document NAM-CATS 64.

**Medical fitness**

**64.01.7** An applicant for or the holder of a cabin crew member licence must obtain a Class 2 medical certificate issued in terms of Part 67.

**Register of licences**

**64.01.8** (1) The Executive Director must maintain in the Civil Aviation Registry a register of all cabin crew member licences issued in terms of the regulations in this Part.

(2) The register referred to in subregulation (1) must contain the following particulars:

- (a) the full name of the holder of the licence;
- (b) the postal address of the holder of the licence;
- (c) the date on which the licence was issued; and
- (d) the nationality of the holder of the licence.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register within seven days from the date on which the licence is issued by the Executive Director.

(4) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Language**

**64.01.9** (1) Cabin crew members must have sufficient ability in reading, speaking and understanding the English language to satisfy the Executive Director that the holder of the cabin crew member licence will not be impaired or impeded in the due performance of his or her responsibilities as a cabin crew member by reason of insufficient English language proficiency.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may not issue a cabin crew licence under this Part unless the applicant for that licence has demonstrated or provided proof that he or she meets the language proficiency requirements set out in Document NAM-CATS 64.

**Designation of examiner**

**64.01.10** (1) The Executive Director may designate an examiner to conduct skills tests and to issue skills test reports for purposes of issuing of cabin crew member licences and ratings.

(2) The privileges referred to in subregulation (1) must be exercised and performed in accordance with the requirements set out in Document NAM-CATS 64.

(3) The Executive Director must sign and issue to each designated examiner a document which must state the full name of the examiner and the document must contain a statement that:

- (a) the examiner has been designated in terms of subregulation (1); and
- (b) the examiner is empowered to exercise the privileges referred to in subregulation (1).

(4) A designation document issued by the Executive Director in accordance with subregulation (3) is deemed an aviation document for the purposes of the Act.

(5) An applicant for designation as examiner in terms of subregulation (1) must comply with the requirements set out in Document NAM-CATS 64 and the application must be accompanied by:

- (a) detail of the licence and ratings to which the application applies; and
- (b) the appropriate fee as prescribed in Part 187.

(6) An inspector must conduct surveillance over the activities of a designated examiner on an annual basis as set out in Document NAM-CATS 64.

**Designation of the First Aid Examiner**

**64.01.11** (1) The Executive Director may designate a First Aid Examiner to oversee training of designated First Aid Instructors.

(2) The procedure and qualifications criteria for designation of a First Aid Examiner are set out in document NAM-CATS 64.

(3) The privileges referred to in subregulation (1) must be exercised and performed in accordance with the requirements set out in Document NAM-CATS 64.

(4) The Executive Director must sign and issue to each designated First Aid Examiner a document which must state the full name of such an examiner, allocate a designated number to the examiner and contain a statement that:

- (a) the examiner has been designated in terms of subregulation (1); and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the examiner is empowered to exercise the privileges referred to in subregulation (1).

(5) An application for designation as referred to in subregulation (1) must be made to the Executive Director in the appropriate form and must be accompanied by the appropriate fee as prescribed in Part 187.

(6) A medical assessor appointed by the Executive Director in terms of Part 67 must conduct surveillance over the activities of the First Aid Examiner on an annual basis as set out in Document NAM-CATS 64.

(7) The Executive Director may suspend or revoke a designation of First Aid Examiner, if it becomes evident that the examiner does not comply with the provision of these regulations.

(8) The First Aid Examiner must upon the revoking of the designation as First Aid Examiner immediately surrender to the Executive Director the documents relating to the designation.

### **Training**

**64.01.12** Training as required by this Part may only be provided by an approved ATO.

### **Validation of foreign licence issued by an appropriate authority**

**64.01.13** (1) The holder of a licence and rating or competency card issued by an appropriate authority, who wishes to act as a cabin crew member on a Namibian aircraft, must apply to the Executive Director in the appropriate form as set out by the Executive Director, for the validation of such licence, rating or competency card.

(2) The application for a validation referred to in subregulation (1) must be accompanied by:

- (a) the documents listed in Document NAM-CATS 64; and
- (b) the appropriate fee as prescribed in Part 187.

(3) A licence, rating or competency card issued by an appropriate authority may be validated by the Executive Director:

- (a) if the Executive Director is of the opinion that the standard of such licence, rating or competency card is equivalent to, or higher than, the standard prescribed in this Part for the issuing of a cabin crew licence;
  - (b) subject to the same restrictions that apply to such licence, rating or competency card to be validated; and
  - (c) subject to such additional conditions and limitations as the Executive Director may consider necessary in the interest of aviation safety.
- (4) If the Executive Director is satisfied:
- (a) that the applicant complies with the requirements referred to in this regulation, and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) that the issue of the validation is not contrary to the interests of aviation safety,

the Executive Director may, to ensure compatibility with the standards prescribed in this Part for the issuing of a cabin crew licence, require the applicant:

- (i) to undergo bridging training and prescribe the extent of such training on an individual basis; and
- (ii) to undergo further assessment of competency.

(5) Before the Executive Director validates a foreign cabin crew member licence, rating or competency card the Executive Director must confirm the validity of the foreign licence or rating with the appropriate authority:

**[The colon at the end of subregulation (5) should be a full stop; there is no additional text in the *Government Gazette*.]**

- (6) The duration of a validation issued in terms of this regulation, is:
- (a) 12 months calculated from the date of issue of such a validation by the Executive Director; or
  - (b) the period of validity of the licence, rating or competency card issued by the appropriate authority concerned, whichever period is the lesser period.

**[Subregulation (6) is reproduced above as it appears in the *Government Gazette*, but the closing phrase appears to be misplaced; the provision was probably intended to appear as follows:**

- (6) The duration of a validation issued in terms of this regulation, is:
  - (a) 12 months calculated from the date of issue of such a validation by the Executive Director; or
  - (b) the period of validity of the licence, rating or competency card issued by the appropriate authority concerned,
 whichever period is the lesser period.]

(7) The holder of a validation issued by the Executive Director may, subject to the provisions of subregulation (5), apply to the Executive Director for the renewal of such validation which must be done at least 21 days immediately preceding the date of expiry of such validation.

(8) The Executive Director may renew a validation of a licence, rating or competency card in the circumstances and on conditions set out in Document NAM-CATS 64: Provided that a validation of a licence, rating or competency card, the privileges of which are to be exercised for commercial purposes, may only be renewed for the same period as referred to in subregulation (6).

(9) The holder of a validation issued in terms of this regulation must comply with the provisions prescribed in this part and the requirements set out in Document NAM-CATS 64.

(10) The validation of a licence, rating or competency card issued in terms of this regulation is deemed an aviation document for the purposes of the Act.

**Conversion of foreign licence issued by appropriate authority**

**64.01.14** (1) The holder of a foreign cabin crew licence and rating issued by an appropriate authority and who is a Namibian citizen or a Namibian permanent resident holder may



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

apply to the Executive Director for a conversion of the licence and its associated rating and the Executive Director may, subject to the provisions of the Act, applicable regulations and standards convert the licence and rating.

[The word “Namibian” is misspelt in the *Government Gazette* in the phrase “Namibian permanent resident holder”, as reproduced above.]

(2) A Namibian cabin crew licence issued wholly or in part based on a foreign licence must indicate the appropriate authority that issued the licence upon which the conversion was based.

(3) The holder of a validation issued in terms of regulation 64.01.13 may apply for a conversion of his or her licence, without having to meet the theoretical knowledge examinations: Provided that:

- (a) the validation has been held for an uninterrupted period of three years or more; and
- (b) the holder has acquired not less than 200 hours flight time during the same three year period.

(4) In issuing a Namibian cabin crew licence or rating based on a conversion the Executive Director must determine whether any foreign examination credits should be applied, take into account all foreign licences or ratings held by the applicant.

[To make subregulation (4) grammatically correct, the word “determining” should be “determine” and the word “take” should be “taking”.]

- (5) An applicant for the conversion of a foreign cabin crew licence is required to:
  - (a) attend training at an approved ATO and on the operational procedures of the air operator at which the cabin crew member will be employed;
  - (b) undergo a skills test conducted by a designated cabin examiner;
  - (c) successfully pass a Namibia Air law examination; and
  - (d) undergo any additional examinations or tests as determined by the Executive Director as referred to in subregulation (6).

(6) The Executive Director may require any additional examinations if the standard of the foreign cabin crew licence on which the conversion is based, is not equivalent to the standards in the Regulations.

(7) An application for the issuing of a Namibian cabin crew licence or any rating on the basis of a conversion of a foreign cabin crew licence or rating, must:

- (a) be made to the Executive Director in the appropriate form set out in Document NAM-CATS 64; and
- (b) be accompanied by:
  - (i) a copy of the foreign cabin crew licence and rating to which the conversion pertains;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a valid Namibian medical certificate, as applicable;
  - (iii) an up-to-date curriculum vitae;
  - (iv) a certified copy of the pages of his or her logbook containing -
    - (aa) the last 12 months' summary;
    - (ba) endorsements of all class or type ratings; and
    - (ca) endorsements of the last revalidation of his or her licence, class or type ratings;
  - (v) one recent passport size photographs of the applicant;
- [The plural word "photographs" should be singular.]**
- (vi) proof of successful completion of an English Language Proficiency test; and
  - (vii) the appropriate fee as prescribed in Part 187.

(8) The requirements for the validity, privileges and limitations of any Namibian cabin crew licence and ratings issued based on a foreign licence, are those prescribed in this Part for the validity, privileges and limitations of the equivalent Namibian licence or rating.

**Change of name or address**

**64.01.15** (1) If a cabin crew member licence and rating issued in terms of this Part:

- (a) does not correctly reflect the name or address of the holder; or
- (b) contains a photograph which is no longer a recognisable image of the holder,

the holder must, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Executive Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new cabin crew member licence and rating in terms of this regulation must be made in the appropriate form set out in Document NAM-CATS 64 and must be accompanied by:

- (a) the original licence and rating;
- (b) in the case of a change of name, a copy of a certificate issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937), the Births, Marriages and Death Registration Act, 1963 (Act No. 81 of 1963), a court order or any other legal document which verifies the change of name;
- (c) one recent passport size photographs of the applicant; and

**[The plural word "photographs" should be singular.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

- (a) issue a new cabin crew member licence and rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) cancel and destroy the original cabin crew member licence and rating.

(4) Upon the issuing of a new cabin crew member licence in terms of this regulation the holder of the licence must immediately affix his or her signature in ink in the space on the new licence provided for such purpose.

**Duplicate cabin crew member licence**

**64.01.16** (1) The holder of a cabin crew member licence and rating which has been lost, destroyed or defaced to such an extent that the particulars on it are illegible, must apply to the Executive Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate cabin crew member licence and rating must be:

- (a) made in the appropriate form set out in Document NAM-CATS 64; and
- (b) accompanied by:
  - (i) a valid Class 2 medical certificate issued in terms of Part 67;
  - (ii) one recent passport size photographs of the applicant; and

[The plural word “photographs” should be singular.]

(iii) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

- (a) issue a duplicate cabin crew member licence and rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate cabin crew licence and rating with the word “DUPLICATE” on it.

(4) Upon the issuing of a duplicate cabin crew member licence the holder must immediately affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate licence and rating in terms of this regulation, the original licence and rating is found, the holder of the duplicate licence and rating must take all reasonable steps to obtain such original licence and rating and surrender it immediately to the Executive Director.

**Duties of cabin crew member**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**64.01.17** A cabin crew member must:

- (a) carry the cabin crew member licence and rating issued to him or her, on his or her person when exercising the privileges of the licence and rating;
- (b) produce the licence and rating referred to in paragraph (a) to an authorised officer, inspector or authorised person if so requested by the officer, inspector or person; and
- (c) produce the licence and rating referred to paragraph (a) to the authorised representative of an appropriate authority if so request by the representative.

**Unauthorised conduct**

**64.01.18** (1) During any written examination under this Part, a person may not:

- (a) copy from another person;
  - (b) use any unauthorised source of information;
  - (c) communicate in any way with another person, except the invigilator;
  - (d) take the examination on behalf of another person; or
  - (e) remove any written or printed material from the examination room, unless authorised by the Executive Director to do so.
- (2) Any unauthorised conduct referred to in subregulation (1) may result in:
- (a) disqualification in the subject concerned;
  - (b) disqualification in any or all subjects already passed;
  - (c) debarment from taking further examinations for a period not exceeding 12 months; and
  - (d) revocation of the relevant licence and rating.

**SUBPART 2:**  
**CABIN CREW MEMBER LICENCE**

**Requirements for cabin crew member licence**

**64.02.1** An applicant for the issuing of a cabin crew member licence must:

- (a) be 18 years of age or older;
- (b) hold a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold an English Language Proficiency certification as set out in Document NAM-CATS 64;
- (d) have successfully completed the training referred to in regulation 64.02.2;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) have passed the theoretical knowledge examination referred to in regulation 64.02.3;
- (f) have met the experience requirements referred to in regulation 64.02.4; and
- (g) have undergone the skills test referred to in regulation 64.02.5.

**Training**

**64.02.2** (1) An applicant for the issuing of a cabin crew member licence must have successfully completed the appropriate training as set out in Document NAM-CATS 64.

(2) The training referred to in subregulation (1) must be conducted by an instructor approved to give such training under a Part 141 approved ATO as set out in Document NAM-CATS 64.

**Theoretical knowledge examination**

**64.02.3** (1) An applicant for the issuing of a cabin crew member licence must have passed the appropriate written examination set out in Document NAM-CATS 64.

(2) The applicant for a cabin crew member licence who fails a theoretical knowledge examination may apply for retesting after the appropriate period set out in Document NAM-CATS 64.

**Experience**

**64.02.4** An applicant for the issuing of cabin crew member licence must have completed not less than 20 hours simulator training sessions covering all elements of a skills test during the initial cabin crew training.

**Skills test**

**64.02.5** (1) An applicant for the issuing of a cabin crew member licence must demonstrate to a designated examiner, the ability to perform as cabin crew member of an aircraft, the procedures as prescribed in Document NAM-CATS 64, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew member licence.

(2) The applicant referred in subregulation (1) must undergo the skills test referred to in subregulation (1) within six months of passing the theoretical knowledge examination referred to in regulation 64.02.3 and within the 90 days immediately preceding the date of application.

[The word “to” appears to have been omitted between  
the word “referred” and the phrase “in subregulation (1)”.]

**Application for cabin crew member licence**

**64.02.6** An application for the issuing of a cabin crew member licence must be made to the Executive Director in the appropriate form set out by the Executive Director and be accompanied by:

- (a) original or certified proof of:
  - (i) the identity of the applicant; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) the age of the applicant;
- (b) a valid Class 2 medical certificate issued in terms of Part 67;
- (c) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.02.3;
- (d) proof that applicant complies with the experience requirement of regulation 64.02.4;
- [The word “the” appears to have been omitted before the word “applicant”.]
- (e) the skills test report as set out in Document NAM-CATS 64, signed by a designated examiner;
- (f) the appropriate fee as prescribed in Part 187; and
- (g) two recent passport size photographs of the applicant.

**Issuing of cabin crew member licence**

**64.02.7** (1) The Executive Director must issue a cabin crew member licence to the applicant, if the Executive Director is satisfied:

- (a) that the applicant complies with the requirements referred to in regulation 64.02.1;
- (b) that the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of an aviation document, and
- (c) that the issue of the license is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the cabin crew licence on the appropriate form as determined by the Executive Director.

(3) Upon the issuing of a cabin crew licence the holder the holder of the licence must immediately affix his or her signature in ink in the space on the licence provided for such purpose.

(4) A cabin crew license issued by the Executive Director pursuant to this regulation is deemed to be an aviation document for the purposes of the Act.

**Period of validity**

**64.02.8** (1) A cabin crew member licence is valid for an indefinite period unless suspended or revoked in terms of the Act.

- (2) The holder of the licence may not exercise the privileges of such licence unless:
  - (a) he or she is the holder of a valid Class 2 medical certificate issued in terms of Part 67; and
  - (b) he or she undergoes the recurrent training prescribed in Part 121 required for the revalidation of the type rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The full stop at the end of paragraph (b) should be a semicolon since it is not the last paragraph in the list. The word “and” that appears at the end of paragraph (a) may have been intended to appear at the end of paragraph (b) instead.]

- (c) he or she satisfies the condition imposed by section 68(4) of the Act.

**Privileges**

**64.02.9** The holder of a valid cabin crew member licence is entitled to act as a cabin crew member for the type of aircraft in respect of which the holder received his or her training referred to in regulation 64.02.2 and which is specified on such licence.

**SUBPART 3:**  
**TYPE RATING**

**Requirements for type rating**

**64.03.1** An applicant for the issuing of a type rating must:

- (a) hold a valid cabin crew member licence;
- (b) have successfully completed the training as set out in Document NAM-CATS 64;
- (c) have passed the theoretical knowledge examination set out in Document NAM-CATS 64 and
- (d) have undergone the skill test referred to in regulation 64.03.2.

**Skills test**

**64.03.2** (1) An applicant for the issuing of a type rating must have demonstrated to a designated examiner, the ability to perform the duties and procedures as set out in Document NAM-CATS 64, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant must have undergone the skills test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 64.03.1 and within the 90 days immediately preceding the date of application.

**Temporary certificate of competency**

**64.03.3** The holder of a cabin crew examiner designation may issue the applicant for the issuing of a type rating, with a temporary certificate of competency, which permits the applicant to exercise the privileges of such type rating, for a period of 30 days calculated from the date of issue of such temporary certificate.

**Application for type rating**

**64.03.4** (1) An application for the issuing of a type rating must be made to the Executive Director in the appropriate form as set out in Document NAM-CATS 64, and be accompanied by:

- (a) a copy of the cabin crew member licence held by the applicant;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.03.1;
- (c) the skills test report as set out in Document NAM-CATS 64; and
- (d) the appropriate fee as prescribed in Part 187.

(2) The Executive Director must issue a type rating if the applicant complies with the requirements referred to in regulation 64.03.1.

**Period of validity**

**64.03.5** A type rating is valid for a period of 12 months calculated from the date of issue or renewal of the rating, unless suspended and revoked in terms of the Act.

**Privileges**

**64.03.6** The holder of a valid type rating is entitled to act as a cabin crew member in the type of aircraft for which the holder is rated.

**Renewal**

**64.03.7** (1) To renew a type rating, the holder of the rating must:

- (a) complete the refresher training required in terms of Part 121, within the 90 days immediately preceding the date of expiry of such rating; and
- (b) have undergone the proficiency check as set out in Document NAM-CATS 64, conducted by a designated examiner for cabin crew.

(2) The cabin crew designated examiner must, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating, issue the proficiency check report and endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.03.6, the cabin crew designated examiner must:

- (a) submit the proficiency check report to the Executive Director; and
- (b) not endorse the logbook of the holder with the rating.

(4) An application for the renewal of the rating in terms of this regulation must within the 90 days immediately preceding the date of expiry of such rating, be:

- (a) made to the Executive Director in the appropriate form as set out in Document NAM-CATS 64; and
- (b) be accompanied by:
  - (i) a copy of such rating;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a copy of a summary of the logbook of the applicant;
- (iii) the proficiency check report referred to in subregulation (2); and
- (iv) the appropriate fee as prescribed in Part 187.

**Re-issue**

**64.03.8** (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 64.03.5, who wishes to apply for the re-issuing of the expired rating, may, with the written approval of the Executive Director and subject to such conditions as the Executive Director may determine, act as a cabin crew member for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant referred to in subregulation (1) must, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 64.03.2(1), conducted by a designated examiner.

(3) The designated examiner must, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating:

- (a) issue the skills test report as set out in Document NAM-CATS 64; and
- (b) endorse the logbook of such holder.

(4) An application for the re-issuing of the expired rating must be made to the Executive Director in the appropriate form as set out in Document NAM-CATS 64, and accompanied by:

- (a) a copy of such expired rating;
- (b) a copy of a summary of the logbook of the applicant,
- (c) the skill test report referred to in subregulation (3)(a); and
- (d) the appropriate fee as prescribed in Part 187.

(5) If the result of the skills test contemplated in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.03.6, the designated examiner must:

- (a) submit the skills test report to the Executive Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(6) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the re-issuing of the rating and the Executive Director must re-issue the rating if the applicant complies with the requirements referred to in regulation 64.03.1.

**SUBPART 4:**  
**INSTRUCTOR RATING**

**Requirements for instructor rating**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**64.04.1** An applicant for the issuing of a cabin crew instructor rating must:

- (a) hold a valid cabin crew member licence;
- (b) have successfully completed the training referred to in regulation 64.04.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 64.04.3; and
- (d) have undergone the skill test referred to in regulation 64.04.4.

**Training**

**64.04.2** An applicant for the issuing of a cabin crew instructor rating must have successfully completed the appropriate training as set out in Document NAM-CATS 64.

**Theoretical knowledge examination**

**64.04.3** An applicant for the issuing of a cabin crew instructor rating must have passed the appropriate written examination set out in Document NAM-CATS 64.

**Skill test**

**64.04.4** (1) An applicant for the issuing of a cabin crew instructor rating must have demonstrated to a designated examiner the ability to perform as a cabin crew instructor the duties and procedures set out in Document NAM-CATS 64, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew instructor rating.

(2) The applicant for a cabin crew instructor rating must have undergone the skill test referred to in subregulation (1) within 36 months of passing the theoretical knowledge examination referred to in regulation 64.04.3, and within the 90 days immediately preceding the date of application.

**Application for cabin crew instructor rating**

**64.04.5** An application for the issuing of a cabin crew instructor rating must be:

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS 64; and
- (b) accompanied by:
  - (i) a copy of the cabin crew member licence held by the applicant;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.04.3;
  - (iv) the skills test report as set out in Document NAM-CATS 64; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “set” before the word “out” is misspelt  
in the *Government Gazette*, as reproduced above.]

- (v) the appropriate fee as prescribed in Part 187.

**Issuing of cabin crew instructor rating**

**64.04.6** The Executive Director must issue a cabin crew instructor rating:

- (a) if the applicant complies with the requirements referred to in regulation 64.04.1; and
- (b) on the appropriate form set out in Document NAM-CATS 64.

**Period of validity**

**64.04.7** A cabin crew instructor rating is valid for a period of three years calculated from the date of issue of the rating, unless suspended or revoked in terms of the Act, and: Provided that the requirements for maintenance of competency as set out in regulation 64.04.11 are met.

**Privileges of cabin crew instructor rating**

**64.04.8** Provided that the maintenance of competency requirements as prescribed in regulation 64.04.11 are met, the holder of a valid cabin crew instructor rating is entitled to:

- (a) give academic or practical instruction on any of the valid ratings held by him or her;
- (b) conduct proficiency checks and issue proficiency check reports required for the renewal of type ratings, in any of the valid type ratings held by him or her;
- (c) issue temporary type rating certificates; and
- (d) act as an examiner in any of the valid ratings held by him or her if designated by the Executive Director in terms of regulation 64.01.11.

**Renewal**

**64.04.9** (1) To renew a cabin crew instructor rating, the holder of the rating must:

- (a) have complied with the maintenance or competency requirements as set out in regulation 64.04.11; or
- (b) within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as set out in Document NAM-CATS 64, conducted by a designated examiner.

(2) The designated examiner must, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating:

- (a) issue the proficiency check report as set out in Document NAM-CATS 64; and
- (b) endorse the logbook of such holder.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the result of the proficiency check referred to in subregulation (1) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.04.8, the designated examiner must:

- (a) submit the proficiency check report to the Executive Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating must, within the 90 days immediately preceding the date of expiry of such rating, and be:

[The word “and” before the word “be” is superfluous.]

- (a) made to the Executive Director in the appropriate form as set out in Document NAM-CATS 64; and:

[The colon at the end of paragraph (a) is superfluous.]

- (b) accompanied by:
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant confirming that the maintenance of competency requirements as prescribed in regulation 64.04.11 were met; or
  - (iii) the proficiency check report referred to in subregulation (2); and
  - (iv) the appropriate fee as prescribed in Part 187.
- (5) The Executive Director must renew the rating:
  - (a) if the applicant complies with the requirements referred to in subregulation (1); and
  - (b) on the appropriate form as set out in Document NAM-CATS 64.

#### **Re-issue**

**64.04.10** (1) The holder of a cabin crew instructor rating which has expired due to the lapse of the period referred to in regulation 64.04.7, who wishes to apply for the re-issuing of the expired rating, may, with the approval of the Executive Director and subject to such conditions as the Executive Director may determine, act as a cabin crew instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant referred to in subregulation (1) must, within the 90 days immediately preceding the date of application, undergone the skills test referred to in subregulation (1) of regulation 64.04.4, conducted by a designated examiner.

[The word “have” appears to have been omitted; it should appear either after the word “must” or before the word “undergone”.]

(3) The designated examiner must, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) issue the skills test report as set out in Document NAM-CATS 64; and
  - (b) endorse the logbook of such holder.
- (4) An application for the reissuing of the expired rating must be:
- (a) made to the Executive Director in the appropriate form as set out in Document NAM-CATS 64; and
  - (b) accompanied by:
    - (i) a copy of such expired rating;
    - (ii) a copy of a summary of the logbook of the applicant;
    - (iii) the skills test report referred to in subregulation (3)(a); and
    - (iv) the appropriate fee as prescribed in Part 187.
- (5) The Executive Director must re-issue the expired rating:
- (a) if the applicant complies with the requirements referred to in subregulation (2);
  - (b) on the appropriate form as set out in Document NAM-CATS 64.
- (6) If the result of the skills test referred to in subregulation (2) reveals that the holder of the expired rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 64.04.8, the designated examiner must:
- (a) submit the skills test report to the Executive Director; and
  - (b) not endorse the logbook of the holder of the expired rating.
- (7) If a period of 60 months has lapsed after the date of expiry of the rating, the holder of the expired rating may apply to the Executive Director for the re-issuing of the rating and the Executive Director must re-issue the rating if the applicant complies with the requirements referred to in regulation 64.04.1.
- (8) The provisions of regulation 64.04.5 apply with changes required in the context to an application made in terms of subregulation (7).

**Maintenance of competency**

**64.04.11** The holder of a cabin crew instructor rating may not exercise the privileges of the rating unless he or she has given at least 10 hours of cabin crew instruction within the preceding 12 months.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 65**  
**AIR TRAFFIC SERVICE PERSONNEL LICENSING**

[Part 65 is substituted by GN 178/2023.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 65.01.1 Applicability
- 65.01.2 Authority to provide air traffic service
- 65.01.3 Conversion of licence or rating issued by appropriate authority
- 65.01.4 Medical fitness
- 65.01.5 Maximum hours of duty
- 65.01.6 Recency Requirements  
[In the heading of this regulation in the text below, the word “requirements” is not capitalised.]
- 65.01.7 Ratings and certificates
- 65.01.8 Maximum number of Rating Suites  
[In the heading of this regulation in the text below, the term “rating suites” is not capitalised.]
- 65.01.9 Register of licences
- 65.01.10 Language
- 65.01.11 Designation of validation examiners and rating examiners
- 65.01.12 Designation of air traffic controllers
- 65.01.13 Air traffic service training organisation
- 65.01.14 Consumption of alcohol and other antoximating substances  
[The word “intoxicating” is misspelt in the *Government Gazette*, as reproduced above.  
It is spelt correctly in the heading in the text below.]
- 65.01.15 Credit for military service
- 65.01.16 Unauthorised conduct
- 65.01.17 Change of Name or Address
- 65.01.18 Duplicate air traffic service licence
- 65.01.19 Duties of air traffic service personnel

**SUBPART 2: AIR TRAFFIC SERVICE LICENCE**

- 65.02.1 Requirements for air traffic service licence
- 65.02.2 Training
- 65.02.3 Theoretical knowledge examination
- 65.02.4 Application for air traffic service licence
- 65.02.5 Issuing of air traffic service licence
- 65.02.6 Period of validity of air traffic service licence
- 65.02.7 Privileges

**SUBPART 3: AIR TRAFFIC SERVICE ASSISTANT RATING**

- 65.03.1 Requirements for air traffic service assistant rating
- 65.03.2 Training
- 65.03.3 Application for issuing of air traffic service assistant rating
- 65.03.4 Issuing of air traffic service assistant rating
- 65.03.5 Requirements for validation of air traffic service assistant ratings
- 65.03.6 Application for validation of air traffic service assistant rating
- 65.03.7 Validation of air traffic service assistant rating
- 65.03.8 Privileges of air traffic service assistant rating
- 65.03.9 Duration of air traffic service assistant rating

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 65.03.10 Duration or renewal of air traffic service assistant validation
- 65.03.11 Renewal and re-issue of an expired air traffic service assistant rating
- 65.03.12 Renewal of the validation of an expired air traffic service assistant rating

**SUBPART 4: AERODROME CONTROL RATING**

- 65.04.1 Requirements for aerodrome control rating
- 65.04.2 Training
- 65.04.3 Application for issuing of aerodrome control rating
- 65.04.4 Issuing of aerodrome control rating
- 65.04.5 Requirements for validation of aerodrome control rating
- 65.04.6 Application for validation of aerodrome control rating
- 65.04.7 Validation of aerodrome control rating
- 65.04.8 Privileges of aerodrome control rating
- 65.04.9 Duration or renewal of aerodrome control rating
- 65.04.10 Duration or renewal of aerodrome control validation
- 65.04.11 Renewal and re-issue of an expired aerodrome control rating
- 65.04.12 Renewal of the validation of an expired aerodrome control rating

**SUBPART 5: APPROACH CONTROL PROCEDURAL RATING**

- 65.05.1 Requirements for approach control procedural rating
- 65.05.2 Training
- 65.05.3 Application for issuing of approach procedural control rating
- 65.05.4 Issuing of approach control procedural rating
- 65.05.5 Requirements for validation of approach control procedural rating
- 65.05.6 Application for validation of approach control procedural rating
- 65.05.7 Validation of approach control procedural rating
- 65.05.8 Privileges of approach control procedural rating
- 65.05.9 Duration or renewal of approach control procedural rating
- 65.05.10 Duration or renewal of approach control procedural validation
- 65.05.11 Renewal and re-issue of an expired approach control procedural rating
- 65.05.12 Renewal of the validation of an expired approach control procedural rating

**SUBPART 6: AREA CONTROL PROCEDURAL RATING**

- 65.06.1 Requirements for area control procedural rating
- 65.06.2 Training
- 65.06.3 Application for issuing of area control procedural rating
- 65.06.4 Issuing of area control procedural rating
- 65.06.5 Requirements for validation of area control procedural rating
- 65.06.6 Application for validation of area control procedural rating
- 65.06.7 Validation of area control procedural rating
- 65.06.8 Privileges of area control procedural rating
- 65.06.9 Duration or renewal of area control procedural rating
- [The heading of this regulation in the text below is  
"Duration of area control procedural rating" (with no reference to renewal).]
- 65.06.10 Duration or renewal of area control procedural validation
- 65.06.11 Renewal and re-issue of an expired area control procedural rating
- 65.06.12 Renewal of the validation of an expired area control procedural rating

**SUBPART 7: APPROACH CONTROL SURVEILLANCE RATING**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 65.07.1 Requirements for approach control surveillance rating
- 65.07.2 Training
- 65.07.3 Application for issuing of approach control surveillance rating
- 65.07.4 Issuing of approach control surveillance rating
- 65.07.5 Requirements for validation of approach control surveillance rating
- 65.07.6 Application for validation of approach control surveillance rating
- 65.07.7 Validation of approach control surveillance rating
- 65.07.8 Privileges of approach control surveillance rating
- 65.07.9 Duration or renewal of approach control surveillance rating
- [The heading of this regulation in the text below is
- “Duration of approach control surveillance rating” (with no reference to renewal).]
- 65.07.10 Duration or renewal of approach control surveillance validation
- 65.07.11 Renewal and re-issue of an expired approach control surveillance rating
- 65.07.12 Renewal of the validation of an expired approach control surveillance rating

**SUBPART 8: AREA CONTROL SURVEILLANCE RATING**

- 65.08.1 Requirements for area control surveillance rating
- 65.08.2 Training
- 65.08.3 Application for issuing of area control surveillance rating
- 65.08.4 Issuing of area control surveillance rating
- 65.08.5 Requirements for validation of area control surveillance rating
- 65.08.6 Application for validation of area control surveillance rating
- 65.08.7 Validation of area control surveillance rating
- 65.08.8 Privileges of area control surveillance rating
- 65.08.9 Duration of area control surveillance rating
- 65.08.10 Duration or renewal of area control surveillance validation
- 65.08.11 Renewal and re-issue of an expired area control surveillance rating
- 65.08.12 Renewal of the validation of an expired area control surveillance rating

**SUBPART 9: AIR TRAFFIC SERVICE INSTRUCTOR (OPERATIONAL) RATING**

- 65.09.1 Requirements for air traffic service instructor (operational) rating
- 65.09.2 Training
- 65.09.3 Application for issuing of air traffic service instructor (operational) rating
- 65.09.4 Issuing of air traffic service instructor (operational) rating
- 65.09.5 Requirements for validation of air traffic service instructor (operational) rating
- 65.09.6 Application for validation of air traffic service instructor (operational) rating
- 65.09.7 Validation of air traffic service instructor (operational) rating
- 65.09.8 Privileges of air traffic service instructor (operational) rating
- 65.09.9 Duration of air traffic service instructor (operational) rating
- 65.09.10 Duration or renewal of air traffic service instructor (operational) validation
- 65.09.11 Renewal or re-issue of air traffic service instructor (operational) rating
- 65.09.12 Renewal of the validation of an expired air traffic service instructor (operational) rating

**SUBPART 10: AIR TRAFFIC SERVICE INSTRUCTOR CERTIFICATE (ATO)**

- 65.10.1 Requirements for air traffic service instructor certificate
- 65.10.2 Training
- 65.10.3 Application for issuing of air traffic service instructor certificate
- 65.10.4 Issuing of air traffic service instructor certificate
- 65.10.5 Privileges of air traffic service instructor certificate



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 65.10.6 Duration of certificate and renewal
- 65.10.7 Renewal of air traffic service instructor certificate

[There are multiple references in this Part to "Document NAM-CATS 65" and one reference to "Document NAM-CATS-ATSPL 65". The definitions in regulation 1 do not list these documents. These references may refer to "Document NAM-CATS-ATSPL" on Air Traffic Service Personnel Licensing.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**65.01.1** (1) This Part prescribes the requirements relating to -

- (a) the issuing of air traffic service licences, ratings, validations and certificates for Namibian air traffic service personnel and the privileges and limitations of such licences, ratings, validations and certificates, and related matters; and
- (b) the conversion of foreign air traffic service licences and ratings and the privileges and limitations of such conversions.

(2) In this Part any requirements for the issuing, renewal or re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

**Authority to provide air traffic service**

**65.01.2** (1) A person may not provide an air traffic service within any airspace in Namibia unless such person holds a valid air traffic service licence complying with the requirements in this Part.

(2) Air traffic services for purposes this Part comprises of either one or a combination of air traffic services as defined in section 1 of the Act but does not include military air navigation services provided by the Namibian Defence Force.

[The phrase “comprises of” should be “comprise”, and the verb “does” should be “do”, to accord with the subject “air traffic services”. The word “of” has been omitted between the phrases “for purposes” and “this Part”.]

(3) The holder of an air traffic service licence may not exercise privileges other than the privileges granted by the licence and the appropriate valid rating held by such holder.

(4) The provisions of subregulation (1) and (3) do not apply to airspaces designated for military use by the Authority: Provided that the Namibian Defence Force is providing the air traffic service in that airspace.

**Conversion of licence or rating issued by appropriate authority**

**65.01.3** (1) The holder of an air traffic service licence or rating issued by an appropriate authority who wishes to obtain a licence or rating issued under this Part, must apply to the Executive Director in the appropriate form as determined by the Executive Director, for a conversion of such licence or rating.

(2) The application for a conversion referred to in subregulation (1) must be accompanied by:

- (a) the appropriate fee as prescribed in Part 187;
- (b) a certified true copy of the licence to which the conversion pertains;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a valid Namibian medical certificate; and
- (d) a recognised English Language Proficiency endorsement or certificate of at least operational level 4 or higher.

(3) An air traffic service licence or rating issued by an appropriate authority may be recognised by the Executive Director subject to the same restrictions which apply to such licence or rating and in accordance with and subject to the requirements set out in Document NAM-CATS-ATSPL 65 if the holder thereof is a Namibian citizen or a Namibian permanent residence holder.

(4) Before the Executive Director converts a foreign air traffic service licence or rating the Executive Director must confirm the validity of the foreign licence or rating with the appropriate authority who issued the licence or rating.

(5) The Executive Director may convert an air traffic service licence or rating issued by an appropriate authority in the appropriate form determined by the Executive Director.

(6) The conversion of a licence or rating issued by the Executive Director in terms of to this regulation is deemed to be an aviation document for the purposes of the Act.

[The word “to” after the phrase “in terms of” is superfluous.]

(7) The holder of an air traffic service licence or rating issued by an appropriate authority and converted by the Executive Director must at all times comply with the Act, the Regulations and with the requirements set out in Document NAM-CATS 65.

[The word “with” before the phrase “the requirements set out in Document NAM-CATS 65” is superfluous.]

### **Medical fitness**

**65.01.4** An applicant for or a holder of an air traffic service licence must:

- (a) in the case of an air traffic controller, obtain a Class 3 medical certificate; or
- (b) in the case of an air traffic service assistant, obtain a Class 3 medical certificate issued in terms of Part 67.

### **Maximum hours of duty**

**65.01.5** The maximum hours of duty of air traffic service personnel for the purposes of aviation safety is set out in Document NAM-CATS 65.

### **Recency requirements**

**65.01.6** (1) An air traffic service personnel member must comply with the minimum hours for recency for each sector as set out in Document NAM-CATS 65.

(2) An air traffic service personnel member who is unable to comply with the minimum recency requirements referred to in subregulation (1) or is absent from duty for a period exceeding fourteen consecutive days must comply with the training requirements set out in Document NAM-CATS 65 to meet the recency requirement.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Ratings and certificates**

**65.01.7** (1) The air traffic service ratings are:

- (a) an air traffic service assistant rating;
- (b) an air traffic assistant (flight information service) rating;
- (c) an air traffic assistant (aerodrome flight information service) rating

[There is no semicolon at the end of paragraph (c);  
there are no additional words in the *Government Gazette*.]

- (d) an aerodrome control rating;
- (e) an approach control procedural rating;
- (f) an area control procedural rating;
- (g) an approach control surveillance rating;
- (h) an area control surveillance rating; and
- (i) an air traffic service instructor (operational) rating.

(2) The air traffic service certificates are:

- (a) an air traffic service instructor (training organisation) certificate;
- (b) an air traffic services rating examiner certificate; and
- (c) an air traffic services validation examiner certificate.

**Maximum number of rating suites**

**65.01.8** An air traffic controller or an air traffic assistant may not hold ratings combinations of more than two of the following rating suites or categories:

- (a) ATS Assistant, Flight Information Service, Area Control Procedural, Area Control Surveillance and Air Traffic Service Instructor (Operational);
- (b) ATS Assistant, Aerodrome Control, Aerodrome Flight Information Service and Air Traffic Service Instructor (Operational); or
- (c) ATS Assistant, Flight Information, Approach Control Procedural, Approach Control Surveillance and Air Traffic Service Instructor (Operational).

**Register of licences**

**65.01.9** (1) The Executive Director must maintain within the Civil Aviation Registry a register of all air traffic service licences issued or converted, ratings validated and certificates issued in terms of the regulations in this Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The register referred to in subregulation (1) must contain the following particulars:

- (a) the full name and date of birth of the holder of the licence;
- (b) the postal address of the holder of the licence;
- (c) the date on which the air traffic personnel licence was issued or converted;
- (d) particulars of the ratings, validations and certificates held by the holder of the air traffic personnel licence; and
- (e) the nationality of the holder of the licence.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register referred to in that subregulation within seven days from the date on which the licence is issued or converted, or a rating is validated or a certificate is issued, by the Executive Director.

(4) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

### **Language**

**65.01.10** (1) All air traffic service personnel members must demonstrate the ability in speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel.

[Subregulation (1) is not grammatically correct. Other similar regulations refer to "sufficient ability" rather than "the ability".]

(2) A person may not be issued with an air traffic service licence under this Part unless he or she has demonstrated or provided proof that he or she meets the language proficiency requirements set out in Document NAM-CATS 65.

(3) The Executive Director must endorse the air traffic service personnel member's licence with the language proficiency level.

### **Designation of validation examiners and rating examiners**

**65.01.11** (1) The Executive Director may designate:

- (a) a validation examiner (operational) to conduct proficiency checks, instructor proficiency checks, to issue certificates of competency and temporary validation certificates; and
- (b) a rating examiner (training organisation) to conduct rating assessments and to issue rating certificates of competency and temporary rating certificates.

(2) A temporary validation and rating certificates referred to in subregulation (1):

- (a) must be issued in the appropriate form as determined by the Executive Director; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) remains valid for a period of not more than 30 days only, calculated from the date on which the temporary validation or rating certificate was issued.

(3) Before the Executive Director designates a person as validation examiner (operational) or a rating examiner (training organisation) that person must have successfully completed examiner training set out in Document NAM-CATS 65.

(4) The privileges referred to in paragraphs (a) and (b) of subregulation (1) must be exercised and performed according to the requirements set out in Document NAM-CATS 65.

(5) The Executive Director must sign and issue to each validation examiner or rating examiner designated as such a document which must state the full name of such validation examiner or rating examiner and contain a statement that:

- (a) such validation examiner or rating examiner has been designated in terms of subregulation (1)(a) or (b), as the case may be; and
- (b) such validation examiner or rating examiner is empowered to exercise the privileges referred to in paragraphs (a) or (b) of subregulation (1), as the case may be.

(6) The initial designation of validation examiner or rating examiner is valid for a period of one year, and any subsequent re-designations is valid for a period of two years.

[The plural noun “re-designations” should be singular to fit the sentence structure.]

(7) The validation examiner or rating examiner may apply for re-designation 90 days before the expiry of his or her current designation.

**Designation of air traffic controllers**

**65.01.12** The Executive Director may designate an air traffic controller to conduct the training and tests for air traffic service personnel, in the circumstances and subject to the requirements set out in Document NAM-CATS-65.

**Air traffic service training organisation**

**65.01.13** Training as required by this Part may only be provided by an approved ATO.

**Consumption of alcohol and other intoxicating substances**

**65.01.14** (1) A member of the air traffic service personnel may not:

- (a) consume any alcohol or any other intoxicating substance less than eight hours prior to the specified reporting time for operational duty or the commencement of a shift;
- (b) commence an operational duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,02 gram per 100 millilitres;
- (c) consume alcohol or any other intoxicating substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties during the operational duty period or whilst on standby for operational duty;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) commence an operational duty period while under the influence of alcohol or any other intoxicating substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties;
- (e) exercise the privileges of his or her licence and related ratings while under the influence of any alcohol or other intoxicating substances which might render him or her unable to safely and properly exercise the privileges; and
- (f) engage in any problematic use of alcohol or other intoxicating substance capable of capable of impairing his or her judgement or affecting the performance of his or her duties.

**[The phrase “capable of” is repeated in the *Government Gazette*, as reproduced above.]**

(2) An air traffic service personnel member who has been identified under the provisions of Part 67 to engage in the problematic use of alcohol or other intoxicating substance or has returned a positive test result for a psychoactive substance may not exercise the privileges of his or her licence and such a member must within seven days notify the Executive Director of such fact.

(3) The Executive Director may consider re-instatement of privileges of an air traffic service personnel licence only after:

- (a) certification by a medical examiner that the holder of the air traffic service personnel licence has received effective and acceptable treatment and that the applicant is free from any effect of a psychoactive substance, where applicable;
- (b) the holder of the air traffic service personnel licence signs a declaration stating that he or she is no longer using the psychoactive substance nor intends to use the substance in future; and
- (c) the holder of the air traffic personnel licence continues to comply with the provisions of testing prescribed in Part 67.

**Credit for military service**

**65.01.15** (1) A person qualified as air traffic service personnel in the Namibian Defence Force may apply to the Executive Director for the issuing of an air traffic service personnel licence and rating prescribed in this Part.

(2) An application for an air traffic service personnel licence must be made in the appropriate form as set out in Document NAM-CATS 65 and be accompanied by proof:

**[Some of the paragraphs in the following list do not fit the introductory phrase above. This provision may have been intended to be structured along the lines of regulation 65.02.4 below.]**

- (a) of the identity of the applicant;
- (b) of the age of the applicant;
- (c) of employment of the applicant in the Namibian Defence Force;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) of a valid Class 3 medical certificate issued in terms of Part 67; and

[The word “and” at the end of paragraph (d) appears to be superfluous.]

- (e) that the applicant has passed the appropriate theoretical knowledge examination, or part of the examination, if the Executive Director requires the passing of such theoretical knowledge examination, or part of the examination;
- (f) of the appropriate fee as prescribed in Part 187; and
- (g) one recent passport size photographs of the applicant.

[The plural word “photographs” should be singular.]

(3) As provided for in the Document NAM-CATS 65, the Executive Director may credit the theoretical knowledge and experience or part of the theoretical knowledge or experience, gained in military service by the applicant, towards the issuing of an air traffic service licence and rating, based on the equivalence to the requirements of this Part.

#### **Unauthorised conduct**

**65.01.16** (1) A person may not provide another person with, or obtain from another person, any examination paper, or part or copy of the examination paper, unless authorised by the Executive Director to do so.

(2) During any written examination under for purposes of an authorisation in terms of regulations in this Part, a person may not:

[The word “under” after the phrase “any written examination” is superfluous.]

- (a) copy from another person;
- (b) use any unauthorised source of information;
- (c) communicate in any way with another person, except the invigilator;
- (d) take the examination on behalf of another person; or
- (e) remove any written or printed material from the examination room, unless authorised by the Executive Director to do so.
- (3) Any unauthorised conduct referred to in subregulation (1) and (2) may result in:
- (a) disqualification in the subject concerned;
- (b) disqualification in any or all subjects already passed;
- (c) debarment from taking further examinations for a period not exceeding 12 months; and
- (d) revocation of the air traffic service licence.

#### **Change of Name or Address**



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The capitalisation of this heading is replicated as it appears in the *Government Gazette*.]

**65.01.17** (1) If an air traffic service licence or rating issued in terms of this Part:

- (a) does not correctly reflect the name or address of the holder of the licence; or
- (b) contains a photograph which is no longer a recognisable image of the holder of the licence,

such holder must, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image in the reasonable judgment of the holder, apply to the Executive Director for the issuing of a new licence or rating.

(2) An application for the issuing of a new air traffic service licence or rating must be:

- (a) made in the appropriate form set out in Document NAM-CATS 65; and
- (b) accompanied by:
  - (i) the original licence or rating;
  - (ii) in the case of a change of name, a copy of a certificate issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937), the Births, Marriages and Death Registration Act, 1963 (Act No. 81 of 1963), a court order or any other legal document which verifies the change of name;
  - (iii) one recent passport size photographs of the applicant; and

[The plural word “photographs” should be singular.]

- (iv) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

- (a) issue a new air traffic service licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) immediately after the issuing of a new licence or rating under the paragraph (a), revoke and destroy the original licence or rating.

[The word “the” before the phrase “paragraph (a)” is superfluous.]

(4) Upon the issuing of a new air traffic service licence the holder of the licence must immediately affix his or her signature in ink in the space on the new licence provided for such purpose.

**Duplicate air traffic service licence**

**65.01.18** (1) The holder of an air traffic service licence or rating which has been lost, destroyed or defaced to such an extent that the particulars on it are illegible, must apply to the Executive Director for the issuing of a duplicate licence or rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An application for the issuing of a duplicate air traffic service licence or rating must be:

- (a) made in the appropriate form as set out in Document NAM-CATS 65; and
- (b) accompanied by:
  - (i) a valid Class 3 medical certificate issued in terms of Part 67;
  - (ii) one recent passport size photographs of the applicant;  

[The plural word “photographs” should be singular.]
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) a sworn affidavit, signed by a commissioner of oath, stating the circumstances under which the original license was lost, destroyed or defaced.

(3) The Executive Director must:

- (a) issue a duplicate air traffic service licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate air traffic service licence or rating with the word “DUPLICATE” on it.

(4) Upon the issuing of a duplicate air traffic service licence the holder of the licence must immediately affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If the holder of the air traffic service licence or rating finds the original licence or rating after the issuing of a duplicate licence or rating, the holder of the duplicate licence or rating must take all reasonable steps to obtain such original licence or rating and surrender it immediately to the Executive Director.

**Duties of air traffic service personnel**

**65.01.19** An air traffic service personnel member must:

- (a) carry the air traffic service licence and rating issued to him or her when exercising the privileges of the licence and rating and produce such licence and rating to an authorised officer, inspector or authorised person if so, requested by such officer, inspector or person; and
- (b) comply at all times with the condition imposed by section 68(4) of the Act.

**SUBPART 2:**  
**AIR TRAFFIC SERVICE LICENCE**

**Requirements for air traffic service licence**

**65.02.1** An applicant for the issuing of an air traffic service licence must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be 18 years of age or older;
- (b) in the case of an air traffic controller or air traffic service assistants, hold a valid Class 3 medical certificate issued in terms of Part 67;

[The plural word “assistants” should be singular to fit the sentence structure.]

- (c) hold a valid radio operator certificate issued by the Communications Regulator Authority of Namibia;
- (d) hold an English Language Proficiency certification set out in Document NAM-CATS 65;
- (e) have successfully completed the training referred to in regulation 65.02.2;
- (f) have passed the theoretical knowledge examination referred to in regulation 65.02.3, and
- (g) comply with the applicable requirements of the Act.

**Training**

**65.02.2** (1) An applicant for the issuing of an air traffic service licence must have successfully completed the appropriate training set out in Document NAM-CATS 65.

(2) If an air traffic service personnel member who holds a current validation for a particular rating and having held such a validation for a minimum period of 12 months, is required to revalidate the particular rating at a different air traffic service unit, such member must have provided the relevant service under the supervision of an air traffic service instructor (operational), at an air traffic service unit for which the rating validation is sought, for a period equal to at least 50 per cent of the hours relevant to the original rating validation.

**Theoretical knowledge examination**

**65.02.3** An applicant for the issuing of an air traffic service licence must have passed the appropriate written examination set out in Document NAM-CATS 65.

**Application for air traffic service licence**

**65.02.4** An application for the issuing of an air traffic service licence must be made to the Executive Director in the appropriate form as determined by the Executive Director and be accompanied by:

- (a) original or certified proof of:
  - (i) the identity of the applicant; and
  - (ii) the age of the applicant;
- (b) a valid Class 3 medical certificate issued in terms of Part 67:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a valid radio operator certificate issued by the Communications Regulator Authority of Namibia;
- (d) a valid English Language Proficiency certification as set out in Document NAM-CATS 65;
- (e) an appropriate certificate of competency as set out in Document NAM-CATS 65, signed by a rating assessment examiner;
- (f) the appropriate fee as prescribed in Part 187; and
- (g) one recent passport size photographs of the applicant.

[The plural word “photographs” should be singular.]

**Issuing of air traffic service licence**

**65.02.5** (1) The Executive Director must issue an air traffic service licence if the Executive Director is satisfied that:

- (a) the applicant complies with the requirements referred to in regulation 65.02.1;
- (b) the applicant is a fit and proper within the meaning of section 69 of the Act to exercise the privileges of the licence, and
- (c) the issue of the licence is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the air traffic service licence in the appropriate form determined by the Executive Director.

(3) Upon the issuing of an air traffic service licence the holder of the licence must immediately affix his or her signature in ink in the space on the licence provided for such purpose.

**Period of validity of air traffic service licence**

**65.02.6** (1) An air traffic service licence is valid for an indefinite period, unless suspended or revoked in terms of the Act.

(2) The holder of the air traffic service licence may not exercise the privileges of the licence unless:

- (a) he or she is a holder of a valid Class 3 medical certificate issued in terms of Part 67;
- (b) he or she is a holder of a valid radio operator certificate issued by the Communications Regulator Authority of Namibia or equivalent authority recognised by the Authority;
- (c) he or she is a holder of a valid English Language Proficiency certification set out in Document NAM-CATS 65;
- (d) he or she holds the appropriate rating;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) he or she continually exercises the particular rating in the normal course of duties of employment in terms of the air traffic services recency as prescribed in regulation 65.01.6; and
- (f) he or she maintains competency by complying with the appropriate requirements prescribed in this Part.

(3) The holder of an air traffic service licence must submit copies of all documentation reflecting continued maintenance of competency to the Executive Director within 21 working days after compliance with the appropriate requirements prescribed in this Part.

**Privileges**

**65.02.7** The holder of a valid air traffic service licence is entitled to:

- (a) provide air traffic services at an air traffic service unit for which the rating is sought, under the supervision of an air traffic service instructor (operational) to enable him or her to validate such rating;
- (b) provide air traffic services at the air traffic service unit for which a valid rating is held and validated by him or her; or
- (c) act as a validation examiner if he or she is so designated by the Executive Director in terms of regulation 65.01.11 to act as such.

**SUBPART 3:**  
**AIR TRAFFIC SERVICE ASSISTANT RATING**

**Requirements for air traffic service assistant rating**

**65.03.1** An applicant for the issuing of an air traffic service assistant rating must:

- (a) be 18 years of age or older;
- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.03.2.

**Training**

**65.03.2** An applicant for the issuing of an air traffic service assistant rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of air traffic service assistant rating**

**65.03.3** An application for the issuing of an air traffic service assistant rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within six months of completion of the training referred to in regulation 65.03.2; and
- (b) accompanied by:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a rating examiner;
- (ii) the air traffic service licence held by the applicant;
- (iii) the appropriate fee as prescribed in Part 187; and
- (iv) certified proof of his or her age.

**Issuing of air traffic service assistant rating**

**65.03.4** (1) The Executive Director may issue an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.1.

(2) The Executive Director must issue the air traffic service assistant rating in the appropriate form determined by the Executive Director.

(3) The air traffic service assistant rating expires if validation training has not commenced within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of air traffic service assistant rating**

**65.03.5** (1) An applicant for the validation of the ratings under this regulation must, under the supervision of an air traffic service instructor (operational), have provided the required service for which the rating is sought for at least:

- (a) 20 shifts to provide assistant and flight data operator service.
- (b) 30 shifts to provide a flight information service, and
- (c) 30 shifts to provide an aerodrome flight information service.

(2) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(3) The application for the validation of the rating must be made within six months from the completion of experience referred to subregulation (1).

[The word “in” appears to have been omitted after the phrase “referred to”.]

(4) To achieve the experience referred to in subregulation (1) the required training may not be interrupted for a period of more than three months unless otherwise approved by the Executive Director.

**Application for validation of air traffic service assistant rating**

**65.03.6** An application for the validation of an air traffic service assistant rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) accompanied by:
  - (i) the appropriate certificate of competency, as set out in Document NAM-CATS 65, signed by a validation examiner:
    - (aa) confirming that competency assessment has been successfully completed; and
    - [The word “a” or “the” appears to have been omitted before the phrase “competency assessment”.]
    - (ba) the experience specified in regulation 65.03.5 has been accumulated; and
    - (ca) the training was not interrupted for a period of more than 3 months;
  - [The words “confirming that” should be part of the introductory phrase in subparagraph (i) so as to apply to sub-subparagraphs (ba) and (ca) as well as (aa).]
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Validation of air traffic service assistant rating**

**65.03.7** (1) The Executive Director must validate an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.5.

(2) The Executive Director must validate the air traffic service assistant in the appropriate form as determined by the Executive Director and the validation must specify:

- (a) the relevant ATS unit, where applicable, upon which the holder is entitled to exercise the privileges of the rating; and
- (b) the category of the assistant rating issued.

**Privileges of air traffic service assistant rating**

**65.03.8** The holder of a valid air traffic service assistant rating is entitled to:

- (a) provide the appropriate assistant services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as set out in Document NAM-CATS 65: Provided that he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit and has met the recency requirements as specified in regulation 65.01.6, as applicable; and
- (b) use the equipment to provide air traffic service assistant services, as appropriate.

**Duration of air traffic service assistant rating**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**65.03.9** (1) An air traffic service assistant rating expires if the validation training required in terms of 65.03.5 has not commenced within six months of the date of issue of the rating.

(2) After validation, an air traffic assistant rating expires if it is not revalidated within a period of 36 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of air traffic service assistant validation**

**65.03.10** (1) An air traffic service assistant validation is valid for a period not exceeding 24 months calculated from the date of the last competency assessment completed to renew such validation in accordance with the provisions of this regulation or regulation 65.03.11, as the case may be.

(2) To renew an air traffic service assistant validation, the holder of the validation must, prior to the expiry of the validation, have met the recency requirements as indicated in regulation 65.01.6 and passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency set out in Document NAM-CATS 65.

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.03.8, the validation examiner must:

- (a) report such result to the Executive Director within seven days, who may suspend the applicable validation in writing; and
- (b) immediately inform the holder of the rating that he or she does not meet the requirements or revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that they meet the requirements for revalidation or re-issue of the rating.

**Renewal and re-issue of an expired air traffic service assistant rating**

**65.03.11** (1) The holder of an air traffic service assistant rating that has not expired as stated in subregulation (2) of regulation 65.03.9 may revalidate that rating, subject to holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and the competency assessment referred to in subregulation (2) of regulation 65.03.10 confirming that the holder has retained or re-acquired the skills referred to in regulation 65.03.2.

[The word “the” appears to have been omitted between “subject to” and “holder”.]

(2) The Executive Director may re-issue an expired air traffic service assistant rating on application by the holder of the rating within a period of 24 months from the date of expiry of the rating: Provided that the holder:

- (a) attends refresher training at an approved ATO; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) attends augmentation training on advances or developments in the ATM systems at an approved ATO;
- (c) complies with the recency requirements as indicated in regulation 65.01.6; and
- (d) has achieved a minimum of 70% pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.03.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an air traffic service assistant rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in 65.03.4.

**Renewal of the validation of an expired air traffic service assistant rating**

**65.03.12** Upon application for the renewal of the validation of an expired rating referred to in subregulation (2) of regulation 65.03.11, the Executive Director must renew the validation if the applicant has completed a minimum of 50 per cent of the experience referred to in regulation 65.03.5 and has successfully completed an assessment of competency undertaken by a validation examiner.

**SUBPART 4:**  
**AERODROME CONTROL RATING**

**Requirements for aerodrome control rating**

**65.04.1** An applicant for the issuing of an aerodrome control rating must:

- (a) be 18 years of age or older;

[The word “or” before the word “older” is misspelt  
as “of” in the *Government Gazette*, as reproduced above.]

- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.04.2.

**Training**

**65.04.2** An applicant for the issuing of an aerodrome control rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of aerodrome control rating**

**65.04.3** An application for the issuing of an aerodrome control rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within 6 months of completion of the training referred to in regulation 65.04.2; and
- (b) accompanied by:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a rating examiner;
- (ii) the air traffic service licence held by the applicant;
- (iii) the appropriate fee as prescribed in Part 187; and
- (iv) original or certified proof of his or her age.

**Issuing of aerodrome control rating**

**65.04.4** (1) The Executive Director must issue an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04.1.

(2) The Executive Director must issue the aerodrome control rating in the appropriate form determined by the Executive Director.

(3) The aerodrome control rating expires if the holder of the rating has not commenced with validation training within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of aerodrome control rating**

**65.04.5** (1) An applicant for the validation of an aerodrome control rating must, under the supervision of an air traffic service instructor (operational), have provided satisfactory aerodrome control services at the air traffic service unit for which the rating validation is sought for at least 90 hours or one month, whichever is greater, 50 per cent of which may be provided on an approved FSTD which accurately simulates the environment pertaining to the position for which the validation is sought.

(2) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(3) The application for the validation of the rating must be made within six months from the completion of experience referred to in subregulation (1).

(4) To achieve the experience referred to in subregulation (1), the training required in terms of that subregulation may not be interrupted for a period of more than 3 months unless otherwise approved by the Executive Director.

(5) If the applicant for the validation of an aerodrome control rating is training for two or more ratings concurrently, the minimum experience required to validate all ratings is the experience required for the most demanding rating including at least an additional 50 hours.

**Application for validation of aerodrome control rating**

**65.04.6** An application for the validation of an aerodrome control rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) accompanied by:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the appropriate certificate of competency, as set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.04.5 has not been interrupted for a period of more than 3 months;
- (ii) the air traffic service licence and rating held by the applicant; and
- (iii) the appropriate fee as prescribed in Part 187.

**Validation of aerodrome control rating**

**65.04.7** (1) The Executive Director must validate an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04.5.

(2) The Executive Director must validate an aerodrome control rating in the appropriate form as determined by the Executive Director and the validation must specify the relevant ATS position, where applicable, upon which the holder is entitled to exercise the privileges of the rating.

**Privileges of aerodrome control rating**

**65.04.8** The holder of a valid aerodrome control rating is entitled to:

- (a) provide aerodrome control services at the air traffic service unit for which the rating is validated, in accordance with the requirements set out in Document NAM-CATS 65: Provided that the holder:
  - (i) has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
  - (ii) has met the recency requirements as specified in regulation 61.01.6, as applicable; and
- (b) use the equipment to provide aerodrome control services, as appropriate.

**Duration or renewal of aerodrome control rating**

**65.04.9** (1) An aerodrome control rating expires if the validation training has not commenced within six months of the date of issue of the rating.

(2) After validation, an aerodrome control rating expires if it is not revalidated within a period of 24 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of aerodrome control validation**

**65.04.10** (1) An aerodrome control validation is valid for a period not exceeding 12 months calculated from the date of the last competency assessment completed to renew such validation in accordance with the provisions of this regulation or regulation 65.04.11.

(2) To renew an aerodrome control validation, the holder of the validation must prior to the expiry of the validation, meet the recency requirements as indicated in regulation 65.01.6 and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

pass a competency assessment as set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulations 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency as set out in Document NAM-CATS 65.

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.04.8, the validation examiner must:

- (a) report such result to the Executive Director within seven days; who may suspend the applicable validation in writing; and

[The semicolon after the phrase “within seven days” was probably intended to be a comma, as in other similar provisions in these regulations.]

- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time as he or she meet the requirements for revalidation or re-issue of the rating.

[The second use of the verb “meet” should be “meets” to accord with the subject “he or she”: “until such time as he or she **meets** the requirements for revalidation or re-issue of the rating”.]

#### **Renewal and re-issue of an expired aerodrome control rating**

**65.04.11** (1) The holder of an aerodrome control rating that has not yet expired in terms of subregulation (2) of regulation 65.04.9 may revalidate that rating, subject to the holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and successfully completed a competency assessment referred to in subregulation (2) of regulation 65.04.10, confirming that the holder has retained or re-acquired the skills referred to in regulation 65.04.2.

(2) The Executive Director may re-issue an expired aerodrome control rating on application by the holder of the rating within a period of 24 months from the date of expiry: Provided that the applicant of the rating:

- (a) attends refresher training at an approved ATO;
- (b) attends augmentation training on advances or developments in the ATM systems at an approved Part 141 ATO;
- (c) complies with the recency requirements as indicated in regulation 65.01.6; and
- (d) has achieved a minimum of 70% pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.04.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an aerodrome control rating which has expired for more than 24 months to comply with the requirement of initial issue of that rating as prescribed in regulation 65.04.4.

[The singular word “requirement” should be plural.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Renewal of the validation of an expired aerodrome control rating**

**65.04.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.04.11(2) the Executive Director must renew the validation if the applicant has completed a minimum of 50% of the experience referred to in regulation 65.04.5 and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 5:**  
**APPROACH CONTROL PROCEDURAL RATING**

**Requirements for approach control procedural rating**

**65.05.1** An applicant for the issuing of an approach control procedural rating must:

- (a) be 21 years of age or older;
- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.05.2.

**Training**

**65.05.2** An applicant for the issuing of an approach control rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of approach control procedural rating**

**65.05.3** An application for the issuing of an approach control procedural rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within six months of completion of the training referred to in regulation 65.05.2; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency as set out in Document NAM-CATS 65, signed by a rating examiner;
  - (ii) the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) original or certified proof of the age of the applicant.

**Issuing of approach control procedural rating**

**65.05.4** (1) The Executive Director must issue an approach control procedural rating if the applicant complies with the requirements referred to in regulation 65.05.1.

(2) The approach control procedural rating must be issued in the appropriate form as determined by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The approach control procedural rating expires if validation training has not commenced within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of approach control procedural rating**

**65.05.5** (1) An applicant for the validation of an approach control procedural rating must, under the supervision of an air traffic service instructor (operational), have provided approach control procedural services at the air traffic service unit for which the rating validation is sought for at least 180 hours or three months whichever is greater, 50% of which may be provided on an approved FSTD which accurately simulates the environment pertaining to the position for which the validation is sought.

(2) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(3) The application for the validation of the rating must be made within six months from the completion of experience referred to in subregulation (1).

(4) To achieve the experience referred to in subregulation (1), the training may not be interrupted for a period of more than three months unless otherwise approved by the Executive Director.

(5) If the applicant for the issuing of an approach control rating is training for two or more ratings concurrently, the minimum experience required to validate all ratings must be the experience required for the most demanding rating including at least an additional 50 hours.

**Application for validation of approach control procedural rating**

**65.05.6** An application for the validation of an approach control procedural rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency, as set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.05.5 has not been interrupted for a period of more than 3 months;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Validation of approach control procedural rating**

**65.05.7** (1) The Executive Director must validate an approach control procedural rating if:

- (a) the applicant complies with the requirements referred to in regulation 65.05.5.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the validation in accordance with the provisions of the Act; and
- (c) the issue of the validation is not contrary to the interests of aviation safety.

(2) The approach control procedural rating must be validated in the appropriate form as determined by the Executive Director and the validation must specify the relevant ATS position, where applicable, upon which the holder is entitled to exercise the privileges of the rating.

**Privileges of approach control procedural rating**

**65.05.8** The holder of a valid approach control procedural rating is entitled to:

- (a) provide approach control procedural services at the air traffic service unit for which the rating is validated, in accordance with the requirements set out in Document NAM-CATS 65: Provided that he or she has:
  - (i) familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
  - (ii) met the recency requirements as specified in regulation 65.01.6, as applicable; and
- (b) use the equipment to provide such approach control services, as appropriate.

**Duration or renewal of approach control procedural rating**

**65.05.9** (1) An approach control procedural rating expires if the validation training required in terms of regulation 65.05.5 has not commenced within six months of the date of issue of the rating.

(2) After validation, an approach control procedural rating expires if it is not revalidated within a period of 24 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of approach control procedural validation**

**65.05.10** (1) An approach control procedural validation is valid for a period not exceeding 12 months calculated from the date of the last competency assessment completed to renew such validation in accordance with the provisions of this regulation or regulation 65.05.11.

(2) To renew an approach control procedural validation the holder of the validation must prior to the expiry of the validation meet the recency requirements as indicated in regulation 65.01.6 and have passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency set out in Document NAM-CATS 65.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.05.8, the validation examiner must:

- (a) report such result to the Executive Director within seven day, who may suspend the applicable validation in writing; and

[The phrase “seven day” should be “seven days”.]

- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that he or she meets the requirements for revalidation or re-issue of the rating.

**Renewal and re-issue of an expired approach control procedural rating**

**65.05.11** (1) The holder of an approach control procedural rating that has not yet expired in terms of subregulation (2) of regulation 65.05.9 may be revalidated that rating subject to the holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and successfully completed a competency assessment referred to in subregulation (2) of regulation 65.05.10, confirming that the holder has retained or re-acquired the skills referred to in regulation 65.05.2.

(2) The Executive Director may re-issue an expired approach control procedural rating on application by the holder of the rating within a period of 24 months from the date of expiry: Provided that the applicant:

- (a) attends refresher training at an approved ATO;
- (b) attends augmentation training on advances or developments in the ATM systems at an approved ATO;
- (c) meets the recency requirements as specified in regulation 61.01.6; and
- (d) has achieved a minimum of 70% pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.05.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an approach control rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in regulation 65.05.4.

**Renewal of the validation of an expired approach control procedural rating**

**65.05.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.05.11(2) the Executive Director must renew the validation if the applicant has completed a minimum of 50 per cent of the experience referred to in regulation 65.05.5 and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 6**  
**AREA CONTROL PROCEDURAL RATING**

**Requirements for area control procedural rating**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**65.06.1** An applicant for the issuing of an area control procedural rating must:

- (a) be 21 years of age or older;
- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.06.2.

**Training**

**65.06.2** An applicant for the issuing of an area control procedural rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of area control procedural rating**

**65.06.3** An application for the issuing of an area control procedural rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within six months of completion of the training referred to in regulation 65.06.2; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a rating examiner;
  - (ii) the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) original or certified proof of the age of the applicant.

**Issuing of area control procedural rating**

**65.06.4** (1) The Executive Director must issue an area control procedural rating if the applicant complies with the requirements referred to in regulation 65.06.1.

(2) The Executive Director must issue the area control procedural rating in the appropriate form as determined by the Executive Director.

(3) The area control procedural rating expires if validation training has not commenced within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of area control procedural rating**

**65.06.5** (1) An applicant for the validation of an area control procedural rating must, under the supervision of an air traffic service instructor (operational), have provided area control procedural services at the air traffic service unit for which the rating is sought for at least 180 hours or three months, whichever is greater, 50 per cent of which may be provided on an approved FSTD which accurately simulates the environment pertaining to the position for which the validation is sought.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(3) The application for the validation of the area control procedural rating must be made within six months from the completion of experience referred to in subregulation (1).

(4) To achieve the experience referred to in (1), the training may not be interrupted for a period of more than three months unless otherwise approved by the Executive Director.

(5) If the applicant validation of an area control procedural rating is training for two or more ratings concurrently, the minimum experience required to validate all ratings is the experience required for the most demanding rating including at least an additional 50 hours.

**Application for validation of area control procedural rating**

**65.06.6** An application for the validation of an area control procedural rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.06.5 has not been interrupted for a period of more than three months;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Validation of area control procedural rating**

**65.06.7** (1) The Executive Director must validate an area control procedural rating if the applicant complies with the requirements referred to in regulation 65.06.5.

(2) Executive Direction must validate the area control procedural rating in the appropriate form as determined by the Executive Director and the validation must specify the relevant ATS position, where applicable, upon which the holder is entitled to exercise the privileges of the rating.

**Privileges of area control procedural rating**

**65.06.8** The holder of a valid area control procedural rating is entitled to provide area control procedural services at the air traffic service unit for which the rating is validated, in accordance with the requirements set out in Document NAM-CATS 65: Provided that he or she has:

- (a) familiarised himself or herself with all information that is pertinent or current at such air traffic service unit and has met the recency requirements as specified in regulation 61.01.6, as applicable; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) use such equipment to provide such area control procedural services, as appropriate.

[The verb “use” should be “used” to be grammatically correct in conjunction with the introductory phrase.]

**Duration of area control procedural rating**

[The heading of this regulation in the LIST OF REGULATIONS is “Duration or renewal of area control procedural rating”.]

**65.06.9** (1) An area control procedural rating expires if the validation training has not commenced within six months of the date of issue of the rating.

(2) After validation, an area control procedural rating expires if it is not revalidated within a period of 24 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of area control procedural validation**

**65.06.10** (1) An area control procedural validation is valid for a period not exceeding 12 months calculated from the date of the last competency assessment completed to renew such validation in accordance with the provisions of this regulation or regulation 65.06.11.

(2) To renew an area control procedural validation, the holder of the rating must prior to the expiry of the validation, meet the recency requirements as indicated in regulation 65.01.6 and have passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency set out in Document NAM-CATS 65.

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.06.8, the validation examiner must:

- (a) report such result to the Executive Director within seven days, who may suspend the applicable validation; and
- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that he or she meets the requirements for revalidation or re-issue of the rating.

**Renewal and re-issue of an expired area control procedural rating**

**65.06.11** (1) The holder of an area control procedural rating that has not yet expired in terms of subregulation (2) of regulation 65.06.9 may revalidate that rating, subject to the holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and successfully completed a competency assessment referred to in 65.04.10(2), confirming that the holder has retained or re-acquired the skills referred to in regulation 65.04.2

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may re-issue an expired area control procedural rating on application by the holder of the rating within a period of 24 months has elapsed from the date of expiry: Provided that the applicant:

[The phrase “has elapsed” after “within a period of 24 months” is superfluous.]

- (a) attends refresher training at an approved ATO;
- (b) attends augmentation training on advances or developments in the ATM systems at an approved ATO;
- (c) meets the recency requirements as specified in regulation 61.01.6; and
- (d) has achieved a minimum of 70 per cent pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.06.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an area control rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in regulation 65.06.4.

**Renewal of the validation of an expired area control procedural rating**

**65.06.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.06.11(2) the Executive Director must renew the validation if the applicant has completed a minimum of 50 per cent of the experience referred to in regulation 65.06.5 and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 7  
APPROACH CONTROL SURVEILLANCE RATING****Requirements for approach control surveillance rating**

**65.07.1** An applicant for the issuing of an approach control surveillance rating must:

- (a) be 21 years of age or older;
- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.07.2.

**Training**

**65.07.2** An applicant for the issuing of an approach control surveillance rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of approach control surveillance rating**

**65.07.3** An application for the issuing of an approach control surveillance rating must be:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within six months of completion of the training referred to in regulation 65.07.2; and
- (b) be accompanied by:
  - (i) the appropriate certificate of competency as set out in Document NAM-CATS 65, signed by a rating examiner;
  - (ii) the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) acceptable original or certified evidence of his or her age.

**Issuing of approach control surveillance rating**

**65.07.4** (1) The Executive Director must issue an approach control surveillance rating if the applicant complies with the requirements referred to in regulation 65.07.1.

(2) The Executive Director must issue the approach control surveillance rating in the appropriate form as determined by the Executive Director.

(3) The approach control surveillance rating expires if validation training has not commenced within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of approach control surveillance rating**

**65.07.5** (1) An applicant for the validation of an approach control surveillance rating must, under the supervision of an air traffic service instructor (operational), have provided approach control surveillance services at the air traffic service unit for which the rating validation is sought for at least 180 hours or three months, whichever is greater and 50 per cent of which may be provided on an approved FSTD which accurately simulates the environment pertaining to the position for which the validation is sought.

(2) If the approach surveillance rating includes precision radar control, the experience referred to in subregulation (1) must include not less than 200 precision approaches of which:

- (a) not more than 100 must have been carried out on a radar simulator approved for that purpose by the Authority; and
- (b) not less than 50 of those precision approaches must have been carried out at the unit and on the equipment for which the rating is sought.

(3) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(4) The application for the validation of the rating must be made within six months from the completion of experience referred to in subregulation (1).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) To achieve the experience referred to in subregulation (1) the training required in terms of that subregulation may not be interrupted for a period of more than three months unless otherwise approved by the Executive Director.

(6) If the applicant for the validation of an approach control surveillance rating is training for two or more ratings concurrently, the minimum experience required to validate all ratings must be the experience required for the most demanding rating including at least an additional 50 hours.

**Application for validation of approach control surveillance rating**

**65.07.6** An application for the validation of an approach control surveillance rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.07.5 has not been interrupted for a period of more than 3 months;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Validation of approach control surveillance rating**

**65.07.7** (1) The Executive Director must validate an approach control surveillance rating if the applicant complies with the requirements referred to in regulation 65.07.5.

(2) The Executive Director must validate the approach control surveillance rating in the appropriate form as determined by the Executive Director and the validation must specify the relevant ATS position, where applicable, upon which the holder is entitled to exercise the privileges of the rating.

**Privileges of approach control surveillance rating**

**65.07.8** The holder of a valid approach control surveillance rating is entitled to:

- (a) provide approach control surveillance services at the air traffic service unit for which the rating is validated, in accordance with the requirements set out in Document NAM-CATS 65: Provided that he or she has:
  - (i) familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
  - (ii) met the recency requirements as specified in regulation 61.01.6, as applicable; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) use the equipment to provide such approach control surveillance services, as appropriate.

**Duration of approach control surveillance rating**

[The heading of this regulation in the LIST OF REGULATIONS is  
"Duration or renewal of approach control surveillance rating".]

**65.07.9** (1) An approach control surveillance rating expires if the validation training has not commenced within six months of the date of issue of the rating.

(2) After validation, an approach control surveillance rating expires if it is not revalidated within a period of 24 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of approach control surveillance validation**

**65.07.10** (1) Unless revoked or suspended in terms of the Act, an approach control surveillance validation is valid for a period not exceeding 12 months calculated from the date of the last competency assessment conducted for the renewal of the validation in accordance with the provisions of this regulation or regulation 65.07.11.

(2) To renew an approach control surveillance validation, the holder of the validation must prior to the expiry of the validation, meet the recency requirements as indicated in regulation 65.01.6 and have passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency as set out in Document NAM-CATS 65.

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.07.8, the validation examiner must:

- (a) report such result to the Executive Director within seven days, who may suspend the applicable validation in writing; and
- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that he or she meets the requirements for revalidation or re-issue of the rating.

**Renewal and re-issue of an expired approach control surveillance rating**

**65.07.11** (1) The holder of an approach control surveillance rating that has not expired in terms of subregulation (2) of regulation 65.07.9 may be revalidated that rating subject to the holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and successfully completed a competency assessment referred to in subregulation (2) of regulation 65.07.10, confirming that the holder has retained or re-acquired the skills referred to in regulation 65.07.2

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The phrase “may revalidated” should be “may revalidate”. There is no full stop at the end of subregulation (1); there are no additional words in the *Government Gazette*.]

(2) The Executive Director may re-issue an expired approach control surveillance rating on application by the holder of the rating within a period of 24 months from the date of expiry: Provided that the applicant of the rating:

- (a) attends refresher training at an approved ATO;
- (b) attends augmentation training on advances or developments in the ATM systems at an approved ATO;
- (c) meets the recency requirements as specified in regulation 61.01.6; and
- (d) has achieved a minimum of 70% pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.07.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an approach control surveillance rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in regulation 65.07.3.

**Renewal of the validation of an expired approach control surveillance rating**

**65.07.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.07.11(2) the Executive Director must renew the approach control surveillance rating validation if the applicant has completed a minimum of 50 per cent of the experience referred to in regulation 65.07.5 and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 8  
AREA CONTROL SURVEILLANCE RATING****Requirements for area control surveillance rating**

**65.08.1** An applicant for the issuing of an area control surveillance rating must:

- (a) be 21 years of age or older;
- (b) hold a valid air traffic service licence; and
- (c) have successfully completed the training referred to in regulation 65.08.2.

**Training**

**65.08.2** An applicant for the issuing of an area control surveillance rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of area control surveillance rating**

**65.08.3** An application for the issuing of an area control surveillance rating must be:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within six months of completion of the training referred to in regulation 65.08.2; and
- (b) be accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a rating examiner;
  - (ii) the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) acceptable original or certified evidence of his or her age.

**Issuing of area control surveillance rating**

**65.08.4** (1) The Executive Director must issue an area control surveillance rating if the applicant complies with the requirements referred to in regulation 65.08.1.

(2) The Executive Director must issue the area control surveillance rating in the appropriate form as determined by the Executive Director.

(3) The area control surveillance rating expires if validation training has not commenced within a period of six months calculated from the date on which such rating was issued.

**Requirements for validation of area control surveillance rating**

**65.08.5** (1) An applicant for the validation of an area control surveillance rating must, under the supervision of an air traffic service instructor (operational), have provided area control surveillance services at the air traffic service unit for which the rating validation is sought for at least 180 hours or three months, whichever is greater and 50 per cent of which may be provided on an approved FSTD which accurately simulates the environment pertaining to the position for which the validation is sought.

(2) The experience referred to in subregulation (1) must be completed within the 12 months immediately following the issuance of the rating.

(3) The application for the validation of the rating must be made within six months from the completion of experience referred to in subregulation (1).

(4) To achieve the experience referred to in subregulation (1) the training may not be interrupted for a period of more than three months unless otherwise approved by the Executive Director.

(5) If the applicant is training for two or more ratings concurrently, the minimum experience required to validate all ratings must be the experience required for the most demanding rating including at least an additional 50 hours.

**Application for validation of area control surveillance rating**

**65.08.6** An application for the validation of an area control surveillance rating must be:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.08.5 has not been interrupted for a period of more than 3 months;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Validation of area control surveillance rating**

**65.08.7** (1) The Executive Director must validate an area control surveillance rating if:

- (a) the applicant complies with the requirements referred to in regulation 65.08.5;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the validation in accordance with the provisions of the Act, and
- (c) the issue of the validation is not contrary to the interests of aviation safety.

(2) The rating must be validated in the appropriate form as determined by the Executive Director and the validation must specify the relevant ATS position, where applicable, upon which the holder is entitled to exercise the privileges of the rating.

**Privileges of area control surveillance rating**

**65.08.8** The holder of a valid area control surveillance rating is entitled to:

- (a) provide area control surveillance services at the air traffic service unit for which the rating is validated, in accordance with the requirements set out in Document NAM-CATS 65: Provided that he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit and met the recency requirements as specified in regulation 61.01.6, as applicable; and
- (b) to use the equipment to provide such area control surveillance services, as appropriate.

[The word “to” at the beginning of paragraph (b) is superfluous since it also appears in the introductory phrase.]

**Duration of area control surveillance rating**

**65.08.9** (1) An area control surveillance rating expires if the validation training has not commenced within six months from the date of issue of the rating.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) After validation, an area control surveillance rating expires if it is not revalidated within a period of 24 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of area control surveillance validation**

**65.08.10** (1) An area control surveillance validation is valid for a period not exceeding 12 months calculated from the date of the last competency assessment completed to renew such validation in accordance with the provisions of this regulation or regulation 65.08.11.

(2) To renew an area control surveillance validation the holder of the validation must prior to the expiry of the validation meet the recency requirements as indicated in regulation 65.01.6 and have passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.11.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency set out in Document NAM-CATS 65.

(4) If the result of the competency assessment contemplated in subregulation (2) reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.08.8, the validation examiner must:

- (a) report such result to the Executive Director; within seven days, who may suspend the applicable validation in writing; and
- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that he or she meets the requirements for revalidation or re-issue of the rating.

**Renewal and re-issue of an expired area control surveillance rating**

**65.08.11** (1) The holder of an area control surveillance rating that has not yet expired in terms of subregulation (2) of regulation 65.08.9, may revalidate that rating subject to the holder having successfully completed the required training to regain currency as referred to in regulation 65.01.6 and successfully completed a competency assessment referred to in subregulation (2) of 65.08.10, confirming that the holder has retained or re-acquired the skills referred to in regulation 65.08.2

[There is no full stop at the end of subregulation (1);  
there are no additional words in the *Government Gazette*.]

(2) The Executive Director may re-issue an area control surveillance rating on application by the holder of the rating within a period of 24 months from the date of expiry, Provided that the applicant of the rating:

- (a) attends refresher training at an approved ATO;
- (b) attends augmentation training on advances or developments in the ATM systems at an approved ATO;
- (c) meets the recency requirements as specified in regulation 61.01.6; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) has achieved a minimum of 70 per cent pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.08.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an area control surveillance rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in 65.08.3.

**Renewal of the validation of an expired area control surveillance rating**

**65.08.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.08.11(2) the Executive Director must renew the validation if the applicant has completed a minimum of 50 per cent of the experience referred to in regulation 65.08.5, and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 9**

**AIR TRAFFIC SERVICE INSTRUCTOR (OPERATIONAL) RATING**

**Requirements for air traffic service instructor (operational) rating**

**65.09.1** An applicant for the issuing of an air traffic service instructor (operational) rating must:

- (a) be 21 years of age or older;
- (b) hold a valid air traffic service licence;
- (c) hold at least one valid air traffic service rating; and
- (d) have successfully completed the training referred to in regulation 65.09.2.

**Training**

**65.09.2** An applicant for the issuing of an air traffic service instructor (operational) rating must have successfully completed the appropriate training set out in Document NAM-CATS 65.

**Application for issuing of air traffic service instructor (operational) rating**

**65.09.3** An application for the issuing of an air traffic service instructor (operational) rating must be:

- (a) made to the Executive Director in the appropriate form determined by the Executive Director within six months of completion of the training referred to in regulation 65.09.2; and
- (b) accompanied by:
  - (i) the appropriate certificate of competency as set out in Document NAM-CATS 65, signed by a rating examiner;
  - (ii) the air traffic service licence held by the applicant;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) the appropriate fee as prescribed in Part 187; and
- (iv) acceptable original or certified evidence of his or her age.

**Issuing of air traffic service instructor (operational) rating**

**65.09.4** (1) The Executive Director must issue an air traffic service instructor (operational) rating if the applicant complies with the requirements referred to in regulation 65.09.1.

(2) The Executive Director must issue the air traffic service instructor (operational) in the appropriate form as determined by the Executive Director.

(3) The air traffic service instructor (operational) rating expires if validation training has not commenced within a period of 6 months calculated from the date on which such rating was issued.

**Requirements for validation of air traffic service instructor (operational) rating**

**65.09.5** An applicant for the validation of an air traffic service instructor (operational) rating must have at least:

- (a) 24 months practical experience as an air traffic controller;
- (b) 12 months practical experience as an air traffic service assistant, appropriate to the rating and sector being validated; or
- (c) conducted at least five training session under the supervision of an air traffic service instructor (operational).

[The singular word “session” should be plural. The phrase “at least” in paragraph (c) is superfluous since it also appears in the introductory phrase.]

**Application for validation of air traffic service instructor (operational) rating**

**65.09.6** An application for the validation of an air traffic service instructor (operational) rating must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director; and
- (b) be accompanied by:
  - (i) the appropriate certificate of competency set out in Document NAM-CATS 65, signed by a validation examiner confirming that the competency assessment has been successfully passed and the experience specified in regulation 65.09.5 has not been met;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Validation of air traffic service instructor (operational) rating**

**65.09.7** (1) The Executive Director must validate an air traffic service instructor (operational) rating if he or she is satisfied that:

- (a) the applicant complies with the requirements referred to in regulation 65.09.5;
- (b) the applicant is competent to exercise the privileges referred to in regulation 65.09.8;
- (c) the applicant is a fit and proper person within the meaning of section 69 of the Act, to exercise the privileges of the validation in accordance with the provisions of the Act, and
- (d) the issue of the validation is not contrary to the interests of aviation safety.

(2) The Executive Director must validate the air traffic service instructor (operational) rating in the appropriate form as determined by the Executive Director.

**Privileges of air traffic service instructor (operational) rating**

**65.09.8** The holder of a valid air traffic service instructor (operational) rating is entitled to:

- (a) give operational instruction or on the job training on any of the valid aerodrome control, approach control, approach control surveillance, area control or area control surveillance ratings held by him or her for longer than 24 months or on any of the valid air traffic service assistant service flight information service or aerodrome flight information service ratings held by him or her for longer than 12 months; and

[The term “on the job training” should be “on-the-job training” (with hyphens) as it appears elsewhere in the regulations.]

- (b) act as a validation examiner in any of the valid ratings held by him or her, if designated by the Executive Director in terms of regulation 65.01.11.

**Duration of air traffic service instructor (operational) rating**

**65.09.9** (1) An air traffic service instructor (operational) rating expires if the validation training has not commenced within six months of the date of issue of the rating.

(2) After validation, an air traffic services instructor (operational) rating expires if it is not revalidated within a period of 36 months, calculated from the date of the last competency assessment completed to renew the validation.

**Duration or renewal of air traffic service instructor (operational) validation**

**65.09.10** (1) An air traffic service instructor (operational) rating may be validated or renewed for a period of 24 months calculated from the date of last competency assessment of the rating for its renewal in accordance with the provisions of regulation 65.09.11.

[The word “the” appears to have been omitted before the phrase “last competency assessment”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) To renew an air traffic service instructor (operational) validation, the holder of the validation must, prior to the expiry of the validation, have passed a competency assessment set out in Document NAM-CATS 65, conducted by a validation examiner designated in terms of regulation 65.01.9.

(3) Subject to the provisions of subregulation (4), the validation examiner must provide the Executive Director with a signed certificate of competency set out in Document NAM-CATS 65.

(4) If the result of the competency assessment reveals that the holder of the rating has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 65.09.8, the validation examiner must:

- (a) report such result to the Executive Director within seven days, who may suspend the applicable validation in writing; and
- (b) immediately inform the holder of the rating that he or she does not meet the requirements for revalidation of the rating and that he or she may not exercise the privileges of the rating until such time that he or she meets the requirements for revalidation or re-issue of the rating.

**Renewal or re-issue of air traffic service instructor (operational) rating**

**65.09.11** (1) The holder of an air traffic service instructor (operational) assistant rating that has not yet expired in terms of subregulation (2) of regulation 65.09.9 may revalidate that rating, if the competency assessment referred to in subregulation (2) of regulation 65.09.10 confirms that the holder has retained or re-acquired the skills referred to in regulation 65.09.2.

(2) The Executive Director may re-issue air traffic service instructor (operational) rating on application by the holder of the rating within a period of 24 months from the date of expiry of the rating: Provided that the applicant of the rating:

[The word “an” appears to have been omitted before  
the phrase “air traffic service instructor (operational) rating”.]

- (a) attends refresher training;
- (b) attends augmentation training on advances or developments in the ATM systems and instructional techniques; and
- (c) has achieved a minimum of 70 per cent pass mark in simulated applicable assessments determined by a rating examiner as indicated in technical standard 65.09.2(7) in Document NAM-CATS 65.

(3) The Executive Director may require an applicant with an air traffic service instructor (operational) rating which has expired for more than 24 months to comply with the requirements of initial issue of that rating as prescribed in 65.09.3.

(4) An application for a re-issue of an expired rating referred to in subregulation (2) must be:

- (a) made in the appropriate form as determined by the Executive Director; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) accompanied by:
  - (i) acceptable evidence of the applicant's competency to exercise the privileges referred to in regulation 65.09.8;
  - (ii) the air traffic service licence and rating held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

(5) The Executive Director must revalidate or re-issue the air traffic service instructor (operational) rating in the appropriate form as determined by the Executive Director.

**Renewal of the validation of an expired air traffic service instructor (operational) rating**

**65.9.12** Upon application for the renewal of the validation of an expired rating referred to in regulation 65.9.11 the Executive Director must renew the validation if the applicant has completed the training referred to in subregulation (2) of regulation 65.9.11 and has successfully completed a competency assessment undertaken by a validation examiner.

**SUBPART 10**  
**AIR TRAFFIC SERVICE INSTRUCTOR CERTIFICATE (ATO)**

**Requirements for air traffic service instructor certificate**

- 65.10.1** An applicant for the issuing of an air traffic service instructor certificate must:
- (a) 21 years of age or older;
  - (b) hold an air traffic service licence;
  - (c) hold or have held and have validated the appropriate ratings for which ATS Instruction is to be provided;
  - (d) have at least two years practical experience on the air traffic service rating which has been validated;
  - (e) have held an air traffic service instructor rating for at least two years; and
  - (f) have successfully completed the training referred to in regulation 65.10.2.

**Training**

**65.10.2** An applicant for the issuing of an air traffic service instructor certificate must have successfully completed the appropriate training as set out in Document NAM-CATS 65.

**Application for issuing of air traffic service instructor certificate**

**65.10.3** An application for the issuing of an air traffic service instructor certificate must be:

- (a) made to the Executive Director in the appropriate form as determined by the Executive Director within 6 months of completion of the training referred to in regulation 65.10.2; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) accompanied by:
  - (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;
  - (ii) the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) acceptable original or certified evidence of his or her age.

**Issuing of air traffic service instructor certificate**

**65.10.4** (1) The Executive Director must issue an air traffic service instructor certificate if he or she is satisfied that:

- (a) the applicant complies with the requirements referred to in regulation 65.10.1;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the certificate in accordance with the provisions of the Act, and
- (c) the issue of the certificate is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the air traffic service instructor certificate in the appropriate form as determined by the Executive Director.

**Privileges of air traffic service instructor certificate**

**65.10.5** The holder of an air traffic service instructor certificate is entitled to:

- (a) give academic or practical simulator instruction on any of the valid ratings which has been held by him or her; and

[The verb "has" should be "have" to accord with the subject "ratings".]

- (b) act as a rating examiner in any of the ratings held by him or her, if designated by the Executive Director in terms of regulation 65.01.9.

**Duration of certificate and renewal**

**65.10.6** An air traffic service instructor certificate must be issued or renewed for a period of 24 months calculated from the date on which the certificate was issued or from the date of expiry of the certificate if such certificate is renewed in accordance with the provisions of regulation 65.10.7.

**Renewal of air traffic service instructor certificate**

**65.10.7** (1) To renew an air traffic service instructor certificate, the holder of the certificate must within the 90 days immediately preceding the date of expiry of the certificate, apply to the Executive Director for the renewal of such certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) An application for a renewal of the air traffic service instructor certificate must be:
- (a) made in the appropriate form as determined by the Executive Director; and
  - (b) be accompanied by:
    - (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;
    - (ii) the air traffic service licence held by the applicant; and
    - (iii) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must renew the air traffic service instructor certificate if the Executive Director is satisfied that:

- (a) the applicant is competent to exercise the privileges referred to in regulation 65.10.5;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the certificate in accordance with the provisions of the Act, and
- (c) the renewal of the certificate is not contrary to the interests of aviation safety.

(4) The air traffic service instructor certificate must be renewed in the appropriate form as determined by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 66**  
**AIRCRAFT MAINTENANCE ENGINEER LICENSING**

[Part 66 is substituted by GN 178/2023.]

**SUBPART 1 GENERAL**

- 66.01.1 Applicability
- 66.01.2 Authority to act as aircraft maintenance engineer
- 66.01.3 Classes of licences
- 66.01.4 Groups of airframes and engines
- 66.01.5 Categories of ratings
- 66.01.6 Competency
- 66.01.7 Consumption of alcohol and drugs
- 66.01.8 Language
- 66.01.9 Validation of licence issued by appropriate authority
- 66.01.10 Conversion of licence issued by appropriate authority
- 66.01.11 Register of licences
- 66.01.12 Designation of examiners
- 66.01.13 Training
- 66.01.14 Logbooks
- 65.01.15 Credit for military service
- 66.01.16 Change of name or address
- 66.01.17 Duplicate aircraft maintenance engineers' licence

**SUBPART 2 AIRCRAFT MAINTENANCE ENGINEER LICENCE AND RATINGS**

- 66.02.1 Requirements for licence and rating
- 66.02.2 Training
- 66.02.3 Theoretical knowledge examination
- 66.02.4 Experience
- 66.02.5 Application for licence or amendment of licence
- [The heading of this regulation in the text below adds the word "a" before the word "licence".]
- 66.02.6 Issuing of licence
- 66.02.7 Period of validity
- 66.02.8 Renewal of aircraft maintenance engineer licence
- 66.02.9 Re-issue of aircraft maintenance engineer licence
- 66.02.10 Privileges of aircraft maintenance engineer or rating

**SUBPART 3 GRADE ONE AND GRADE TWO AIRCRAFT MAINTENANCE INSTRUCTOR RATINGS**

- 66.03.1 Requirements for grade one or grade two aircraft maintenance instructor rating
- 66.03.2 Training
- 66.03.3 Theoretical knowledge examination
- 66.03.4 Experience
- 66.03.5 Application for instructor rating
- 66.03.6 Issuing of instructor rating
- 66.03.7 Period of validity
- 66.03.8 Privileges of instructor rating
- 66.03.9 Renewal of instructor rating

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 4 APPROVED PERSON CERTIFICATE**

- 66.04.1 Applicability
- 66.04.2 Authority to act as approved person
- 66.04.3 Categories of aircraft
- 66.04.4 Classes of certificates
- 66.04.5 Competency
- 66.04.6 Consumption of alcohol and drugs
- 66.04.7 Language
- 66.04.8 Requirements for approval and rating
- 66.04.9 Theoretical knowledge examination
- 66.04.10 Experience
- 66.04.11 Application for approval or amendment of the certificate
- 66.04.12 Issuing of approval certificate
- 66.04.13 Period of validity
- 66.04.14 Renewal of approved person certificate
- 66.04.15 Re-issue
- 66.04.16 Privileges and limitations
- 66.04.17 Register of approved person  

[The heading of this regulation in the text below is  
“Register of approved persons” (with the word “persons” being plural).]
- 66.04.18 Responsibilities of certificate holder

[There are multiple references in this Part to “Document NAM-CATS 66” and two references to “Document NAM-CATS-AMEL 66”. The definitions in regulation 1 do not list these documents. These references may refer to “Document NAM-CATS-AMEL” on Aircraft Maintenance Engineer Licensing.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**66.01.1** This Part prescribes the requirements relating to:

- (a) the issuing of licences and ratings for Namibian aircraft maintenance engineers, the privileges and limitations of such licences and ratings;
- (b) the validation of foreign aircraft maintenance engineer licences and ratings and the privileges and limitations of such validations;
- (c) the conversion of aircraft maintenance engineer licences issued by appropriate authorities; and
- (d) the issuing of approvals to approved persons authorised in terms of Subpart 4 to carry out maintenance on Namibian registered non-type certificated aircraft and as well as engines, components and equipment of such aircraft as prescribed in Subpart 4.

**Authority to act as aircraft maintenance engineer**

**66.01.2** (1) A person may not act as a maintenance engineer of an aircraft unless such person is the holder of a valid aircraft maintenance engineer licence with the appropriate rating issued or validated by the Executive Director in terms of this Part.

(2) The holder of an aircraft maintenance engineer licence may not exercise privileges other than the privileges granted by the licence and the appropriate rating held by such holder.

**Classes of licences**

**66.01.3** The classes of aircraft maintenance engineer licences are:

- (a) a Class I aircraft maintenance engineer licence; and
- (b) a Class II aircraft maintenance engineer licence.

**Groups of airframes and engines**

**66.01.4** (1) For the purposes of licensing aircraft maintenance engineers, airframes are classified into the following groups, for all types endorsed in the aircraft maintenance engineer's logbook:

- (a) Group 1 - aeroplanes of wooden construction, with a maximum certificated mass of 5 700 kilograms or less;
- (b) Group 2 - aeroplanes constructed of composites, with a maximum certificated mass of 5 700 kilograms or less;
- (c) Group 3 - aeroplanes of fabric-covered tubular-metal construction, with a maximum certificated mass of 5 700 kilograms or less;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) Group 4 - unpressurised aeroplanes of all-metal construction, with a maximum certificated mass of 5 700 kilograms or less;
- (e) Group 5 - pressurised aeroplanes of all-metal construction, with a maximum certificated mass of 5 700 kilograms or less;
- (f) Group 6 - unpressurised aeroplanes of all-metal construction, with a maximum certificated mass exceeding 5 700 kilograms;
- (g) Group 7 - rotorcraft powered by reciprocating engines;
- (h) Group 8 - pressurised aeroplanes of all-metal construction, with a maximum certificated mass exceeding 5 700 kilograms;
- (i) Group 9 - rotorcraft powered by turbine jet engines, with a maximum certificated mass of 3 175 kilograms or less;
- (j) Group 10 - rotorcraft powered by turbine jet engines, with a maximum certificated mass exceeding 3 175 kilograms;
- (k) Group 11 - aeroplanes constructed of composites, with a maximum certificated mass exceeding 5 700 kilograms; and
- (l) Group 12 - all other aircraft.

(2) For the purposes of licensing aircraft maintenance engineers, engines are classified into the following groups, for all types endorsed in the aircraft maintenance engineer's logbook:

- (a) Group 01 - all horizontally opposed normally-aspirated piston engines;
- (b) Group 02 - all horizontally opposed turbo-normalised, turbo-charged and supercharged piston engines;
- (c) Group 03 - all in-line piston engines;
- (d) Group 04 - all radial engines;
- (e) Group 05 - turbine jet engines; and
- (f) Group 06 - all other engines.

(3) Additional requirements for groups of airframes and engines for the purposes of licensing aircraft maintenance engineers are set out in document NAM-CATS-AMEL 66.

**Categories of ratings**

**66.01.5** (1) The categories of ratings for a Class II aircraft maintenance engineer licence are:

- (a) a Category A rating, for all types of airframes for:
  - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4;
- (b) a Category C rating, for all types of engines installed in:
  - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or
  - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; and
- (c) a Category W rating, for any of the following equipment installed:
  - (i) avionic equipment;
  - (ii) electrical equipment;
  - (iii) instrument equipment; or
  - (iv) combination of the equipment referred to in subparagraphs (i), (ii) and (iii); installed in a Namibian aircraft.
- (2) The categories of ratings for a Class I aircraft maintenance engineer licence are:
  - (a) a Category B rating, for all types of airframes for:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4;
  - (b) a Category D rating, for all types of engines installed in:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in regulation 66.01.4; and
  - (c) a Category X rating, for any of the following specialisations:
    - (i) the installation and overhaul of compasses;
    - (ii) the installation and overhaul of engine ignition equipment;
    - (iii) the installation and overhaul of fixed and variable-pitch propellers;
    - (iv) the installation and overhaul of instruments, including or excluding electrically operated instruments;
    - (v) the installation and overhaul of electrical equipment;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (vi) the installation and overhaul of automatic pilots;
- (vii) the installation and overhaul of avionic equipment, including or excluding equipment employing pulse techniques; or
- (viii) welding.

(3) The categories of aircraft maintenance instructor ratings are:

- (a) a Grade One aircraft maintenance instructor rating; and
- (b) a Grade Two aircraft maintenance instructor rating.

(4) A Category C rating for a particular type of engine installed in a rotorcraft may be granted only in conjunction with a Category A rating for the type of rotorcraft in which the engine is installed.

(5) A Category D rating for a particular type of engine installed in a rotorcraft may be granted only in conjunction with a Category B rating for the type of rotorcraft in which the engine is installed.

### **Competency**

**66.01.6** The holder of an aircraft maintenance engineer licence with the appropriate rating may not exercise the privileges granted by the licence and the appropriate rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part and in Parts 43 and 145.

### **Consumption of alcohol and drugs**

**66.01.7** An aircraft maintenance engineer may not:

- (a) consume any alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties, less than eight hours prior to the specified reporting time for duty;
- (b) commence a duty period while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,02 gram per 100 millilitres;
- (c) consume alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties during the duty period or whilst on standby for duty; and
- (d) commence a duty period while under the influence of alcohol or any other substance which is either narcotic or otherwise capable of capable of impairing his or her judgement or affecting the performance of his or her duties.

[The phrase “capable of” is repeated in the *Government Gazette*, as reproduced above.]

### **Language**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.01.8** Aircraft maintenance engineers must have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as aircraft maintenance engineers.

**Validation of licence issued by appropriate authority**

**66.01.9** (1) The holder of an aircraft maintenance engineer licence of a foreign country issued by an appropriate authority who intends to act as an aircraft maintenance engineer on a Namibian aircraft must apply to the Executive Director on the appropriate form as determined by the Executive Director for the validation of such licence.

(2) A validation of a foreign aircraft maintenance engineer licence or renewal of validation of such licence is an aviation document for the purposes of the Act.

(3) An application for a validation referred to in subregulation (1), must be accompanied by:

- (a) the appropriate fee as prescribed in Part 187; and
- (b) the licence to which the validation pertains.

(4) An aircraft maintenance engineer licence issued by an appropriate authority may be validated by the Executive Director subject to the same limitations which apply to the licence and in accordance with and subject to the requirements set out in Document NAM-CATS-AMEL 66.

(5) An aircraft maintenance engineer licence issued by an appropriate authority may be validated by the Executive Director if he or she is satisfied that:

- (a) the applicant complies with the requirements referred to in this regulation;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the validation; and
- (c) the issuing of the validation would not be contrary to aviation safety.

(6) A validation issued under subregulation (5):

- (a) must be in the appropriate form as determined by the Executive Director; and
- (b) is valid for a period of 12 months, calculated from the date of validation, or the period of validity of the licence, whichever period is the lesser period.

(7) The Executive Director may renew the validation of an aircraft maintenance engineer licence issued by an appropriate authority in the circumstances and on the conditions as prescribed in subregulation (5) and (6) and as set out in Document NAM-CATS 66.

(8) The holder of a validated aircraft maintenance engineer licence must at all times comply with the provisions of the Act, the regulations in this Part and the requirements set out in document NAM-CATS 66.

**Conversion of licence issued by appropriate authority**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.01.10** (1) The holder of a foreign aircraft maintenance engineer licence and rating issued by an appropriate authority may apply to the Executive Director for a conversion of the licence and rating and the Executive Director may subject to the requirements prescribed in the Regulations convert the licence and rating in a form determined by the Executive Director provided that the holder is a Namibian citizen or a Namibian permanent resident holder.

(2) The application for a conversion referred to in subregulation (1) must be accompanied by:

- (a) a certified true copy of the licence or rating for which the conversion is sought;
- (b) a true certified copy of the pages of his or her logbook as set out in Document NAM-CATS 66;
- (c) one recent passport size photographs of the applicant; and

[The plural word “photographs” should be singular.]

- (d) the appropriate fee as prescribed in Part 187;
- (e) in the case of an application for the conversion of a licence or rating for the purpose of being employed as aircraft maintenance engineer in Namibia, a letter of appointment from an employer who requires the services of the applicant.

[The word “an” appears to have been omitted before the term “aircraft maintenance engineer”.]

(3) A licence or rating issued by an appropriate authority may be accepted by the Executive Director subject to the same requirements which apply to such licence or rating and in accordance with and subject to the requirements set out in Document NAM-CATS 66.

(4) Before the Executive Director converts a foreign aircraft maintenance engineer licence or rating the Executive Director must confirm the validity and authenticity of the foreign licence or rating with the appropriate authority.

(5) The conversion of a licence or rating issued by the Executive Director in terms of this regulation is deemed to be an aviation document for the purposes of the Act.

(6) The holder of a licence or rating issued by an appropriate authority and converted by the Executive Director, must at all times comply with the Act, these regulations and with the requirements set out in Document NAM-CATS 66.

**Register of licences**

**66.01.11** (1) The Executive Director must maintain within the Civil Aviation Registry a register of all aircraft maintenance engineer licences issued, validated, renewed or re-issued in terms of the regulations in this Part.

- (2) The register referred to in subregulation (1) must contain the following particulars:
- (a) the full name of the holder of the licence;
  - (b) the postal address of the holder of the licence;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the date on which the licence was issued, validated, renewed or re-issued;
- (d) particulars of the ratings held by the holder of the licence; and
- (e) the nationality of the holder of the licence.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) in the register within seven days from the date on which the licence is issued, validated, renewed or re-issued, by the Executive Director.

(4) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Designation of examiners**

**66.01.12** (1) The Executive Director may designate an examiner for a period of one year, in respect of the valid rating or ratings held by the examiner to:

- (a) conduct trade testing on aircraft maintenance engineering students and issue trade test reports;
- (b) conduct practical skills assessments after aircraft maintenance engineering students or aircraft maintenance engineer licence holders completed type rating courses or on-the-job training;
- (c) issue to an applicant who meets the appropriate training, theoretical knowledge examination and practical assessment requirements prescribed in this Part for the issuing or the renewal of a Class I or a Class II aircraft maintenance engineer licence with a similar rating, a certificate of competency;
- (d) certify in the record of experience logbook of an applicant for the issuing or the renewal of a Class I or a Class II aircraft maintenance engineer licence with a similar rating, that the applicant has complied with the appropriate experience requirements prescribed in this Part;
- (e) issue to an applicant who meets the appropriate training, theoretical knowledge examination and practical assessment requirements prescribed in this Part for the issuing or the renewal of a Grade One or a Grade Two aircraft maintenance instructor rating with a similar valid rating, a certificate of competency;
- (f) certify in the record of experience logbook of an applicant for the issuing or the renewal of a Grade One or a Grade Two aircraft maintenance instructor rating with a similar valid rating, that the applicant has complied with the appropriate experience requirements prescribed in this Part; and
- (g) conduct oversight on aircraft maintenance engineer instructors.

(2) The privileges referred to in subregulation (1) must be performed according to the requirements set out in Document NAM-CATS 66.

(3) Inspectors must annually exercise oversight over the exercise of powers and performance of functions by designated examiners, this includes ensuring that designated examiners continuously comply with the required testing requirements.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The Executive Director must sign and issue to each designated examiner a document which must state the full name of such examiner and contain a statement that:

- (a) such examiner has been designated in terms of subregulation (1); and
- (b) such examiner is empowered to exercise the privileges referred to in subregulation (1).

(5) The application for designation as referred to in subregulation (1) must be accompanied by:

- (a) the details of the licence and ratings to which the application applies; and
- (b) the appropriate fee as prescribed in Part 187.

(6) An application for re-designation as designated examiner must be made on the form determined by the Executive Director not less than 90 days prior to the beginning of the month in which the designation expires, together with the fee as prescribed in Part 187.

(7) The submission of an application under subregulation (6) does not automatically entitle the applicant to continue to exercise the privileges of a designated examiner after the expiry date.

(8) The Executive Director may re-designate the applicant as a designated examiner if the applicant has been subject to the oversight under auspices of the Authority as prescribed in subregulation (3).

[The phrase “the oversight under auspices” was probably intended to be “oversight under the auspices”; the word “the” appears to have been misplaced.]

- (9) The Executive Director must maintain a register of all designated examiners.
- (10) The register referred to in subregulation (9) must contain the following details:
  - (a) name of the designated examiner;
  - (b) category and privileges relating to the designation;
  - (c) licences and ratings held by designated examiner; and

[The word “the” appears to have been omitted before the term “designated examiner”.]

- (d) expiry date of the designation.

## **Training**

**66.01.13** Training as required by this Part may only be provided by an approved ATO.

## **Logbooks**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.01.14** (1) Any person presenting training or undergoing training for any aircraft trade or a holder of an aircraft maintenance engineer licence, must maintain a logbook and record in the logbook all work carried out on an aircraft and its components.

(2) The form of and information to be contained in a logbook referred to in subregulation (1) and the manner in which such logbook must be maintained must be as set out in Document NAM-CATS 66.

(3) The Executive Director may not allow any alterations of a logbook referred to in subregulation (1) once it is signed off by a designated examiner or an authorised person.

**Credit for military service**

**66.01.15** (1) Aircraft maintenance engineers qualified as such in the Namibian Defence Force may apply to the Executive Director for the issuing of an aircraft maintenance engineers licence and rating prescribed in this Part.

(2) An application contemplated in subregulation (1) must be made in the appropriate form set out in Document NAM-CATS 66, and be accompanied by:

- (a) proof of:
  - (i) the identity of the applicant;
  - (ii) the age of the applicant; and
  - (iii) employment of the applicant in the Namibian Defence Force;
- (b) proof that the applicant has passed the appropriate theoretical knowledge examination, or part of the examination if the Executive Director requires the passing of such theoretical knowledge examination or part of the examination;
- (c) the appropriate fee as prescribed in Part 187; and
- (d) one recent passport size photograph of the applicant.

(3) The Executive Director must credit the theoretical knowledge and experience, or part the theoretical knowledge or experience gained in military service by the applicant, towards the issuing of an aircraft maintenance engineers licence and rating.

[The word “of” appears to have been omitted between the word “part” and the phrase “the theoretical knowledge or experience”. That phrase should also be followed by a comma.]

**Change of name or address**

**66.01.16** (1) If an aircraft maintenance engineers licence or rating issued in terms of this Part:

- (a) does not correctly reflect the name or address of the holder of the licence or rating; or
- (b) contains a photograph which is no longer a recognisable image of the holder of the licence or rating,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

such holder must, within 30 days from the date on which such name or address was changed or such photograph became an unrecognisable image, apply to the Executive Director for the issuing of a new licence or rating.

(2) An application for the issuing of a new licence or rating in terms of subregulation (1) must be made in the appropriate form set out in Document NAM-CATS 66 and be accompanied by:

- (a) the original licence or rating;
- (b) in the case of a change of name, a copy of a certificate issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937), the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), or a court order or any other legal document which verifies the change of name;
- (c) one recent passport size photographs of the applicant; and

[The plural word “photographs” should be singular.]

- (d) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

- (a) issue a new aircraft maintenance engineers licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) cancel and destroy the original aircraft maintenance engineers licence or rating.

(4) Upon the issuing of a new aircraft maintenance engineers licence the holder of the licence must immediately affix his or her signature in ink in the space on the new licence provided for such purpose.

**Duplicate aircraft maintenance engineers’ licence**

**66.01.17** (1) The holder of an aircraft maintenance engineers licence or rating which has been lost, destroyed or defaced to such an extent that the particulars on it are illegible, must apply to the Executive Director for the issuing of a duplicate licence or rating.

(2) An application for the issuing of a duplicate aircraft maintenance engineers licence or rating must be:

- (a) made in the appropriate form set out in Document NAM-CATS 66; and
- (b) accompanied by:
  - (i) one recent passport size photograph of the applicant; and
  - (ii) the appropriate fee as prescribed in Part 187.

(3) The Executive Director must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) issue a duplicate aircraft maintenance engineers licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate aircraft maintenance engineers licence or rating with the word “DUPLICATE” on it.

(4) Upon the issuing of a duplicate aircraft maintenance engineers licence the holder of the licence must immediately affix his or her signature in ink in the space on the duplicate licence provided for such purpose.

(5) If, after the issuing of a duplicate aircraft maintenance engineers licence or rating, the original licence or rating is found, the holder of the duplicate licence or rating must take all reasonable steps to obtain such original licence or rating and surrender it immediately to the Executive Director.

**SUBPART 2**  
**AIRCRAFT MAINTENANCE ENGINEER LICENCE AND RATINGS**

**Requirements for licence and rating**

**66.02.1** An applicant for the issuing of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, or an amendment of the licence or rating that applies in respect of the licence must:

- (a) be 21 years of age or older;
- (b) have successfully completed the training referred to in regulation 66.02.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.02.3; and
- (d) have acquired the experience referred to in regulation 66.02.4.

**Training**

**66.02.2** An applicant for the issuing of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, must have successfully completed the appropriate training set out in Document NAM-CATS 66.

**Theoretical knowledge examination**

**66.02.3** (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, must have passed:

- (a) an approved type training course conducted by an approved ATO or foreign organisation approved by the Authority; or
- (b) training provided by an approved original equipment manufacturer;
- (c) a Namibian air law written examination as set out in Document NAM-CATS 66;
- (d) a Namibian airframe general (Cat A) written examination as set out in Document NAM-CATS 66; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(2) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, must have passed:

- (a) an approved type training course provided by an approved ATO or a foreign organisation approved by the authority; or
- (b) training provided by an approved original equipment manufacturer;
- (c) a Namibian air law written examination as set out in Document NAM-CATS 66;
- (d) a Namibian piston general or gas turbine engine general (Cat C) written examination as set out in Document NAM-CATS 66; and
- (e) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(3) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, must have passed:

- (a) an approved training course applicable to the rating applied for, which may be:
  - (i) an instruments equipment course (Cat W);
  - (ii) an electrical equipment course (Cat W); or
  - (iii) an avionic equipment course (Cat W),
 provided by an approved ATO or foreign organisation approved authority, or
- (b) training provided by an approved original equipment manufacturer; or
- (c) a Namibian air law written examination as set out in Document NAM-CATS 66; and
- (d) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(4) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, must have passed:

- (a) an approved type training course conducted by an approved ATO or foreign organisation approved by the authority; or
- (b) training provided by an approved original equipment manufacturer;
- (c) a Namibian Air law written examination as set out in Document NAM-CATS 66;
- (d) a Namibian airframe general (Cat B) written examination as set out in Document NAM-CATS 66; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(5) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, must have passed:

- (a) an approved type training course conducted by an approved ATO or a foreign organisation approved by the authority; or
- (b) training provided by an approved original equipment manufacturer;
- (c) a Namibian Air law written examination as set out in Document NAM-CATS 66;
- (d) a Namibian piston general or gas turbine engine general (Cat D) written examination as set out in Document NAM-CATS 66; and
- (e) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(6) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, must have passed:

- (a) an approved training course conducted by an approved ATO or a foreign organisation approved by the Authority consisting of:
  - (i) an Instrument Equipment Course (Cat X);
  - (ii) an Electrical Equipment Course (Cat X);
  - (iii) an Avionic Equipment Course (Cat X);
  - (iv) an Ignition Equipment Course (Cat X);
  - (v) a Compass Systems Course (Cat X);
  - (vi) an Auto Pilot General Course (Cat X);
  - (vii) a type course on fixed and variable-pitch propellers (Overhaul Level) (Cat X); or
  - (viii) an aircraft welding course (Cat X); or

- (b) training provided by an approved original equipment manufacturer;
- (c) a Namibian Air law written examination as set out in Document NAM-CATS 66; and
- (d) a Namibian human factors written examination as set out in Document NAM-CATS 66.

(7) The applicant referred to in subregulation (1), (2), (3), (4), (5) and (6) must provide the Executive Director with certified proof of successful completion of the training or examinations.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The training certificates and examinations relating to aircraft maintenance remain valid: Provided that the holder of the certificate remains active in aircraft maintenance.

**Experience**

**66.02.4** An applicant for the issuing of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5 must comply with the requirements for the appropriate experience set out in Document NAM-CATS 66.

**Application for a licence or amendment of licence**

**66.02.5** (1) An application for the issuing of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, must be made to the Executive Director in the appropriate form determined by the Executive Director and be accompanied by proof of:

- (a) the identity of the applicant;
- (b) the age of the applicant;
- (c) the servicing and overhaul experience record of the applicant;
- (d) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;
- (e) one recent passport size photograph of the applicant; and
- (f) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, must be made to the Executive Director in the appropriate form determined by the Executive Director and be accompanied by:

- (a) a copy of the licence held by the applicant;
- (b) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;
- (c) proof of the servicing and overhaul experience record of the applicant in respect of the type of aeroplane or rotorcraft for which application is being made; and
- (d) the appropriate fee as prescribed in Part 187.

**Issuing of licence**

**66.02.6** (1) The Executive Director must issue an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, if he or she is satisfied that:

- (a) the applicant complies with the requirements referred to in regulation 66.01.6;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the aircraft maintenance engineer licence, and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(c) the issuing of the aviation maintenance license would not endanger aviation safety.

(2) The Executive Director must issue the licence referred to in subregulation (1) on the appropriate form as set determined by the Executive Director.

[The word “set” is superfluous.]

(3) The rating referred to in subregulation (1) must specify the type of aeroplane, rotorcraft, engine, equipment, instruments or welding processes, as the case may be, in respect of which the holder of such rating is entitled to exercise the privileges.

(4) Upon the issuing of the aircraft maintenance engineer licence the holder of the licence must immediately affix his or her signature in ink in the space on the licence provided for such purpose.

**Period of validity**

**66.02.7** (1) Unless suspended or revoked in terms of the Act, an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, is valid for a period of 24 months calculated from the date on which the licence is issued or from the date of expiry of the licence if such licence is renewed in accordance with the provisions of regulation 66.02.9.

(2) Any amendment of an aircraft maintenance engineer licence is valid for the period for which the licence is valid.

**Renewal of aircraft maintenance engineer licence**

**66.02.8** (1) To renew an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, the holder the licence must, within the 24 months preceding the date of expiry of the licence, have exercised the privileges of the licence for not less than six months:

[The word “of” appears to have been omitted between the phrases “the holder” and “the licence”.]

- (a) as a licensed aircraft maintenance engineer on the relevant rating working under the auspices of an aircraft maintenance organisation;
- (b) having supervised the maintenance of aircraft relevant to the ratings held in an executive capacity; or
- (c) having performed a technical training function relevant to the ratings held in an approved ATO.

(2) An application for the renewal of the licence must, within 90 days immediately preceding the date of expiry of such licence, be made to the Executive Director in the appropriate form as determined by the Executive Director and be accompanied by:

- (a) copy of the licence held by the applicant;

[The word “a” appears to have been omitted before the word “copy”.]

- (b) the appropriate fee as prescribed in Part 187; and
- (c) proof of compliance with the provisions of subregulation (1).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director must renew the aircraft maintenance engineer licence if the applicant complies with the requirements referred to in subregulation (1) and (2).

(4) The Executive Director must renew the aircraft maintenance engineer licence in the appropriate form as determined by the Executive Director.

**Re-issue of aircraft maintenance engineer licence**

**66.02.9** (1) The holder of an aircraft maintenance engineer licence with a rating referred to in regulation 66.01.5, which licence has expired due to the lapse of the period referred to in regulation 66.02.7, may apply to the Executive Director in the appropriate form as determined by the Executive Director for the re-issuing of the expired licence.

(2) Upon application for the re-issuing of the expired licence as prescribed in subregulation (1), the Executive Director must re-issue such licence if he or she is satisfied that:

- (a) the applicant has provided proof of having complied with the requirements referred to in regulation 66.02.1;
- (b) the applicant is a fit and proper person within the meaning of section 69 of the Act to exercise the privileges of the aircraft maintenance engineer licence;
- (c) the re-issue of the aviation maintenance license would not be contrary to aviation safety, and

[The paragraphs above are reproduced as they appear in the *Government Gazette*. It is possible that some text has been accidentally omitted. Alternatively, the word “and” at the end of paragraph (c) may be misplaced and the full stop at the end of that paragraph may be missing. Compare subregulations 66.01.9(5) and 66.02.6(1).]

(3) If less than two years has expired since the lapse of an aircraft maintenance engineer licence, the applicant must, provide proof of aircraft maintenance engineer experience of at least six months immediately prior to the application for the re-issue.

[The comma after the word “must” is superfluous.]

(4) If a period of more than two years but less than five years has expired since the lapse of an aircraft maintenance engineer licence, the applicant must, write the examinations prescribed in paragraph (d) of subregulation (1) or regulation 66.02.3 and provide proof of experience of at least six months immediately prior to the application for the re-issue.

[The comma after the word “must” is superfluous.]

(5) If an applicant for the re-issuing of an aircraft maintenance engineer licence has not worked in a maintenance or servicing facility within the aviation environment for a period of five years or more since the expiry of his or her licence, the applicant must comply with the requirements for the initial issue of such licence as prescribed in regulation 66.02.1 and in addition rewrite examinations of all the general courses applicable to the ratings previously held.

**Privileges of aircraft maintenance engineer or rating**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.02.10** (1) The holder of a valid Class II aircraft maintenance engineer licence with a Category A rating, is entitled to:

- (a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of aeroplane or rotorcraft, excluding its engine or engines; and
- (b) certify, in the logbook:
  - (i) work which the maintenance schedule relating to the specified type of aeroplane or rotorcraft authorises such holder to certify as airworthy; and
  - (ii) any adjustment, minor repair or minor modification of the specified type of aeroplane or rotorcraft, including the installation or replacement of equipment, instruments and minor components of such aeroplane or rotorcraft, excluding its engine or engines.

(2) The holder of a valid Class II aircraft maintenance engineer licence with a Category C rating, is entitled to:

- (a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of engine or engines; and
- (b) certify, in the logbook:
  - (i) work which the maintenance schedule relating to the specified type of engine or engines authorises such holder to certify as airworthy;
  - (ii) the installation of the specified type of engine or engines in an aircraft;
  - (iii) the installation and maintenance, other than the overhaul, major modification or major repair, of propellers and the reassembly of variable-pitch propellers which may have been dismantled for transport purposes; and
  - (iv) any adjustment or minor modification of the specified type of engine or engines and the replacement of external components and piston and cylinder assemblies, if such replacement does not involve dismantling the engine or engines for purposes other than to obtain access to the components and assemblies.

(3) The holder of a valid Class II aircraft maintenance engineer licence with a Category W rating, is entitled to:

- (a) certify, in accordance with the regulations in Part 43, the release to service of the specified type of equipment; and
- (b) certify, in the logbook:
  - (i) work which the maintenance schedule relating to the specified type of equipment authorises such holder to certify as airworthy;
  - (ii) any adjustment, maintenance or modification of such equipment; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) any installation of such equipment in aircraft and the replacement of components and parts of such equipment: Provided that no equipment may be dismantled for the purpose of making internal replacements.

(4) The holder of a valid Class I aircraft maintenance engineer licence with a Category B rating, may certify, in the logbook:

- (a) the overhaul, repair or modification, including trimming, welding, spray painting, electroplating or machining, of the specified type of aeroplane or rotorcraft, excluding its engine or engines, except:
  - (i) the overhaul, repair or modification of such item, equipment or apparatus which is to be certified by the holder of a Category X rating; and
  - (ii) the installation and testing of such instrument, electrical equipment or radio apparatus which is to be certified by the holder of a Category W rating;
- (b) subject to the provisions of regulation 43.02.11, the non-destructive testing of structures, composites, components and parts;
- (c) the overhaul of pneumatic and fuel components; and
- (d) the manufacturing, overhaul, or replacement of structures, composites, components and parts, if the manufacturing or replacement of the structures, composites, components and parts is necessary for such holder to complete an overhaul, repair or modification which he or she will certify as airworthy.

(5) The holder of a valid Class I aircraft maintenance engineer licence with a Category D rating, may certify, in the logbook:

- (a) the overhaul, repair or modification of the specified type of engine or engines, except the overhaul, repair or modification of the ignition equipment, other than the spark plugs, and of the propeller, starter and generator, which is to be certified by the holder of a Category X rating: Provided that the replacement of mechanical parts of a magneto may be certified; and
- (b) the manufacturing or replacement of components and parts, if the manufacturing or replacement of the components and parts is necessary for such holder to complete an overhaul, repair or modification which he or she will certify as airworthy.

(6) The holder of a valid Class I aircraft maintenance engineer licence with a Category X rating, may certify, in the logbook:

- (a) the installation and compensation of the specified compasses;
- (b) the installation, overhaul, repair or modification of the specified engine ignition equipment, and replacements of specified ignition equipment;
- (c) the installation, overhaul, repair or modification of fixed and variable-pitch propellers, and replacements of fixed and variable-pitch propellers;
- (d) the installation, overhaul, repair or modification of the specified instruments;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the installation, overhaul, repair or modification of the specified electrical equipment, and replacements of specified electrical equipment;
- (f) the installation, overhaul, repair or modification of automatic pilots other than automatic pilots which operate on electronic principles;
- (g) the installation and in-flight adjustment of electronic automatic pilots;
- (h) the installation, overhaul, repair or modification of the specified avionic equipment, and replacements of specified avionic equipment; and
- (i) the carrying out of the specified welding processes.

**SUBPART 3**  
**GRADE ONE AND GRADE TWO AIRCRAFT**  
**MAINTENANCE INSTRUCTOR RATINGS**

**Requirements for grade one or grade two aircraft maintenance instructor rating**

**66.03.1** An applicant for the issuing of a Grade One or Grade Two aircraft maintenance instructor rating must:

- (a) be 21 years of age or older;
- (b) hold a valid aircraft maintenance engineer licence;
- (c) hold at least one valid rating: Provided that, where the applicant is the holder of a Category B or D rating for a particular type of an aircraft or engine, he or she must also be the holder of a Category A or C rating, as applicable, for that type of aircraft or engine;
- (d) have successfully completed the training referred to in regulation 66.03.2;
- (e) have passed the theoretical knowledge examination referred to in regulation 66.03.3; and
- (f) have acquired the experience referred to in regulation 66.03.4.

**Training**

**66.03.2** An applicant for the issuing of a Grade One or Grade Two aircraft maintenance instructor rating must have successfully completed the appropriate training as set out in Document NAM-CATS 66.

**Theoretical knowledge examination**

**66.03.3** (1) An applicant for the issuing of a Grade One or Grade Two aircraft maintenance instructor rating must have passed the appropriate written examination as set out in Document NAM-CATS 66.

(2) An applicant who fails the written examination referred to in subregulation (1) may apply for retesting after the appropriate period specified in Document NAM-CATS 66.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Experience**

**66.03.4** An applicant for the issuing of a Grade One or Grade Two aircraft maintenance instructor rating must comply with the requirements for the appropriate experience set out in Document NAM-CATS 66.

**Application for instructor rating**

**66.03.5** (1) An application for the issuing of a Grade One or Grade Two aircraft maintenance instructor rating must be made to the Executive Director in the appropriate form determined by the Executive Director.

(2) The application referred to in subregulation (1) must in the case of Grade One aircraft maintenance engineer instructor rating, be accompanied by:

- (a) the original or certified proof of:
  - (i) the identity document of the applicant;
  - (ii) compliance with the requirements referred to in paragraphs (d), (e) and (f) of regulation 66.03.1; and
  - (iii) the applicant's competency to exercise the privileges referred to in regulation 66.03.8;
- (b) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and
- (c) the appropriate fee as prescribed in Part 187.

(3) The application referred to in subregulation (1) must in the case of Grade Two aircraft maintenance engineer instructor rating, be accompanied by:

- (a) the original or certified proof of:
  - (i) the identity document of the applicant;
  - (ii) the servicing and overhaul experience record of the applicant;
  - (iii) the original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.03.3;

[The wording of subparagraph (iii) does not fit with the introductory phrase of paragraph (a).]

- (b) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and
- (c) the appropriate fee as prescribed in Part 187.

**Issuing of instructor rating**

**66.03.6** (1) The Executive Director must issue a:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) Grade One aircraft maintenance instructor rating if:
  - (i) the applicant complies with the requirements referred to in regulation 66.03.1; and
  - (ii) the Executive Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 66.03.8; and
- (b) Grade Two aircraft maintenance instructor rating if the applicant complies with the requirements referred to in regulation 66.03.1.

(2) The instructor rating must be issued on the appropriate form as determined by the Executive Director.

**Period of validity**

**66.03.7** Unless suspended or revoked in terms of the Act, a Grade One or Two aircraft maintenance instructor rating is valid for the period for which the aircraft maintenance engineer licence is valid.

**Privileges of instructor rating**

**66.03.8** (1) The holder of a Grade One aircraft maintenance instructor rating is entitled to:

- (a) give academic or practical instruction on any of the valid ratings held by him or her; and
- (b) act as an examiner in any of the valid ratings held by him or her, if designated by the Executive Director in terms of regulation 66.01.11.

(2) The holder of a Grade Two aircraft maintenance instructor rating is entitled to give academic or practical instruction on any of the valid ratings held by him or her.

**Renewal of instructor rating**

**66.03.9** (1) To renew a Grade One or Grade Two aircraft maintenance instructor rating the holder of the rating must, within the 24 months preceding the date of expiry of the rating, have served for not less than six months as an aircraft maintenance instructor.

(2) The holder of the Grade One or Grade Two aircraft maintenance instructor rating must apply for renewal of the rating within 90 days immediately preceding the date of expiry of such rating, and the application must be made to the Executive Director in the appropriate form as determined by the Executive Director, and:

- (a) in the case of Grade One aircraft maintenance engineer instructor rating, be accompanied by:
  - (i) certified true copy of the aircraft maintenance engineer licence held by the applicant;

[The word "a" appears to have been omitted before the phrase "certified copy".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) the appropriate fee as prescribed in Part 187; and
  - (iii) original or certified proof of compliance with the provisions of subregulation (1) and the applicant's competency to exercise the privileges referred to in regulation 66.03.8;
- (b) in the case of Grade Two aircraft maintenance engineer instructor rating, be accompanied by:
- (i) a certified true copy of the aircraft maintenance engineer licence held by the applicant;
  - (ii) the appropriate fee as prescribed in Part 187; and
  - (iii) original or certified proof of compliance with the provisions of subregulation (1).
- (3) The Executive Director must renew the rating referred to in subregulation (1) if the applicant complies with the requirements referred to in subregulation (1) and (2).
- (4) The Executive Director must renew the rating referred to in subregulation (1) in the appropriate form as determined by the Executive Director.
- (5) The renewal of the rating in terms of this regulation is valid for the period for which the aircraft maintenance engineer licence is valid.

**SUBPART 4**  
**APPROVED PERSON CERTIFICATE**

**Applicability**

**66.04.1** This Subpart:

- (a) applies to the issuing of approvals to natural persons who intend to carry out maintenance on Namibian registered non-type certificated aircraft, their engines, components and equipment; and
- (b) does not apply to licensed aircraft maintenance engineers, licensed pilots and persons authorised by the holder of an aircraft maintenance organisation approval to carry out maintenance on Namibian registered non-type certificated aircraft, their engines, components and equipment.

**Authority to act as approved person**

**66.04.2** (1) A person may not act as an approved person on any aircraft mentioned in Part 24 and referred to in regulation 66.04.3, unless such person is the holder of a valid approved person certificate with the appropriate rating issued by the Executive Director or, if applicable, the aircraft maintenance organisation, as the case may be.

(2) The holder of an approved person certificate may not exercise privileges other than those granted by the approval and the appropriate rating held by such holder.

**Categories of aircraft**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.04.3** An approved person certificate may be issued in respect of any of the following categories of non-type certificated aircraft:

- (a) aeroplanes, including microlight aeroplanes;
- (b) helicopters;
- (c) gyroplanes and gyrogliders;
- (d) gliders, including power assisted and touring gliders;
- (e) manned captive and manned free balloons; and
- (f) powered paragliders and paratrikes as well as powered hang-gliders.

**Classes of certificates**

**66.04.4** (1) The classes of certificates for an approved person are:

- (a) APC1: inspection certificate, which does not include inspections on repair, or modification work;
- (b) APC2: repair and maintenance certificate, which includes inspections on repair, maintenance or modification work which has been done as well as carrying out such work; and
- (c) APC3: restricted inspection certificate for airframes and engines or airframes or engines, issued by type, excluding inspections on modifications and repairs.

(2) The certificates referred to in subregulation (1) may be issued in one or more of the following groups:

- (a) airframes are classified in the following groups:
  - (i) Group 1 - aeroplanes of wooden construction, with a MCM of 5 700 kilograms or less;
  - (ii) Group 2 - aeroplanes constructed of composites, with a MCM of 5 700 kilograms or less;
  - (iii) Group 3 - aeroplanes of fabric-covered tubular-metal construction, with a MCM of 5 700 kilograms or less;
  - (iv) Group 4 - unpressurised aeroplanes of all-metal construction, with a MCM of 5 700 kilograms or less;
  - (v) Group 5 - pressurised aeroplanes of all-metal construction, with a MCM of 5 700 kilograms or less;
  - (vi) Group 6 - unpressurised aeroplanes of all-metal construction, with a MCM exceeding 5 700 kilograms;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (vii) Group 7 - rotorcraft powered by reciprocating engines;
  - (viii) Group 8 - pressurised aeroplanes of all-metal construction, with a MCM exceeding 5 700 kilograms;
  - (ix) Group 9 - rotorcraft powered by turbine jet engines, with a MCM of 3 175 kilograms or less;
  - (x) Group 10 - rotorcraft powered by turbine jet engines, with a MCM exceeding 3 175 kilograms;
  - (xi) Group 11 - aeroplanes constructed of composites, with a MCM exceeding 5 700 kilograms;
  - (xii) Group 12 - balloons;
  - (xiii) Group 13 - trikes; and
  - (xiv) Group 14 - all other aircraft.
- (b) engines are classified in the following groups:
- (i) Group 01 - all horizontally opposed normally-aspirated piston engines;
  - (ii) Group 02 - all horizontally opposed turbo-normalised, turbocharged and supercharged piston engines;
  - (iii) Group 03 - all in-line piston engines;
  - (iv) Group 04 - all radial engines;
  - (v) Group 05 - turbine jet engines; and
  - (vi) Group 06 - all other engines.
- (3) The categories of ratings for an APC2: repair and maintenance certificate for approved persons are:
- (a) Category A rating, for all types of:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in subregulation (2); or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in subregulation (2);
  - (b) Category C rating, for all types of engines installed in:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in subregulation (2); or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in subregulation (2); and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) Category W rating, for any:
  - (i) avionic equipment;
  - (ii) electrical equipment;
  - (iii) instrument equipment; or
  - (iv) combination of such equipment installed in aircraft registered in Namibia.
- (4) The categories of ratings for an APC1: inspection certificate for approved persons are:
  - (a) Category B rating, for all types of:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in subregulation (2); or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in subregulation (2);
  - (b) Category D rating, for all types of engines installed in:
    - (i) aeroplanes registered in Namibia, either singly or in the groups referred to in subregulation (2); or
    - (ii) rotorcraft registered in Namibia, either singly or in the groups referred to in subregulation (2); and
  - (c) Category X rating, for:
    - (i) the installation of compasses;
    - (ii) the installation of engine ignition equipment;
    - (iii) the installation of variable-pitch propellers;
    - (iv) the installation of instruments, including or excluding electrically operated instruments;
    - (v) the installation of electrical equipment;
    - (vi) the installation of automatic pilots; or
    - (vii) the installation of avionic equipment, including or excluding equipment employing pulse techniques.

**Competency**

**66.04.5** The holder of an approved person certificate may not exercise the privileges granted by the approval and rating unless such holder maintains competency by complying with

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the appropriate requirements prescribed in this Part and in the approved manual of procedure of the organisation approved in terms of Part 149.

**Consumption of alcohol and drugs**

**66.04.6** An approved person may not carry out any maintenance on an aircraft, its components or equipment within a period of eight hours following the consumption of any quantity of alcohol or any other substance which is either narcotic or otherwise capable of capable of impairing his or her judgement or affecting the performance of his or her duties.

[The phrase “capable of” is repeated in the *Government Gazette*, as reproduced above.]

**Language**

**66.04.7** An approved person must have sufficient ability in reading, speaking and understanding the English language to enable him or her to adequately carry out his or her responsibilities as an approved person.

**Requirements for approval and rating**

**66.04.8** An applicant for the issuing of an approved person certificate with the appropriate category and rating or the amendment of the rating must:

- (a) be 18 years of age or older;
- (b) have successfully passed the theoretical knowledge examination referred to in regulation 66.04.9; and
- (c) have acquired the experience referred to in regulation 66.04.10.

**Theoretical knowledge examination**

**66.04.9** (1) An applicant for the issuing of an approved person certificate must have successfully passed the written examination set by the Executive Director or, if applicable, an approved foreign training organisation.

(2) An applicant who fails the written examinations referred to in subregulation (1), may within 30 days from the date of notification of the examination results apply in writing for a remark.

(3) The application for a remark referred to in subregulation (2) must be made on the appropriate form and be accompanied by the appropriate fee prescribed in Part 187.

(4) If the remark referred to in subregulation (2) is successful, the remark fee referred to in subregulation (3) must be refunded to the applicant.

(5) An applicant who fails the written examinations referred to in subregulation (1) may apply for re-testing after a period of not less than three months: Provided that an applicant may only be re-tested twice.

**Experience**

**66.04.10** An applicant for the issuing of an approved person certificate must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be the primary builder of and have obtained an authority in terms of Part 21 to fly for his or her own aircraft;

[The word “for” before the phrase “his or her own aircraft” is superfluous.]

- (b) have obtained proven aircraft maintenance experience, compatible with the particular rating, or
- (c) in the case of the APC3 restricted inspection rating, complete the practical training as set out in Document NAM-CATS 66.

**Application for approval or amendment of the certificate**

**66.04.11** An application for the issuing of an approved person certificate or for an amendment of the certificate of the certificate must be made to the Executive Director or if applicable, the approved training organisation on the appropriate form as determined by the Executive Director and be accompanied by:

- (a) original or certified proof of:
  - (i) the identity of the applicant;
  - (ii) the age of the applicant;
  - (iii) the maintenance experience of the applicant; and
  - (iv) if applicable, the build number issued in terms of paragraph (c) of subregulation (4) of regulation 24.01.2, and the authority to fly issued in terms of Subpart 2 of Part 24;
- (b) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.9;
- (c) two recent passport-size photographs of the applicant; and
- (d) the appropriate fee as prescribed in Part 187.

**Issuing of approval certificate**

**66.04.12** (1) The Executive Director or if applicable or the approved foreign training organisation, as the case may be, must issue an approved person certificate with the appropriate rating if the applicant complies with the requirements referred to in regulation 66.04.11.

[The word “or” after the phrase “or if applicable” is superfluous.]

(2) The Executive Director or if applicable the approved foreign training organisation as the case may be must issue the approved person certificate on the appropriate form as determined by the Executive Director.

(3) The approved person certificate must specify the categories of aircraft, categories and classes of ratings, and where applicable the type by name of non-type certificated aircraft, its

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

components or equipment in respect of which the holder of such certificate is entitled to exercise the privileges of the certificate.

(4) Upon the issuing of an approved person certificate, the applicant must immediately affix his or her signature in ink in the space on the certificate provided for such purpose.

**Period of validity**

**66.04.13** (1) Unless suspended or revoked in terms of the Act, an approved person certificate issued in accordance with this Subpart is valid for a period of 24 months, calculated from the date on which the approval is issued or from the date of renewal of the approval if such approval is renewed in accordance with the provisions of regulation 66.04.14.

(2) Any amendment of an approved person certificate is valid for the period for which the approved person certificate is valid.

**Renewal of approved person certificate**

**66.04.14** (1) To renew an approved person certificate, the holder of the certificate must:

- (a) within the 24 months preceding the date of expiry of the certificate, have carried out an inspection or maintenance on at least two aircraft within his or her class of certificates or category of ratings in accordance with regulation 66.04.4;
- (b) within 30 days immediately preceding the date of expiry of such certificate, submit an application for renewal of an approved person certificate to the Executive Director, or if applicable, the approved foreign training organisation as the case may be, accompanied by:
  - (i) a certified true copy of the certificate held by the applicant;
  - (ii) original or certified proof of compliance with the provisions of subregulation (1)(a); and
  - (iii) fee as prescribed in Part 187.

[The word “the” or the phrase “the appropriate” (which appears in similar provisions in this subpart) appears to have been omitted at the beginning of subparagraph (iii).]

(2) The application for the renewal of the approved person certificate must be made on the form set out in Document NAM-CATS 66.

(3) The Executive Director or if applicable, the approved foreign training organisation, as the case may be, must renew the approved person certificate if the applicant complies with the requirements referred to in subregulation (1).

(4) The approved person certificate must be renewed on the appropriate form determined by the Executive Director.

**Re-issue**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**66.04.15** (1) The holder of an approved person certificate that has expired due to the lapse of the period referred to in regulation 66.04.13 may apply to the Executive Director or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, for the re-issue of the expired certificate.

(2) To qualify for the re issuing of the approved person certificate the holder of the certificate must comply with the requirements prescribed in regulation 66.04.8.

[The word “re-issuing” is missing a hyphen in the *Government Gazette*, as reproduced above.]

(3) Upon application for the re-issue of the expired certificate, the Executive Director or, if applicable, the organisation approved for the purpose in terms of Part 149, as the case may be, must re-issue such certificate if the applicant complies with the requirements prescribed in subregulation (1).

(4) The provisions of regulations 66.04.11 and 66.04.12 apply with changes required in the context to an application referred to in subregulation (1).

**Privileges and limitations**

**66.04.16** (1) Subject to the provisions of the Act and regulations 66.04.5 and 66.04.6, the holder of an approved person certificate is entitled:

(a) if he or she is the holder of inspection certificate:

[The word “an” appears to have been omitted before the term “inspection certificate”.]

- (i) to exercise in respect of a non-type certificated aircraft, the privileges of an authorised officer, inspector or authorised person provided for in regulations 24.01.8 and 24.01.9 in Part 24; and
- (ii) to carry out inspections on a non-type certificated aircraft in accordance with the requirements prescribed in Part 24 as may be called for from time to time by the constructor or owner of the non-type certificated aircraft;
- (iii) certify in the aircraft logbook when the inspection, repair or maintenance work took place and the outcome of such inspection;
- (iv) certify, in accordance with the regulations in Part 24 of the Regulations, the release to service of the non-type certificated aircraft;

(b) if he or she is the holder of a repair and maintenance certificate:

- (i) to carry out, in accordance with the requirements prescribed in Part 24, such maintenance, including the inspections referred to in subparagraph (a)(ii), on a non-type certificated aircraft, its components and equipment as may be called for from time to time by the constructor or owner of the non-type certificated owner;
- (ii) certify in the aircraft logbook:
  - (aa) all maintenance or repairs carried out on the aircraft; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ba) all modifications incorporated on the aircraft in accordance with regulation 44.01.10; and
- (iii) certify, in accordance with the regulations in Part 24, the release to service of the non-type certificated aircraft; and
- (c) if he or she is the holder of an APC3 restricted inspection approved person certificate:
  - (i) to carry out annual inspections on a non-type certificated aircraft and engine or non-type certificated aircraft or engine for which he or she holds the type rating in accordance with the requirements prescribed in Part 24, for the purpose of renewing the annual authority to fly;
  - (ii) to certify in the aircraft logbook when the inspection took place and the outcome of such inspection;
  - (iii) to certify, in accordance with the regulations in Part 24 the release to service of the non-type certificated aircraft and engine or the non-type certificated aircraft or engine for which he or she holds the type rating; or
  - (iv) to complete annual aircraft inspection notification.

(2) The holder of an approved person certificate may not grant permission to the constructor of the aircraft to fly his or her aircraft for the purposes of carrying out test flights unless he or she is the holder of the appropriate flight test rating.

(3) Any inspection carried out on a non-type certificated aircraft in terms of regulation 24.01.8 must be of a conditional nature in that the approved person carrying out the inspection is not be required to guarantee the airworthiness of the aircraft.

(4) If an authorised person issues a release of service for a non-type certificated aircraft he or she certifies that he or she is satisfied that the aircraft and all its equipment are in every way serviceable for flight and that all maintenance has been carried out in accordance with the regulations and with the aircraft's approved maintenance schedule.

(5) The holder of an approved person certificate who intends to carry out welding on a non-type certificated aircraft must be the holder of a welding certificate for the type of welding to be carried out.

(6) The welding certificate referred to in subregulation (5) does not necessarily have to be for aircraft welding.

**Register of approved persons**

**66.04.17** (1) The Executive Director or, if applicable, the approved foreign training organisation, as the case may be, must maintain a register of all approved person certificates issued, renewed or re-issued in terms of this Part.

- (2) The register referred to in subregulation (1) must contain the following particulars:
  - (a) the full name of the holder of the certificate;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the postal address of the holder of the certificate;
- (c) the date on which the certificate was issued, renewed or re-issued;
- (d) particulars of the ratings held by the certificate holder; and
- (e) the nationality of the holder of the certificate.

(3) The Executive Director, or if applicable the approved foreign training organisation must record or ensure the recording of particulars referred to in subregulation (2) in the register referred to in subregulation (1) within seven days from the date on which the certificate is issued, renewed or re-issued.

(4) The register referred to in subregulation (1) must be kept at a safe place at the office of the Executive Director or, if applicable, the approved foreign training organisation as the case may be.

(5) The Executive Director or if applicable the approved foreign training organisation must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

**Responsibilities of certificate holder**

**66.04.18** (1) The holder of an approved person certificate must maintain a logbook up to date in which he or she must record details of all inspections and maintenance carried out.

(2) The form of the logbook referred to in subregulation (1) and the manner in which it must be kept is as prescribed in Part 44.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 67**  
**MEDICAL CERTIFICATION**

[Part 67 is substituted by GN 178/2023.]

**LIST OF REGULATIONS**

67.00.1	Applicability
67.00.2	Functions of Executive Director regarding medical examinations
67.00.3	Classes of medical certificates
67.00.4	Period of validity of medical certificates
67.00.5	Waiver and special medical certificate
67.00.6	Aeromedical boards
67.00.7	Application for medical certificate
67.00.8	Issuing of medical certificate
67.00.9	Medical certificates
67.00.10	Re-examination of license holder
67.00.11	Replacement of medical certificates
67.00.12	Medical certificate applicant and holder rights and responsibilities
67.00.13	Suspension or cancellation of medical certificate
67.00.14	Period of validity of medical records
67.00.15	Designation of aviation medical examiners
67.00.16	Validations
67.00.17	Foreign medical examinations
67.00.18	Medical confidentiality
67.00.19	Substance abuse and suspected substance abuse

[There are multiple references in this Part to “Document NAM-CATS 67” and one reference to “Document NAM-CATS-MR 67”. The definitions in regulation 1 do not list these documents. These references may refer to “Document NAM-CATS-MR” on Medical Requirements.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## **Applicability**

**67.00.1** (1) This Part prescribes the requirements relating to the issuing and renewal of medical certificates for flight crew which are pilots, flight engineers, and cabin crew and air traffic service personnel.

(2) The Executive Director may designate medical assessors to exercise or perform powers or functions conferred or assigned to them.

(3) The reference to the Executive Director in this Part includes medical assessors to whom the Executive Director has under section 33 read with 37 of the Act delegated or assigned powers or functions for the purpose of the Regulations.

(4) For the purpose of this Part:

(a) “accredited medical conclusion” means the conclusion reached by one or more medical practitioners with the concurrence of other professionals in the Authority for the purposes of the medical case concerned;

(b) “aviation medical assessor” means a medical practitioner -

(i) qualified and experienced in the practice of aviation medicine and competent in evaluating and assessing medical conditions of flight safety significance; and

(ii) designated as a medical assessor by the Executive Director in terms of regulation 67.00.2;

(c) “designated aviation medical examiner” means a medical practitioner designated by the Executive Director as an aviation medical examiner in terms of regulation 67.00.15 to carry out medical examinations for pilots, flight engineers, cabin crew and air traffic service personnel; and

(d) “waiver” means an authorisation in terms of regulation 67.00.5 to issue a medical certificate in respect of a licence holder or an applicant, in terms of the Regulations, in cases such person does not meet medical standards referred to in any Schedule or Protocol set out in Document NAM-CATS-MR 67, but where such person meets the requirements of regulation 67.00.5.

(5) In this Part any requirements for the issuing, renewal or re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

## **Functions of Executive Director regarding medical examinations**

**67.00.2** (1) The Executive Director must -

(a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;

(b) determine standards for medical examinations or tests and for the training of aviation medical examiners;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) issue or amend or renew medical certificates;
- (d) keep all books or documents regarding medical examinations or tests;
- (e) apply basic safety management principles to the medical assessment process of licence holders by performing, but not limited to, the following functions -
  - (i) routinely collecting and analysing medical findings during medical assessments to identify areas of increased medical risk;
  - (ii) continuously re-evaluating the medical assessment process to concentrate on identified areas of increased medical risk;
  - (iii) routinely collecting and analysing incapacitation in-flight and on active duty; and
  - (iv) ensuring that accredited medical conclusions are reached.
- (2) The Executive Director must designate medical assessors to -
  - (a) exercise control over medical examinations or tests and over designated aviation medical examiners performing such examinations or tests;
  - (b) determine standards for medical examinations or tests and for the training of designated aviation medical examiners;
  - (c) issue, amend or renew medical certificates on his or her behalf and in accordance with his or her directions;
  - (d) keep all books or documents regarding medical examinations or tests; and
  - (e) subject to the provisions of regulation 67.00.9, advise the Executive Director on any matter connected with medical examinations, tests or designated aviation medical examiners and on the training of flight crew and cabin crew in first aid.

**[The word “advise” in paragraph (e) should be “advise”.]**

(3) The powers and functions referred to in subregulation (2) must be exercised and performed according to the requirements set out in Document NAM-CATS 67.

(4) The Executive Director may designate aviation medical examiners in terms of regulation 67.00.15 to carry out medical examinations for pilots, flight engineers, cabin crew and air traffic service personnel in accordance with the provisions of this Part.

(5) The designated aviation medical examiners must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the effective performance of the designated powers and functions in terms of regulation 67.00.15.

**Classes of medical certificates**

- 67.00.3** (1) The classes of medical certificates are:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) Class 1:
  - (i) airline transport pilot: aeroplane, helicopter and powered-lift;
  - (ii) commercial pilot: aeroplane, helicopter and powered-lift;
  - (iii) commercial airship pilot; and
  - (iv) recreational flight instructor;
- (b) Class 2:
  - (i) private pilot: aeroplane, helicopter and powered-lift;
  - (ii) student pilot;
  - (iii) glider pilot;
  - (iv) airship pilot;
  - (v) cabin crew member;
  - (vi) free balloon pilot;
  - (vii) flight engineer;
  - (viii) recreational pilot (light sporting aeroplanes);
  - (ix) recreational pilot (microlight aeroplanes);
  - (x) recreational pilot (gyroplanes); and
  - (xi) recreational pilots with Part 96 authorisation;
- (c) Class 3:
  - (i) air traffic service assistant;
  - (ii) air traffic service personnel member;
- (d) General Practitioner's medical fitness certificate -
  - (i) hang gliders; and
  - (ii) paragliders.

(2) A flight crew member who holds a valid Class 1 medical certificate referred to in paragraph (a) of subregulation (1), is deemed to hold a valid Class 2 medical certificate referred to in paragraph (b) of subregulation (1).

(3) An air traffic service personnel member who holds a valid Class 3 medical certificate referred to in paragraph (c) of subregulation (1), is deemed to hold a valid Class 2 medical certificate referred to in paragraph (b) of subregulation (1).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Upon expiry of a Class 1 medical certificate referred to in paragraph (a) of subregulation (1), such medical certificate is deemed valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in paragraph (b) of subregulation (1) as specified in regulation 67.00.4.

(5) Upon expiry of a Class 3 medical certificate referred to in paragraph (a) of subregulation (1), such medical certificate is deemed valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in paragraph (b) of subregulation (1), as specified in regulation 67.00.4.

(6) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2, or 3 medical certificates are set out in Document NAM-CATS 67.

**Period of validity of medical certificates**

**67.00.4** (1) A Class 1 medical certificate must be issued for a period of -

- (a) twelve calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;
- (b) six calendar months in the case of an airline transport pilot (aeroplane, helicopter or powered-lift), engaged in single-crew commercial air transport operations, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued;
- (c) twelve calendar months in the case of an airline transport pilot (aeroplane, helicopter or powered-lift), engaged in multi-crew commercial air transport operations, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older, but less than 60 years of age, on the date on which the medical certificate is issued;
- (d) twelve calendar months in the case of a commercial pilot (aeroplane, helicopter or powered-lift), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older, but less than 60 years of age, on the date on which the medical certificate is issued; and
- (e) six calendar months in the case of a pilot as specified in subparagraph (c) and (d), where the applicant is 60 years of age or older.

(2) A Class 1 medical certificate referred to in paragraphs (c) and (d) of subregulation (1) is valid subject to the condition that -

- (a) the applicant submits a six-monthly medical report, if he or she has a medical disease or risk factor for which he or she receives regular treatment by his or her treating medical practitioner or a designated aviation medical examiner and the report must include, the:
  - (i) nature of disease or risk factor;
  - (ii) information regarding control of disease or risk factor;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) complications that have developed as a result of the disease or risk factor; and
  - (iv) type of treatment and side-effects of treatment;
  - (b) the applicant submits an annual follow-up blood test result, where applicable; and
  - (c) the applicant adheres to the requirements of any Schedule or Protocol set out in Document NAM-CATS 67, where applicable.
- (3) Subject to subregulation (6), the Executive Director must issue a Class 2 medical certificate for a period of -
- (a) sixty calendar months, in the case of a private pilot, aeroplane, helicopter and powered-lift; student pilot, glider pilot, airship pilot, cabin crew member, free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;

**[The comma after the phrase “private pilot” should be a colon, as in paragraph (b), and the semicolon after the phrase “aeroplane, helicopter and powered-lift” should be a comma: “private pilot: aeroplane, helicopter and powered-lift,”.]**

- (b) twenty four calendar months, in the case of a private pilot: aeroplane, helicopter and powered-lift, student pilot, glider pilot, airship pilot, cabin crew member; free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued;

**[The semicolon after the phrase “cabin crew member” should be a comma. The term “twenty four” should appear with a hyphen: “twenty-four”.]**

- (c) twelve calendar months, in the case of a private pilot: aeroplane, helicopter and powered-lift; student pilot, glider pilot, airship pilot, cabin crew member, free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued;
- (d) sixty calendar months, in the case of a recreational pilot (microlight aeroplanes), and recreational pilot (gyroplanes), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;
- (e) twenty four calendar months, in the case of a recreational pilot (microlight aeroplanes) and recreational pilot (gyroplanes), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued; and

**[The term “twenty four” should appear with a hyphen: “twenty-four”.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) twelve calendar months, in the case of a recreational pilot (microlight aeroplanes); recreational pilot (gyroplanes) and an air traffic service assistant, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued.

**[The semicolon after the phrase “recreational pilot (microlight aeroplanes)” should be a comma.]**

(4) Subject to subregulation (6), the Executive Director must issue a Class 3 medical certificate for a period of -

- (a) forty-eight calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
- (b) twenty-four calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued; and
- (c) twelve calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued.

(5) A medical fitness certificate for hang gliders and paragliders is valid for:

- (a) for a period not exceeding sixty calendar months, calculated from the last day of the calendar month in which the medical fitness certificate is issued, where the applicant is less than 40 years of age on the date on which the medical fitness certificate is issued; and
- (b) thirty-six calendar months, calculated from the last day of the calendar month in which the medical fitness certificate is issued, where the applicant is 40 years of age or older on the date on which the medical fitness certificate is issued.

(6) Despite the provisions of subregulation (1), (2), (3) and (4), the Executive Director may impose limitations or reduce the period of validity of the medical certificate and endorse the medical certificate with the reason for such reduction or limitation:

- (a) if clinical indications require that medical examinations or tests be performed at shorter intervals; or
- (b) if clinical indications require that additional examinations or tests be performed; or
- (c) when the safe performance of the functions essential to the operation of an aircraft executed by the holder of such medical certificate depends on a reduction in the period of validity of such medical certificate or compliance with any limitation.

(7) The holder of a medical certificate who wishes to obtain an extension of the validity of a medical certificate must, at least 15 days immediately preceding the date on which such medical certificate expires, apply to the Executive Director for the extension of such medical certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) Despite the provisions of subregulation (1), (2), (3), (4) and (6), the Executive Director may, on such conditions as he or she considers necessary, extend the medical certificate for a period not exceeding 30 days.

**Waiver and special medical certificate**

**67.00.5** (1) If the applicant for medical certificate does not meet the medical standards within any Schedule or Protocol set out in Document NAM-CATS 67, the Executive Director may not issue or renew a medical certificate unless the following conditions are fulfilled:

- (a) an accredited medical conclusion indicates that in special circumstances the applicant's failure to meet the requirement, whether numerical or otherwise, is such that the exercise of the privileges of the licence applied for is not likely to endanger flight safety;
- (b) the relevant ability, skill and experience of the applicant and the operational conditions applicable to the applicant have been given due consideration; and
- (c) the applicable licence is endorsed with any limitations where the safe performance of the licence holder's duties is dependent on compliance with such limitation.

(2) Any abuse of the provisions of waiver referred to in subregulation (1) is unacceptable and the Executive Director may request an aviation medical assessor to investigate any instances of suspected abuse.

(3) Depending on the outcome of the investigation referred to in subregulation (2) the Executive Director may in terms of the Act take appropriate action which may include the revoking of the designation status of the aviation medical examiner.

(4) The aviation medical examiner's recommendation to issue a waiver may only be made with the concurrence of the medical assessor after:

- (a) subjecting the applicant or licence holder to a critical analysis involving a detailed personal examination by the primary aviation medical examiner; and
- (b) after deliberation with those who assisted to formulate the accredited medical conclusion.

(5) The Executive Director may, on recommendation by the aviation medical assessor, decide to issue the waiver with or without imposing limitations on the license holder in the interest of aviation safety.

(6) On making a decision in terms of subregulation (5), the Executive Director must issue a special medical certificate to the applicant or the licence holder to denote the grant of the waiver.

(7) Accredited medical conclusion must be obtained from individuals or institution with the expert knowledge of the specific medical subject in question, and must be dealt with by the medical assessors on behalf of the Executive Director.

**[The singular word "institution" should be plural. The word "the" before the phrase "expert knowledge" is superfluous.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) Applicants or licence holders who do not meet the medical standards prescribed in regulation 67.00.3 may be considered for a waiver of standards.

(9) The Executive Director may issue a special medical certificate in exceptional circumstances based on the outcome of the accredited medical conclusion.

(10) An applicant or licence holder who has been granted a special medical certificate based on a special medical flight or practical test is not required to take the test again during physical examinations unless requested by the medical assessor.

(11) Any non-compliance by the applicant or licence holder with the limitations to or conditions of issuance of the special medical certificate, as reported by the aviation medical examiner or operations personnel of the Authority may lead to the revocation of the special medical certificate pending an investigation into the non-compliance.

(12) The Executive Director may revoke a special medical certificate in instances when:

- (a) there is adverse change in the holder's medical condition;
- (b) public safety is endangered by the holder's exercise of his or her license privileges;  
or
- (c) the holder fails to provide medical information reasonably needed by the Authority for certification or re-certification.

(13) If a special medical certificate is revoked, the Executive Director must serve the holder of the certificate with a letter of revocation, stating the reason for the action.

(14) In the case where the medical examiner has revoked a special medical certificate, the holder of the certificate may within 60 days of receipt of the letter of revocation request in writing, the Executive Director to review the decision to revoke.

(15) The request for review in terms of subregulation (14) must be accompanied by supporting medical evidence.

(16) The Executive Director must consider the request for review made in terms of subregulation (14) and may request any such information necessary in consideration of the request.

(17) The Executive Director must issue a written final decision within 60 days of receipt of the request for review made in terms of subregulation (14), either affirming or reversing the decision to revoke.

(18) If, prior to expiry of a special medical certificate, the aviation medical examiner determines that the holder of the certificate still qualifies for the continuation of the special medical certificate, he or she must present the case with a full brief and all the supporting documents to the designated medical assessor, not later than ten working days before the date of expiry of the existing special medical certificate for consideration.

(19) The aviation medical assessor must, within 10 working days, notify the holder of the special medical certificate of the outcome of the decision to re-issue the special medical certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(20) The Executive Director may accept, on an individual basis, valid aeromedical waivers issued by an appropriate authority for a period not exceeding three months.

(21) The holder of the valid aeromedical waiver referred to in subregulation (20) must present an original or a certified copy of the waiver issued by the appropriate authority duly signed and stamped by the issuing aviation medical examiner and also by the facility where the original proceedings for the waiver were conducted.

(22) The medical examiner and the facility referred to in subregulation (21) must either be approved by the Executive Director or should be on the list of facilities approved by the appropriate authority.

(23) The original certificate or certified copy of the aeromedical waiver referred to in subregulation (21) must be in the English language.

**Aeromedical boards**

**67.00.6** (1) The Executive Director may use the services of aeromedical boards, as established within the Authority, for the review of complex medical cases.

(2) An aeromedical board, when established by the Executive Director, must assist the aviation medical assessor to evaluate medical cases which due to their complexity or uniqueness, warrant a comprehensive aeromedical evaluation.

(3) An aeromedical board must comprise of at least three aviation medical examiners, including the principal aviation medical examiner dealing with the case.

[The word “of” after the word “comprise” is superfluous.]

(4) Aviation medical examiners referred to in subregulation (3) must be selected on the basis of the relevance of their education, knowledge and experience to the case in question.

(5) If the applicant for a medical certificate is not satisfied by the decision of the aeromedical board the applicant may in writing appeal to the Executive Director within 30 days of the receipt of the medical certificate.

(6) The Executive Director must provide a copy of the written appeal referred to in subregulation (5) to the designated aviation medical examiner who was dealing with the case.

(7) The Executive Director must respond to the appeal referred to in in subregulation (5) within fourteen working days of receipt of the appeal document.

[The word “in” is repeated before the phrase “subregulation (5)” in the *Government Gazette*.]

**Application for medical certificate**

**67.00.7** (1) An application for the issuing of a medical certificate must be made to the designated medical examiner on the appropriate form as determined by the Executive Director.

(2) An applicant who attends a medical examination or test for the issuing of a medical certificate must:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) produce proof of his or her identity;
- (b) submit the medical history and declaration set out in Document NAM-CATS 67, and
- (c) produce for inspection any licence held for which the certificate is required and the most recent medical certificate held, if any.

(3) The Executive Director or the aviation medical assessor may suspend or revoke the medical certificate of an applicant in terms of regulation 67.00.13, if the applicant made a false declaration in terms of paragraph (b) of subregulation (2).

(4) Subject to subregulation (2) of regulation 67.00.2 the designated medical examiner must issue a medical certificate to an applicant who complies with the appropriate medical requirements and standards.

**Issuing of medical certificate**

**67.00.8** (1) The designated aviation medical examiner must issue the medical certificate on the appropriate form determined by the Executive Director.

(2) The designated aviation medical examiner must within seven days from the end of the month in which the medical certificate has been issued sign and submit the original application together with any appropriate:

- (a) supporting medical reports; and
- (b) results of medical examinations or tests performed,

to the Executive Director or aviation medical assessor for verification purposes.

(3) If the medical report is submitted to the Executive Director in an electronic form, the submitting AME must provide adequate identification of himself or herself.

(4) If the medical examination is carried out by two or more designated aviation medical examiners, the Executive Director must designate one examiner to be responsible for coordinating the results of the examination, evaluating the findings with regard to medical fitness and signing the report.

(5) On receipt of the documents referred to in subregulation (2), the aviation medical assessor must verify that the holder of the medical certificate complies with the appropriate medical requirements and standards referred to in subregulation (6) of regulation 67.00.3.

(6) A medical certificate issued by the designated aviation medical examiner remains in force subject to any requirement or limitation endorsed on the certificate and for the period for which it was issued: Provided that the Executive Director or medical assessor, may -

- (a) if the medical certificate has been issued to an applicant who does not comply with the appropriate medical requirements and standards referred to in subregulation (6) of regulation 67.00.3, revoke the medical certificate; or
- (b) if medical conclusion requires that:
  - (i) medical examinations or tests be performed at shorter intervals;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) additional examinations or tests be performed; or
- (iii) when the safe performance of the duties essential to the operation of an aircraft, of the holder of the medical certificate, depends on compliance with any special limitation,

endorse the medical certificate with such requirement or limitation.

**Medical certificates**

**67.00.9** (1) If the designated aviation medical examiner has completed the medical examination and has concluded that the applicant for the medical certificate is medically fit the medical examiner must issue the medical certificate.

(2) The medical certificate issued in terms of subregulation (1) is valid as per the class of medical certificate referred to in regulation 67.00.3.

(3) The medical certificate holder must always carry the medical certificate with the applicable license.

(4) The medical certificate holder must renew the certificate within 30 days before the expiry date.

(5) The licence holder must notify the Authority on the confirmation of a pregnancy, or of any incapacitating injury or illness experienced for a period of 20 consecutive days or more.

(6) All incapacitating events automatically result in temporary unfitness and the holder of the medical certificate must stop using the privileges of his or her licence and certificate with immediate effect.

**Re-examination of license holder**

**67.00.10** (1) The aviation medical assessor may require a medical certificate holder to undergo a re-examination at any time if, in the opinion of the medical examiner there is a reasonable basis to question the holder's ability to meet the medical standards.

(2) Only an aviation medical assessor may order a re-examination referred to in subregulation (1).

**Replacement of medical certificates**

**67.00.11** (1) Upon application by the medical certificate holder the Executive Director or the designated aviation medical examiner may issue a duplicate valid medical certificate in respect of medical certificates that are lost or accidentally destroyed.

(2) The application for the duplicate of a medical certificate must be sent to the licensing department of the Authority, and must contain the following information -

- (a) full names of the holder;
- (b) date of birth of the holder;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) class of certificate;
- (d) place and date of examination;
- (e) name of the examiner: and
- (f) sworn affidavit of the circumstances under which the original certificate was lost or destroyed.

(3) The Executive Director or the designated aviation medical examiner must issue a duplicate medical certificate upon receipt of the holder's request and the fee as prescribed in Part 187.

(4) The duplicate medical certificate is issued as a duplicate of the missing certificate and must bear the same date of examination regardless of when it is issued.

**Medical certificate applicant and holder rights and responsibilities**

**67.00.12** (1) An applicant for a medical certificate and presenting themselves to the designated aviation medical examiner for a medical examination is entitled to:

- (a) expect that the aviation medical examiner will examine him or her in accordance with the medical standards as prescribed in regulation 67.00.3;
- (b) expect that the aviation medical examiner is current with the general medical knowledge, the knowledge of aviation medicine, international standards and the Regulations;

[The word "the" before the phrases "general medical knowledge" and "knowledge of aviation medicine" is superfluous.]

- (c) expect the aviation medical examiner to advise him or her of the best options available applicable to his or her case and discuss each option and all procedures in details and discuss the effectiveness of any medications and possible implications on his or her health and flight safety;

[The phrase "in details" should be "in detail".]

- (d) expect that good management techniques will be implemented in the designated AME clinic, considering effective use of time and to avoid personal discomfort;
- (e) be examined by any of the aviation medical examiners at any of the designated AME's clinics;
- (f) expect that treatment records are confidential and that records may only be disclosed as required by law and by the Regulations;
- (g) expect that when records are released to others it must be emphasised that the records are confidential;
- (h) privacy; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(i) express a complaint and receive a response without fear of being compromised, and all complaints must be forwarded to the licensing department of the Authority.

(2) The applicant for a medical certificate or a medical certificate holder may not -

- (a) disengage from the designated aviation medical examiner in the middle of an examination and switch to another aviation medical examiner;
- (b) once a decision is given by one designated aviation medical examiner, submit for the same examination to another aviation medical examiner falsifying the medical examiners statement and pretending to be appearing for the medical examination for the first time.

**[The term “medical examiners statement” should be “medical examiner’s statement” (with an apostrophe).]**

(3) In the cases referred to in subregulation (2), the applicant for a medical certificate will be in violation of the Regulations and the provisions of regulation 67.00.13 apply.

(4) In case of paragraph (b) of subregulation (2) having occurred, the examination performed by the second aviation medical examiner is invalid.

**[The word “the” appears to have been omitted between the words “in” and “case”.]**

(5) A designated aviation medical examiner knowingly conducting a medical examination on an applicant for a medical certificate in a case where that applicant has completed a medical examination with another aviation medical examiner will be dealt with in accordance with regulation 67.00.15.

(6) Any applicant for a medical certificate who is not satisfied with the decision given by the designated aviation medical examiner has the right to appeal to the Executive Director within ten days of the examination.

(7) On receipt of an appeal in terms of subregulation (6), the Executive Director after careful assessment of the case must review the decision appealed against and if he or she considers is necessary, may request that the applicant be examined by another designated aviation medical examiner.

**[The phrase “considers is necessary” was probably intended to be “considers it necessary”.]**

(8) The expenses of any additional medical examinations in the case of an appeal in terms of subregulation (6) must be borne by the applicant.

(9) Any applicant for a medical certificate who is not satisfied with the test results of one laboratory is entitled to ask the designated aviation medical examiner to repeat the same test with a different laboratory.

(10) The expenses for a repeat testing in terms of subregulation (9) must be borne by the applicant and the results of both or all tests must be submitted to the Authority.

(11) An applicant for a medical certificate who is not satisfied with the decision regarding his or her medical fitness or the limitations imposed during the course of a routine medical

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

examination or through a board established by the Authority for this purpose has the right to query the results with the designated AME or an designated aviation medical assessor.

**[The article “an” before the phrase “designated aviation medical assessor” should be “a”.]**

(12) Limitations imposed on a medical certificate may be lifted once it is determined by the designated AME or aviation medical assessor that there is no need for the limitations.

(13) The applicant for a medical certificate must -

- (a) treat the designated aviation medical examiner with courtesy and respect;
- (b) present accurate identifying information;
- (c) inform the designated aviation medical examiner of any changes to name, address, telephone number or e-mail address within seven days of occurrence of the change;
- (d) present illness or complaint in every detail including information about his or her health, including past illnesses, hospital stays, and the use of medicine and may not deliberately hold any information back;
- (e) ensure that the renewal of the medical certificate is completed on time;
- (f) comply with any recommendations regarding follow up and investigations provided by the designated AME;
- (g) ask for clarification when needed before completion of the examination form; and
- (h) carry the medical certificate on his or her person when carrying out his or her duties as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be.

(14) The license holder may not under any circumstances act as a pilot-in-command, or in any other capacity as a flight crew member, an air traffic service personnel member or a cabin crew member:

- (a) while he or she is aware of any medical condition or medication which could affect the validity of such medical certificate;
- (b) while she is pregnant during periods and under circumstance set out in Document NAM-CATS 67;

**[The word “circumstance” should be “circumstances”.]**

- (c) if the holder has given birth in the preceding six weeks; or
- (d) after a medical certificate has expired.

(15) License holders or student pilots may not exercise the privileges of their licence, rating or authorisation at any time when they are aware of any decrease in their medical fitness which might render them unable to safely exercise those privileges and they must seek the advice of the Authority or a designated aviation medical examiner when becoming aware of the need to undergo:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a surgical operation or invasive procedure:

**[The colon at the end of paragraph (a) should be a semicolon.]**

- (b) all procedures requiring the use of a general or spinal anesthetic, and in this case may not fly for at least 48 hours;
- (c) all procedures requiring local or regional anesthetic, such as a visit to dentist requiring an injection and, in this case, may not fly for at least 12 hours;

**[The word “a” appears to have been omitted before the word “dentist”.]**

- (d) the regular use of medication;
- (e) regular use of correcting lenses;
- (f) hospital or clinic admission for more than 12 hours;
- (g) any injury which requires medical attention;
- (h) pregnancy;
- (i) absence due to illness for a period of more than 21 days; or
- (j) psychiatric treatment, which renders such holder unable to comply with the appropriate medical requirements and standards referred to in regulation 67.00.3 and its associated technical standards contained in Document NAM-CATS 67.

(16) For all the conditions mentioned in subregulation (15), the medical certificate holder must, before such holder resumes exercising the privileges of the licence held by him or her, furnish the Executive Director or aviation medical assessor with proof that he or she has fully recovered from the illness or disease of circumstance in medical fitness or provide proof of any exemption or waiver granted in that regards.

**[The word “disease” is misspelt in the *Government Gazette*, as reproduced above. The phrase “of circumstance in medical fitness” does not appear to fit the context; it is not clear what was intended. The phrase “in that regards” should be “in that regard”.]**

- (17) A medical certificate holder may not -
  - (a) consume any alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgment or affecting the performance of his or her duties less than 12 hours prior to the specified reporting time for operational duty or the commencement of a shift;
  - (b) commence an operational duty while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,02 gram per 100 milliliters;
  - (c) consume alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties during the operational duty period or whilst on standby for operational duty; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) commence an operational duty period while under the influence of alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties.

(18) Medical certificate holders may not -

- (a) exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise the privileges; and
- (b) engage in any problematic use of substances.

(19) Medical certificate holders may not exercise the privileges of their licences and related ratings while suffering from any of the medical conditions or using any medications set out in in Document NAM-CATS 67, unless the existence of any such medical condition or the use of such medication has been declared, and evaluated, by the designated aviation medical examiner and determined by the aviation medical examiner to be not adverse to aviation safety.

[The word “in” is repeated before the phrase  
“Document NAM-CATS 67” in the *Government Gazette*.]

**Suspension or cancellation of medical certificate**

**67.00.13** (1) The aviation medical assessor may suspend, where such power is delegated to him or her in terms of the Act, a medical certificate if there is a reasonable suspicion that the holder of the medical certificate does not comply with the requirements prescribed in this Part or makes a false declaration as prescribed in subregulation (1)(b) of regulation 67.00.7.

(2) Immediately following a suspension in terms of subregulation (1) the designated aviation medical assessor must report in writing the fact and circumstances of the suspension to the Executive Director.

(3) The designated aviation medical assessor may require the holder of a medical certificate whose certificate has been suspended in terms of this regulation, to undergo any medical examination at the holder’s expense, at a medical specialist chosen by the aviation medical assessor.

(4) A notice of the suspension of medical certificate referred to in subregulation (1) must be given in writing, stating the reason or reasons for the suspension.

[The word “the” appears to have been omitted before the term “medical certificate”.]

(5) Despite subregulation (3), the designated aviation medical assessor may notify the medical certificate holder of the suspension: Provided that a written notification of such suspension is submitted to the holder immediately.

(6) A person whose medical certificate is suspended in terms of subregulation (1) may appeal to the Executive Director against the suspension within 14 days from the date of the suspension.

(7) The powers of suspension contained in this regulation are without prejudice to the powers of the Executive Director under the Act to suspend, revoke or impose conditions on any aviation document.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Period of validity of medical records**

**67.00.14** The records of medical examinations are for the purpose of issuing a medical certificate valid for a period not exceeding 90 days, and a medical certificate may not be issued after this period on the records of such examination.

**Designation of aviation medical examiners**

**67.00.15** (1) The Executive Director may, after consultation with the designated aviation medical assessor, designate aviation medical examiners to perform medical examinations or tests required for the issuing of medical certificates.

(2) The requirements relating to the designation referred to in subregulation (1) are as set out in Document NAM-CATS 67.

(3) The Executive Director must sign and issue to each designated aviation medical examiner a document which must state the full name of such aviation medical examiner and contain a statement that:

- (a) such aviation medical examiner has been designated in terms of subregulation (1); and
- (b) such aviation medical examiner is empowered to:
  - (i) perform the medical examination or test required for the issuing of the appropriate medical certificate;
  - (ii) subject to the provisions of regulation 67.00.8, issue such medical certificate; or
  - (iii) defer the issuing of such medical certificate pending an appropriate recommendation from the aviation medical assessor, designated organisation.

(4) In considering an application for designation as an aviation medical examiner the Executive Director may conduct any investigation that he or she considers necessary and this investigation may include pre-audits to assess competence, suitability of the facility, equipment and personnel prior to designation.

(5) The aviation medical assessor must conduct periodic oversight of the competence of all designated aviation medical examiners to assess suitability of their facilities, equipment and training of their personnel.

[The word “the” appears to have been omitted before the word “suitability”.]

(6) The conditions and requirements for and the rules, procedures and standards connected with the competence, suitability of the facility, equipment and training of the personnel as referred to in subregulation (2) must be as set out in Document NAM-CATS 67.

(7) An application for designation in terms of this regulation must be made in accordance with the requirements, rules, procedures and standards set out in Document NAM CATS 67, and must be accompanied by the applicable fee, as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Validations**

**67.00.16** (1) The Executive Director may recognise any or medical examiner foreign medical report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating or converting a foreign flight crew member's licence, air traffic service personnel member's licence or cabin crew member's licence.

(2) If, because of duty in a State or territory outside Namibia, deferral has been made for the issuing of a Namibian medical certificate for a flight crew member or a cabin crew member such deferral may not exceed:

- (a) a single period of six months in the case of a flight crew member of an aircraft used in non-commercial operations;
- (b) two consecutive periods, each of three months:
  - (i) in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial operations: Provided that in each case a favourable medical report is obtained after examination by a designated examiner of the area concerned; or
  - (ii) in cases where such a designated medical examiner is not available, by a physician legally qualified to practice medicine in that area; and
- (c) in the case of a private pilot, a single period not exceeding 24 months where the medical examination is carried out by an examiner designated by the relevant State in which the applicant is temporarily located.

(3) Following the expiry of the periods referred to in subregulation (2), an applicant for a validation in terms of this regulation must undergo the appropriate Namibian medical examination as soon as he or she returns to Namibia.

(4) The appropriate authority or medical examiner who issued the report referred to in subregulation (1) must send the report to the Executive Director for review.

**Foreign medical examinations**

**67.00.17** (1) The Executive Director may recognise any foreign medical report, history, examination form and investigations issued by an appropriate authority for the purposes of renewing a flight crew member's licence.

(2) This regulation applies to flight crew members who already hold a Namibian licence and are based outside the borders of Namibia and are unable, for any reason, to come to Namibia to undergo a medical examination.

(3) If subregulation (2) applies, the flight crew member must submit to the Executive Director all the medical records, which may include, but is not limited to, a history and examination form signed by both the licence holder and the examining medical practitioner registered with the appropriate authority, and all relevant investigations.

[The verb "is" should be "are" to accord with the subject "medical records":  
"the medical records, which may include, but **are** not limited to...".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The Executive Director must confirm that all the Namibian standards have been met by the licence holder referred to in subregulation (1).

(5) All medical records for the purpose of this subregulation submitted in terms of this regulation must be in the English language, or if originally in a foreign language, translated into the English language by an appropriate person who must then authenticate the translation with his or her signature.

(6) The Executive Director may refuse to recognise any foreign medical records for the purpose of this regulation where, in his or her opinion, doubt exists as to their authenticity.

(7) Flight crew members who have undergone an examination by a Namibian designated aviation medical examiner based in a foreign country and have been issued with the appropriate medical certificate are deemed to have undergone a Namibian medical examination.

**Medical confidentiality**

**67.00.18** (1) Designated aviation medical examiners must:

- (a) respect medical confidentiality, at all times and at every stage of the handling of the applicant's or the holder documents before, during, or after their examination and certification;

[The word "holder" should be "holder's" (possessive).]

- (b) securely hold medical reports and accessibility of such records must be restricted to authorised personnel;
- (c) personally conduct all the examination for all the medical assessments in an approved facility or clinic, where confidentiality of the applicant's medical information is respected;

[The singular word "examination" should be plural.]

- (d) when completing an aeromedical assessment forward the original medical report form to the Authority and the record must be accompanied by a photocopy of the medical certificate issued to the applicant;
- (e) ensure that all the medical reports are accompanied by the original of the Electrocardiogram (ECG) and the audiogram, and is sealed securely in an envelope, or electronically;

[The verb "is" should be "are" to accord with the subject "medical reports".]

- (f) keep a record of all the medical examinations done in his or her clinic for at least a period of five years; and
- (g) securely keep the medical reports in a specific location, allowing access to authorised person only.

(2) The medical information contained in the Authority's files remains the property of the Authority and must be released only with the permission of the holder of the medical certificate or applicant for medical certificate.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The word “the” appears to have been omitted before the final term “medical certificate”.]**

(3) Except as provided in subregulation (4), all information provided by or on behalf of an applicant for a medical certificate, which is personal medical information, is confidential, and may be used only in respect of the medical certificate and the entire medical certification process, unless otherwise authorised by the applicant.

(4) The designated aviation medical assessor must ensure that the information referred to in subregulation (1) and which is kept by such medical examiner, is protected: Provided that -

- (a) if such medical information appears to be fraudulent, false or misleading, or
- (b) if such medical information discloses a risk of jeopardy to aviation safety, or
- (c) if such medical information is necessary for the purpose of an appeal in terms of regulation 67.00.13 or an appeal in terms of the Act against the suspension or revocation of, or the imposition of a condition upon, an aviation document,

the aviation medical assessor must without delay release to the Executive Director such information for appropriate investigation and action.

(5) When justified by operational considerations, the aviation medical assessor must determine to what extent pertinent medical information is presented to the relevant officials of the Authority.

(6) The Authority must control the release of information between designated aviation medical examiners.

(7) If the applicant for a medical certificate changes his or her designated aviation medical examiner, the new aviation medical examiner must request the former aviation medical examiner officially to release any confidential medical information related to the applicant, subject to the applicant's permission.

(8) The Authority must be informed of changes referred to in subregulation (7).

**Substance abuse and suspected substance abuse**

**67.00.19** (1) If there is a reasonable suspicion that the medical certificate holder is abusing substances, and as a result poses a risk to aviation safety, the designated aviation medical assessor must require such holder to undergo substance abuse testing as set out in Document NAM-CATS 67.

(2) Reasonable suspicion referred to in subregulation (1) may consist of the following, but is not limited to -

- (a) an individual reasonably suspected of substance use by others;
- (b) physical, behavioral and performance indicators;
- (c) direct observation of substance use and physical symptoms;
- (d) a pattern of abnormal conduct or erratic behaviour;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) arrest or conviction for a drug related offence;
- (f) being the target of a criminal investigation for offence related to abuse of substances;

[The word “an” appears to have been omitted before the word “offence”.]

- (g) evidence of tampering with previous substance test specimen; and

[The word “a” appears to have been omitted before the term “previous substance test specimen”.]

- (h) evidence of rehabilitation.

(3) The medical certificate holder referred to in subregulation (1) must submit himself or herself within 48 hours of being required to do so to a collection officer appointed by the Executive Director, or to designated an aviation medical examiner for preliminary substance abuse testing at the holder’s expense, as set out in Document NAM-CATS 67.

(4) A medical certificate holder who has undergone preliminary testing in terms of the subregulation (3) must be informed of the results within three days of receipt of the results.

(5) The designated aviation medical assessor may suspend the medical certificate of a person who has received a non-negative result and such person must be required to undergo further confirmatory testing.

(6) The medical certificate holder who has received a negative result must be refunded the medical expenses incurred for collection and analysis of specimen in respect of the substance abuse testing.

[The word “the” appears to have been omitted before the term “specimen”.]

(7) The medical certificate holder who submits himself or herself after 48 hours of being required to do so is required to undergo confirmatory testing, as set out in the Document NAM-CATS 67.

(8) An designated aviation medical assessor may suspend, for a period of not more than 12 months, the medical certificate of a person who refuses to submit himself or herself to a substance abuse testing after being required to do so and must immediately report in writing to the Executive Director the facts and circumstances of such suspension.

[The word “An” at the beginning of subregulation (8) should be “A”.]

(9) The holder of a medical certificate whose medical certificate is suspended in terms of subregulation (5) or (8) may appeal to the Executive Director against the suspension within 14 days from the date of the suspension.

(10) The provisions of regulation 185.00.6 apply with changes required in the context to an appeal lodged in terms of subregulation (9).

(11) The powers of suspension contained in this regulation are without prejudice to the powers of the Executive Director under the Act to suspend, revoke or impose conditions on any aviation document.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(12) The site and specimen collection, packaging, transport and laboratory analysis must be done as set out in Document NAM-CATS 67.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**RULES OF THE AIR AND GENERAL OPERATING RULES**

**PART 71**

**RULES OF THE AIR AND GENERAL OPERATING RULES:  
AIRSPACE AND AIR ROUTES**

**[Part 71 is inserted by GN 89/2020.]**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 71.01.1 Definitions for this Part
- 71.01.2 Purpose
- 71.01.3 Applicability

**SUBPART 2: AIRSPACE STANDARDS AND METHODS**

- 71.02.1 Airspace classification: standards
- 71.02.1 Aerodrome services: standards
- 71.02.3 Boundaries of designated airspace
- 71.02.4 Airspace classification and aerodrome services: methods

**SUBPART 3: DESIGNATION OF AIRSPACES**

- 71.03.1 General
- 71.03.2 Flight information region
- 71.03.3 Control areas
- 71.03.4 Control zones
- 71.03.5 VFR transit lanes
- 71.03.6 General aviation areas
- 71.03.7 Subsidiary airspace designations
- 71.03.8 Identification of air traffic services units and airspaces

**SUBPART 4: AIRSPACE CLASSIFICATION**

- 71.04.1 Class A airspace
- 71.04.2 Class B airspace
- 71.04.3 Class C airspace
- 71.04.4 Class D airspace
- 71.04.5 Class E airspace
- 71.04.6 Class F airspace
- 71.04.7 Class G airspace

**SUBPART 5: SPECIAL USE AIRSPACE**

- 71.05.1 General
- 71.05.2 Prohibited Areas
- [In the heading of this regulation in the text below, the word “Areas” is not capitalised.]**
- 71.05.3 Restricted areas
- 71.05.4 Danger areas
- 71.05.5 Low flying zones
- 71.05.6 Civil activity use airspace

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

71.05.7 Details to be entered into register

**SUBPART 6: REQUIREMENTS SUPPORTING ATC SURVEILLANCE**

- 71.06.1 Transponder mandatory airspace within controlled airspace
- 71.06.2 Transponder mandatory airspace within special use airspace
- 71.06.3 Operation of automatic dependent surveillance: broadcast (ADS-B) equipment within controlled airspace

**SUBPART 7: AIR ROUTES**

- 71.07.1 Establishment of air traffic services routes (ATS routes)  
[The heading of this regulation in the text below is "Establishment of air routes (ATS routes)".]

**SUBPART 8: MISCELLANEOUS**

- 71.08.1 Reporting points
- 71.08.2 Area QNH zones
- 71.08.3 Military operating zones
- 71.08.4 Mandatory broadcast zones
- 71.08.5 Designation of volcanic hazard zones

**SUBPART 9: ADMINISTRATION**

- 71.09.1 Application for designation and classification of airspace
- 71.09.2 Procedure for designation and classification of airspace
- 71.09.3 Delegation of responsibility for temporary designation or classification of airspace
- 71.09.4 Review of designated and classified airspace
- 71.09.5 Withdrawal of designations and change of airspace classification
- 71.09.6 Application for designation of an air route  
[The heading of this regulation in the text below is  
"Application for designation of air route" (without the word "an").]
- 71.09.7 Procedure for designation of ATS routes

**SUBPART 10: AIR NAVIGATION REGISTER**

- 71.10.1 Air Navigation Register

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**71.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-AAR.

(2) For this Part, airspace and an aerodrome are associated if the airspace is used by aircraft arriving at or departing from the aerodrome.

**Purpose**

**71.01.2** (1) This Part prescribes the requirements and methods to be used -

- (a) when, in order to meet the requirements of Part 172 -
  - (i) the airspace is to be classified so that appropriate air traffic services will be provided in the airspace; and
  - (ii) a determination is to be made that certain air traffic services must be provided at an aerodrome and in airspace associated with that aerodrome;
- (b) to specify the boundaries of airspace that is to be, or will be used in a particular way; and
- (c) to decide whether a determination is to be made that -
  - (i) broadcast requirements apply in particular airspace or at an aerodrome; and
  - (ii) radio services must be provided at an aerodrome.

(2) This Part also provides for the Executive Director to, pursuant to section 38(6) of the Act, issue aviation directives on -

- (a) the use of airspace;
- (b) broadcasts that must be made in airspace and at aerodromes;
- (c) the use of air routes; and
- (d) conditions or restrictions that apply regarding the use of air routes.

**Applicability**

**71.01.3** (1) This Part applies to -

- (a) the classification and designation of airspace -
  - (i) in Namibia;
  - (ii) in the airspace over the high seas administered by Namibia;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services;
- (b) except as specified in subregulation (2), the development and establishment of air routes -
  - (i) in Namibia;
  - (ii) in the airspace over the high seas administered by Namibia;
  - (iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services.
- (2) This Part does not apply to the creation of -
  - (a) terminal area air routes or procedures constructed under the provisions of Part 173; or
  - (b) air routes, terminal area air routes or procedures for use by military aircraft operating in airspace designated for use by the Namibia Defence Force.

**SUBPART 2**  
**AIRSPACE STANDARDS AND METHODS**

**Airspace classification: standards**

- 71.02.1** The standards to be applied for airspace classification are -
- (a) the standards set out in this Part and in Document NAM-CATS-AAR; and
  - (b) the provisions of Part 172 regarding the classification of airspaces.

**Aerodrome services: standards**

**71.02.2** The standards to be applied for a determination that an air traffic service must be provided at an aerodrome are -

- (a) the standards set out in Document NAM-CATS-AAR; and
- (b) the provisions of Part 172 regarding the designation of the portions of the airspace and controlled aerodromes where air traffic services are provided.

**Boundaries of designated airspace**

**71.02.3** (1) Airspace boundaries, including airspace that is to be any of the following kinds, must be specified according to specifications set out in Document NAM-CATS-AAR -

- (a) a control area;
- (b) a control zone; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) airspace that is above or below a restricted area, or above a prohibited area or danger area.
- (2) The lateral limits of airspace designated under this Part are defined by -
  - (a) geographical co-ordinates in degrees, minutes, and seconds; and
  - (b) any one or more of the following:
    - (i) prominent geographical line features;
    - (ii) a circle or any part of a circle of specified radius around a geographical coordinate;
    - (iii) a great circle between two points; and
    - (iv) a parallel of latitude.
- (3) The vertical limits of airspace designated under this Part are defined by heights, altitudes, or flight levels.
- (4) Unless otherwise specified, the expression of a vertical limit to a height, altitude or flight level includes that height, altitude or flight level.
- (5) Where airspace volumes of different classifications are contiguous vertically, an aircraft operating at that boundary level must be considered to be operating in, and subject to the rules of, the higher classification of airspace.

**Airspace classification and aerodrome services: methods**

**71.02.4** The methods set out in Document NAM-CATS-AAR must be used for airspace classification, and for any of the following determinations:

- (a) that an air traffic service must be provided at an aerodrome;
- (b) that a flight information radio service must be provided at an aerodrome; and
- (c) that a control area or control zone is an area within which certain mandatory radio calls are required.

**SUBPART 3**  
**DESIGNATION OF AIRSPACES**

**General**

**71.03.1** (1) If the Executive Director determines that an air traffic control service is required in a portion of airspace within a flight information region, the Executive Director must -

- (a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart; and
- (b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) If another ICAO contracting State provides an air traffic control service for any portion of airspace within the territorial airspace of Namibia, the Executive Director must -

- (a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart after consulting with the other State; and
- (b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

(3) The Executive Director may designate portions of airspace within a control area or control zone as a specific sector to facilitate air traffic management.

(4) Except as provided in subregulation (5), a control area or control zone becomes uncontrolled class G airspace during those times when an air traffic control service is not being provided within that control area or control zone.

(5) The Executive Director may direct that when an air traffic control service is not being provided within a control area or control zone, that airspace be reclassified as restricted airspace area.

(6) For each portion of airspace designated as a control area or control zone, the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone.

**Flight information region**

**71.03.2** (1) The Executive Director must publish in the aeronautical information publication (AIP), the flight information region established on the basis of the ICAO regional air navigation plan and which covers the whole of the air route structure to be served.

(2) The flight information region must include all airspace within its lateral limits.

(3) The Executive Director must publish the flight information region, airspace volume or air route structure in accordance with the aeronautical information regulation and control (AIRAC) cycle in an AIP, AIP Supplement or a notice to airmen (NOTAM).

**Control areas**

**71.03.3** (1) The Executive Director must delineate control areas, including airways and terminal control areas so as to encompass sufficient airspace to contain the flight paths of those flights operating under instrument flight rules (IFR) or portions thereof, to which it is desired to provide the applicable parts of the air traffic control service, taking into account the capabilities of the navigation aids normally used in that area.

(2) The Executive Director may, in a control area other than one formed by a system of airways, establish a system of routes to facilitate the provision of air traffic control.

(3) The Executive Director may specify a control area designated under this Part as -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a terminal control area, if the Executive Director determines that an approach control service is required at the confluence of air traffic services (ATS) routes in the vicinity of one or more major aerodromes;
- (b) an upper control area, if the Executive Director determines that an area control service is required; or
- (c) an oceanic control area, if the Executive Director determines that an area control service is required over the high seas.
- (4) The Executive Director must establish an upper limit of a control area when either -
  - (a) an air traffic control service will not be provided above such upper limit; or
  - (b) the control area is situated below an upper control area, in which case the upper limit must coincide with the lower limit of the upper control area.
- (5) The upper limit of a control area in Namibia pursuant to subregulation (4) may not exceed flight level 460.
- (6) The lower limit of a control area must -
  - (a) be at least 500 feet below the flight paths of instrument flight rules (IFR) flights that the Executive Director determines to require an air traffic control service;
  - (b) be established at -
    - (i) the highest practical altitude; and
    - (ii) not less than 700 feet above ground or water;
  - (c) when practicable and desirable, be established at a greater height than the minimum specified in paragraph (b)(ii) in order to allow freedom of action for flights operating under visual flight rules (VFR) below the control area; and
  - (d) when the lower limit of a control area is above 3 000 feet above mean sea level (AMSL), coincide with a VFR cruising altitude or flight level prescribed in Part 91.
- (7) If a portion of airspace below a control area is designated as another control area, the upper limit of the lower control area must extend to the lower limit of the control area directly above it.

**Control zones**

**71.03.4** (1) The Executive Director may designate as a control zone that portion of airspace around an aerodrome if -

- (a) the Executive Director determines that an aerodrome control service or an aerodrome and approach control service is required; and
- (b) the traffic density and pattern requires controlled airspace.

[The verb “requires” should be “require” to accord with the subject “traffic density and pattern”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A control zone must be as small as is practicable consistent with the need to protect the flight paths of IFR flights arriving at and departing from the aerodrome.

(3) The lateral limits of a control zone must -

- (a) encompass at least those portions of the airspace that are not within a control area containing the paths of IFR flights arriving at and departing from the aerodrome under instrument meteorological conditions (IMC);
- (b) extend to at least five nautical miles from the centre of the aerodrome in the directions from which instrument approaches may be made; and
- (c) take into account the category of IFR aircraft using the aerodrome and the areas of airspace that need to be protected for those IFR flights.

(4) Prominent geographical features must be used, where practical, to define the lateral limits of a control zone.

(5) A control zone with an upper limit above 3000 feet AMSL must coincide with a VFR cruising altitude or flight level prescribed in Part 91.

(6) A control zone may include two or more aerodromes situated close together.

(7) If a control zone is located within the lateral limits of a control area, it must extend upwards from the surface of the earth to at least the lower limit of the control area.

(8) If a control zone is located outside of the lateral limits of a control area, an upper limit must be established.

(9) If -

- (a) the Executive Director desires to establish the upper limit of a control zone at a level higher than the lower limit of the control area established above it; or
- (b) the control zone is located outside of the lateral limits of a control area,

its upper limit must be established at a level which can easily be identified by pilots and when this limit is above 3 000 feet above mean sea level, it must coincide with a VFR cruising level as described in Part 91.

**VFR transit lanes**

**71.03.5** (1) The Executive Director may designate a portion of controlled airspace as a visual flight rules (VFR) transit lane for either or both of the following purposes:

- (a) separating transiting VFR traffic from arriving and departing IFR flights; and
- (b) permitting transiting VFR traffic to operate within the VFR transit lane without requiring an air traffic control (ATC) clearance.

(2) A VFR transit lane must be clear of airspace that encompasses IFR arrival and departure procedures within that controlled airspace.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (3) The Executive Director must -
  - (a) ensure that buffer zones are provided between the nominal flight paths of arriving and departing IFR flights and each VFR transit lane; and
  - (b) identify each VFR transit lane by the ICAO nationality letters of Namibia (FY) followed by the letter "T" followed by a number.
- (4) A VFR transit lane is class G airspace and may only be active during the day.

**General aviation areas**

**71.03.6** (1) The Executive Director may designate a portion of controlled airspace as a general aviation area for the purpose of allowing VFR flights access to a portion of previously controlled airspace without the requirement for an ATC clearance.

- (2) For each general aviation area, the Executive Director must -
  - (a) specify, at the time that the Executive Director designates the airspace, which air traffic control unit has responsibility for providing the air traffic control service over the area;
  - (b) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter G followed by a number; and
  - (c) specify that the area is active -
    - (i) permanently during the day;
    - (ii) by approval of the ATC unit responsible for the airspace; or
    - (iii) by prior notification from an airspace user to the ATC unit responsible for the airspace.
- (3) A general aviation area -
  - (a) may only be active during the day; and
  - (b) is class G airspace while the area is active.

**Subsidiary airspace designations**

**71.03.7** (1) If the Executive Director considers it necessary in the interests of aviation safety, air traffic management, or in accordance with international agreements, the Executive Director may designate any controlled airspace or portion of controlled airspace as any of the following:

- (a) Required Navigation Performance (RNP) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;
- (b) Performance Based Navigation (PBN) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) Reduced Vertical Separation Minima (RVSM) airspace, on consideration of air traffic density and ATS route structure, and aircraft altimetry system accuracy;
- (c) Required Communication Performance (RCP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned; and

[There are two paragraphs labelled as “(c)” in the *Government Gazette*, as reproduced above.]

- (d) Required Surveillance Performance (RSP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned.

(2) The designation of subsidiary airspaces under subregulation (1) must take into account the requirements and standards for airspace safety and conformance monitoring prescribed in Part 172.

**Identification of air traffic services units and airspaces**

**71.03.8** (1) For each portion of airspace designated as a control area or control zone the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone in accordance with this Subpart.

(2) The Executive Director must pursuant to subregulation (1), publish in the AIP, the control areas and control zones designated under that subregulation, including the air traffic control units that have responsibility for providing air traffic control services within those control areas and control zones.

(3) An area control centre or flight information centre must be identified by the name of a nearby town or city or geographic feature.

(4) An aerodrome control tower or approach control unit must be identified by the name of the aerodrome at which it is located.

(5) A control area or control zone must be identified by -

- (a) the ICAO nationality letters of Namibia (FY) followed by the letter “A” followed by a number; and
- (b) the name of the air traffic control unit providing the air traffic control service within that control area or control zone.

**SUBPART 4**  
**AIRSPACE CLASSIFICATION**

**Class A airspace**

**71.04.1** Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class A airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) separation is required between all flights; and
- (b) VFR flights are not permitted.

**Class B airspace**

**71.04.2** Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class B airspace, if the Executive Director considers it necessary in the interests of aviation safety that separation is required between all flights.

**Class C airspace**

**71.04.3** Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class C airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between -
  - (i) IFR flights;
  - (ii) IFR and VFR flights;
  - (iii) IFR and special VFR flights; and
  - (iv) special VFR flights when the flight visibility is reported to be less than five kilometres; and
- (b) traffic information must be provided to VFR flights about other VFR flights; and
- (c) traffic avoidance advice must be provided to VFR flights on request.

**Class D airspace**

**71.04.4** Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class D airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between -
  - (i) IFR flights;
  - (ii) IFR and special VFR flights; and
  - (iii) special VFR flights when flight visibility is reported to be less than five kilometres.
- (b) traffic information must be provided to -
  - (i) IFR flights about VFR flights;
  - (ii) VFR flights about IFR flights; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(iii) VFR flights about other VFR flights;

(c) traffic avoidance advice must be provided to IFR and VFR flights on request.

**Class E airspace**

**71.04.5** Any portion of airspace that is designated as a control area under regulation 71.03.3 must be classified as Class E airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between IFR flights; and
- (b) traffic information must be provided, where practical, to -
  - (i) IFR flights about VFR flights;
  - (ii) VFR flights about IFR flights; and
  - (iii) VFR flights about other VFR flights.

**Class F airspace**

**71.04.6** The Executive Director may classify any portion of uncontrolled airspace as Class F airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) IFR flights within the airspace need to receive an air traffic advisory service; and
- (b) all flights within the airspace should receive a flight information service if requested.

**Class G airspace**

**71.04.7** The Executive Director may classify as Class G airspace any uncontrolled airspace that is not Class F airspace and where -

- (a) IFR flights are entitled to receive a flight information service; and
- (b) VFR flights are entitled to receive a flight information service on request.

**SUBPART 5**  
**SPECIAL USE AIRSPACE**

**General**

**71.05.1** (1) The Executive Director may designate special use airspace under this Subpart, if the Executive Director considers such designation of special use airspace is necessary -

- (a) in the interests of the safety or security of civil aviation;
- (b) in the interests of national security; or
- (c) for any other reason in the public or national interest.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must ensure that each portion of airspace designated under this Subpart is as small as is practicable consistent with the activities for which the area is required.

(3) Airspace designated by the Executive Director under this Subpart must be identified by an alphanumeric designator that is not being used to identify any other portion of airspace designated under this Part.

**Prohibited areas**

**71.05.2** (1) The Executive Director may declare a portion of airspace as a prohibited area to prohibit the activities of aircraft within that area.

(2) Where the Executive Director declares a portion of airspace as a prohibited area, he or she must -

- (a) specify the administering authority responsible for each prohibited area; and
- (b) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "P" followed by a number.

**Restricted areas**

**71.05.3** (1) The Executive Director may designate a portion of airspace within the territorial limits of Namibia as a restricted area to restrict access to an area, or restrict the activities of aircraft within that area.

(2) The Executive Director may impose conditions under which -

- (a) aircraft may be permitted to fly within that restricted area; and
- (b) the administering authority responsible for the restricted area must operate.

(3) The Executive Director must -

- (a) specify the type of activity for which each restricted area is designated;
- (b) specify the administering authority responsible for each restricted area; and
- (c) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "R" followed by a number.

(4) The administering authority responsible for a restricted area -

- (a) must manage -
  - (i) the entry of aircraft into the restricted area;
  - (ii) the operation of aircraft within the restricted area; and
  - (iii) the exit of aircraft from the restricted area;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) must, if the restricted area is designated as being made active by a NOTAM, at least 24 hours before the restricted area is to become active, give to the NOTAM office notice of that restricted area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and
- (c) may, within any conditions imposed by the Executive Director under subregulation (2), impose conditions under which an aircraft may be operated within the restricted area.

**Danger areas**

**71.05.4** (1) The Executive Director may designate a portion of airspace as a danger area to notify operators that there is a potential danger to aircraft flying in the area.

- (2) The Executive Director must -
  - (a) specify the nature of the danger for which each danger area is designated;
  - (b) if the Executive Director considers it necessary, nominate a using agency as the contact point for a danger area; and
  - (c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "D" followed by a number.
- (3) The using agency for a danger area must -
  - (a) be a person or organisation that is responsible for the activity that necessitated the danger area being so designated;
  - (a) ensure that the activities that necessitated the designation of the danger area are contained within that danger area; and

[There are two paragraphs labelled as "(a)" in the *Government Gazette*, as reproduced above.]

- (b) if the danger area is designated as being made active by a NOTAM, at least 24 hours before the danger area is to become active, give to the NOTAM office notice of that danger area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

**Low flying zones**

**71.05.5** (1) The Executive Director may designate a portion of airspace as a low flying zone where pilot training in low level manoeuvres may be conducted.

- (2) Where low flying zones have been designated, the Executive Director must -
  - (a) publish in the AIP, arrangements and conditions for use of the low flying zones; and
  - (b) identify each low flying zone by the ICAO nationality letters of Namibia (FY) followed by the letter "L" followed by a number.

**Civil activity use airspace**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**71.05.6** (1) The Executive Director may designate a portion of airspace for civil activity use airspace area where civilian aviation activities are to be conducted on a temporary or permanent basis.

(2) Where a civil activity use airspace area has been designated, the Executive Director must -

- (a) specify the nature of the activity for which each civil activity use airspace area is designated;
- (b) if necessary, nominate a using agency as the contact point for the area;
- (c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "A" followed by a number;
- (d) if necessary, issue a NOTAM for each temporary civil activity use airspace areas and publish an AIC; and
- (e) publish in the AIP, arrangements and conditions for use of the areas designated as permanent civil activity use airspace areas.

(3) In addition to the requirements of regulation 71.09.1, an application for the issuing of an approval to designate a civil activity use airspace area, must be -

- (a) made on the appropriate form determined by the Executive Director; and
- (b) accompanied by -
  - (i) the applicant's own comprehensive risk assessment;
  - (ii) written permission of the owner of the land over which the airspace is to be designated;

[The word "be" is misspelt as "de" in the *Government Gazette*, as reproduced above.]

- (iii) the aerodrome owner's permission when operations are within three kilometres of an aerodrome; and
- (iv) the appropriate fees prescribed in Part 187.

(4) The Executive Director may, when approving a designation, include any conditions as may be considered necessary in the interest of aviation safety.

(5) The Executive Director may refuse to grant an approval to designate a civil activity use airspace area, and where the application is refused, the Executive Director must notify the applicant in writing, indicating the reasons for the refusal.

(6) The using agency for civil activity use airspace area must -

- (a) be a person or organisation that is responsible for the activity that necessitated the civil activity use airspace area being so designated;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) ensure that the activities that necessitated the designation of the civil activity use airspace area are contained within that area; and
- (c) if the area is designated as being made active by NOTAM, at least 24 hours before the civil activity use airspace area is to become active, give to the NOTAM office notice of that designated area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

**Details to be entered into register**

**71.05.7** The Executive Director must enter details regarding any airspace designated as special use airspace into the register as provided for in Subpart 10.

**SUBPART 6**  
**REQUIREMENTS SUPPORTING ATC SURVEILLANCE**

**Transponder mandatory airspace within controlled airspace**

**71.06.1** (1) The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as transponder mandatory airspace if -

- (a) the operation of transponders is required for the provision of an air traffic control surveillance service; or
- (b) the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

(2) The Executive Director may require the carriage and operation of Mode A, Mode C or Mode S transponders in airspace designated under subregulation (1).

**Transponder mandatory airspace within special use airspace**

**71.06.2** The Executive Director may designate any portion of special use airspace as transponder mandatory airspace, if the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

**Operation of automatic dependent surveillance: broadcast (ADS-B) equipment within controlled airspace**

**71.06.3** The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as airspace within which the carriage and operation of automatic dependent surveillance: broadcast (ADS-B) transponders is mandatory, if the operation of ADS-B transponders is required for the provision of an air traffic control surveillance service.

[The phrase "is mandatory" should be "are mandatory" to accord with the subject "carriage and operation".]

**SUBPART 7**  
**AIR ROUTES**

**Establishment of air routes (ATS routes)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this regulation in the LIST OF REGULATIONS is  
"Establishment of air traffic services routes (ATS routes)".]

- 71.07.1** (1) The Executive Director must -
- (a) establish standards and procedures for the development and promulgation of -
    - (i) air routes (ATS routes) for use by instrument flight rules (IFR) aircraft within the airspace of Namibia and within international airspace for which Namibia has accepted responsibility;
    - (ii) standard arrival or departure routes to facilitate the transition between en-route airspace and terminal area airspace in the vicinity of airports;
    - (iii) routes to be flown by VFR aircraft, where required.
  - (b) publish those standards and procedures in Document NAM-CATS-AAR.
- (2) The Executive Director must -
- (a) establish standards and procedures for the determination and promulgation of minimum IFR altitudes associated with air routes established under subregulation (1)(a)(i); and
  - (b) publish those standards and procedures in Document NAM-CATS-AAR.

**SUBPART 8**  
**MISCELLANEOUS**

**Reporting points**

- 71.08.1** (1) The Executive Director may designate visual or instrument flight rules reporting points for the purpose of facilitating the -
- (a) requirements of air traffic services for information regarding the progress of aircraft in flight;
  - (b) provision of weather reports; or
  - (c) safe conduct of flight by visual reference.
- (2) The Executive Director may designate certain reporting points as -
- (a) mandatory reporting points;
  - (b) changeover points; or
  - (c) significant points.
- (3) The Executive Director must ensure that visual reporting points -
- (a) are based on prominent geographical features; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) are identified by names or designators that -
  - (i) are easily recognisable in voice communications;
  - (ii) will not be confused with those of other reporting points in the same general area; and
  - (iii) do not create confusion with other communications exchanged between pilots and between air traffic services and pilots.

**Area QNH zones**

**71.08.2** The Executive Director may designate as an area QNH (Q code) zone those portions of airspace from the surface of the earth to a specified altitude within which a common area QNH altimeter setting (an altimeter sub-scale setting to obtain elevation when on the ground) must be used.

**Military operating zones**

**71.08.3** (1) The Executive Director may despite the fact that a military operating zone may be designated as a prohibited, restricted or danger area in accordance with regulations 71.05.2, 71.05.3 and 71.05.4, respectively -

- (a) designate a portion of airspace as a military operating area to segregate military activities from other traffic; and
- (b) impose conditions under which -
  - (i) aircraft may be permitted to fly within that military operating area; and
  - (ii) an administering authority specified under subregulation (2)(b) must operate.
- (2) The Executive Director must -
  - (a) specify the type of activity for which each military operating area is designated;
  - (b) specify the administering authority responsible for each military operating area; and
  - (c) identify each military operating area by the ICAO nationality letters of Namibia (FY) followed by the letter "M" followed by a number.
- (3) The administering authority responsible for a military operating area -
  - (a) must manage -
    - (i) the entry of aircraft into the military operating area;
    - (ii) the operation of aircraft within the military operating area; and
    - (iii) the exit of aircraft from the military operating area;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) if the military operating area is designated as being made active by NOTAM, must at least 24 hours before the military operating area is to become active, give to the NOTAM office notice of that military operating area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and
- (c) may, within any conditions imposed by the Executive Director under subregulation (1)(b)(ii), impose conditions under which any aircraft may be operated within the military operating area.

**Mandatory broadcast zones**

**71.08.4** (1) The Executive Director may designate a portion of uncontrolled airspace as a mandatory broadcast zone if, due to traffic density or special circumstances, the pilots within that zone are required to make radio broadcasts of their position and intentions.

- (2) The Executive Director must -
  - (a) identify each mandatory broadcast zone by the ICAO nationality letters of Namibia (FY) followed by the letter "B" followed by a number;
  - (b) assign the radio frequency to be used within the mandatory broadcast zone for the mandatory radio broadcasts; and
  - (c) determine the maximum interval between a pilot's mandatory radio broadcasts.

**Designation of volcanic hazard zones**

**71.08.5** (1) The Executive Director may designate a portion of airspace as a volcanic hazard zone if volcanic activity, which includes flying rocks, gas plumes, and ash clouds may present a hazard to aircraft.

[There should be a comma after the phrase "which includes flying rocks, gas plumes, and ash clouds" to offset that phrase properly.]

(2) Where designated, the Executive Director must identify each volcanic hazard zone by the ICAO nationality letters of Namibia (FY) followed by the letter "V" followed by a number.

**SUBPART 9**  
**ADMINISTRATION**

**Application for designation and classification of airspace**

**71.09.1** (1) The following persons and entities may apply to the Executive Director for a designation or classification of airspace under this Part -

- (a) the Government of Namibia;
- (b) the Air Navigation Services established under section 49 of the Act;
- (c) the Namibia Defence Force;
- (d) a person who is to provide air traffic services under Part 172;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) a person who is an administering authority;
  - (f) a person who is a using agency;
  - (g) any other person or entity that is able to demonstrate to the Executive Director that he, she or it has substantial interest in the designation or classification of the airspace.
- (2) An applicant for an airspace designation or classification must provide the following details:
- (a) the name and contact details of the applicant;
  - (b) the type of designation or classification required;
  - (c) the reason for the designation or classification;
  - (d) the dimensions or other boundary information for the airspace that is required;
  - (e) the period for which the designation or classification is required;
  - (f) the contact details of any applicable administering authority or using agency; and
  - (g) any other applicable information required by the Executive Director.
- (3) Except for urgent requests that are associated with -
- (a) police operations;
  - (b) search and rescue operations;
  - (c) aviation security; or
  - (d) other emergency situations,

an application for an airspace designation or classification must be submitted to the Executive Director not less than 90 days before the date on which the designation or classification is to come into force, unless a shorter period is acceptable to the Executive Director.

**Procedure for designation and classification of airspace**

**71.09.2** (1) For each designation or classification of airspace made under this Part, the Executive Director must specify -

- (a) the period that the designation or classification is active; or
  - (b) the method by which the designation or classification is made active.
- (2) Except as provided in subregulation (4), designations and classifications of airspace, and designations of reporting points, area QNH zones, and other designations made under this Part do not come into force until -
- (a) those designations and classifications are entered into the register; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the details of those designations and classifications are published in an AIP or by a NOTAM.

(3) Except as provided in subregulation (5), the Executive Director must ensure that each of the following is registered in the register -

- (a) a designation of airspace;
- (b) a classification of airspace;
- (c) a designation of a reporting point; and
- (d) a designation of an area QNH zone.

(4) A designation or classification of airspace for an urgent request that is associated with -

- (a) police operations;
- (b) search and rescue operations;
- (c) aviation security; or
- (d) other emergency situations,

may be brought into force immediately, without the need to publish the information in the AIP or by a NOTAM, but such NOTAM must be issued as soon as possible after the activation.

(5) A designation or classification of airspace that is of a temporary nature, or will be effective for a period of not more than six months need not be entered into the register.

**Delegation of responsibility for temporary designation or classification of airspace**

**71.09.3** (1) Despite any provisions made for the administration of this Part as a whole, the Executive Director may issue delegations of responsibility for designation or classification of airspace to an appropriate person or persons.

(2) Where a delegation has been issued under subregulation (1), it may only be used to designate or classify airspace which -

- (a) may be required to facilitate police operations, search and rescue operations, security, or other emergency or non-standard situations;
- (b) is of a temporary nature, or will be effective for a period of not more than 30 days; and
- (c) cannot be coordinated within the expected timeframe through the normal airspace designation or classification processes.

(3) Delegations issued under subregulation (1) will be for a period of time determined by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Where a designation or classification of airspace under subregulation (2) has been made, the Executive Director must be informed as soon as possible.

(5) The temporary designation or classification of airspace must be removed once it has been determined that it is no longer needed or is no longer appropriate.

**Review of designated and classified airspace**

**71.09.4** The Executive Director may, at least every five years, review each current airspace designation and classification to verify the continuing need for the airspace designation or classification.

**Withdrawal of designations and change of airspace classification**

**71.09.5** (1) If the Executive Director is satisfied that a designation, or a classification, that has been made under this Part is no longer needed or is no longer appropriate, the Executive Director may withdraw the designation or alter the classification.

(2) Except as provided in subregulation (3), the withdrawal of an airspace designation or the change of an airspace classification made under subregulation (1) does not come into force -

- (a) until that withdrawal or change is entered in the register;
- (b) the details are published in an AIP Supplement or by a NOTAM; and
- (c) the details in the register are amended.

(3) The withdrawal or change in the register required under subregulation (2)(a) must specify the date that the withdrawal of an airspace designation or the change of an airspace classification comes into force.

(4) Subregulation (2)(b) does not apply to an airspace designation or an airspace classification that has been in force for a period of not more than six months.

**Application for designation of air route**

**71.09.6** (1) The following entities and persons may apply to the Executive Director for a designation of an air route (ATS route) under this Part:

- (a) the Air Navigation Services established under section 49 of the Act;
  - (b) a person who is to provide air traffic services under Part 172;
  - (c) any other person as may be determined by the Executive Director.
- (2) An applicant for an air route designation must provide the following details:
- (a) the name and contact details of the applicant;
  - (b) the details of the ATS route including route identifier, reporting points, and minimum levels;
  - (c) the reason for the designation;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the period for which the designation or classification is required if the route is temporary; and
- (e) any other applicable information required by the Executive Director.

(3) The entity or person applying for an ATS route designation must submit the application to the Executive Director not less than 90 days before the date on which the designation is to come into force unless a shorter period is acceptable to the Executive Director.

**Procedure for designation of ATS routes**

**71.09.7** (1) For each designation made under this Subpart, the Executive Director must specify -

- (a) the period that the designation or classification is active; or
- (b) the method by which the designation is made active.

(2) Designations made under this Part do not come into force until those designations and classifications are -

- (a) entered into the register established in terms of Subpart 10;
- (b) the details are published in the AIP or by a NOTAM; and
- (c) the ATS route is depicted on the relevant aeronautical chart.

**SUBPART 10**  
**AIR NAVIGATION REGISTER**

**Air Navigation Register**

**71.10.1** (1) The Executive Director must establish and maintain a register called “Air Navigation Register” (register).

(2) The Executive Director must ensure that the register contains the following information:

- (a) a current description of volume portion of airspace that is designated under this Part;

**[The word “the” appears to have been omitted before the phrase “volume portion of airspace”.]**

- (b) a current description of the boundary information of each volume of airspace that is classified by the Executive Director as a class of airspace under this Part;
- (c) a current description of each volume of airspace within which certain operating rules apply;
- (d) a current description of any special use airspace designated under this Part;
- (e) current information, including the name or designator and coordinates of each reporting point designated under this Part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) the details of each air route designated under this Part;
- (g) the details required by Part 173 for each current instrument flight procedure;
- (h) the details for every right-hand aerodrome traffic circuit for which a determination has been issued under Part 91; and
- (i) the details of all certificates, approvals, designations or authorisations issued in terms of Parts 170, 171, 172, 173, 174 and 175.

(3) The register forms part of, and must comply with the requirements and related measures for documents and information of, the Civil Aviation Registry required under section 52 of the Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 90**  
**PERFORMANCE-BASED NAVIGATION**

[Part 90 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

- 90.00.1 Applicability
- 90.00.2 PBN operations  
[In the heading of this regulation in the text below,  
the word “Operations” is capitalised.]
- 90.00.3 PBN operational approval

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## **Applicability**

**90.00.1** This Part applies to persons, aircraft and operators engaged in commercial or non-commercial operations by manned aircraft registered in Namibia.

## **PBN Operations**

[In the heading of this regulation in the LIST OF REGULATIONS,  
the word “operations” is not capitalised.]

**90.00.2** Where an aircraft is configured to use performance-based navigation (PBN), the owner or operator of that aircraft may only operate that aircraft in designated airspace, and on routes or in accordance with procedures where PBN specifications are established, if the owner or operator has been granted an approval by the Executive Director to conduct such operations.

## **PBN operational approval**

**90.00.3** (1) The applicant for the approval referred to in regulation 90.00.2 must provide evidence to the Executive Director that -

- (a) the relevant airworthiness approval of the RNAV (aRea NAVigation) system has been obtained;
- (b) a training programme for the flight crew members involved in these operations has been established, including initial and recurrent checking of competence;
- (c) operating procedures have been established specifying -
  - (i) the equipment to be carried, including its operating limitations and appropriate entries in the minimum equipment list (MEL);
  - (ii) flight crew composition and experience requirements;
  - (iii) normal procedures;
  - (iv) contingency procedures;
  - (v) monitoring and incident reporting; and
  - (vi) electronic navigation data management in accordance with Document NAM-CATS-PBN 90.

(2) Applications for PBN operational approval must comply with the detailed provisions for individual categories of PBN operations published in Document NAM-CATS-PBN 90.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 91:**  
**GENERAL AVIATION AND OPERATING FLIGHT RULES**

**LIST OF REGULATIONS**

[Part 91 is substituted by GN 11/2024.]

**SUBPART 1: GENERAL PROVISIONS**

- 91.01.1 Applicability
- 91.01.2 Compliance with laws, Regulations and Procedures  
[The words “regulations” and “procedures” are not capitalised in this heading in the text below.]
- 91.01.3 Specific Approvals  
[The word “approvals” is not capitalised in this heading in the text below.]
- 91.01.4 Authorisation of personnel to taxi aircraft
- 91.01.5 Search and rescue information
- 91.01.6 Records of emergency and survival equipment carried
- 91.01.7 Method of carriage of persons
- 91.01.8 Admission to flight deck
- 91.01.9 Unauthorised carriage
- 91.01.10 Portable electronic devices
- 91.01.11 Endangering safety
- 91.01.12 Preservation of documents and records
- 91.01.13 Additional flight crew member equipment
- 91.01.14 Carriage of dangerous goods
- 91.01.15 Passenger intoxication and unruly behaviour
- 91.01.16 Problematic use of psychoactive substances

**SUBPART 2: CREW**

- 91.02.1 Crew composition and qualifications
- 91.02.2 Crew member emergency duties
- 91.02.3 Crew member responsibilities
- 91.02.4 Recency
- 91.02.5 Crew members at duty stations
- 91.02.6 Duties of pilot-in-command regarding flight preparations
- 91.02.7 Duties of pilot-in-command regarding flight operations

**SUBPART 3: DOCUMENTATION AND RECORDS**

- 91.03.1 Documents to be carried on board
- 91.03.2 Aircraft flight manual
- 91.03.3 Aircraft checklists  
[The heading of this regulation in the text below is “Aircraft checklist” (singular).]
- 91.03.4 Flight folio or journey log
- 91.03.5 Flight recorder records
- 91.03.6 Logbooks
- 91.03.7 Operations manual

**SUBPART 4: INSTRUMENTS AND EQUIPMENT**

- 91.04.1 Use and installation of instruments and equipment
- 91.04.2 Circuit protection devices

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- 91.04.3 Aircraft operating lights
- 91.04.4 Flight, navigation and associated equipment for aircraft operated under VFR
- 91.04.5 Flight, navigation and associated equipment for aircraft operated under IFR
- 91.04.6 Additional equipment for single-pilot operation under instrument meteorological conditions or at night
- 91.04.7 Mach number indicator
- 91.04.8 Radio altimeter
- 91.04.9 Equipment for operations in icing conditions
- 91.04.10 Flight recorders
- 91.04.11 Seat, seat safety belt, harness, child restraint device and carriage of infant  
[The heading of this regulation in the text below refers to “carriage of an infant”].]
- 91.04.12 Stowage of articles, baggage and cargo
- 91.04.13 First aid and universal precaution kits
- 91.04.14 First aid oxygen
- 91.04.15 Supplemental oxygen in case of pressurised aircraft
- 91.04.16 Supplemental oxygen in case of non-pressurised aircraft
- 91.04.17 Flight crew protective breathing equipment
- 91.04.18 Fire extinguishers
- 91.04.19 Crash axes and crowbars
- 91.04.20 Marking of break-in points
- 91.04.21 Megaphones
- 91.04.22 Emergency locator transmitters
- 91.04.23 Life jackets and other flotation devices
- 91.04.24 Life rafts and survival radio equipment for extended over-water flights
- 91.04.25 Survival equipment
- 91.04.26 Seaplanes, amphibious aeroplanes and amphibious helicopters
- 91.04.27 Airborne collision avoidance system
- 91.04.28 Aircraft on high altitude flights
- 91.04.29 Terrain awareness and warning systems

**SUBPART 5: COMMUNICATION, NAVIGATION AND SURVEILLANCE EQUIPMENT**

- 91.05.1 Communication equipment
- 91.05.2 Navigation equipment
- 91.05.3 Surveillance equipment
- 91.05.4 Installation
- 91.05.5 Electronic navigation data management

**SUBPART 6: RULES OF AIR**

**DIVISION ONE: APPLICABILITY AND COMPLIANCE**

- 91.06.1 Applicability
- 91.06.2 Flight over the high seas  
[The heading of this regulation in the text below is “Flight over high seas” (without the word “the”).]
- 91.06.3 Compliance with rules of air and air traffic control clearances and instructions
- 91.06.4 Responsibility for compliance with rules of air
- 91.06.5 Authority of pilot-in-command
- 91.06.6 Problematic use of psychoactive substances

**DIVISION TWO: GENERAL RULES AND COLLISION AVOIDANCE**

- 91.06.7 Negligent or reckless operation of aircraft

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 91.06.8 Minimum heights
- 91.06.9 Cruising levels
- 91.06.10 Dropping objects, spraying or dusting
- 91.06.11 Towing
- 91.06.12 Parachute descents
- 91.06.13 Aerobatic flight
- 91.06.14 Formation flights
- 91.06.15 Unmanned free balloons
- 91.06.16 Prohibited areas and restricted areas
- 91.06.17 Proximity
- 91.06.18 Right-of way

[The term “Right-of-way” should have two hyphens instead of one as it appears here. In the text below, the term is written without any hyphens: “Right of way”.]

- 91.06.19 Lights to be displayed by aircraft
- 91.06.20 Simulated instrument flights in aircraft
- 91.06.21 Operation on and in vicinity of aerodrome
- 91.06.22 Water operations
- 91.06.23 Submission of a flight plan
- 91.06.24 Closing of a flight plan
- 91.06.25 Changes to a flight plan
- 91.06.26 Signals
- 91.06.27 Use of time

**DIVISION THREE: AIR TRAFFIC CONTROL SERVICES**

[The heading of this Division in the text below is “AIR TRAFFIC CONTROL SERVICE” (singular).]

- 91.06.28 Air traffic control service
- 91.06.29 Adherence to current flight plan
- 91.06.30 Unlawful interference
- 91.06.31 VMC visibility and distance from cloud

[The heading of this regulation in the text below is “Air traffic control clearance”.]

**DIVISION FOUR: VISUAL FLIGHT RULES**

- 91.06.32 Visual flight rules
- 91.06.33 Changes from VFR flight to IFR flight
- 91.06.34 Special VFR weather minima
- 91.06.35 VFR flight determination and weather deterioration

**DIVISION FIVE: INSTRUMENT FLIGHT RULES**

[The heading of this Division in the text below is “INSTRUMENT FLIGHT RULES APPLICABLE TO ALL IFR FLIGHTS” (with the superfluous misspelt word “RULRS”).]

- 91.06.36 Aircraft equipment
- 91.06.37 Minimum levels
- 91.06.38 Change from IFR flight to VFR flight
- 91.06.39 Rules applicable to IFR flights within controlled airspace
- 91.06.40 Rules applicable to IFR flights outside controlled airspace

**DIVISION SIX: AIRCRAFT ENGAGED IN OPERATIONS OTHER THAN SCHEDULED INTERNATIONAL COMMERCIAL AIR TRANSPORT OPERATIONS**

[The heading of this Division in the text below is “AIRCRAFT ENGAGED UN OPERATIONS OTHER THAN SCHEDULED COMMERCIAL AIR TRANSPORT OPERATIONS” (with the words “IN” and “SCHEDULED” misspelt, and without the word “INTERNATIONAL”).]

- 91.06.41 Foreign military aircraft
- 91.06.42 Identification and interception of aircraft

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**DIVISION SEVEN: AIR TRAFFIC RULES**

- 91.06.43     ATS procedures
- 91.06.44     Priority

**SUBPART 7: FLIGHT OPERATIONS**

- 91.07.1     Routes and areas of operation
- 91.07.2     Minimum flight altitudes
- 91.07.3     Use of aerodromes
- 91.07.4     Helicopter landings and take-offs
- 91.07.5     Aerodrome operating minima
- 91.07.6     Threshold crossing height
- 91.07.7     Pre-flight selection of aerodromes
- 91.07.8     Planning minima for IFR flights
- 91.07.9     Meteorological conditions
- 91.07.10    VFR operating minima
- 91.07.11    Mass and balance
- 91.07.12    Fuel and oil requirements
- 91.07.13    Refuelling or defueling with passengers on board
- 91.07.14    Smoking in aircraft
- 91.07.15    Instrument approach and departure procedures
- 91.07.16    Noise abatement and noise certification
- 91.07.17    Submission of ATS flight plan
- 91.07.18    Seats, safety belts and harnesses
- 91.07.19    Passenger seating
- 91.07.20    Passenger movements and briefing
- 91.07.21    Passenger health and safety
- 91.07.22    Emergency equipment
- 91.07.23    Illumination of emergency exits
- 91.07.24    Use of supplemental oxygen
- 91.07.25    Approach and landing conditions
- 91.07.26    Approach ban
- 91.07.27    In-flight testing on passenger- and cargo-carrying flights
- 91.07.28    Turning helicopter rotors
- 91.07.29    Starting and running of engines
- 91.07.30    Acrobatic flights
- 91.07.31    Aerodrome approach and departure procedures
- 91.07.32    Aircraft operating procedures
- 91.07.33    Head-up displays and vision systems
- 91.07.34    Electronic flight bags
- 91.07.35    Extended diversion time operation requirements
- 91.07.36    Disinfection of aircraft
- 91.07.37    Operations in Required navigation performance designated airspace  
[The word “required” is not capitalised in this heading in the text below.]
- 91.07.38    Repatriation and relief flight
- 91.07.39    Security programme  
[The word “programme” is capitalised in this heading in the text below.]
- 91.07.40    Low visibility operations
- 91.07.41    Minimum equipment list
- 91.07.42    Landing on Roads  
[The word “roads” is not capitalised in this heading in the text below.]
- 91.07.43    Pilot-in-command picking up objects
- 91.07.44    Operation of vehicle- or vessel-towed aircraft



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- 91.07.45 Following line features
- 91.07.46 Aircraft speed

**SUBPART 8: PERFORMANCE OPERATING LIMITATIONS**

- 91.08.1 General provisions
- 91.08.2 Helicopter operating limitations
- 91.08.3 Helicopter performance classification
- 91.08.4 Aeroplane performance classification
- 91.08.5 Performance limitations Class A and Class C aeroplanes

**SUBPART 9: AIRCRAFT CONTINUING AIRWORTHINESS**

- 91.09.1 General
- 91.09.2 Owner's continuing airworthiness responsibilities
- 91.09.3 Continuing airworthiness records
- 91.09.4 Modifications and repairs
- 91.09.5 Maintenance release

**SUBPART 10: CARBON OFFSETTING REDUCTION SCHEME**

[The heading of this Subpart in the text below is  
"CARBON OFFSETTING REDUCTION SCHEME FOR INTERNATIONAL AVIATION".]

- 91.10.1 Applicability
- 91.10.2 Attribution of aeroplane operator to Namibia  
[The heading of this regulation in the text below is  
"Attribution of aeroplane owner or operator to Namibia".]
- 91.10.3 Attribution of international flights to aircraft operator  
[The heading of this regulation in the text below is  
"Attribution of international flights to an aircraft operator".]
- 91.10.4 Record keeping, compliance periods and equivalent procedure
- 91.10.5 Monitoring requirements of aircraft operator's annual CO<sub>2</sub> emissions
- 91.10.6 Eligibility of monitoring methods
- 91.10.7 *Emissions monitoring plan*  
[This heading appears in italics in the Government Gazette. It is not italicised in the text below.]
- 91.10.8 Calculation of CO<sub>2</sub> emissions from aircraft fuel use
- 91.10.9 Monitoring of carbon offsetting reduction scheme eligible fuel claims
- 91.10.10 Reporting requirements for aircraft operator annual CO<sub>2</sub> emissions
- 91.10.11 Claims for carbon offsetting reduction scheme eligible fuel
- 91.10.12 Verification of CO<sub>2</sub> emissions
- 91.10.13 Error corrections to emissions report
- 91.10.14 Requirements for addressing data gaps
- 91.10.15 CO<sub>2</sub> offsetting requirements
- 91.10.16 Total final CO<sub>2</sub> offsetting requirements for given compliance period with emissions reductions from use of carbon offsetting reduction scheme eligible fuels
- 91.10.17 Cancellation of carbon offsetting reduction scheme eligible emissions units  
[Both words in the phrase "Emissions Units" are capitalised in this heading in the text below.]
- 91.10.18 Accreditation of verification body
- 91.10.19 Verification of emissions unit cancellation report  
[All the words in the phrase "Emissions Unit Cancellation Report" are capitalised in this heading in the text below.]

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**SUBPART 1  
GENERAL PROVISIONS**

**Applicability**

**91.01.1** (1) Subject to the provisions of subregulation (2), this Part applies to -

- (a) aircraft operated within Namibia whether registered in Namibia or in a foreign country;
- (b) aircraft registered in Namibia and operated internationally;
- (c) persons acting as crew members of aircraft registered in Namibia;
- (d) persons who are on board an aircraft operated under this Part; and
- (e) crew members licensed in terms of these regulations whether operating a Namibian or foreign registered aircraft.

(2) Additional rules to, and exemptions from, the provisions of this Part are prescribed in respect of -

- (a) the conveyance of dangerous goods in Part 92;
- (b) operating of powered paragliders and paratrikes in Part 98;
- (c) operating of gyroplanes in Part 100;
- (d) operation of remotely piloted aircrafts in Part 101;

[The word “aircrafts” should be “aircraft” as the correct plural form.]

- (e) operating of three baloons and airship in Part 102;

[The phrase “three baloons” was probably intended to be “free balloons”.]

- (f) operating of microlight aircraft in Part 103;
- (g) operating of microlight aircraft in Part 103;
- (h) operation of gliders in Part 104;
- (i) operating of hang gliders paragliders in Part 106;
- (j) operating of Amateur-built aircraft Part 107;

[The word “Amateur” should not be capitalised.]

- (k) operating of light sport aircraft and non type certified aircraft above 450 kg maximum certified take off mass;

[The term “non-type” should be hyphenated.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (l) aeroplanes engaged in commercial air transport operations carrying 20 or more passengers in Part 121;
  - (m) helicopters engaged in commercial air transport operations in Part 127;
  - (n) helicopters engaged in external-load operations in Part 133;
  - (o) aeroplanes engaged in commercial air transport operations carrying 19 or fewer passengers in Part 135;
  - (p) Commercial operations of balloons in Part 136; and
- [The word “commercial” should not be capitalised.]
- (q) aircraft engaged in aerial work operations in Part 137.

**Compliance with laws, regulations and procedures**

**91.01.2** (1) The pilot-in-command must comply with the laws, regulations and procedures of the states in which operations are conducted.

- (2) The pilot-in-command of an aircraft must -
  - (a) be familiar with the laws, regulations and procedures required for the performance of his or her duties, provided for the areas to be traversed;
  - (b) be familiar with the aerodromes to be used and the air navigation services relating to such aerodromes; and

[The word “aerodromes” is misspelt as “aerodomes” in the *Government Gazette* in its second usage in paragraph (b), as reproduced above.]

- (c) ensure that other members of the flight crew are familiar with the laws, regulations and procedures that are required for the performance of their respective duties in the operation of the aircraft.

(3) Subject to subregulation (4), the pilot-in-command of an aircraft must comply with the regulations contained in this Part unless they conflict with the rules published by a state having jurisdiction over the territory flown over, on condition that if any regulation under this Part is more restrictive and may be followed without violating the rules of that state, such regulation must be complied with.

(4) A pilot-in-command must, in an emergency which endangers or is likely to endanger the safety and security of the aircraft, persons on board such aircraft, or persons or property on the surface, take any action which he or she considers necessary under the circumstances.

(5) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency referred to in subregulation (4), he or she must without delay notify the appropriate authority of the state within or over the territory over which the deviation occurs.

(6) If the appropriate authority of a state within or over the territory of which the deviation referred to in subregulation (4) occurs, requests the pilot-in-command to submit a report on such deviation, the pilot-in-command must submit the report containing full details of the deviation -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) to such appropriate authority, within the period specified by such appropriate authority; or
- (b) if the deviation occurred in a foreign state, to the Executive Director, within 10 days from the date on which such report is requested by the appropriate authority of such state; and
- (c) if the Executive Director has reason to believe that a foreign operator has or may engage in any act or activity that represents or could represent a safety or security hazard, the Executive Director must immediately notify such foreign air operator.

**Specific approvals**

**91.01.3** (1) A pilot-in-command may not conduct operations for which a specific approval is required unless such approval has been issued by the Executive Director.

(2) The specific approval referred to in subregulation (1) must follow the layout and contain information listed in document NAM-CATS-OPS 91.

**Authorisation of personnel to taxi aircraft**

**91.01.4** An owner or operator of an aircraft may not permit the taxiing of, and a person may not taxi, an aircraft on the movement area of an aerodrome unless the person at the controls of the aeroplane -

- (a) is the holder of a valid pilot license;
- (b) has received instruction in the taxiing of an aircraft from, and has been declared competent to taxi an aircraft by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, by a person authorised by an appropriate authority;
- (c) is authorised to use the radio apparatus of the aircraft; or
- (d) is conversant with the aerodrome layout, routes, signs, markings, lighting, air traffic service signals and instructions, phraseology and procedures, if required, and is able to conform to the standards required for safe aircraft movements at such aerodrome, provided that if radio communication is mandatory such aircraft may not enter the manoeuvring area.

**Search and rescue information**

**91.01.5** A pilot-in-command, an owner or operator of an aircraft must ensure that all essential information concerning the search and rescue services as contemplated in Part 179, in the area over which it is intended that the aircraft will be flown, is available on board the aircraft.

**Records of emergency and survival equipment carried**

**91.01.6** (1) An owner or operator of an aircraft must have available for immediate communication to rescue coordination centres referred to in Part 179, a list containing information regarding the emergency and survival equipment carried on board the aircraft.

- (2) The information referred to in subregulation (1) must include, as applicable -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the number, colour and type of life rafts and pyrotechnics;
- (b) details of emergency medical supplies, water supplies; and
- (c) the type and frequencies of the emergency portable radio equipment.

**Method of carriage of persons**

**91.01.7** A person may not be in any part of an aircraft, during a flight which is not a part designed for the accommodation of persons, unless temporary permission has been granted by the pilot-in-command to access such part of the aircraft -

- (a) for the purpose of taking action necessary for the safety of such aircraft or of any person, animal or goods on board in such aircraft; or
- (b) in which cargo or stores are carried, except that such part of the aircraft is designed to enable a person to have access to such cargo or stores while such aircraft is in flight.

**Admission to flight deck**

**91.01.8** (1) A person, other than the assigned flight deck crew, may not be carried on the flight deck of a Namibian registered aircraft except with the permission of the pilot-in-command.

(2) The admission of any person to the flight deck must not interfere with the operation of the aircraft.

(3) A person carried on the flight deck must be made familiar with the applicable safety equipment and relevant operational procedures.

**Unauthorised carriage**

**91.01.9** A person may not conceal himself or herself, animals or cargo on board an aircraft.

**Portable electronic devices**

**91.01.10** The pilot-in-command may not permit any person to use a portable electronic device on board an aircraft, including an electronic flight bag, that could adversely affect the performance of the aircraft systems and equipment or the ability of the flight crew member to operate the aircraft.

**Endangering safety**

**91.01.11** A person may not, through any act or omission -

- (a) endanger the safety of an aircraft or any person on board such aircraft; or
- (b) cause or permit an aircraft to endanger the safety of any person or property.

**Preservation of documents and records**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.01.12** The owner or operator of an aircraft who is required to retain any of the documents and records for the specified period as contemplated in Subpart 3, must retain such documents for such specified period despite such owner or operator, ceasing to be such owner or operator of such aircraft, before the expiry of such period.

[The commas in the phrase “despite such owner or operator ceasing to be such owner or operator of such aircraft before the expiry of such period” are superfluous.]

**Additional flight crew member equipment**

**91.01.13** A flight crew member assessed as fit to exercise the privileges of a licence, subject to the use of suitable correcting lenses, must have a spare set of the suitable correcting lenses readily available when exercising those privileges.

**Carriage of dangerous goods**

**91.01.14** An owner or operator of an aircraft may not carry dangerous goods during flight time unless such goods are carried in accordance with the provisions of Part 92.

**Passenger intoxication and unruly behaviour**

**91.01.15** (1) A person may not board an aircraft while under the influence of alcohol or any psychoactive substance such that the safety of the aircraft or its occupants is, or is likely to be, endangered.

(2) A person may not consume alcohol or any psychoactive substance while on board an aircraft if, the effects of such consumption is likely to, endanger the safety of the aircraft or its occupants.

[The commas after the words “if” and “to” are superfluous.  
The verb “is” should be “are” to accord with the subject “effects”.]

(3) A person may not act in any manner that will, or is likely to, endanger the aircraft or its occupants.

**Problematic use of psychoactive substances**

**91.01.16** (1) Subject to subregulation (2), a person may not, if he or she is, or is likely to be impaired by any psychoactive substance act in the capacity of any crew member, ground support, servicing or maintenance personnel or perform any function or participate in any decision-making process that could affect aviation safety.

[A comma should appear after the phrase “or is likely to be” to offset that phrase properly.]

(2) If medication that may be considered to be a psychoactive substance has been prescribed by a medical doctor, a person may undertake the duties referred to in subregulation (1) on condition that an aviation medical examiner designated in terms of Part 67 certifies the duties which may be safely accomplished by such person while taking such medication.

(3) A person who has been prescribed medication that may adversely affect performance or is otherwise of the opinion that his or her performance may be impaired through the use of medication or combinations of medication must inform the operator.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 2**  
**CREW**

**Crew composition and qualifications**

**91.02.1** (1) The number and composition of the flight crew may not be less than the number and composition specified in the aircraft flight manual or any other documents associated with the certificate of airworthiness of an aircraft.

(2) In the case of aircraft originally certified with a passenger seating capacity greater than 20 passengers and not involved in commercial air transport operations, the Executive Director may require the inclusion of cabin crew members for the safe operation of the aircraft.

(3) The complement, training and checking requirements of such flight crew and cabin crew members are provided for in Document NAM-CATS-OPS 91.

(4) The pilot-in-command must ensure that each flight crew member and, if applicable, each cabin crew member -

- (a) has maintained competency and is qualified to perform the duties assigned to him or her;
- (b) holds the appropriate valid crew licences, ratings and certificates;
- (c) has the ability to speak and understand the language used for aeronautical radiotelephony communications for the routes being flown; and
- (d) has been appropriately trained to competency in the use of airborne collision avoidance system (ACAS II) equipment and the avoidance of collision if the aeroplane is equipped with an airborne collision avoidance system (ACAS II).

(4) In the case of a multi-pilot crew, the owner or operator of an aircraft must designate one pilot among the flight crew as pilot-in-command of the aircraft and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

(5) The owner or operator of an aircraft must ensure that each flight and cabin crew member meets the requirements of subregulation (3).

(6) If the Executive Director has determined the need for cabin crew members as contemplated in subregulation (2), the owner or operator of that aircraft must -

- (a) ensure each cabin crew member is seated and secured in the seat provided for under regulation 91.07.18(4) during take-off, landing or as otherwise directed by the pilot-in-command; and
- (b) ensure that each cabin crew member receives training prior to his or her first flight in that aircraft and annual recurrent training thereafter.

**Crew member emergency duties**

**91.02.2** (1) The owner or operator of an aircraft and, where appropriate, the pilot-in-command of a multi-crew aircraft must assign to each crew member concerned, the necessary functions to be performed in an emergency or in a situation requiring emergency evacuation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The functions referred to in subregulation (1) must -
  - (a) ensure that any reasonably anticipated emergency can be adequately dealt with; and
  - (b) take into consideration the possible incapacitation of individual crew members.

**Crew member responsibilities**

**91.02.3** (1) A person may not act as a crew member of an aircraft -

- (a) while using any psychoactive substance which may affect his or her faculties in any manner that may jeopardise safety;
- (b) within 24 hours following scuba diving by such flight crew member;
- (c) within 48 hours following blood donation by such flight crew member;
- (d) if the crew member knows or suspects that he or she is suffering from or, having due regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue to such an extent that it may endanger the safety of the aircraft or its occupants; or
- (e) if the crew member is in any doubt of being able to accomplish his or her assigned duties on board the aircraft.

(2) A crew member may not -

- (a) consume alcohol less than eight hours prior to commencing standby for operational duty or commencing operational duty, which operational duty is considered to have commenced at the specified reporting time;
- (b) commence an operational duty period while the concentration of alcohol in his or her blood, is more than 0,04 gram per 100 millilitres; or
- (c) consume alcohol during flight duty or while on standby duty, or within eight hours after an accident or reportable incident involving the aircraft, unless the accident or incident was not related to his or her duties.

(3) A person may not act as a flight crew member of an aircraft if, prior to each flight, the expected flight time exceeds, or is likely to exceed, the permissible aggregate -

- (a) for all flying which are -

[The verb “are” should be “is” to accord with the subject “aggregate”.]

- (i) 100 hours, during the preceding 30 days; or
- (ii) 1000 hours, during the preceding 12 months,

unless otherwise specified in an approved flight and duty scheme;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) in the case of flight instructors conducting ab initio or any training towards an initial rating or licence, six hours within one day, except that, for the purposes of computing flight time in meeting the limitation referred to in paragraph (a)(i), each flight hour spent in such training is considered to be one and one-half (1½) hours flight time as part of a multi-pilot crew for a flight to be undertaken wholly or partly under IFR, 100 hours during the preceding 30 days;
- (c) 100 hours during the preceding 30 days flying as the sole pilot of an aircraft for a flight to be undertaken wholly or partly under IFR.

(4) A person may not act as a cabin crew member of an aircraft for which the Executive Director has determined the need for cabin crew members, as provided for in regulation 91.02.1(2), if prior to each flight the expected flight time exceeds, or is likely to exceed, the permissible aggregate of -

- (a) 300 hours, during the preceding 90 days; or
- (b) 1000 hours, during the preceding 12 months,

unless otherwise specified in an approved flight and duty scheme.

**Recency**

**91.02.4** (1) A pilot may not act as pilot-in-command or second-in-command of an aircraft required to be crewed by more than one pilot, carrying passengers by day, unless if -

**[The word “if” after the word “unless” is superfluous.]**

- (a) such pilot has personally, within the 90 days immediately preceding the flight, carried out either by day or by night at least three take-offs and three landings in the same class or, if a type-rating is required, type or variant of such aircraft; or
- (b) in the case of a helicopter such pilot has personally carried out three circuits including three take-offs and three landings in the same type of helicopter as that in which such flight is to be undertaken.

(2) The landings required under subregulation (1) may be completed in a flight simulation training device approved for that purpose for a multi-engine aircraft and in the case of a tail-wheel aircraft, each landing must be carried out to a full stop.

(3) If the take-off and landing requirements referred to in subregulation (1) have been satisfied in a multi-engine aircraft, the requirement is considered to have been met in respect of single-engine aircraft as well.

(4) A pilot may not act as pilot-in-command or second-in-command of an aircraft on an instrument approach to an aerodrome in instrument meteorological conditions unless the pilot has, within the 90 days immediately preceding such approach procedure or procedures established by the Executive Director or an appropriate authority -

- (a) executed at least two approaches in an aircraft or a flight simulation training device approved for that purpose or a combination of aircraft and flight simulation training device approved for that purpose, either under actual or simulated conditions, with reference to flight instruments only; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) undergone the appropriate skill test as provided for in Part 61.

**Crew members at duty stations**

**91.02.5** (1) Each required flight crew member must remain at the assigned duty station during take-off and landing and during critical phases of a flight.

(2) Each flight crew member must remain at his or her station during all phases of a flight unless if -

[The word “if” after the word “unless” is superfluous.]

- (a) the absence of such flight crew member is necessary for the performance of his or her duties in connection with the operation;
- (b) the absence of such flight crew member is necessary for physiological needs, provided one qualified pilot remains at the controls at all times; or
- (c) the flight crew member is taking a rest period, and a qualified relief crew member replaces him or her at the duty station.

(3) An assigned pilot-in-command must remain at his or her duty station during all phases of a flight except if during enroute cruise portion of the flight such pilot-in-Command is taking a rest period, he or she is replaced by a pilot who -

[The word “command” in the phrase “pilot-in-command” should not be capitalised. There is a problem with the sentence structure; the phrase “except if during enroute cruise portion of the flight such pilot-in-Command is taking a rest period, he or she is replaced by a pilot...” may have been intended to express something similar to subregulation (4) below: “except if during the enroute cruise portion of the flight such pilot-in-command is taking a rest period and he or she is replaced by a pilot...”. ]

- (a) holds an appropriate type rating;
- (b) is currently qualified as a pilot-in-command or co-pilot; and
- (c) is qualified as a pilot-in-command of that aircraft during the enroute cruise portion of the flight.

(4) An assigned co-pilot must remain at his or her duty station during flight except if during the enroute cruise portion of the flight such co-pilot is taking a rest period and he or she is replaced by a pilot who is qualified to act as a pilot-in-command or co-pilot of that aircraft during the enroute operations.

(5) In the case of a single-pilot aircraft, the pilot-in-command must, during all phases of the flight, remain at the controls of the aircraft.

**Duties of pilot-in-command regarding flight preparation**

**91.02.6** (1) The pilot-in-command of an aircraft may not commence a flight unless he or she is satisfied that -

- (a) the aircraft is airworthy, duly registered and that the appropriate certificates with respect to such aircraft are aboard that aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the instruments and navigation, communication and other equipment required for the particular type of operation to be undertaken are installed and are serviceable and functioning correctly, except as provided for in the MEL, if any;
- (c) the mass of the aircraft at any time does not exceed the maximum certificated take-off mass calculated from the performance information provided in the aircraft flight manual referred to in regulation 91.03.2, in terms of which the operating limitations referred to in Subpart 8 are complied with;
- (d) the load carried by the aircraft is safely secured, fit to be conveyed in accordance with Part 92 and is distributed in a manner that the centre of gravity is within the limits provided for in the aircraft flight manual referred to in regulation 91.03.2;
- (e) aircraft operating limitations contained in the flight manual or its equivalent will not be exceeded;
- (f) if a ATS flight plan is required in terms of regulation 91.06.23, such ATS flight plan, has been properly completed and filed with the appropriate air traffic service unit;
- (g) all the documents and forms required to be carried on board are carried as specified in regulation 91.03.1;
- (h) a check has been completed indicating that the operating limitations referred to in Subpart 8 will not be exceeded;
- (i) the search and rescue information, referred to in regulation 91.01.5, is available on board;
- (j) the requirements in respect of fuel, oil, oxygen, weather, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes for the route being flown and any likely alternatives, whether flown under instrument or VFR, are complied with;
- (k) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated to or from, established by the appropriate authority of the state in which the aerodrome is located, unless such appropriate authority approves lower aerodrome operating minima;
- (l) current and suitable IFR or VFR, as applicable, charts and related publications required to -
  - (i) depart the place of origin;
  - (ii) operate on the route to the destination or other route that a flight could reasonably be expected to be diverted to; and
  - (iii) arrive at the place of destination or any other alternate destination,
 are carried on board;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The Government Gazette presents the closing phrase “are carried on board” as part of subparagraph (iii), but it seems to have been intended to apply to all three subparagraphs; the placement of the phrase has been adjusted accordingly here.]**

- (m) the external surfaces are checked prior to take-off for any deposit which might adversely affect the performance or controllability of the aircraft, unless otherwise permitted in the aircraft flight manual referred to in regulation 91.03.2, and if such deposit is found, ensure that it is removed;
- (n) according to the information available to him or her -
  - (i) in respect of an aircraft, the condition of the runway intended to be used will not prevent a safe take-off at departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable; and
  - (ii) the weather at the departure and arrival aerodromes and en route, including any possible alternate aerodromes or routes, will not preclude safe completion of the flight;
- (o) the runway visual range or visibility in the take-off direction of the aircraft is equal to, or better than, the applicable minimum;
- (p) the flight crew members are properly qualified for the specific operation to be undertaken, except that for commercial air operations, the operator must ensure that the flight crew are properly qualified;
- (q) an adequate and suitable aerodrome is available for take-off, enroute and destination, should it become inadvisable to continue to or land at the destination aerodrome; and

**[Subregulation (1) ends here in the Government Gazette. It is not clear if the semicolon and the word “and” at the end of paragraph (q) are in error or if an additional paragraph has been omitted.]**

- (2) The pilot-in-command of an aircraft must -
  - (a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, IAIP or IAIP Supplement that the aerodromes, navigation aids and communication facilities are adequate for the manner in which the flight is to be conducted;
  - (b) prior to take-off from an aerodrome at which an air traffic service unit is in operation, determine through the aeronautical information services available from the unit or any other reliable source, that the unserviceability of any aerodrome, navigation aids or communication facilities required for such flight, will not prejudice the safe conduct of the flight;
  - (c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered during operations; and
  - (d) decide on the adequacy of facilities and services available at an aerodrome of intended operation, when assessing the level of safety risk associated with the aircraft type and nature of the operation, in relation to the availability of rescue and firefighting services.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If a load and trim sheet is required in terms of these regulations, the load and trim sheet must be acceptable to and countersigned by the pilot-in-command before a flight commences, but if the load and trim sheet is submitted to the pilot-in-command by electronic data transfer, commencement of the flight is considered to be the acceptance of the load and trim sheet by such pilot-in-command.

**Duties of pilot-in-command regarding flight operations**

**91.02.7** (1) The pilot-in-command of an aircraft is, whether manipulating the controls or not, responsible for -

- (a) the operation, safety and security of the aircraft, crew members, passengers and cargo in accordance with these regulations while he or she is in command;
- (b) operational control of the aircraft;
- (c) the conduct of crew members and passengers carried on such aircraft; and
- (d) the maintenance of discipline by all persons on board the aircraft.

(2) The pilot-in-command of the aircraft has the authority -

- (a) to give such commands as he or she deems necessary in the interest of the safety of the aircraft, persons or property on board the aircraft; and
- (b) to disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aircraft, persons or property on board the aircraft.

(3) The pilot-in-command of the aircraft must ensure that all passengers are informed as to -

- (a) when and how oxygen equipment is to be used, if the carriage of oxygen is required;
- (b) the location and use of life jackets or equivalent individual flotation devices, where the carriage of life jackets is required;
- (c) the location and method of opening emergency exits;
- (d) when seat belts are to be fastened;
- (e) when smoking is prohibited;
- (f) when portable electronic devices may be used;
- (g) the existence and location of the passenger safety features card, if carried on board; and
- (h) before take-off, the location and general manner of use of the relevant emergency equipment carried for collective use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate.

(4) A pilot-in-command of an aircraft must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) ensure that a pre-flight inspection is carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aircraft, the limitations contained in an aircraft flight manual referred to in regulation 91.03.2 or equivalent certification document, are fully complied with at the appropriate times during a flight;
- (b) decide whether or not to accept an aircraft with unserviceability allowed by Configuration Deviation List or MEL, where applicable;
- (c) determine that aircraft performance will permit the take-off and departure to be carried out safely;
- (d) ensure that, before take-off and landing and whenever, by reason of turbulence, any emergency occurring during a flight or whenever considered necessary in the interest of aviation safety the precaution is considered necessary -
  - (i) all persons on board aircraft are secured in their seats by means of the seat belts or shoulder harnesses provided; and
  - (ii) equipment and baggage are properly secured and all exit and escape paths are unobstructed;
- (e) when re-planning, while in flight, to proceed along a route or to a destination other than a route or destination originally planned, amend an operational flight plan, if such a plan was required in terms of regulation 91.02.6(1)(f), and notify a nearest air traffic service unit of such change;
 

[The phrase “a nearest” may have been intended to be “the nearest”.]
- (f) not continue towards an aerodrome of intended landing unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome or at least one destination alternate aerodrome, in compliance with the operating minima established in accordance with regulation 91.07.5;
- (g) report any accident or incident involving an aircraft in accordance with regulations related to aircraft accident and incident investigation, unless the pilot-in-command is incapacitated or an operator has established another means of reporting accidents or incidents, in which case the operator must initiate the report;
- (h) report any dangerous goods accident or incident involving an aircraft in accordance with Part 92;
- (i) if an aircraft is endangered in flight by a near collision with any other aircraft or object, faulty air traffic procedure or lack of compliance with applicable procedures by an air traffic service unit or a flight crew member or a failure of ATS facilities, submit an ATS incident report;
- (j) record any technical defect and that he or she has exceeded any technical limitation;
- (k) if a potentially hazardous condition such as bird accumulation, an irregularity in a ground or navigation facility, meteorological phenomena, a volcanic ash cloud or a greater than normal radiation level is observed during flight, notify an air traffic service unit as soon as possible.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (l) If an ELT has been inadvertently activated as a result of a hard landing or for other reasons the pilot-in-Command must -

[Paragraph (l) repeats some of the wording in the introductory clause of subregulation (4) ("the pilot-in-command must..."). The word "command" in the term "pilot-in-command" should not be capitalised.]

- (i) immediately report such inadvertent activation of an ELT to a rescue co-ordination centre, through a nearest air traffic service unit; and

[The phrase "a nearest" may have been intended to be "the nearest".]

- (ii) record such inadvertent activation of an ELT in an appropriate flight log as maintenance may be required before it is returned to service;

- (m) report any occurrence of height keeping errors encountered in an RVSM environment, as provided for in Document NAM-CATS-OPS 91; and

- (n) report a runway braking action through an air-report when a runway braking action encountered is not as good as reported.

- (5) The pilot-in-command of an aircraft must ensure that -

- (a) breathing oxygen is available to crew members and at least ten percent of the passengers if flights in a non-pressurised aircraft are contemplated above 10 000 feet, and up to 12 000 feet for more than 120 minutes intended flight time, above 12 000 feet; and

[The word "least" in the phrase "at least" is misspelt as "lease" in the *Government Gazette*, as reproduced above.]

- (b) breathing oxygen is carried in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of faculties of crew members or harmfully affect passengers.

- (6) The pilot-in-command of an aircraft may not -

- (a) require a crew member to perform any duties during a critical phase of the flight, except those duties required for the safe operation of the aircraft;

- (b) permit any activity during a critical phase of the flight which could distract any crew member from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties; and

- (c) commence a flight in the event a crew member is incapacitated by any cause such as injury, fatigue, sickness or the effects of any psychoactive substance or continue a flight beyond the nearest suitable aerodrome in the event of a flight crew member becoming unable to perform any essential duties as a result of fatigue, sickness or lack of oxygen.

**SUBPART 3  
DOCUMENTATION AND RECORDS**

**Documents to be carried on board**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.03.1** (1) An owner or operator of an aircraft must ensure that the following documents, or certified true copies of such documents, are carried on board an aircraft on each individual flight -

- (a) if the aircraft is engaged in an international flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness or, for non-type certificated aircraft, an authority to fly;
  - (iii) an appropriate licence and medical certificate of each crew member;
  - (iv) a general declaration;
  - (v) an aircraft radio station licence;
  - (vi) a passenger manifest, unless if such information is included in a general declaration referred to in subparagraph (iv);

[The word “if” after the word “unless” is superfluous.]

- (vii) if cargo is carried, a manifest and detailed declaration of cargo;
  - (viii) a certificate of release to service;
  - (ix) a navigation log or operational flight plan;
  - (x) an aircraft flight manual, referred to in regulation 91.03.2 or an equivalent document, which document must include the statements referred to in Document NAM-CATS-OPS 91, if flight in RVSM airspace is contemplated;
  - (xi) mass and balance report;
  - (xii) flight folio or journey log or equivalent;
  - (xiii) MEL, if applicable;
  - (xiv) noise certificate, if such certificate has been issued for the type of aircraft;
  - (xv) a list of visual signals and procedures for use by intercepting and intercepted aircraft;
  - (xvi) list of specific approvals, if applicable; and
  - (xvii) where applicable, a special flight permit;
- (b) if the aircraft is engaged in a domestic flight -
  - (i) the certificate of registration;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) the certificate of airworthiness or, for non-type certificated aircraft, an authority to fly;
- (iii) the appropriate licence and medical certificate of each crew member;
- (iv) the aircraft radio station license;
- (v) the certificate of release to service;
- (vi) aircraft flight manual referred to in regulation 91.03.2 or an equivalent document;
- (vii) the mass and balance report;
- (viii) the flight folio or journey log or equivalent;
- (ix) MEL, if applicable;
- (x) noise certificate, if such certificate has been issued for the type of aircraft;
- (xi) list of visual signals and procedures for use by intercepting and intercepted aircraft;
- (xii) list of specific approvals, if applicable;
- (xiii) licence to operate the service, if required; and
- (xiv) where applicable, a special flight permit.

[Articles (“a” or “the”) have been omitted at the beginning of many of the subparagraphs in this regulation. The subregulation number “(1)” at the beginning of the regulation appears to be in error, as there are no additional subregulations.]

**Aircraft flight manual**

**91.03.2** (1) The owner or operator of an aircraft must keep an approved aircraft flight manual for each aircraft of which he or she is the owner or operator and must keep such manual updated with the latest amendments and implement changes issued by an appropriate authority.

(2) The flight crew members of the aircraft must, on each flight, operate such aircraft in accordance with the aircraft flight manual, unless an unforeseen emergency dictates otherwise.

**Aircraft checklist**

**91.03.3** (1) The owner or operator of an aircraft must establish and make available to the flight crew and other personnel in his or her employ needing the information, a checklist system for the aircraft, to be used by such flight crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The pilot-in-command must ensure the checklists used on board the aircraft are complied with and utilised having due regard to human factors principles.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The checklists required in terms of subregulation (1) must be designed having due regard to human factors principles as provided for in Document NAM-CATS-OPS 91.

**Flight folio or Journey log**

[The word “journey” is not capitalised in this heading in the LIST OF REGULATIONS.]

**91.03.4** (1) The owner or operator of a Namibian registered aircraft must ensure that the aircraft carries a flight folio, journey log or any other similar document.

(2) The flight folio or journey log must contain the following items -

- (a) the aeroplane nationality and registration;
- (b) a date of the flight;
- (c) the crew member names and duty assignments;
- (d) the departure and arrival points and times;
- (e) the purpose of the flight;
- (f) observations regarding the flight; and
- (g) the signature of the pilot-in-command.

(3) The pilot-in-command is responsible for the journey log book.

**Flight recorder records**

**91.03.5** (1) The owner or operator of an aircraft on which a flight recorder is carried must -

- (a) in the case of an accident or incident involving such aircraft, preserve the original recording, as retained by the flight recorder for a period of not less than 60 days calculated from the date of the accident or incident occurred or until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority, whichever is the latter date; and
- (b) if the Executive Director directs such owner or operator, preserve the original recording, as retained by the flight recorder, for a specified period calculated from the date of such direction.

(2) If an aircraft is required under this Part to be fitted with a flight data recorder, the owner or operator of the aircraft must -

- (a) have the recording from a flight recorder for the period of operating time as required by subregulation (1)(a) and (b), but for the purpose of testing and maintaining a flight data recorder one hour of the oldest recorded material at the time of testing may be erased;
- (a) keep a recording from a flight recorder of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

approach and landing, together with a means of identifying the recording with the flight to which it relates; and

[This paragraph should be labelled as “(b)” instead of “(a)”.]

- (c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The owner or operator of an aircraft on which a flight recorder is carried must, within a reasonable time after being requested to do so by the Executive Director or an appropriate authority, produce any recording made by such flight recorder which is available or has been preserved.

(4) A cockpit voice recorder recording may be used for other purposes other than for the investigation of an accident or incident, only with the consent of all the flight crew members concerned.

[The word “other” before the phrase “purposes other than” is superfluous.]

(5) The flight data recorders recordings may be used for other purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

[The word “recorders” should be followed by an apostrophe.  
The word “other” before the phrase “purposes other than” is superfluous.]

- (a) used by the owner or operator only for airworthiness or maintenance purposes;
- (b) de-identified; or
- (c) disclosed under secure procedures.

### **Logbooks**

**91.03.6** (1) The owner or operator of an aircraft must in respect of Namibian registered aircraft keep a logbook for specified equipment for the purpose of recording in such log book the maintenance history of the equipment to which each relates -

- (a) the aircraft logbook for each aircraft;
- (b) the engine logbook for each aircraft engine; and
- (c) a propeller logbook for each propeller.

(2) An aircraft which does not qualify for the issue of a certificate of airworthiness is exempted from complying with the requirement referred to subregulation (1).

(3) A logbook kept in terms of subregulation (1) must conform to the format provided from time to time in an Aeronautical Information Circular by the Executive Director.

### **Operations manual**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.03.7** (1) For operations requiring an approval from the Executive Director, an operator must prepare an operations manual containing all the information required under this Part set out the manner in which he or she may operate.

(2) An operator must provide for the use and guidance of personnel concerned, the operations manual containing all the instructions and information necessary for the operations personnel to perform their duties;

[Subregulation (2) should end with a full stop rather than a semicolon.]

(3) The operations manual referred to in subregulation (2) must be amended or revised when necessary to ensure that the information contained in such manual is kept up to date and all such amendments or revisions must be issued to all personnel that are required to use the manual.

**SUBPART 4**  
**INSTRUMENTS AND EQUIPMENT**

**Use and installation of instruments and equipment**

**91.04.1** (1) The instruments, equipment and flight documents provided for in this Subpart must, in addition to the minimum equipment necessary for the issuance of a certificate of airworthiness, be installed or carried, as appropriate, in an aircraft according to the aircraft used and to the circumstances under which the flight is to be conducted.

(2) The instruments and equipment, including their installation, must as contemplated in subregulation (1) be acceptable to the Executive Director.

(3) The instruments and equipment of the aircraft intended to be used, must comply with the minimum requirements for the planned operation, that will enable the flight crew to -

- (a) control the flight path of the aircraft;
- (b) carry out any required procedural manoeuvres; and
- (c) observe the operating limitations of the aircraft in the expected operating conditions.

(4) The instruments on an aircraft which are used by a pilot must be arranged in such a manner that the pilot can see their indications readily from his or her station, with the minimum practicable deviation from the position and line of vision which he or she normally assumes when looking forward along the flight path.

(5) If a single instrument or item of equipment in an aircraft is required to be operated by more than one pilot, such single instrument or item of equipment must be installed in such a manner that it can be readily seen and operated from each pilot station.

(6) An aircraft must be equipped with the means for indicating the adequacy of the power being supplied to the required flight instruments.

(7) The placards and instrument markings, containing those operating limitations required by the type certificate or by these regulations must be displayed in the aircraft and be visible to the flight crew.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) An owner or operator of an aircraft must ensure that a flight does not commence unless the instruments and equipment required under these regulations are functioning and are in a condition for safe operation of the kind of operation being conducted, except as provided for in a MEL.

- (9) The owner or operator of an aircraft is not required to obtain approval for -
- (a) fuses referred to in regulation 91.04.2;
  - (b) an independent portable electric light referred to in regulation 91.04.3(1)(d);
  - (c) the accurate time piece referred to in regulations 91.04.4 and 91.04.5;
  - (d) first aid equipment referred to in regulation 91.04.16;
  - (e) megaphones referred to in regulation 91.04.21; and
  - (f) survival equipment referred to in regulation 91.04.25.

(10) An aircraft with advanced cockpit automation systems (glass cockpits) must have system redundancy that provides the flight crew with attitude, heading, airspeed and altitude indications in case of failure of the primary system or display.

- (11) An aircraft must be equipped with or carry on board -
- (a) an accessible first-aid kit;
  - (b) portable fire extinguishers of a type which, when discharged, will not cause dangerous contamination of the air within the aircraft and at least one portable fire extinguisher must be located in -
    - (i) the pilot's compartment; and
    - (ii) each passenger compartment that is separate from the pilot's compartment and that is not readily accessible to the flight crew;
  - (c) a seat or berth -
    - (i) for each person over the age of two years; and
    - (ii) a seat belt for each seat and restraining belts for each berth.

(12) An aircraft on all flights must be equipped with the ground-air signal codes for search and rescue purposes.

(13) An aircraft on all flights must be equipped with a safety harness for each flight crew member seat.

**Circuit protection devices**

**91.04.2** (1) An owner or operator of an aircraft in which fuses are used, may not operate an aircraft unless there are spare fuses available for use in flight equal to at least ten

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

percent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses must be accessible to the flight crew during flight.

(2) If the ability to reset a circuit breaker or replace a fuse is essential to safety in flight, such circuit breaker or fuse must be located and identified in such a manner that it can be readily reset or replaced in flight.

(3) A person may not deactivate a circuit breaker in flight other than in accordance with the aircraft flight manual referred to in regulation 91.03.2.

**Aircraft operating lights**

**91.04.3** (1) A owner or operator of an aircraft may not operate such aircraft by night, unless, in addition to the equipment specified in regulation 91.04.4 or 91.04.5(1), the aircraft is equipped with -

[The article "A" at the beginning of subregulation (1) should be "An".]

- (a) serviceable navigation lights;
  - (b) a serviceable landing light;
  - (c) a serviceable rotating beacon or strobe light; and
  - (d) an independent portable light for each required crew member, readily accessible to such crew member when seated at his or her designated station.
- (2) The power supplied from the electrical system of an aircraft must -
- (a) provide adequate illumination for all instruments and equipment, used by the flight crew and which are essential for the safe operation of the aircraft; and
  - (b) be adequate to provide illumination in all passenger compartments, if any.

(3) An owner or operator of a helicopter may not operate the helicopter by night unless such helicopter is equipped with in the case of a flight by night within 10 nautical miles -

[There should be a comma before the phrase "in the case of...".]

- (a) a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; or
- (b) two serviceable landing lights which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.

(4) An owner or operator of a seaplane or an amphibious aircraft may not operate such seaplane or amphibious aircraft unless it is equipped with -

- (a) the instruments and equipment referred to in subregulation (1), (2) or (3); and
- (b) when operating on water by night, display lights to conform with the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), adopted on the 20 October 1972 and entered into force on 15 July 1977.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “the” before “20 October 1972” is superfluous.]

(5) The navigation lights to be displayed by aircraft by night, on the water or on the manoeuvring area of an aerodrome, must be as provided for in Document NAM-CATS-OPS 91.

**Flight, navigation and associated equipment for aircraft operated under VFR**

**91.04.4** An owner or operator of an aircraft may not operate the aircraft in accordance with VFR, unless such aircraft is equipped with the following functioning equipment -

- (a) a magnetic compass;
- (b) an accurate time-piece showing the time in hours, minutes, and seconds;
- (c) a barometric altimeter;
- (d) an airspeed indicator; and
- (e) if so required for use in designated airspace is equipped in accordance with regulation 91.04.5, unless authorised by the responsible air traffic service unit.

**Flight, navigation and associated equipment for aircraft operated under IFR**

**91.04.5** (1) An owner or operator of an aircraft may not operate an aircraft in accordance with IFR or if the aircraft cannot be maintained in a desired attitude without visual reference to one or more flight instruments unless if such aircraft is equipped with functioning navigation equipment appropriate to the route to be flown, and -

[The word “if” after the word “unless” is superfluous.]

- (a) a magnetic compass;
- (b) an accurate time-piece showing the time in hours, minutes and seconds;
- (c) for large aeroplanes, two independent sensitive pressure altimeter systems with subscale settings, calibrated in hectopascal, adjustable for any barometric pressure setting likely to be encountered during flight and for all other aircraft, one sensitive pressure altimeter with subscale settings, calibrated in hectopascal, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
- (e) a vertical-speed indicator;
- (f) a stabilised direction indicator;
- (g) a turn-and-bank indicator or a turn co-ordinator incorporating a slip indicator;
- (h) an attitude indicator and for large aeroplanes for which an individual certificate of airworthiness was first issued after 1 January 1975, an emergency power supply, independent of the main electrical generating system, for the purpose of operating and illuminating, for a minimum period of 30 minutes, an attitude indicator, clearly visible to the pilot-in-command;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) a means of indication, in the cockpit or in the flight deck, of the outside air temperature in degrees celsius;

[The word “Celsius” should be capitalised.]

- (j) a chart holder or knee pad in an easily readable position which can be illuminated for operations by night;
- (k) a means of measuring and displaying whether the supply of power to the gyroscopic instruments is adequate; and
- (l) a pressure-altitude reporting transponder.

(2) The emergency power supply referred to in subparagraph (h) must be automatically operative after the total failure of the main electrical generating system and give a clear indication on the instrument panel that the attitude indicators are being operated by emergency power.

(3) An owner or operator of a pressurised aircraft may not operate the aircraft when carrying passengers at night or under instrument meteorological conditions if such aeroplane is not equipped with operative weather-detecting equipment capable of detecting thunderstorms whenever the aircraft is being operated in areas where such conditions may be expected to exist along the route.

**Additional equipment for single-pilot operation under instrument meteorological conditions or at night**

**91.04.6** An owner or operator of an aircraft may not conduct single-pilot operations in an aircraft under instrument meteorological conditions or at night unless such aircraft has been certificated for single-pilot operations and -

- (a) the single pilot flying the aircraft is equipped with a headset with boom microphone or equivalent and has a transmit button positioned in such a way that it may be operated without the pilot having to remove his or her hands from the control wheel, joystick or cyclic stick;
- (b) the aircraft is equipped with a means of displaying charts that enables such aircraft to be readable in all ambient light conditions;
- (c) if the aircraft is flown under instrument meteorological conditions, such aircraft has been certificated for single pilot IFR operations and is equipped with a serviceable automatic flight control system with at least altitude hold and heading mode; or
- (d) in the case of a helicopter, if it is flown at night under visual meteorological conditions such helicopter is equipped with a serviceable automatic flight control system with at least altitude and heading mode or similar equipment, but this requirement does not apply to a helicopter -
  - (i) operated in the circuit of the aerodrome of departure;
  - (ii) over densely populated, well-lighted areas as contemplated in regulation 91.06.32(2); or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) is not flown higher than 3 500 feet above the minimum height provided for in these regulations.

[The word “that” appears to have been omitted at the beginning of subparagraph (iii); this word is needed to fit the sentence structure.]

**Mach number indicator**

**91.04.7** An owner or operator of an aircraft with speed limitations expressed in terms of Mach number may not operate the aircraft unless such aircraft is equipped with a Mach number indicator.

**Radio altimeter**

**91.04.8** An owner or operator of a helicopter may not operate the helicopter on a flight over water at a distance from land corresponding to more than 10 minutes at normal cruise speed, unless such helicopter is equipped with a radio altimeter with an audio voice warning or other aural means of notifying the flight crew when operating below a preset height and with a visual warning capable of alerting the flight crew when operating below a preset height selectable by the flight crew.

**Equipment for operations in icing conditions**

**91.04.9** (1) An owner or operator of an aircraft may not operate the aircraft in forecast or actual icing conditions unless such aircraft is certificated and equipped to operate in icing conditions.

(2) An owner or operator of an aircraft may not operate an aircraft in forecast or actual icing conditions by night unless such aircraft is equipped with a means to illuminate or detect the formation of ice.

[The word “aircraft” is misspelt in the *Government Gazette* in its first usage in subregulation (2), as reproduced above.]

(3) The means of illumination referred to in subregulation (2), must be of a type which does not cause glare or reflection which may handicap flight deck crew members in the performance of their duties.

(4) A flight, to be planned or expected to operate in suspected or known ground icing conditions, may not take off unless the aircraft has been inspected for icing and, if necessary, has been subjected to appropriate ground de-icing.

(5) Accumulation of ice or other naturally occurring contaminants must be removed so that the aircraft is kept in an airworthy condition prior to take-off.

**Flight recorders**

**91.04.10** (1) For the purposes of this regulation any reference to -

- (a) a specified date upon which an application for a type certification is submitted to a contracting state means a date upon which such application is made for a new aircraft type, not a date of certification of particular aircraft variants or derivative models; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a specified date upon which an individual certificate of airworthiness is first issued means the first time a certificate of airworthiness is issued for a new individual aircraft serial number that has just come off the assembly line.

(2) A person may not operate an aircraft engaged in international general aviation operations which -

- (a) is a turbine-engined aeroplane with a Maximum Certificated take-off Mass of 5 700 kilogram or less for which an individual certificate of airworthiness was first issued on or after 1 January 2016 unless such aircraft is equipped with a flight data recorders that complies with the requirements provided for in Document NAM-CATS-OPS 91; or

[The phrase “a flight data recorders” should be “a flight data recorder”.]

- (b) is a helicopter with Maximum Certificated take-off Mass exceeding 3 180 kilogram for which an individual certificate of airworthiness was first issued on or after 1 January 2016 unless such helicopter is equipped with an flight data recorders that complies with the requirements provided for in Document NAM-CATS-OPS 91;

[The singular word “kilogram” should be plural. The phrase “an flight data recorders” should be “a flight data recorder”. The semicolon at the end of paragraph (b) should be a full stop; there are no additional paragraphs in the subregulation.]

(3) A person may not operate an aircraft engaged in international general aviation operation which -

- (a) is a turbine-engined aeroplane with a Maximum Certificated take-off Mass of 5 700 kilogram or more for which an individual certificate of airworthiness was first issued on or after 1 January 2023 unless such aircraft is equipped with a flight data recorders that complies with the requirements provided for in Document NAM-CATS-OPS 91;

[The phrase “a flight data recorders” should be “a flight data recorder”.]

- (b) is a turbine-engine aeroplane with Maximum Certificated take-off Mass exceeding 5 700 kilogram, required to be operated by more than one pilot for which an application for type certification was submitted to a contracting state on or after 1 January 2016, unless if such aircraft is equipped with a cockpit voice recorder or a cockpit audio recording system which complies with the requirements prescribed in Document NAM-CATS-OPS 91.

[The singular word “kilogram” should be plural.  
The word “if” after the word “unless” is superfluous.]

(4) A person may not operate a turbine engine aeroplane with Maximum Certificated take-off Mass exceeding 5 700 kilogram for which a type certificate was first issued on or after 1 January 2016 and required to be operated by more than one pilot unless such aeroplane is equipped with either a cockpit voice recorder or a cockpit audio recording system.

[The singular word “kilogram” should be plural.]

(5) A cockpit voice recorder referred to in this Subpart must retain the information recorded during at least the last two hours of operation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) A person may not operate an aircraft for which the individual certificate of airworthiness is first issued on or after 1 January 2016 and which is required to be fitted with a cockpit voice recorder or for aeroplanes, a cockpit audio recording system, unless the cockpit voice recorder or cockpit audio recording system, as applicable, is provided with an independent power source that complies with the requirements provided for in Document NAM-CATS-OPS 91.

(7) A person may not operate an aircraft for which the individual certificate of airworthiness was first issued on or after 1 January 2016, which utilises any data link communications and is required to carry a cockpit voice recorder, unless all data link communications messages to and from the aircraft are recorded on a data link recorder or other flight recorder.

(8) The minimum recording duration of the data link communications referred to in subregulation (7) must be equal to the duration of the cockpit voice recorder and must be correlated to the recorded cockpit audio.

(9) A person may not operate an aircraft which is modified on or after 1 January 2016 to install and utilise any data link communications and which is required to carry a cockpit voice recorder, unless the data link communications messages are recorded on a data link recorder or other flight recorder.

(10) A flight data recorder required in terms of this Part must be provided for in Document NAM-CATS-OPS 91 and be capable of retaining the information recorded during at least -

- (a) in the case of an aeroplane, the last 25 hours of its operation; or
- (b) in the case of a helicopter, the last 10 hours of its operation.

(11) A cockpit voice recorder or cockpit audio recording system required by this regulation must meet the specific recorded information time as provided for in Document NAM-CATS 91.

(12) A person may not use the following mediums to record any information or data required to be recorded in terms of this Part -

- (a) engraving metal foil, photographic film or frequency modulation (FM) in flight data recorders, aircraft data recording system, Airborne Image Recorder or Airborne Image Recording System; and
- (b) from 1 January 2016, magnetic tape in flight data recorders and magnetic tape and wire in cockpit voice recorders.

(13) A flight recorder may not be switched off during flight.

(14) A flight recorder installed in an aircraft must meet the installation, crashworthiness and fire protection specifications provided for in Document NAM-CATS-OPS 91 and must be located and installed in such a manner that maximum practicable protection is provided, such that, in the event of an accident or incident, recorded data may be recovered in a preserved and intelligible state.

(15) A owner or operator of an aircraft must ensure that retrieving the recorded data from the storage medium will be readily possible.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The article “A” at the beginning of subregulation (15) should be “An”.]**

(16) A pilot-in-command or owner or operator of an aircraft must, in the event an aircraft becomes involved in an accident or incident, ensure to the extent possible, that -

- (a) all related flight recorder records, and if possible the associated flight recorders, are preserved and retained in safe custody pending their disposition to the accident or incident investigation team;
- (b) a flight recorder is deactivated upon completion of flight time following an accident or incident; and
- (c) a flight recorder is not reactivated before its disposition to the accident or incident investigation team.

(17) A owner or operator of an aircraft must ensure that the quality assurance programme of the organisation responsible for the maintenance of his or her aircraft includes verification of the measurement range, recording interval and accuracy of parameters on installed flight recorder equipment.

**[The article “A” at the beginning of subregulation (17) should be “An”.]**

(18) A owner or operator of an aircraft must ensure that documentation concerning parameter allocation, conversion equations, periodic calibration and other serviceable or maintenance information is maintained by the organisation responsible for maintenance of his or her aircraft.

**[The article “A” at the beginning of subregulation (18) should be “An”.]**

(19) The documentation referred to in subregulation (18) must be sufficient to ensure that the accident investigation authorities have the necessary information to read out the data in engineering units.

(20) The cockpit voice recorder and flight data recorders referred to in this part may be combined.

(21) A pilot-in-command of an aircraft may commence a flight with flight data recorders inoperative, except that -

- (a) such aircraft may not depart from an aerodrome if repairs or replacements to each flight data recorders can be made;

**[The phrase “each flight data recorders” should be “each flight data recorder”, or “such flight data recorders”.]**

- (b) such aircraft does not exceed six further consecutive flights with an flight data recorders unserviceable;

**[The phrase “an flight data recorders” should be “a flight data recorder” or “flight data recorders”.]**

- (c) not more than 48 hours have elapsed since such flight data recorders became unserviceable;
- (d) such flight data recorders is not combined with cockpit voice recorder and an aircraft is equipped with cockpit voice recorder that is serviceable and functioning in

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

accordance with the requirements provided for in Document NAM-CATS-OPS 91;  
and

**[The phrase “such flight data recorders” should be “such flight data recorder” which would accord with the verb “is”, or alternatively the verb “is” should be “are” to accord with the plural subject “recorders”. The article “a” appears to have been omitted before the phrase “cockpit voice recorder” in both its usages.]**

- (e) for an aircraft with an approved MEL, such aircraft is operated in accordance with that MEL.

(22) A pilot-in-command of a aircraft may commence a flight with cockpit voice recorder or cockpit audio recording system inoperative, except that -

**[The article “a” before the word “aircraft” should be “an”.]**

- (a) such aircraft may not take-off from an aerodrome if repairs or replacements to such cockpit voice recorder can be made;
- (b) such aircraft does not exceed six further consecutive flights with cockpit voice recorder unserviceable;

**[A word ( “the” or “such”) appears to have been omitted before the phrase “cockpit voice recorder”.]**

- (c) not more than 48 hours have elapsed since such cockpit voice recorder became unserviceable;
- (d) any flight data recorders required to be carried is operative, unless such flight data recorders is combined with a cockpit voice recorder; and

**[The verb “is” should be “are” to accord with the subject “recorders” in both its usages in paragraph (d).]**

- (e) for aircraft with an approved MEL, such aircraft is operated in accordance with such MEL.

(23) An owner or operator of an aircraft may not use the recordings or transcripts of cockpit voice recorder, cockpit audio recording system, Class A AIR, and Class A airborne image recording system for any other purposes other than for purposes of an investigation of an accident or incident in terms of regulations related to aircraft accident and incident investigations, except if such recordings or transcripts are -

**[The article “a” appears to have been omitted before the phrase “cockpit voice recorder”. The word “other” before the phrase “purposes other than” is superfluous.]**

- (a) related to a safety-related event identified in the context of an safety management system and are -

**[The article “an” before the term “safety management system” should be “a”.]**

- (i) restricted to the relevant portions of a de-identified transcript of the recording;  
and
- (ii) subject to the protections stipulated in Part 140;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) sought for use in criminal proceedings not related to an event involving an aircraft accident or incident investigation and are subject to the protections stipulated in Part 140; or
- (c) used for inspections of flight recorder systems as provided in this Part and its associated Document NAM-CATS-OPS 91.

(24) An owner or operator of an aircraft may not use the recordings or transcripts of a flight data recorder, an aircraft data recording system as well as Class B and Class C AIR and Airborne Image Recording System for purposes other than the investigation of an accident or incident in terms of regulations related to aircraft accident and incident investigations, except if a recording or a transcript is subject to the protections provided for under Part 140 and are -

- (a) used by an owner or operator for airworthiness or maintenance purposes;
- (b) used by an owner or operator in the operation of a flight data analysis programme referred to under this Part;
- (c) sought for use in proceedings not related to an event involving an accident or incident investigation;
- (d) de-identified; or
- (e) disclosed under secure procedures.

**Seat, seat safety belt, harness, child restraint device and carriage of an infant**

**91.04.11** A person may not operate an aircraft unless such aircraft is equipped, as applicable, with -

- (a) a seat or berth for each person who is aged two years or more;
- (b) a safety belt with or without a diagonal shoulder strap or a safety harness, for use in each passenger seat for each passenger who is aged two years or more;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for the carriage of a child as provided for in Document NAM-CATS-OPS 91;
- (e) a safety harness for each flight crew member seat, incorporating a device which must automatically restrain the occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat, except that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

**Stowage of articles, baggage and cargo**

**91.04.12** An owner or operator of an aircraft may not operate the aircraft unless all articles, baggage and cargo carried on board, excluding those items in use by either the flight crew or by passengers, if such use is not prohibited in the interest of the safety of the aircraft or its occupants, are placed -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) in a manner which prevents movement likely to cause injury or damage and does not obstruct aisles and exits; or
- (b) in stowage designed to prevent movement likely to cause injury or damage.

**First aid and universal precaution kits**

**91.04.13** (1) An owner or operator of an aircraft used in general aviation operations may not operate the aircraft unless such aircraft is equipped with the first aid kit consisting of the medical supplies as provided for in Document NAM-CATS-OPS 91.

(2) An owner or operator of an aircraft must carry out periodical inspections of the first aid kit to ensure that, as far as practicable, the contents of such first aid kit are in a condition necessary for its intended use.

(3) The contents of the first aid kit must be replenished at regular intervals, in accordance with instructions contained on their labels or as circumstances require.

(4) The first aid kit must be readily accessible to the crew or passengers.

(5) An owner or operator of an aircraft used in general aviation operations for which the maximum certificated passenger seating is 20 or more and in which a cabin attendant is carried, may not operate the aircraft unless such aircraft is equipped with universal precaution kits specified in Document NAM-CATS-OPS 91.

(6) The contents of the universal precaution kits must be as provided for in Document NAM-CATS-OPS 91.

**First aid oxygen**

**91.04.14** (1) An owner or operator of an aircraft in respect of which the carriage of a cabin crew member is required in terms of this Part, may not operate the aircraft unless such aircraft is equipped with the appropriate supply of first aid oxygen provided for in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen must be as provided for in Document NAM-CATS-OPS 91.

**Supplemental oxygen in case of pressurised aircraft**

[The word “the” appears to have been omitted between the words “in” and “case”.]

**91.04.15** (1) An owner or operator of a pressurised aircraft may not operate such aircraft unless such aircraft is equipped with the supplemental oxygen as provided for in Document NAM-CATS-OPS 91 and such oxygen may be used continuously whenever the circumstances for which its supply has been provided for prevail.

(2) An owner or operator of a pressurised aircraft may not operate the aircraft above 25 000 feet except if all flight crew members have available at their flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.

**Supplemental oxygen in case of non-pressurised aircraft**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “the” appears to have been omitted between the words “in” and “case”.]

**91.04.16** (1) An owner or operator of a non-pressurised aircraft may not operate the aircraft at altitudes between 10 000 feet and 12 000 feet for longer than 120 consecutive minutes intended flight time, or above 12 000 feet, unless if such aircraft is equipped with the supplementary oxygen as provided for in Document NAM-CATS-OPS 91 and such oxygen may be used continuously whenever the circumstances for which its supply has been provided prevail.

[The word “if” after the word “unless” is superfluous.]

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen must be as provided for in Document NAM-CATS-OPS 91.

**Flight crew protective breathing equipment**

**91.04.17** (1) A person may not operate a pressurised aircraft or an unpressurised aircraft with a maximum certificated take-off mass exceeding 5 700 kilograms and a maximum approved passenger seating configuration of more than 20 seats, at altitudes above 12 000 feet, except if such aeroplane -

- (a) is equipped with equipment to protect the eyes, nose and mouth of each flight crew member while on flight deck duty and to provide oxygen for a period of at least 15 minutes;
- (b) has sufficient portable protective breathing equipment to protect the eyes, nose and mouth of all cabin crew members required to be carried in terms of this Part and to provide breathing gas for a period of at least 15 minutes; and
- (c) if no cabin crew member is carried, is equipped with portable protective breathing equipment to protect the eyes, nose and mouth of one member of the flight crew and to provide breathing gas for a period of at least 15 minutes.

(2) The supply for protective breathing equipment may be provided by supplemental oxygen referred to in regulation 91.04.15 or 91.04.16.

(3) The protective breathing equipment intended for use by flight deck crew, must be conveniently located on the flight deck and be easily accessible for immediate use by each required flight deck crew member at his or her assigned duty station.

(4) The protective breathing equipment intended for use by cabin crew must be installed adjacent to each required cabin crew member duty station.

(5) The easily accessible portable protective breathing equipment must be provided and located at, or adjacent to, the hand fire extinguishers, on condition that if the fire extinguisher is located inside a cargo compartment, the protective breathing equipment must be stowed outside, but adjacent to, the entrance to such compartment.

(6) The protective breathing equipment, while in use, must not prevent communication, if required.

**Fire extinguishers**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.04.18** (1) An owner or operator of an aircraft may not operate an aircraft except if such aircraft is equipped with the appropriate fire extinguisher as provided for in Document NAM-CATS-OPS 91.

(2) Any agent used in a built-in fire extinguisher for each lavatory disposal receptacle for towels, paper or waste in an aircraft for which the individual certificate of airworthiness is first issued on or after 31 December 2011 and any extinguishing agent used in a portable fire extinguisher in an aircraft for which the individual certificate of airworthiness is first issued on or after 31 December 2018 must meet the applicable minimum performance requirements provided for in Document NAM-CATS-OPS 91.

**Crash axes and crowbars**

**91.04.19** (1) An owner or operator of an aircraft with a maximum certificated take-off mass exceeding 5 700 kilograms or a maximum approved passenger seating configuration of more than nine seats, may not operate the aircraft except if such aircraft is equipped with at least one crash axe or crowbar located on the flight deck.

(2) If the maximum approved passenger seating configuration is more than 200 seats, an additional crowbar must be carried in the aircraft and located out of sight in or near the most rearward galley area.

**Marking of break-in points**

**91.04.20** An owner or operator of an aircraft must ensure that, if areas of the fuselage suitable for break-in by rescue crews in an emergency, are marked on the aircraft, such areas must be marked in accordance with the requirements as provided for in Part 47.

**Megaphones**

**91.04.21** An owner or operator of an aircraft with a maximum approved passenger seating configuration of more than 60 seats and which is carrying one or more passengers, may not operate the aircraft unless such aircraft is equipped with the appropriate portable battery-powered megaphones as provided for in Document NAM-CATS-OPS 91.

**Emergency locator transmitters**

**91.04.22** (1) Except as provided in subregulation (3), an owner or operator of an aircraft specified in Document NAM-CATS-OPS 91 may not operate such aircraft unless it is equipped with one or more approved ELTs.

(2) The number and type of ELTs, the manner in which the ELT's are carried, the specifications to which the ELT's adhere to, the frequencies on which the ELT's are able to transmit and the manner in which they must be maintained are provided for in Document NAM-CATS 91.

[The term "ELT's" should be "ELTs" (without an apostrophe) throughout subregulation (2).]

(3) The following aircraft are exempted from the requirement referred to in subregulation (1) -

- (a) an aircraft engaged in flights remaining within a radius of 50 nautical miles from their point of departure;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) an aircraft engaged in the aerial application of chemicals or other substances for agricultural purposes, and on flights incidental thereto;
- (c) a new aircraft on a flight for a purpose associated with its manufacture and preparation for delivery, but not when on its delivery flight;
- (d) an aircraft flown for the purpose of moving it to a place to have an approved ELT fitted or a fitted ELT repaired, removed or overhauled, except that only the required flight crew members may be carried on board;
- (e) an aircraft of which the ELT has been temporarily removed for inspection, repair, modification or replacement, as long as -
  - (i) the necessary logbook entries have been made;
  - (ii) a placard stating "ELT not installed or carried" has been installed in a position easily visible to the flight crew; and
  - (iii) a period of 90 days is not exceeded without an ELT;

[The word "an" before "ELT" is misspelt as "and"  
in the *Government Gazette*, as reproduced above.]

- (f) an aircraft certified for research and development purposes;
- (g) an aircraft used for showing compliance with regulations or in crew training, air racing, air display or market surveys;
- (h) aircraft with an approved seating configuration of not more than one person;
- (i) aircraft operated related to operation of non-type certificated aircraft; or

[There is a problem with the structure of paragraph (i); it is not clear what was intended.]

- (j) any aircraft on a flight or a series of flights for which an exemption in writing has been granted by the Executive Director.

(4) All aircraft for which the individual certificate of airworthiness is first issued after 1 July 2008 must be equipped with at least one automatic ELT.

(5) The Executive Director must maintain a register of all aircraft equipped with 406 MHz ELT, which must contain the following particulars -

- (a) the nationality and registration marks of the aircraft;
- (b) particulars of the manufacturer's designation and serial number of the aircraft;
- (c) the full name and contact details of the registered owner of the aircraft;
- (d) the make and model number of the ELT;
- (e) the 15-digit unique identification number provided by the manufacturer of the ELT or the aircraft's Mode S transponder code; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) the names and contact details of the persons who know the aircraft's itinerary and who may be contacted 24 hours a day.

(6) On the payment of the appropriate fee as provided for in Part 187, an excerpt of the ELT register must be furnished to any person who requests such an excerpt.

(7) The fee as provided for in Part 187 is payable for the registration, deregistration and changing of an ELT.

**Life jackets and other flotation devices**

**91.04.23** (1) A person -

- (a) may not operate an aeroplane other than an aeroplane referred to in paragraph (b) -
  - (i) if the aeroplane, flying over water and beyond gliding distance of land is not capable of continuing the flight to an aerodrome with the critical power-unit becoming inoperative at any point along the route or any planned diversion; or
  - (ii) if the aeroplane when taking off or landing at an aerodrome where the take-off or approach path is disposed over water that in the event of an incident, there would be a likelihood of a ditching,

[A word such as "so" appears to have been omitted before the phrase "that in the event...".]

unless such aeroplane is equipped with a flotation device or a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a locator survival light for use by each infant on board;

- (b) may not operate a seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -
  - (i) a flotation device or a life jacket containing a survivor locator light, for each person on board, stowed in a position easily accessible, with safety belt fastened, from the seat or berth of the person for whose use it is provided, and an individual infant flotation device, containing a survivor locator light, for use by each infant on board; and
  - (ii) life jackets, other than the life jackets referred to in subparagraph (i), for 20 per cent of the number of persons on board such seaplane or amphibious aeroplane, located in the passenger compartment near the emergency exits and readily accessible;
- (c) may not operate a helicopter over water beyond autorotative distance from land, other than only for take-off and initial climb, or final approach and landing, unless -
  - (i) each person on board is wearing a life jacket containing a survivor locator light; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) an individual infant flotation device containing a locator survival light for use by each infant on board, stowed in a position easily accessible for the person in which care the infant is; and
- (d) may not operate a free balloon or airship over a body of water that may pose a risk of drowning to any person on board such free balloon or airship unless the operator has put in place appropriate floatation devices or alternative drowning preventative measures.
- (2) A person may not operate the following helicopters over water unless such helicopter is certificated as an amphibian helicopter or for ditching or is equipped with permanent or rapidly deployable emergency flotation equipment -
  - (a) a performance Class 3 helicopter operating below a height that would permit such helicopter to complete an autorotation to a landing on land in the event of an engine failure;
  - (b) a performance Class 1 or 2 helicopter operating in a hostile environment more than 10 minutes from land that would be unable to maintain flight to a suitable landing site in the event of an engine failure; or
  - (c) a performance Class 1 helicopter operating in a non-hostile environment at a distance from land equivalent to 30 minutes at normal cruising speed or 50 nautical miles, whichever is the lesser,

but in the case of aerial spraying operations over water, the owner or operator may apply to the Executive Director for an exemption in terms of Part 3.

- (3) A sea state must be an integral part of ditching information.

**Life rafts and survival radio equipment for extended over-water flights**

**91.04.24** A person may not operate an aircraft over water at a distance equivalent to 30 minutes at normal cruising speed or 50 nautical miles, whichever is the lesser, away from land unless such aircraft -

- (a) is equipped with life rafts sufficient to accommodate all persons on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided; and
- (b) is equipped with the survival equipment and complies with the provisions as provided for in Document NAM-CATS-OPS 91.

[To be grammatically correct, paragraph (b) should say: "is equipped with the survival equipment as provided for in, and complies with the provisions of, Document NAM-CATS-OPS 91".]

**Survival equipment**

**91.04.25** A person may not operate an aircraft over areas where search and rescue would be especially difficult, unless if such aircraft is equipped with signalling devices and the appropriate survival equipment which complies with the provisions as provided for in Document NAM-CATS-OPS 91.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**[The word “if” after the word “unless” is superfluous. The phrase “the provisions as provided for in Document NAM-CATS-OPS 91” should be “the provisions of Document NAM-CATS-OPS 91”.]**

**Seaplanes, amphibious aeroplanes and amphibious helicopters**

**91.04.26** A person may not operate a seaplane, amphibious aeroplane or amphibious helicopter on water unless it is equipped with -

- (a) one life jacket or equivalent individual floatation device, for each person on board, stowed in a position readily accessible from the seat or berth;
- (b) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring such seaplane, amphibious aeroplane or amphibious helicopter on water, appropriate to its size, mass and handling characteristics; and
- (c) equipment for making the sound signals provided for in the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), adopted on the 20 October 1972 and entered into force on 15 July 1977, where applicable.

**[The word “the” before “20 October 1972” is superfluous.]**

**Airborne collision avoidance system**

**91.04.27** (1) A person may not operate an aeroplane required to be equipped with airborne collision avoidance system except if he or she has completed the training and checking as specified in Document NAM-CATS-OPS 91.

(2) The airborne collision avoidance system training must be provided through an approved training programme.

(3) If an aircraft is equipped with an airborne collision avoidance system, such system must -

- (a) meet the specifications in, and function in accordance with, the relevant provisions of Document NAM-CATS-OPS 91; and
- (b) when serviceable, always be activated during flight in all airspace, including oceanic, international, foreign and domestic airspace, even if in terms of these regulations the carriage of airborne collision avoidance system equipment is not compulsory for that particular type of aircraft or the type of operation.

(4) If an airborne collision avoidance system becomes unserviceable during flight when operation of airborne collision avoidance system is mandatory, the pilot-in-command of that aircraft must inform the responsible air traffic service unit as soon as is practical.

**[The word “an” appears to have been omitted before the second usage of the term “airborne collision avoidance system”.]**

(5) A pilot may not on act as pilot-in-command of a Namibian registered aircraft during any period while an airborne collision avoidance system is activated unless such pilot is airborne collision avoidance system-current.

**[The word “on” between “not” and “act” is superfluous.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) If a flight crew receives a traffic avoidance instruction from an air traffic service unit that is in conflict with the resolution advisory message issued by the aircraft's approved airborne collision avoidance system, the airborne collision avoidance system resolution advisory takes priority over the air traffic service unit instruction.

(7) Instructions in respect of an airborne collision avoidance system operational use and event reporting are provided for in Document NAM-CATS-OPS 91.

(8) For the purpose of this regulation, an airborne collision avoidance system -current pilot means a pilot who, -

- (a) within the immediately preceding 12 months, completed initial airborne collision avoidance system II training;
- (b) within the immediate preceding two years, completed initial airborne collision avoidance system training and subsequently completed airborne collision avoidance system II renewal training more than nine months and less than 12 months after the earlier training; or
- (c) within the immediate preceding 12 months, completed a session of airborne collision avoidance system II cyclic training.

**Aircraft on high altitude flights**

**91.04.28** (1) A person may not operate an aircraft intended to be operated at high altitudes unless such aircraft is equipped with oxygen storage and dispensing apparatus capable of storing and dispensing oxygen supplies in terms of Document NAM-CATS-OPS 91.

(2) A person may not operate a pressurized aircraft, for which the individual certificate of airworthiness was first issued on or after 1 January 1990, above 25 000 feet unless if such aircraft is equipped with a device to provide positive warning to the flight crew of any dangerous loss of pressurization.

[The word "if" after the word "unless" is superfluous.]

(3) A person may not operate a pressurized aircraft, for which the individual certificate of airworthiness was first issued before 1 January 1990, above 25 000 feet unless if such aircraft is equipped with a device to provide positive warning to the flight crew of any dangerous loss of pressurization.

[The word "if" after the word "unless" is superfluous.]

**Terrain awareness and warning systems**

**91.04.29** (1) An turbine-engine aircraft of a maximum certificated take-off mass more than 5 700 kg or authorised to carry more than nine passengers operating in instrument meteorological conditions must be equipped with a terrain awareness warning system which has a predictive terrain avoidance function that meets the requirements specified in Document NAM-CATS-OPS 91.

[The article "An" at the beginning of subregulation (1) should be "A".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) All turbine-engined aeroplanes of a maximum certificated take-off mass of 5 700 kg or less and authorised to carry more than five but not more than nine passengers may be equipped with a ground proximity warning system which has a forward-looking terrain avoidance function.

(3) A terrain awareness warning system installed in turbine-engine aircraft of a maximum certificated take-off mass of more than 5 700 kg or authorised to carry more than nine passengers for which the individual certificate of airworthiness was first issued after 1 January 2011 must provide, as a minimum, warnings of at least the circumstances specified in subregulation (8).

(4) Except as provided for in subregulation (5), each terrain awareness warning system required under subregulation (1) must be functioning properly prior to flight.

(5) An aircraft may be operated without a functioning terrain awareness warning system -

- (a) as provided for in an approved MEL; or
- (b) if repairs cannot be effected at the aerodrome last operated into and the aircraft is flown by the most direct routing to the nearest facility where the repairs can be made.

(6) A terrain awareness warning system must automatically provide a timely and distinctive warning to the flight crew when the aircraft is in a potentially hazardous proximity to the earth's surface.

(7) All piston-engined aircraft of a maximum certificated take-off mass more than 5 700 kg or authorised to carry more than nine passengers may be equipped with a ground proximity warning system which has a forward-looking terrain avoidance function.

(8) A ground proximity warning system must provide at a minimum, warnings of at least the following conditions -

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration such as -
  - (i) gear not locked down;
  - (ii) flaps not in a landing position;
- (e) excessive descent below the instrument glide path; and
- (f) voice callout "five hundred" when the airplane descends to 500 feet above the terrain or nearest runway elevation.

[The text of paragraph (f) does not fit the introductory phrase in subregulation (8).]

**SUBPART 5**  
**COMMUNICATION, NAVIGATION AND SURVEILLANCE EQUIPMENT**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Communication equipment**

**91.05.1** (1) A owner or operator of a aircraft may not, without prior written approval by the Executive Director, operate an aircraft in a designated airspace or under IFR unless such aircraft is equipped with radio communication equipment capable of -

[The article "A" at the beginning of subregulation (1) should be "An".  
The article "a" before the word "aircraft" should be "an".]

- (a) two-way communication at any time during the flight on such frequencies as provided for by the appropriate authority; and
- (b) receiving meteorological information at any time during flight.

(2) The radio communication equipment referred to in subregulation (1) must be capable of providing communication on the aeronautical emergency frequency 121.5 MHz.

(3) All flight crew members required to be on flight deck duty must communicate through boom or throat microphones below the transition level altitude.

(4) A owner or operator of a aircraft must ensure that a aircraft operated in accordance with the instrument flight rules or at night is provided with radio communication equipment, and such equipment must be capable of conducting two-way communication with those aeronautical stations and on those frequencies provided by the appropriate authority.

[The article "A" at the beginning of subregulation (4) should be "An".  
The article "a" before the word "aircraft" should be "an" in both places where that word appears.]

(5) If compliance with subparagraph (4) requires that more than one communication equipment unit be provided, each communication equipment must be independent of the other or others to the extent that a failure in any one will not result in failure of any other.

(6) A owner or operator of an aircraft to be operated in accordance with VFR, but as a controlled flight, must unless if exempted by the Executive Director, ensure such aircraft is provided with radio communication equipment capable of conducting two-way communication at any time during flight with such aeronautical stations and on such frequencies as may be provided for by the appropriate authority or Executive Director.

[The article "A" at the beginning of subregulation (6) should be "An".  
The word "if" after the word "unless" is superfluous.]

(7) A owner or operator of an aircraft to be operated on extended flights over water or areas in which search and rescue would be especially difficult must unless if exempted by the appropriate authority, ensure such aircraft is provided with radio communication equipment capable of conducting two-way communication at any time during flight with such aeronautical stations and on such frequencies as may be provided for by the appropriate authority or Executive Director.

[The article "A" at the beginning of subregulation (7) should be "An".  
The word "if" after the word "unless" is superfluous.]

(8) The radio communication equipment contemplated in subregulations (4) to (7) must provide for communication on the aeronautical emergency frequency 121.5 MHz.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) For operations where communication equipment is required to meet an required communication performance specification for performance-based communication, the owner or operator of a aircraft must, in addition to the requirements specified in subregulations (4) to (7), ensure such aircraft -

[The article “an” before the phrase “required communication performance specification” should be “a”. The article “a” before the word “aircraft” should be “an”.]

- (a) is provided with communication equipment which will enable it to operate in accordance with the required communication performance specifications;
- (b) has information relevant to the aircraft required communication performance specification capabilities listed in the flight manual or other aircraft documentation approved by the Executive Director; and
- (c) if the aircraft is operated in accordance with an MEL, has information relevant to the aircraft required communication performance specification capabilities included in the MEL.

(10) The criteria for operations of a required communication performance specification for performance-based communication are as provided for in Document NAM-CATS-OPS Part 91.

(11) In establishing criteria for operations where a required communication performance specification for performance-based communication has been provided for, the Executive Director must require the operator or owner of an aircraft to establish -

- (a) normal and abnormal procedures, including contingency procedures;
- (b) flight crew qualification and proficiency requirements, in accordance with the appropriate required communication performance specifications;
- (c) a training programme for relevant personnel consistent with the intended operations; and
- (d) appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate required communication performance specifications.

(12) The Executive Director must ensure that, in respect of those aircraft mentioned in subregulation (9), adequate provisions exist for -

- (a) receiving the reports of observed communication performance issued by monitoring programmes established as contemplated in Document NAM-CATS-OPS Part 91; and
- (b) taking immediate corrective action for individual aircraft, aircraft types or operators, identified in such reports as not complying with the required communication performance specifications.

**Navigation equipment**

**91.05.2** (1) A owner or operator of a aircraft must ensure that the aircraft is provided with navigation equipment which will enable it to proceed -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The article “A” at the beginning of subregulation (1) should be “An”.  
The article “a” before the word “aircraft” should be “an”.]

- (a) in accordance with its flight plan; and
- (b) in accordance with the requirements of air traffic services,

except when, navigation for flights under VFR is accomplished by visual reference to landmarks or precluded by the Executive Director.

[The comma after the phrase “except when” is superfluous.]

(2) For operations where a navigation specification for performance-based navigation is provided for in terms of Part 90, an aircraft must, in addition to the requirements specified in subregulation (1) -

- (a) be provided with navigation equipment that will enable it to operate in accordance with the prescribed navigation specifications;
- (b) have information relevant to the aircraft navigation specification capabilities listed in the flight manual or other aircraft documentation approved by the Executive Director for such operations; and
- (c) if the aircraft is operated in accordance with a MEL, have information relevant to the aircraft navigation specification capabilities included in the MEL.

(3) The criteria for operations where a navigation specification for performance-based navigation is as provided for in Document NAMCATS-OPS Part 91.

(4) In establishing criteria for operations where a navigation specification for performance-based navigation has been provided for, the Executive Director must require that the operator or owner establish -

- (a) normal and abnormal procedures including contingency procedures;
- (b) flight crew qualification and proficiency requirements, in accordance with the appropriate navigation specifications;
- (c) training for relevant personnel consistent with the intended operations; and
- (d) appropriate maintenance procedures to ensure continued airworthiness, in accordance with the appropriate navigation specifications.

(5) The Executive Director must issue a specific approval for operations based on performance-based navigation authorisation required navigation specifications.

(6) For flights in defined portions of airspace which are, based on regional air navigation agreement, and the specified minimum navigation performance specifications, an aircraft must be provided with navigation equipment which -

- (a) continuously provides indications to the flight crew of adherence to or departure from track to the required degree of accuracy at any point along that track; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) has been authorised by the Executive Director for the minimum navigation performance specifications operations concerned.

(7) An aircraft and aircraft navigation system operating in accordance with performance-based navigation requirements must be approved by the Executive Director for operation on the applicable required navigation performance routing and in required navigation performance designated airspace.

- (8) An aircraft may not enter an RVSM airspace unless if -

[The word “if” after the word “unless” is superfluous.]

- (a) such aircraft has a valid RVSM specific approval issued by the Executive Director as provided for in the Document NAM-CATS-OPS 91;
- (b) its minimum RVSM equipment as specified in an approved MEL is serviceable;
- (c) its flight crew has successfully completed RVSM training as provided for in Document NAM-CATS-OPS 91; and
- (d) such aircraft is operated as provided in an air traffic service unit clearance to climb or descend through RVSM airspace to or from levels above RVSM flight level band.

(9) The requirements for the issue of an RVSM specific approval, including minimum equipment, maintenance and crew training requirements are provided for in Document NAM-CATS-OPS 91.

(10) The Executive Director may issue an RVSM specific approval only if he or she is satisfied that -

- (a) vertical navigation performance capability of an aircraft satisfies the requirements specified in Document NAM-CATS-OPS 91;
- (b) an aircraft owner or operator has instituted appropriate procedures in respect of continued airworthiness, maintenance and repair practices and programmes;
- (c) an aircraft owner or operator has instituted appropriate flight crew procedures for operation in RVSM airspace;
- (d) an aircraft is provided with equipment which is capable of -
  - (i) indicating, to a flight crew, a flight level being flown;
  - (ii) automatically maintaining a selected flight level;
  - (iii) providing an alert to flight crew when a deviation occurs from a selected flight level;
  - (iv) indicating the calibration of an alert system threshold which may not exceed an approximate height of 300 feet;
  - (v) automatically reporting pressure-altitude; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) in the event of the failure of one item of equipment at any stage of a flight, the remaining equipment will enable an aircraft to navigate in accordance with RVSM.

(11) The Executive Director may when considering an application for an RVSM specific approval, conduct an investigation considered as necessary to ascertain compliance with the requirements for RVSM operations as provided for in Document NAM-CATS-OPS 91.

(12) If the Executive Director is not so satisfied with compliance referred to in subregulation (4) the Executive Director must notify an applicant for a concerned RVSM specific approval of the reasons for such dissatisfaction and grant such applicant an opportunity to rectify any shortcoming within a determined period, after which period the Executive Director may grant or refuse the application concerned.

(13) If the Executive Director is satisfied that an applicant has complied with the relevant requirements, he or she must issue an RVSM specific approval in the format as provided for in Document NAM-CATS-OPS 91.

(14) The Executive Director must maintain a register of all RVSM specific approvals issued in terms of this regulation.

(15) A register of RVSM specific approvals referred to in subregulation (14) must contain the following particulars, which must be recorded in the register within 30 days from the date of issue of an RVSM specific approval -

- (a) make, model, and registration marks of an aircraft;
- (b) full names of the owner of the aircraft or names of an air service licence holder and an air service licence number, where applicable;
- (c) postal address of an RVSM specific approval holder; and
- (d) date on which an RVSM specific approval was issued.

(16) A register of RVSM specific approval must be kept in a safe place at the office of the Executive Director or at a location approved by the Executive Director.

(17) A person may request the Executive Director to furnish the person with a copy of a register of RVSM specific approvals referred to in subregulation (14) and the Executive Director may furnish such a copy to such a person upon the payment of the appropriate fee provided for in Part 187.

(18) A person may apply for a RVSM specific approval to the holder of such RVSM specific approval or to an AMO approved under Part 145, which is responsible for the servicing and maintenance of the concerned aircraft and such holder or AMO may issue such RVSM specific approval to that person.

- (19) An application for a duplicate RVSM specific approval must -

- (a) be made in the appropriate form as provided for in Document NAM-CATS-OPS 91; and
- (b) be accompanied by -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) data package referred to in Document NAM-CATS-OPS 91; and

[The word “a” or “the” appears to have been omitted at the beginning of subparagraph (i).]

- (ii) the appropriate fee as provided for in Part 187.

(20) A holder of an RVSM specific approval must -

- (a) report any occurrence involving poor height-keeping in an RVSM environment as specified in Document NAM-CATS 91 within 24 hours; and
- (b) make an effective, timely response to each height-keeping error.

(21) An aircraft owner or operator authorised to operate in RVSM airspace must ensure that as a minimum each aircraft type grouping of its fleet must have their height-keeping performance monitored as defined in Document NAM-CATS 91 at least once every two years or within intervals of 1 000 flight hours per aircraft, whichever period is longer.

(22) An aircraft owner or operator found to be operating in an RVSM airspace, within or outside Namibia, without a valid specific approval must be subjected to enforcement action by the Executive Director.

### **Surveillance equipment**

**91.05.3** (1) An aircraft owner or operator must install or ensure that an aircraft is installed with surveillance equipment which will enable it to operate in accordance with the requirements of air traffic services.

(2) For operations where surveillance equipment is required to meet required surveillance performance specifications for Performance-based surveillance, an aircraft must, in addition to the requirements provided in subregulation (1) -

- (a) be provided with surveillance equipment which will enable it to operate in accordance with the required surveillance performance specifications;
- (b) have information relevant to the aircraft required surveillance performance specification capabilities listed in the flight manual or other aircraft documentation approved by the state of design or state of registry; and
- (c) have information relevant to the aircraft required surveillance performance specification capabilities included in the MEL where applicable.

(3) For operation where an required surveillance performance specification for Performance-based surveillance is provided for, an owner or operator of an aircraft must establish -

[The article “an” before the phrase “required communication performance specification” should be “a”.]

- (a) normal and abnormal procedures, including contingency procedures for such operation;
- (b) flight crew qualification and proficiency requirements, in accordance with appropriate required communication performance specifications;

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a training programme for relevant personnel consistent with the intended operations;
- (d) appropriate maintenance procedures to ensure continued airworthiness in accordance with appropriate required communication performance specifications; and
- (e) a monitoring programme to receive reports of observed communication performance for submission to the Executive Director.

(4) Prior to operating an aircraft in a specific area, an operator or pilot-in-command must ensure that the aircraft is equipped with a functional Mode C, Mode S, automatic dependent surveillance-B or automatic dependent surveillance-C transponder as appropriate for the operating area concerned.

(5) An owner or operator of an aircraft referred to in subregulation (2) must -

- (a) establish a monitoring programme; and
- (b) submit reports to the Executive Director of observed surveillance performance derived from information collected by the monitoring programme.

(6) The Executive Director must take immediate corrective action for individual aircraft, aircraft types, or operators identified in such reports as not complying with the Required surveillance performance specifications.

[The word “required” should not be capitalised.]

### **Installation**

**91.05.4** The equipment installation must be such that the failure of any single unit required for communications, navigation or surveillance purposes or any combination of such units will not result in the failure of another unit required for communications, navigation or surveillance purposes.

### **Electronic navigation data management**

**91.05.5** (1) The owner or operator of an aircraft may not employ electronic navigation data products that have been processed for application in the air and on the ground unless the state of registry has approved the operator’s procedures for ensuring that the process applied and the products delivered have met acceptable standards of integrity and that the products are compatible with the intended function of the existing equipment.

(2) The state of registry must ensure that the owner or operator of an aircraft continues to monitor both the process and products.

(3) The owner or operator of an aircraft must implement procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all necessary aircraft.

## **SUBPART 6 RULES OF AIR**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**DIVISION ONE: APPLICABILITY AND COMPLIANCE**

**Applicability**

**91.06.1** This Subpart applies to airspace users and aircraft -

- (a) operating into, within or out of Namibia;
- (b) bearing the nationality and registration marks of Namibia and operating in any airspace to the extent that they do not conflict with the rules published by the state having jurisdiction over the territory flown over.

**Flight over high seas**

**91.06.2** (1) For flight over the high seas, the rules specified in Annex 2 to the Chicago Convention apply without exception.

(2) For those parts of the high seas where a member state has accepted, pursuant to an ICAO regional air navigation agreement, the responsibility of providing air traffic services, a member state must designate the air traffic service provider for providing those services.

**Compliance with rules of air and air traffic control clearances and instructions**

**91.06.3** (1) The operation of an aircraft either in flight or on the movement area of an aerodrome must comply with the general rules in this Sub-part and, in addition, when in flight, either in compliance with VFR or IFR.

(2) The pilot of an aircraft must -

- (a) comply with any air traffic control clearance which is obtained from an air traffic service unit, unless the pilot obtains an amended clearance from that air traffic service unit;
- (b) operate the aircraft in accordance with any instruction issued by an air traffic service unit in an area in which an air traffic control service is provided; and
- (c) when deviating from an air traffic control clearance or instruction, notify the air traffic service unit of the deviation, as soon as practicable.

(3) The pilot of an aircraft must include the information specified in Document NAM-CATS-OPS 91 when requesting a deviation from an air traffic control clearance or flight planned altitude or route.

(4) Nothing in these regulations relieves the pilot-in-command of an aircraft from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories by airborne collision avoidance system equipment, as will best avert a collision.

**Responsibility for compliance with rules of air**

**91.06.4** (1) The pilot-in-command of an aircraft must, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the rules of the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

air, except that the pilot-in-command may depart from these rules in emergency circumstances that render such departure necessary in the interests of safety.

(2) The pilot-in-command of an aircraft must before beginning a flight, be familiar with all available information appropriate to the intended operation, such as preflight action for flights away from the vicinity of an aerodrome, all IFR flights, a careful study of available current weather reports and forecasts, taking into consideration fuel requirements and an alternative course of action if the flight cannot be completed as planned.

**Authority of pilot-in-command**

**91.06.5** (1) The pilot-in-command is responsible for the operations and safety of the aircraft and for the safety of all persons on board, during flight.

(2) The pilot-in-command of an aircraft must have final authority as to the disposition of the aircraft while in command.

(3) All persons on board an aircraft must obey all lawful commands given by the pilot-in-command of the aircraft for the purpose of ensuring the safety and security of such aircraft, of persons or property to enable good order and discipline on board the aircraft.

[To be grammatically correct, the closing phrase of subregulation (3) should say:  
“for the purpose of ensuring the safety and security of such aircraft **and** of persons or property,  
**and** to enable good order and discipline on board the aircraft”.]

**Problematic use of psychoactive substances**

**91.06.6** (1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) may not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(2) The person referred to in subregulation (1) may not engage in any kind of problematic use of substances.

**DIVISION TWO: GENERAL RULES AND COLLISION AVOIDANCE**

[The word “**AVOIDANCE**” is misspelt in the *Government Gazette*, as reproduced above.]

**Negligent or reckless operation of aircraft**

**91.06.7** The pilot-in-command may not operate an aircraft in a negligent or reckless manner so as to endanger the life or property of others.

**Minimum heights**

**91.06.8** (1) The pilot-in-command may not fly an aircraft over the congested areas of cities, towns or settlements or over an open-air assembly of persons, except -

- (a) when necessary for take-off or landing;
- (b) by permission from the appropriate authority; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) if such aircraft is flown at such a height as will permit, in the event of an emergency arising and a landing to be made, is without undue hazard to persons or property on the surface.

(2) The pilot-in-command of an aircraft must, in addition to the requirements of this regulation, comply with any altitude restrictions provided for in the area or route to be operated within or over the area referred to in regulations 91.06.32 and 91.06.37.

**Cruising levels**

**91.06.9** (1) The cruising levels at which a flight or a portion of a flight is to be conducted must be in terms of -

- (a) flight levels, for flights at or above the lowest usable flight level or, where applicable, above the transition altitude;
- (b) altitudes, for flights below the lowest usable flight level or, where applicable, at or below the transition altitude.

(2) The pilot-in-command of an aircraft in level flight must fly at an altitude or flight level, as appropriate, selected according to magnetic track from the table provided for in Document NAM-CATS-OPS 91, unless if directed otherwise by an air traffic service unit.

[The word "if" after the word "unless" is superfluous.]

(3) The pilot-in-command flying an aircraft in accordance with VFR at a height of less than 1 500 feet above the surface, is not required to comply with the provisions of subregulation (2), unless if directed otherwise by an air traffic service unit.

[The word "if" after the word "unless" is superfluous.]

**Dropping objects, spraying or dusting**

**91.06.10** Except in an emergency or unless granted special permission by the Executive Director or approved by an air traffic service unit, an article may not be dropped from an aircraft in flight unless such article is -

- (a) fine sand or clean water used as ballast; or
- (b) chemical substances for the purpose of spraying, dusting or cloud seeding.

**Towing**

**91.06.11** The pilot-in-command of an aircraft in flight may not permit anything to be towed by the aircraft except with the prior written approval of the Executive Director and as indicated by relevant information, advise or clearance from the appropriate air traffic service unit.

**Parachute descents**

**91.06.12** Parachute descents, other than emergency descents, may only be made as contemplated in -

- (a) Part 105; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) as indicated by any relevant information, advice or clearance from the appropriate air traffic services unit.

**Acrobatic flight**

**91.06.13** An aircraft may not be flown acrobatically except under conditions provided for under regulation 91.07.30 and as indicated by relevant information, advice or clearance from the appropriate air traffic services unit.

**Formation flights**

**91.06.14** (1) A person may not operate an aircraft in formation flight while carrying passengers for commercial purposes in such proximity to other aircraft so as to create a collision or hazard, except -

- (a) as provided for in subregulation (2), -
- (a) by arrangement with the pilot-in-command of each aircraft in the formation.

[The second paragraph in this regulation should be labelled “(b)” instead of “(a)”.]

(2) The formation of flight in controlled airspace may be approved by an air traffic service unit, except where -

- (a) the formation operates as a single aircraft with regard to navigation and position reporting;
- (b) separation between aircraft in the flight is the responsibility of the flight leader and the pilots-in-command of the other aircraft in the flight and must include periods of transition when aircraft are manoeuvring to attain their own separation within the formation and during join-up and breakaway; and
- (c) a distance not exceeding 1 kilometre 0.5nm (nautical mile) laterally and longitudinally and 30 metre (100 ft) vertically from the flight leader is maintained by each aircraft.

[The singular word “metre” should be plural.]

- (3) Formation flight for display purposes may be approved by the Executive Director.

**Unmanned free balloons**

**91.06.15** An unmanned free balloon must be operated in such a manner as to minimise hazards to persons, property or other aircraft and in accordance with Part 102 Operation of free balloons.

**Prohibited areas and restricted areas**

**91.06.16** (1) The Executive Director may give notice in the AIP of an area that is designated as a prohibited area or restricted area as contemplated in Subpart 5 of Part 71 and must in such notice specify -

- (a) a height above the ground surface of such area; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) an altitude in respect of such area, as the Executive Director may consider expedient, in the notice in question.

- (2) A person may not fly any aircraft in the air space above a prohibited area -

[The term “airspace” appears as one word in most of its uses in the regulations.]

- (a) below the height specified in terms of subregulation (1)(a); or
- (b) below the altitude specified in terms of subregulation (1)(b), in respect of the prohibited area in question.

- (3) The Executive Director may by notice in the AIP declare any area to be a restricted area and must, when so declaring an area to be a restricted area, specify in such notice -

- (a) the nature and extent of the restriction applicable in respect of the area in question; and
- (b) the authorisation under which flights in such restricted area are permitted.

- (4) A person may not, in contravention of a restriction contemplated in subregulation (3), fly any aircraft to which the said restriction applies, in any restricted area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (3).

### **Proximity**

**91.06.17** The pilot-in-command may operate an aircraft in such proximity to other aircraft as to create a collision hazard.

[The word “not” appears to have been omitted from this regulation. Alternatively the word “The” at the beginning of the regulation was perhaps intended to be “No”; the similar provision in the previous Part 91 (regulation 19.06.6) stated: “No pilot-in-command shall fly an aircraft in such proximity to other aircraft so as to create a collision hazard.” The word “operate” is misspelt in the *Government Gazette*, as reproduced above.]

### **Right of way**

**91.06.18** (1) An aircraft which has the right-of-way, must maintain its heading and speed, but nothing in these regulations relieves the pilot-in-command of an aircraft from the responsibility of taking such action as will best avert collision, including collision avoidance manoeuvres based on resolution advisories provided by airborne collision avoidance system equipment.

(2) An aircraft which is obliged, by provisions of this Subpart, keep out of the way of another aircraft, must avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing is well clear, taking into account the effects of wake turbulence.

(3) If two aircraft are approaching head-on or approximately so and there is danger of collision, each aircraft must alter its heading to the right.

(4) If two aircraft are converging at approximately the same level, the aircraft which has the other aircraft on its right, must give way, except in the following circumstances -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a power-driven heavier-than-air aircraft must give way to airships, gliders and balloons;
- (b) an airship must give way to gliders and balloons;
- (c) gliders must give way to balloons;
- (d) a power-driven aircraft must give way to aircraft which are -
  - (i) seen to be towing other aircraft or objects;
  - (ii) carrying an underslung load or are engaged in winching operations; and
  - (iii) being towed or tethered.

(5) An aircraft which is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, must keep out of the way of the overtaken aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft may absolve the overtaking aircraft from its obligation until such aircraft is entirely past and clear, on condition that where a right-hand circuit is being followed at an aerodrome, the overtaking aircraft must alter its heading to the left.

(6) An aircraft in flight or operating on the ground or water, must give way to other aircraft landing or on final approach to land.

(7) If two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the aircraft at the higher level must give way to the aircraft at the lower level, but -

- (a) the latter aircraft may not take advantage of this provision to cut in front of another aircraft which is on final approach to land or to overtake such aircraft; and
- (b) power-driven heavier-than-air aircraft must give way to gliders in all circumstances.

(8) An aircraft about to take-off, may not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) An aircraft which is aware that another aircraft is compelled to land, must give way to such aircraft.

(10) An aircraft taxiing on the manoeuvring area of an aerodrome must give way to aircraft taking off or about to take off.

(11) For the purposes of this regulation, an overtaking aircraft is an aircraft which approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter aircraft and will be in such position with reference to the other aircraft, that by night it may not be able to see either of the other aircraft's wingtip navigation lights.

(12) In case of danger of collision between two aircraft taxiing on the movement area of an aerodrome or equivalent part of an operating site, the following apply -

[The word "the" appears to have been omitted between the words "in" and "case".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) when two aircraft are approaching head on, or approximately so, each aircraft must stop or where practicable alter its course to the right so as to keep well clear;
- (b) when two aircraft are on a converging course, the one which has the other on its right must give way;
- (d) an aircraft which is being overtaken by another aircraft must have the right-of-way and the overtaking aircraft must keep well clear of the other aircraft.
- (c) an aircraft taxiing on the manoeuvring area must stop and hold at all runway-holding positions unless an explicit clearance to enter or cross the runway has been issued by the aerodrome control tower.

(13) An aircraft taxiing on the manoeuvring area of an aerodrome must stop and hold at all lighted stop bars and may proceed further when the stop bar lights are switched off.

**Lights to be displayed by aircraft**

**91.06.19** (1) All aircraft must, except as contemplated in subregulation (4) and unless the aircraft was initially type-certificated without such lights or is a non-type certificated aircraft approved without such lights, display -

- (a) while operating in flight during the day and at all times at night, anti-collision lights intended to attract attention to such aircraft;
- (b) while operating during night, navigation lights intended to indicate the relative path of the aircraft to an observer;
- (c) while operating on the movement area of an aerodrome, lights intended to attract attention to the aircraft, as specified in the IAIP; and
- (d) while operating with engines running on the movement area of an aerodrome, a rotating beacon to indicate that fact.

(2) All aircraft on the movement area of an aerodrome during night must, except as provided by subregulation (4), display -

- (a) navigation lights intended to indicate the relative path of the aircraft to an observer; and
- (b) lights intended to indicate the extremities of their structure, unless stationary and otherwise adequately illuminated.

(3) An aircraft's other lights may not be displayed if they are likely to be mistaken for the lights referred to in subregulations (1)(b) and (2)(a).

(4) A pilot is permitted to switch off or reduce the intensity of any flashing lights fitted in order to meet the requirements of subregulations (1), (2) and (3) if they do or are likely to -

- (a) adversely affect the satisfactory performance of duties; or
- (b) subject an outside observer to harmful dazzle.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The lights which must be displayed by aircraft by day, night, on water or on the manoeuvring area of an aerodrome, is provided for in Document NAM-CATS-OPS 91.

[The verb “is” should be “are” to accord with the subject “lights”.]

**Simulated instrument flights in aircraft**

**91.06.20** (1) The owner or operator of an aircraft must ensure that no person operates the aircraft in simulated instrument flight in VMC unless -

- (a) the other aircraft control seat is occupied by a safety pilot who possesses at least a private pilot license with category and class ratings appropriate to the aircraft being flown;
- (b) the safety pilot has adequate vision forward to each side of the aircraft or there is a competent observer in the aircraft who adequately supplements the vision of the safety pilot; and
- (c) the aircraft is fitted with fully functioning dual controls, except that the simulated instrument flight may be conducted in a single-engine aircraft, equipped with a single, functioning throw-over control wheel in place of fixed dual controls of the elevator and ailerons, if -
  - (i) the safety pilot has determined that the flight can be conducted safely; and
  - (ii) the person manipulating the controls has at least a PPL with appropriate category, class and type ratings.

(2) If a simulated instrument flight takes place at night in VMC, the safety pilot must be the holder of a valid instrument rating.

(3) If a simulated instrument flight is being practised for the purpose of obtaining an instrument rating, the safety pilot must be an appropriately rated flight instructor.

**Operation on and in vicinity of aerodrome**

**91.06.21** (1) The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome, is responsible for compliance with the following rules -

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed by an air traffic service unit or unless a right-hand circuit is in force, but a helicopter may, with due regard to other factors and when it is in the interest of safety, execute a circuit to the opposite side;
- (d) land and take off, as far as practicable, into the wind unless the safety, the runway configuration or air traffic considerations dictate that a different direction is preferable or unless instructed otherwise by an air traffic service unit; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome, on condition that if circumstances require such pilot-in-command to fly at a height of less than 2 000 feet above the level of the aerodrome, he or she must conform with the traffic pattern at such aerodrome.
- (2) If an aerodrome control tower is in operation, the pilot-in-command must also, while the aircraft is within the aerodrome traffic zone -
- (a) maintain a continuous radio watch on the frequency of the aerodrome control tower responsible for providing aerodrome control services at the aerodrome, establish two-way radio communication as necessary for aerodrome control purposes and obtain such clearances for his or her movements as may be necessary for the protection of aerodrome traffic; and
  - (b) if the requirements referred to in subparagraph (a) are not possible, keep a watch for and comply with such clearances and instructions as may be issued by visual means.
- (3) If an aerodrome flight information service unit is in operation, the pilot-in-command must also, whilst the aircraft is within the aerodrome traffic zone -
- (a) maintain a continuous radio watch on the frequency of the aerodrome flight information service unit responsible for providing aerodrome flight information service at the aerodrome, establish two-way radio communication as necessary for aerodrome flight information service purposes, obtain information in respect of the surface wind, runway in use and altimeter setting and in respect of aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or
  - (b) if the requirements referred to in subparagraph (a) are not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.
- (4) An aircraft which is unable to communicate by radio must, before landing at an aerodrome, make a circuit of the aerodrome for the purpose of observing the traffic, and reading such ground markings and signals as may be displayed thereon, unless if it has the consent of the appropriate air traffic service unit to do otherwise.

[The word “if” after the word “unless” is superfluous.]

**Water operations**

**91.06.22** (1) If two aircraft or an aircraft and a vessel are approaching one another and there is a risk of collision, the aircraft must proceed with careful regard to the existing circumstances and conditions including the limitations of the respective aircraft.

(2) An aircraft which has another aircraft or a vessel on its right must give way so as to keep well clear of such other aircraft or vessel.

(3) An aircraft approaching another aircraft or a vessel head-on or approximately so, must alter its heading to the right to keep well clear of such other aircraft or vessel.

(4) An aircraft or vessel which is being overtaken has the right of way, and the one overtaking must alter its heading to keep well clear of such other aircraft or vessel.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) Aircraft landing on or taking off from the water must, insofar as practicable, keep well clear of all vessels and avoid impeding their navigation.

(6) All aircraft on the water must display lights between sunset and sunrise as provided for in Document NAM-CATS-OPS 91.

(7) In areas in which the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), adopted on the 20 October 1972 and entered into force on 15 July 1977, are in force, aircraft operated on the water must comply with the provisions of the that convention.

[The word “the” before “20 October 1972” is superfluous.  
The word “the” before the phrase “that convention” is superfluous.]

**Submission of a flight plan**

**91.06.23** (1) The owner or operator of an aircraft must ensure that an ATS flight plan is completed if required in terms of subregulation (4).

(2) The items to be contained in the ATS flight plan must be as provided for in NAM-CATS-OPS 91.

(3) The ATS flight plan must be filed with the appropriate air traffic service unit unless other arrangements have been made for submission of repetitive flight plans and such unit is responsible for transmitting such ATS flight plan to all air traffic service unit concerned with the flight.

[The singular word “unit” should be plural in the phrase “all air traffic service units”.]

(4) The ATS flight plan must be filed prior to operating -

(a) all flights to be conducted in a controlled or advisory airspace, except that this requirement may not apply in respect of -

(i) a local flight;

(ii) a flight crossing an airway or advisory routes at right angles; or

(iii) a VFR flight entering or departing from an aerodrome traffic zone or control zone, from or to an unmanned aerodrome and if no other controlled or advisory airspace will be entered during the flight;

(b) an international flight;

(c) all flights undertaken for the purposes of commercial air transport operations issued in terms of the Air Services Act;

(d) any flight within or into a designated area or along designated routes, if required by the appropriate ATS authority in order to facilitate the provision of flight information, alerting and search and rescue services; and

(e) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATS authority in order to facilitate coordination with the



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

appropriate military units or with air traffic service units in adjacent states in order to avoid the possible need for interception for the purpose of identification.

(5) An air traffic service unit may instruct a flight for which an ATS flight plan is required in terms of subregulation (4) and for which an ATS flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross the border of Namibia or to enter its airspace until such time as the required ATS flight plan has been filed.

(6) Unless otherwise authorised by the responsible air traffic service unit, an ATS flight plan for a flight to be conducted in controlled or advisory airspace must be filed -

- (a) for domestic flights, at least 30 minutes before departure;
- (b) for international flights, at least 60 minutes before departure; or
- (c) if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it must be filed with the responsible air traffic service unit at least 10 minutes before the aircraft is estimated to reach the intended point of entry into the controlled or advisory airspace or the point of crossing the airway or advisory route.

(7) The pilot-in-command of an aircraft operating -

- (a) an IFR or controlled VFR flight must ensure that all changes which become applicable to an ATS flight plan before departure or in flight are reported, as soon as practicable, to the responsible air traffic service unit;
- (b) other VFR flights, changes regarding fuel endurance or total number of persons carried on board must be, as a minimum, reported to the responsible air traffic service unit.

**[The text of paragraph (b) does not appear to fit the introductory phrase in subregulation (7).]**

(8) If an ATS flight plan has been filed with an air traffic service unit prior to departure and is not activated with an air traffic service unit within one hour of original estimated time of departure or amended estimated time of departure, the ATS flight plan must be regarded as cancelled and a new ATS flight plan must be filed.

**[The word “the” appears to have been omitted before the phrase “original estimated time”.]**

(9) If an air traffic service unit is not in operation at the aerodrome of intended landing, the pilot-in-command must submit a report of arrival as provided for in Document NAM-CATS-OPS 91 must be submitted to an air traffic service unit, by the quickest means of communication available, immediately after landing, in respect of a flight for which an ATS flight plan was submitted and not as yet closed or for which search and rescue notification was requested and designated with a particular air traffic service unit.

**[The phrase “must be submitted” is superfluous  
since the preceding text includes the phrase “must submit”.]**

### **Closing of a flight plan**

**91.06.24** (1) If communication facilities at the arrival aerodrome are inadequate and alternate arrangements for the handling of arrival reports on the ground are not available, the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

pilot-in-command must, prior to landing the aircraft or immediately after landing such aircraft, if practicable, transmit to the appropriate air traffic service unit, a message comparable to an arrival report, in respect of a flight for which an ats flight plan was submitted and not as yet closed or for which a search and rescue notification was requested with a nominated air traffic service unit.

**[The phrase “ats flight plan” should appear as “ATS flight plan”.]**

(2) Subject to regulation 91.06.25(1), the pilot-in-command must ensure that the aircraft adheres to the current ATS flight plan filed for a controlled flight, unless -

- (a) a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which the aircraft is operating; or
- (b) an emergency arises which necessitates immediate action, in which event the responsible air traffic service unit must, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

**Changes to a flight plan**

**91.06.25** (1) In the event of a controlled flight inadvertently deviating from its current ATS flight plan, the pilot-in-command must -

- (a) if the aircraft is off track, adjust the heading of an aircraft to regain track as soon as practicable;
- (b) if the aircraft deviates from an ATC clearance with an assigned Mach number or indicated airspeed, inform an appropriate air traffic service unit immediately;
- (c) if the aircraft deviates from an assigned Mach number by approximately Mach 0.02 or from true airspeed by approximately 10 knot, inform an appropriate air traffic service unit;

**[The singular term “knot” should be plural.]**

- (d) except where automatic dependent surveillance-contract is activated, serviceable and usable, notify an appropriate air traffic service unit as soon as possible if the time estimate for the next applicable reporting point, flight information region boundary or destination aerodrome, whichever comes first changes in excess of two minutes, or such other period of time as is determined by an appropriate ATS provider; and

**[The word “an” appears to have been omitted before the phrase “automatic dependent surveillance-contract”, which should not include a hyphen.]**

- (e) if the aircraft deviates from its altitude, take action to correct such altitude deviation.

(2) If an automatic dependent surveillance agreement is in place, the pilot-in-command must inform the air traffic service unit automatically via data link whenever changes occur beyond the threshold values stipulated by the automatic dependent surveillance event contract.

(3) If prior to departure it is anticipated that, subject to a re-clearance in flight, a decision may be taken to proceed to a revised destination aerodrome, the appropriate air traffic service unit must be so notified by the insertion in the flight plan of information concerning the revised route, where known, and the revised destination.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The revised destination referred to in subregulation (3) must be subject to the fuel and oil provisions referred to in regulation 91.07.12.

**Signals**

**91.06.26** (1) The pilot-in-command of an aircraft in flight must, upon observing or receiving any of the signals as provided for in Document NAM-CATS-OPS 91, take such action as may be required by the interpretation of the signal as provided for in Document NAM-CATS-OPS 91.

(2) A person may not perform the functions of a signalperson unless trained and qualified to carry out such functions as contained in Document NAM-CATS-OPS 91.

(3) A person acting as a signalperson is responsible for providing the standard marshalling signals to aircraft in a clear and precise manner, as provided for in Document NAM-CATS-OPS 91.

**Use of time**

**91.06.27** (1) For the purposes of reporting and recording time, coordinated universal time must be used and must be expressed in hours and minutes and, when required, seconds of the 24-hour day beginning at midnight.

(2) A time check must be obtained from an air traffic services unit, if possible, prior to operating a controlled flight and at such other times during the flight as may be necessary.

(3) If time is utilised in the application of data link communications, it must be accurate to within 1 second of coordinated universal time.

**DIVISION THREE: AIR TRAFFIC CONTROL SERVICE****Air traffic control clearance**

**91.06.28** (1) An air traffic control clearance must be obtained prior to operating a controlled flight or a portion of a flight as a controlled flight and such clearance must be requested through the submission of a flight plan to an air traffic control unit if required under 91.06.23.

(2) If an aircraft has requested a clearance involving priority, the pilot-in-command must, if requested by the appropriate air traffic service unit, submit a report explaining the necessity for such priority.

(3) If prior to departure, the pilot-in-command or a person authorised by an operator anticipates that depending on fuel endurance and subject to re-clearance in flight, he or she may make a decision to proceed to a revised destination aerodrome, that pilot-in-command or a person authorised by an operator must notify the appropriate air traffic control units by the insertion in the flight plan of the information concerning the revised route and the revised destination.

(4) An aircraft operated on a controlled aerodrome may not taxi on the manoeuvring area without clearance from the aerodrome control tower and must comply with any instructions given by that air traffic service unit.

**Adherence to current flight plan**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.06.29** (1) The pilot-in-command of an aircraft must adhere to the current flight plan or the applicable portion of a current flight plan submitted for a controlled flight except -

- (a) as provided for in subregulation (7);
- (b) if a request for a change has been made and clearance obtained from the appropriate air traffic control unit; or
- (c) if an emergency arises which requires immediate action by the aircraft, in which event as soon as circumstances permit, after such emergency authority is exercised, the pilot-in-command must notify the appropriate air traffic services of the action taken and that this action has been taken under emergency authority.

(2) Unless otherwise authorised by the appropriate ATS authority or directed by the appropriate air traffic control unit, controlled flights must, insofar as practicable -

- (a) when on an established ATS route, operate along the defined centre line of that route; or
- (b) when on any other route, operate directly between the navigation facilities or points defining that route.

(3) An aircraft operating along an ATS route segment defined by reference to VHF omnidirectional radio ranges must change over for its primary navigation guidance from the facility behind the aircraft to that ahead of it at or as close as operationally feasible to, the changeover point, where established.

(4) If the pilot-in-command deviates from the requirements of subregulation (6)(b) he or she must notify the appropriate air traffic services unit.

(5) If the pilot-in-command inadvertently deviates a controlled flight from its current flight plan, such pilot-in-command must take the following action -

- (a) if the aircraft is off track, that pilot-in-command must adjust the heading of the aircraft to regain track as soon as practicable;
- (b) if the average true airspeed at cruising level between reporting points varies or is expected to vary by plus or minus five percent of the true airspeed, from that given in the flight plan, such pilot-in-command must inform the appropriate air traffic unit;
- (c) if the time estimate for the next applicable reporting point, flight information region boundary or destination aerodrome, whichever comes first, is found to be in error in excess of three minutes from that notified to air traffic services or such other period of time as is provided for by the appropriate ATS authority or on the basis of air navigation regional agreements, the pilot-in-command of an aircraft must as soon as possible notify the appropriate air service traffic unit of a revised estimated time; or
- (d) if an automatic dependent surveillance agreement is in place, the pilot-in-command of an aircraft must inform the air traffic services unit automatically via data link whenever changes occur beyond the threshold values stipulated by the automatic dependent surveillance event contract.

(6) A request for flight plan changes must include the following information -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) change of cruising level, aircraft identification, requested new cruising level and cruising speed at this level and revised time estimates when applicable at subsequent flight information region boundaries;
- (b) change of route: destination unchanged:
  - (i) aircraft identification;
  - (ii) flight rules;
  - (iii) description of new route of flight including related flight plan data beginning with the position from which requested change of route is to commence;
  - (iv) revised time estimates; and
  - (v) any other pertinent information;
- (c) change of route: destination changed:
  - (i) aircraft identification;
  - (ii) flight rules;
  - (iii) description of revised route of flight to revised destination aerodrome including related flight plan data, beginning with the position from which requested change of route is to commence;
  - (iv) revised time estimates;
  - (v) alternate aerodrome; and
  - (vi) any other pertinent information.

(7) If it becomes evident that flight in VMC in accordance with its current flight plan will not be practicable, the pilot-in-command of an aircraft with a VFR flight operated as a controlled flight must -

- (a) request an amended clearance enabling the aircraft to continue in VMC to destination or to an alternative aerodrome or to leave the airspace within which an ATC clearance is required;
- (b) if a clearance in accordance with paragraph (a) cannot be obtained, continue to operate in VMC and notify the appropriate ATC unit of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome;
- (c) if operated within a controlled zone, request authorisation to operate as a special VFR flight; or
- (d) request clearance to operate in accordance with the instrument flight rules.

(8) The pilot-in-command flying in controlled airspace, in advisory airspace or on a flight for which alerting action is being provided must ensure that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) that reports are made to the responsible air traffic service unit, as soon as possible, of the time and level of passing each compulsory reporting point, together with any other required information;

[The word “that” at the beginning of paragraph (a) repeats the last word in the introductory phrase.]

- (b) position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit; and
- (c) in the absence of designated reporting points, position reports are made at the intervals specified by the responsible air traffic service unit or published by the Executive Director in terms of Part 175 for that area.

(9) The pilot-in-command of a controlled flight providing position information to the appropriate air traffic service unit, via data link communications may only provide voice position reports when requested.

(10) The pilot-in-command of a controlled flight must, except when landing at a controlled aerodrome, advise the appropriate ATC unit as soon as it ceases to be subject to air traffic control service.

(11) The pilot-in-command of an aircraft must ensure that -

- (a) before the aircraft enters a controlled airspace, two-way radio contact is established with the responsible air traffic service unit on the designated radio frequency; and
- (b) while the aircraft is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained on such designated radio frequency and that such further two-way radio communication as such air traffic service unit may require, is established except that -
  - (i) the air traffic service unit may permit an aircraft not capable of maintaining continuous two-way radio communication, to fly in the control area, terminal control area, control zone or aerodrome traffic zone for which it is responsible, if traffic conditions permit, in which case the flight must be subject to such conditions as such air traffic service unit considers necessary to ensure the safety of other air traffic; and
  - (ii) in the case of radio failure, a flight for which an air traffic service flight plan was filed and activated by the air traffic service unit on receipt of a departure time, may continue in controlled airspace, if the communication failure procedures specified in Document NAM-CATS-OPS 91 are complied with.

(12) The pilot-in-command of an aircraft must ensure that before the aircraft approaches or enters an advisory airspace -

- (a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) if such communication is not possible, two-way radio communication is established with any air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit; or
- (c) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on the aircraft's intention to enter the airspace, and such pilot-in-command must ensure that, while the aircraft is within the advisory airspace and until it departs there from, a continuous radio watch is maintained on the designated radio frequency and that -
  - (i) such further two-way radio communication as the responsible air traffic service unit may require, is established with any other air traffic service unit which is capable of relaying messages to and from such responsible air traffic service unit;
  - (ii) if such communication is not possible, such further two-way radio communication is established with any other air traffic service unit which is capable of relaying messages to and from the responsible air traffic service unit, as such responsible air traffic service unit may require; or
  - (iii) if such communication is not possible, broadcasts are made on the designated radio frequency giving information on passing reporting points and when leaving the airspace concerned, except that -
    - (aa) an aircraft maintaining a Selcal watch while operating within an advisory route in the Namibian flight information region and whose Selcal callsign has been communicated to the Namibian flight information centre, is considered to be maintaining a continuous radio watch; and
    - (ab) in the case of a radio failure, a flight for which an air traffic service flight plan was filed and activated by an air traffic service unit on receipt of a departure time, may continue in advisory airspace if the communication failure procedures specified in Document NAM-CATS-OPS 91 are complied with.

(13) If there is a communication failure, the pilot-in-command of an aircraft must comply with the voice communication failure procedures provided for in Document NAM-CATS-OPS 91 and comply with the following procedures as appropriate -

- (a) the pilot-in-command aircraft must attempt to establish communications with the appropriate air traffic control unit using all other available means;
- (b) the pilot-in-command aircraft, when forming part of the aerodrome traffic at a controlled aerodrome, must keep a watch for such instructions as may be issued by visual signals;
- (c) If in VMC, the pilot-in-command aircraft must continue to fly in visual meteorological conditions, land at the nearest suitable aerodrome and report its arrival by the most expeditious means to the appropriate air traffic control unit;

[The word "if" at the beginning of paragraph (c) should not be capitalised.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) If in instrument meteorological conditions, or when the pilot of an IFR flight considers it inadvisable to complete the flight in accordance with VMC conditions, the pilot-in-command aircraft must -

**[The word “if” at the beginning of paragraph (d) should not be capitalised.]**

- (i) in the airspace where radar is not used in the provision of air traffic control, maintain the last assigned speed and level or minimum flight altitude if higher, for a period of 20 minutes following the aircraft’s failure to report its position over a compulsory reporting point and thereafter adjust level and speed in accordance with the filed flight plan;
- (ii) in airspace where radar is used in the provision of air traffic control, maintain the last assigned speed and level or minimum flight altitude if higher, for a period of seven minutes following:
  - (aa) the time the last assigned level or minimum flight altitude is reached; or
  - (ab) the time the transponder is set to Code 7600;
  - (ac) the aircraft’s failure to report its position over a compulsory reporting point;

whichever is later, and thereafter adjust level and speed in accordance with the filed flight plan;
- (iii) when being radar vectored or having been directed by ATC to proceed offset using RVAV without a specified limit, rejoin the current flight plan route no later than the next significant point, taking into consideration the applicable minimum flight altitude;
- (iv) proceed according to the current flight plan route to the appropriate designated navigation aid or fix serving the destination aerodrome and, when required to ensure compliance with paragraph (v), hold over this aid or fix until commencement of descent;
- (v) commence descent from the navigation aid or fix specified in paragraph (iv) at, or as close as possible to, the expected approach time last received and acknowledged or if no expected approach time has been received and acknowledged, as close as possible to, the estimated time of arrival resulting from the current flight plan;
- (vi) complete a normal instrument approach procedure as specified for the designated navigation aid or fix; and
- (vii) land, if possible, within 30 minutes after the estimated time of arrival specified in subparagraph (v) or the last acknowledged expected approach time, whichever is later.

**Unlawful interference**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.06.30** (1) The pilot-in-command of an aircraft which is being subjected to unlawful interference -

- (a) must notify the appropriate air traffic service unit of the unlawful interference, any significant circumstances associated with such interference and any deviation from the current flight plan necessitated by the unlawful interference, in order to enable the air traffic service unit to give priority to the aircraft and to minimise conflict with other aircrafts;

[The word “aircrafts” should be “aircraft” as the correct plural form of the term.]

- (b) must attempt to land as soon as practicable at the nearest suitable aerodrome or at a dedicated aerodrome assigned by the appropriate authority unless considerations aboard the aircraft dictate otherwise; and
- (o) immediately report the unlawful interference unless he or she is unable to, in which case the owner or operator of the aircraft must report the act of unlawful interference with the operation of the aircraft or the appropriate authority of the pilot-in-command -

[The third paragraph should be labelled as “(c)” rather than “(o)”.]

- (i) if the act of unlawful interference occurs within Namibia, to the Executive Director; or
- (ii) if the act of unlawful interference occurs within or over the territory of a foreign state, to the appropriate authority of the state and the Executive Director;

[The semicolon at the end of subparagraph (ii) should be a full stop; there is no additional text.]

(2) The pilot-in-command of an aircraft, that is equipped with a flight deck door, must always ensure that from the moment the passenger entry doors are closed in preparation for departure until they are opened on arrival, that the flight deck door is closed and locked from within the flight deck.

[The word “that” follows “always ensure” and precedes “the flight deck door”, but should appear in only one of these two places.]

**VMC visibility and distance from cloud**

**91.06.31** (1) A VFR flight must be conducted in a manner that the aircraft is flown with visual reference to the surface by day and to identifiable objects by night and at no time above more than three eighths of cloud within a radius of five nautical miles of such aircraft and -

- (a) in the case of aircraft excluding helicopters, operating under conditions of visibility and distance from cloud equal to, or greater than, the conditions specified in Tables 1 and 2 apply, except that the minima specified in Table 1 are not applicable when entering or leaving a control zone and the flight has received clearance from an air traffic service unit to operate under Special VFR minima as referred to in regulation 91.06.34; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**Table 1**

<b>Airspace</b>	<b>Forward Flight visibility</b>	<b>Distance from clouds</b>	<b>Ground visibility and ceiling</b>
Control zones	Five kilometres	Horizontally: 600 metres Vertically: 500 feet	A [An] aircraft may not take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than five km and the ceiling is less than 1 500 feet. <sup>(1)</sup>
Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone)	Five kilometres	Horizontally: 600 metres Vertically: 500 feet	A [An] aircraft may not take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone when the ground visibility within such aerodrome traffic zone is less than five km and the ceiling is less than 1500 feet.

[The reference “(1)” in the table does not appear to be associated with any text in the *Government Gazette*.]

**Table 2**

In Airspaces other than those specified in Table 1

<b>Airspace class</b>	<b>Altitude band</b>	<b>Forward Flight visibility</b>	<b>Distance from cloud</b>
C F G	At and above 10 000 feet above MSL	eight kilometres	1 500 metre[s] horizontally 1 000 feet vertically
C F G	Below 10 000 feet AMSL and above 3 000 ft above MSL, or above 1 000 feet above terrain, whichever is the higher	five kilometres	1 500 metre[s] horizontally 1 000 feet vertically
C	At and below 3 000 feet above MSL, or 1 000 feet above terrain, whichever is the higher	five kilometres	1 500 metre[s] horizontally 1 000 ft vertically
F G		five kilometres	Clear of cloud and with the surface in sight

- (b) in the case of helicopters, under conditions of visibility and distance from cloud equal to, or greater than, those conditions specified in Tables 3 and 4 apply, except that -
- (i) the limitations as contained in Table 3 may not prevent a helicopter from conducting hover-in-ground-effect or hover-taxi operations within the confines of a controlled aerodrome or heliport, if the visibility is not less than 100 metre,

[The singular word “metre” should be plural.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- (ii) the minima specified in Table 3 are not applicable when a helicopter is entering or leaving a control zone and such flight has received clearance from an air traffic service unit to operate under Special VFR minima as contemplated in regulation 91.06.34; and
- (iii) helicopters must be permitted to operate in less than 1 500 metre flight visibility outside of controlled airspace, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

**Table 3**

Airspace	Flight visibility	Distance from clouds	Ground visibility and ceiling
Control zones	five kilometres	Horizontally: 300 metres Vertically: Clear of cloud	Except when operating under a SVFR clearance a helicopter may not take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than 5 000 metres and the ceiling is less than 1 500 feet
Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone)	five kilometres	Horizontally: 300 metres Vertically: Clear of cloud	A helicopter may not take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone when the ground visibility at the aerodrome concerned is less than 5 000 metres and the ceiling is less than 1 500 feet

**Table 4**

In Airspace other than those specified in Table 3

Airspace class	Altitude band	Flight visibility	Distance from cloud
C F G	At and above 10 000 feet above MSL	eight kilometres	1 500 metre[s] horizontally 1 000 feet vertically
C F G	Below 10 000 ft AMSL and above 3 000 feet above MSL, or above 1 000 feet above terrain, whichever is the higher	five kilometres	1 500 metre[s] horizontally 1 000 feet vertically
C	At and below 3 000 feet above MSL, or 1 000 feet above terrain, whichever is the higher	2 500 metres	1 500 metre[s] horizontally 1 000 feet vertically
FG		1 500 metres unless in accordance with (iii) below	Clear of cloud and with the surface in sigh[t]

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

Provided that:

- (iv) the limitations as contained in Table 3 may not prevent a helicopter from conducting hover-in-ground-effect or hover-taxi operations within the confines of a controlled aerodrome or heliport, if the visibility is not less than 100 m;
  - (v) the minima specified in Table 3 are not applicable when a helicopter is entering or leaving a CTR and such flight has received clearance from an ATSU to operate under Special VFR minima as provided for in Regulation 91.06.34; and
  - (vi) helicopters may be permitted to operate in less than 1 500 m flight visibility outside of controlled airspace, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.
- (2) VFR flight is not permitted -
- (a) at transonic or supersonic speed; or
  - (b) in Class A airspace.

**DIVISION FOUR: VISUAL FLIGHT RULES**

[The word "DIVISION" is misspelt in the *Government Gazette*, as reproduced above.]

**Visual flight rules**

**91.06.32** (1) VFR flights must be conducted such that the aircraft is flown in conditions of visibility and distance from clouds equal to or greater than those specified in Tables 1 to 4, except when operating as a special VFR flight.

(2) VFR flights may not, except when a special VFR clearance is obtained from an air traffic control unit, take off or land at an aerodrome within a control zone or enter the aerodrome traffic zone or aerodrome traffic circuit when the reported meteorological conditions at that aerodrome are below the following minima -

- (a) the ceiling is less than 1 500 feet; or
- (b) the ground visibility is less than 5 kilometres

[There is no full stop at the end of paragraph (b); there is no additional text.]

- (3) VFR flights may not be operated -
- (a) above flight level 200; or
  - (b) at transonic and supersonic speeds,

unless authorised by the appropriate ATS authority.

(4) Authorisation for VFR flights to operate above flight level 290 may not be granted in areas where a vertical separation minimum of 1 000 feet is applied above flight level 290.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (5) A VFR flight may not be flown -
- (a) over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle within a radius of 600 metre from the aircraft; or

[The singular word “metre” should be plural.]

- (b) elsewhere than as specified in subparagraph (a), at a height not less than 500 feet above the ground or water unless the flight can be made without hazard or nuisance to persons or property on the ground or water and the pilot-in-command operates at a height and in a manner that allows safe operation in the event of an engine failure,

except when necessary for take-off or landing, or except by permission from the appropriate authority.

- (6) An aircraft may not -
- (a) be flown over congested areas or over an obvious open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from the aircraft;
- (b) , when flown elsewhere other than as contemplated in paragraph (a), be flown at a height less than 500 feet above the ground or water, unless if the flight can be made without hazard or nuisance to persons or property on the ground or water and the pilot-in-command operates at a height and in a manner that allows safe operation in the event of an engine failure; and

[The comma at the beginning of paragraph (b) is superfluous.  
The word “if” after the word “unless” is superfluous.]

- (c) circle over or do repeated overflights over an obvious open-air assembly of persons at a height less than 3 000 feet above the surface,

except when necessary for taking off, or landing, or except with prior written approval of the Executive Director.

(7) A helicopter may be permitted to be flown at heights less than those referred to subregulation (1)(a), provided that -

- (a) the operation is conducted without unnecessary nuisance or hazard to persons and property on the ground or water; and
- (b) the pilot-in-command operates at a height and in a manner that allows safe operation in the event of an engine failure.

(8) VFR flights in level cruising flight when operated above 3 000 feet from the ground or water or a higher datum as specified by the appropriate ATS authority, must be conducted at a flight level appropriate to the track as specified in the tables of cruising levels provided for in Document NAM-CATS-OPS 91, except where otherwise indicated in an air traffic control clearance or specified by the appropriate ATS authority.

- (9) VFR flights must comply with regulation 91.06.32 -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) when operating within Classes B, C and D airspace;
- (b) when forming part of aerodrome traffic at controlled aerodromes; or
- (c) when operated as special VFR flights.

(10) The pilot-in-command operating VFR flight within or into areas, or along routes, designated by the appropriate ATS authority must maintain continuous air-ground voice communication watch on the appropriate communication channel of, and report its position as necessary to, the air traffic services unit providing flight information service.

**Changes from VFR flight to IFR flight**

**91.06.33** (1) The pilot-in-command of an aircraft who elects to change the conduct of flight of the aircraft from compliance with VFR to compliance with IFR must, if a flight plan was submitted for the flight, communicate the necessary changes to its current flight plan with the air traffic service unit concerned.

(2) The pilot-in-command must, if required under regulation 91.06.23 to submit flight plans, submit a flight plan to the appropriate air traffic service unit as soon as practicable and obtain a clearance prior to proceeding IFR when in a controlled airspace.

**Special VFR weather minima**

**91.06.34** (1) A pilot-in-command of an aircraft may only conduct Special VFR operations in weather conditions below the conditions provided for in regulation 91.06.32 within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only;
- (c) with a cloud ceiling of at least 600 feet and visibility of at least 1 500 metre, measured from the aerodrome reference point;

[The singular word “metre” should be plural.]

- (d) if the Special VFR flight will not unduly delay an IFR flight;
- (e) if the aircraft is equipped with two-way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and
- (f) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.

(2) A pilot-in-command of a helicopter may only conduct Special VFR operations in weather conditions below the conditions referred to in regulation 91.06.32 within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only with a cloud ceiling of at least 300 feet and visibility of at least 800 metre offshore;

[The singular word “metre” should be plural.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) when clear of clouds;
- (d) if the helicopter will be operated at such a speed that its pilot has adequate opportunity to observe any obstructions or other traffic in sufficient time to avoid collisions;
- (e) if a flight can be conducted in accordance with the minimum height, provided for in regulation 91.06.37; and
- (f) if a Special VFR flight will not unduly delay an IFR flight.

**VFR flight determination and weather deterioration**

**91.06.35** (1) The pilot-in-command of an aircraft operating outside a control zone or an aerodrome traffic zone is responsible to ascertain whether or not weather conditions permit flight in accordance with VFR.

[The phrase “responsible to ascertain” should be “responsible for ascertaining”.]

(2) If weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR the pilot must -

- (a) if in controlled airspace, request an amended clearance enabling the aircraft to continue in VMC to the nearest suitable aerodrome or to leave the airspace within which an ATC clearance is required;
- (b) if no clearance in accordance with paragraph (a) can be obtained, continue to operate in VMC and land at the nearest suitable aerodrome, notifying the appropriate ATC unit of the action taken;
- (c) if operating within a control zone, request authorisation to operate as a special VFR flight; or
- (d) request clearance to operate in accordance with the IFR.

**DIVISION FIVE: INSTRUMENT FLIGHT RULES RULES**  
**APPLICABLE TO ALL IFR FLIGHTS**

[The misspelt word “RULES” in the heading is superfluous.]

**Aircraft equipment**

**91.06.36** An aircraft operated with IFR must be equipped with suitable instruments and with navigation equipment appropriate to the route to be flown.

**Minimum levels**

**91.06.37** (1) A pilot-in-command must, except when necessary for take-off or landing, or except when specifically authorised by the Executive Director, fly an IFR flight at a level which is not below the minimum flight altitude established by the state in whose territory it is overflown, or, if no such minimum flight altitude has been established -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) over high terrain or in mountainous areas, at a level which is at least 2 000 feet above the highest obstacle located within eight kilometre of the estimated position of the aircraft;

[The singular word “kilometre” should be plural.]

- (b) elsewhere other than as specified in subparagraph (1), at a level which is at least 1 000 feet above the highest obstacle located within eight kilometer of the estimated position of the aircraft.

[The singular word “kilometre” should be plural.]

(2) A flight conducted above flight level 200 must be flown in compliance with IFR as provided for in this Subpart.

(3) Except when necessary for take-off or landing, or with the express permission of the Executive Director, an aircraft must at night, in instrument meteorological conditions or when operated in accordance with IFR, be flown -

- (a) at a height of at least 1 000 feet above the highest terrain or obstacle where the height of such terrain or obstacle does not exceed 5 000 feet above sea level within five nautical miles of the aircraft in flight; or
- (b) at a height of at least 2 000 feet above the highest terrain or obstacle located within five nautical miles of the aircraft in flight where the height of such terrain or obstacle exceeds 5 000 feet above sea level, but within areas determined by the Executive Director -
  - (i) the minimum height may be reduced to 1 000 feet above the highest terrain or obstacle located within five nautical miles of the aircraft in flight; and
  - (ii) the aircraft is flown in accordance with such procedures as the Executive Director may determine.

**Change from IFR flight to VFR flight**

**91.06.38** (1) The pilot-in-command of an aircraft who elects to change the conduct of flight of the aircraft from compliance with IFR to compliance with VFR must, if a flight plan was submitted for the flight, notify the air traffic service unit concerned that the IFR flight is cancelled and communicate to such air traffic service unit the intended changes to be made to the current flight plan.

(2) If an aircraft operating under IFR is flown in or encounters VMC, the pilot-in-command may not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period of time in uninterrupted visual meteorological conditions.

**Rules applicable to IFR flights within controlled airspace**

**91.06.39** (1) IFR flights must comply with the provisions of regulation 91.06.28 when operated in controlled airspace.

(2) An IFR flight operating in cruising flight in a controlled airspace must be flown at a cruising level, or, if authorised by ATS unit to employ cruise climb techniques, between two levels or above a level, selected from -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

[The word “an” appears to have been omitted before the phrase “ATS unit”.]

- (a) the table of cruising levels provided for in Document NAM-CATS-OPS 91, or
- (b) a modified table of cruising levels, provided for in Document NAM-CATS-OPS 91 for flights above flight level 410,

except that the correlation of levels to track may not apply, except if otherwise indicated in an air traffic control clearances or specified by the appropriate ATS authority in aeronautical information publications.

[The phrase “except if” should rather be “unless”. The phrase “an air traffic control clearances” should be “an air traffic control clearance” or “air traffic control clearances” (without the “an”).]

**Rules applicable to IFR flights outside controlled airspace**

**91.06.40** (1) An IFR flight operating in level cruising flight outside of controlled airspace must be flown at a cruising level appropriate to its track as specified in -

- (a) the table of cruising levels in Document NAM-CATS-OPS 91, except when otherwise specified for a flight at or below 3 000 feet above mean sea level by the appropriate ATS authority; or
- (b) a modified table of cruising levels for flights above flight level 410, provided for in Document NAM-CATS-OPS 91.

(2) An IFR flight operating outside controlled airspace but within or into areas, or along routes, designated by the ATS authority must maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service.

(3) An IFR flight operating outside controlled airspace and required by the appropriate ATS authority to maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service, must report position, as specified in this Part for controlled flights.

**DIVISION SIX: AIRCRAFT ENGAGED UN OPERATIONS OTHER THAN  
SCHEDULED COMMERCIAL AIR TRANSPORT OPERATIONS**

[The words “IN” and “SCHEDULED” are misspelt in this heading in the *Government Gazette*. The heading of this Division in the LIST OF REGULATIONS adds the word “INTERNATIONAL” before the word “COMMERCIAL”.]

**Foreign military aircraft**

**91.06.41** A foreign military aircraft may not, on the express invitation or express permission of the Ministry responsible for International Relations and Cooperations, fly over or land in, but such aircraft flying over or landing in Namibia is exempt from these regulations to such extent and on such conditions as are specified in the invitation or permission.

[The word “except” appears to have been omitted before the phrase “on the express invitation or express permission...”. The word “Namibia” appears to have been omitted after the phrase “fly over or land in”. The corresponding provision in the previous Part 91 (regulation 91.06.29) read as follows:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**“Foreign military aircraft**

**91.06.29** No foreign military aircraft shall fly over, or land in, Namibia except on the express invitation or with the express permission of the Government of Namibia, but any such aircraft so flying over, or landing in, Namibia shall be exempt from these Regulations to such extent and on such conditions as are specified in the invitation or permission.”]

**Identification and interception of aircraft**

**91.06.42** (1) A person may not institute in-flight surveillance against, give an interception signal in connection with, or give an instruction to land to, a civilian aircraft suspected to be in contravention of the Act except -

- (a) on instruction by the Minister, the Executive Director, an authorised officer or authorised person; or
- (b) if the person is a member of the Namibian Police Services or Namibian National Defence Force, acting within the course and scope of his or her duties; and
- (c) the in-flight surveillance, interception signal or instruction to land is in the public interest.

(2) The in-flight surveillance, interception signal or instruction to land must be executed in a manner that does not unduly affect aviation safety.

(3) The intercepted aircraft must follow out the instructions of the intercepting aircraft as provided for in Document NAM-CATS-OPS 91.

[The word “out” after “follow” is superfluous.]

(4) If an aircraft is intercepted, the pilot-in-command must immediately establish radio contact with the intercepting aircraft on 121,5 MHz.

(5) If the intercepting aircraft cannot establish radio contact with or in any other practical way contact the intercepted aircraft, visual signals as provided for in Document NAM-CATS-OPS 91 must be used.

(6) The pilot-in-command of an aircraft flying in Namibian airspace must if intercepted comply with the procedures specified in this regulation.

(7) The pilot-in-command of an aircraft flying in foreign airspace must if intercepted comply with the interception procedures of that state.

**DIVISION SEVEN: AIR TRAFFIC RULES**

**ATS procedures**

**91.06.43** The pilot-in-command of an aircraft to be operated in a controlled airspace must -

- (a) ensure that an ATS flight plan is submitted and changes to such flight ATS plan are notified as contemplated in regulation 91.06.23;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) ensure that radio contact is established with the responsible air traffic service unit, and that radio communication is maintained as provided for in regulation 91.06.28 except where such communication is accomplished using air data link; and
- (c) for flight in controlled airspace, obtain and comply with air traffic control clearances and instructions, except that -
  - (i) the pilot-in-command of the aircraft may deviate from an air traffic control clearance in exceptional circumstances, on condition that such deviation must be reported to the responsible air traffic service unit as soon as possible; and
  - (ii) the pilot-in-command of an aircraft may propose an amendment to an air traffic control clearance, but such amendment may not be applied until acceded to by the responsible air traffic service unit.

**Priority**

**91.06.44** (1) An air traffic service unit may, with regard to arrivals and departures, give priority to aircraft operating in accordance with ATS flight plan clearance over aircraft not so engaged.

(2) An air traffic service unit must give priority to certain flights regardless of whether such flight is operating on an ATS flight plan or not, if the pilot-in-command of the aircraft has notified the air traffic service unit that -

- (a) the aircraft is in a state of emergency, or the pilot-in-command has declared a distress or MAYDAY situation;
- (b) the pilot-in-command has declared an urgency or terms used to express extreme urgency situation;
- (c) the pilot-in-command has stated that there is a critically ill person on board the aircraft or the flight is operated as an emergency air ambulance flight and the type of flight has been annotated accordingly in the flight plan; or
- (d) the pilot-in-command has declared that the aircraft is in a state of minimum fuel.

(3) An air traffic service unit must, with regard to flight operations provided that there is no priority in force in terms of subregulation (2), give priority to an aircraft -

- (a) engaged in the transportation of the President or Deputy President;

**[The Namibian Constitution makes provision for a Vice-President rather than a Deputy President.]**

- (b) engaged in the transportation of any visiting Head of State or foreign government official recognised by the Ministry responsible for International Relations and Cooperations as qualifying for priority services; or
- (c) engaged in operations related to national security, humanitarian emergencies, public safety emergencies or any other operation that the Executive Director authorises as qualifying for priority services.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An aerodrome operator must, with regard to arrivals, departures and passenger movements, provided that there is no priority in force in terms of subregulation (2), give priority to aircraft -

- (a) engaged in the transportation of the President or Deputy President;

**[The Namibian Constitution makes provision for a Vice-President rather than a Deputy President.]**

- (b) engaged in the transportation of any visiting heads state or foreign government official recognised by the Ministry responsible for International Relations and Cooperations as qualifying for priority services; or

**[The word “of” appears to have been omitted between the word “heads” and “state”.]**

- (c) engaged in operations related to national security, humanitarian emergencies, public safety emergencies or any other operation that the Executive Director authorises as qualifying for priority services.

(5) If an aircraft has requested a clearance involving priority in terms of subregulation (2), (3) or (4), a report explaining the necessity for such priority must be submitted by the pilot-in-command if requested by the Executive Director, the appropriate air traffic service unit or the appropriate airfield operator.

**SUBPART 7**  
**FLIGHT OPERATIONS**

**Routes and areas of operation**

**91.07.1** The owner or operator of an aircraft must ensure that -

- (a) operations are only conducted along such routes or within such areas, for which approval or authorisation has been obtained, where required, from the appropriate authority concerned;
- (b) all flights are planned and conducted in accordance with any mandatory routings that have been published for any airspace being operated in, unless otherwise authorised in an air traffic control clearance;
- (c) the performance of the aircraft intended to be used, is adequate to comply with minimum flight altitude requirements; and
- (d) the instruments and equipment of the aircraft intended to be used, comply with the minimum requirements for the planned operation and will enable the flight crew to control the flight path of the aircraft, carry out any required procedural manoeuvres and observe the operating limitations of the aircraft in the expected operating conditions.

**Minimum flight altitudes**

**91.07.2** (1) A pilot may not operate an aircraft at altitudes below -

- (a) altitudes, established by the owner or operator, which provide the required terrain clearance, taking into account the performance operating limitations referred to in Subpart 8; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the minimum heights referred to in Subpart 6,

except when necessary for take-off and landing.

- (2) The method of establishing minimum flight altitudes referred to in subregulation (1)(a) is provided for in Document NAM-CATS-OPS 91.

- (3) If the minimum flight altitudes established by the appropriate authority of a foreign state are higher than the minimum flight altitudes provided for in this regulation, the minimum flight altitudes established by such appropriate authority applies in respect of a Namibian registered aircraft flying in the airspace of the foreign state concerned.

**Use of aerodromes**

- 91.07.3** (1) A person may not select or authorise a selection of an aerodrome for use as a destination or destination alternate aerodrome, except if such aerodrome is determined to be adequate for the type of aircraft and operation concerned.

- (2) An aircraft may not take-off or land by night, unless a place of take-off or landing is equipped with night flying facilities or in an emergency.

**Helicopter landings and take-offs**

- 91.07.4** (1) A pilot-in-command of a helicopter may not land at or take-off from any place unless the place is so situated to permit the helicopter, in the event of an engine failure arising during such landing or take-off, to continue to operate in a manner that allows safe operation of such helicopter without undue hazard to persons or property on the surface.

- (2) The pilot-in-command of a helicopter must ensure that any place used for landing, take-off or hover -

- (a) has -

- (i) physical characteristics; and  
(ii) obstacle limitation surfaces, commensurate with the ambient light conditions and the characteristics of the helicopter being operated;

- (b) allows the helicopter to operate clear of obstacles and without causing nuisance to third parties through its rotor wash;

- (c) has a surface area suitable for touch-down and lift-off; and

- (d) meets the requirements contemplated in regulation 91.08.2.

- (3) A pilot of a helicopter may not land on, or take-off from, any elevated helicopter landing place, unless such place is considered suitable by the pilot-in-command.

- (4) A pilot of a helicopter may not land on, or take-off from, any elevated helicopter landing place situated within a built-up area, unless the helicopter landing place has been licenced or approved in terms of Part 139.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) A pilot-in-command of a helicopter may not land or take-off from any place within a built-up area unless he or she has assured him or herself that local regulations do not prohibit such take-off or landing without specific permission by the local authority, provided that this restriction may not apply to a helicopter engaged in an emergency medical service operation or undertaking a flight necessary for exercising any power in terms of any law.

[The preposition “by” in the phrase “by the local authority” should be “from”.]

- (6) The Executive Director may, in the interests of aviation safety -
- (a) impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters;
  - (b) require special flight procedures to be adopted at, or special routes to be followed to or from, building, structure or place referred to in paragraph (a) by helicopters; and
  - (c) despite subparagraph (a) and (b), impose different conditions, institute different restrictions, or require different special flight procedures to be adopted in respect of different buildings, structures, or places.

[The singular word “subparagraph” should be plural.]

(7) Nothing in this regulation is construed as conferring any right to land at any building, structure or place against the wishes of the owner of, or any other person who has an interest in, the building, structure or place or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the helicopter or its occupants.

**Aerodrome operating minima**

**91.07.5** (1) A pilot of an aircraft may not use an aerodrome as a destination or alternate aerodrome, unless the operating minima for such aerodrome, established by the appropriate authority of the state in which the aerodrome is situated, can be complied with.

(2) The aerodrome operating minima for a specific type of approach and landing procedure is applicable if -

- (a) the ground equipment shown on the respective instrument approach and landing chart required for the intended procedure is operative;
- (b) the aircraft systems required for the type of approach are operative;
- (c) the equipment meets the appropriate airworthiness certification requirements; and
- (d) such owner or pilot-in-command of an aircraft has an approval to use the aerodrome operations minima for a specific type approach and landing procedure.

(3) In determining or establishing the aerodrome operating minima applicable to any particular operation, the owner or operator of an aircraft must take into account -

- (a) the type, performance and handling characteristics of the aircraft;
- (b) the composition of the flight crew, their competence and experience;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the surface condition, dimensions and characteristics of the runways or touch-down areas which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual ground aids;
- (e) the equipment available in the aircraft for the purpose of navigation or control of the flight path, as appropriate, during the take-off, approach, flare, landing or missed approach;
- (f) the obstacles in the approach and missed approach areas and the climb-out areas and necessary clearance;
- (g) the obstacle clearance altitude or height for the instrument approach procedures;
- (h) the means to determine and report meteorological conditions; and
- (i) the availability and adequacy of emergency services.

(4) A pilot may not conduct operations in weather conditions lower than the aerodrome operating minima provided for in Document NAM-CATS-OPS 91, unless approved by the Executive Director to do so.

(5) The Executive Director may authorise operational credits for operations with advanced aircraft.

(6) The Executive Director may, if the operational credit referred to in subregulation (5) relates to low visibility operations, issue a specific approval and such authorisations may not affect the classification of the instrument approach procedure.

(7) The Executive Director must when issuing a specific approval for the operational credit ensure that the -

- (a) aircraft meets the appropriate airworthiness certification requirements;
- (b) information necessary to support effective crew tasks for the operation is appropriately available to both pilots, if the number of flight crew members specified in the operations manual (or other documents associated with the certificate of airworthiness) is more than one;
- (c) owner or operator of the aircraft has carried out a safety risk assessment of the operations supported by the equipment;
- (d) owner or operator of the aircraft has established and documented normal and abnormal procedures and MEL;
- (e) owner or operator of the aircraft has established a training programme for the flight crew members and relevant personnel involved in the flight preparation;
- (f) owner or operator of the aircraft has established a system for data collection, evaluation and trend monitoring for low visibility operations for which there is an operational credit; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(g) owner or operator of the aircraft has instituted appropriate procedures with respect to continuing airworthiness, maintenance and repair practices and programmes.

(8) The State of Registry must establish criteria for the safe operation of the aircraft for operations with operational credit with minima above those related to low visibility operations.

(9) The Executive Director must establish criteria for the safe operation of the aircraft for operations with operational credit with minima above those related to low visibility operations.

(10) Instrument approach operations must be classified based on the designed lowest operating minima below which an approach operation must only be continued with the required visual reference as follows -

(a) type A: a minimum descent height or decision height at or above 75 metre (250 feet); and

[The singular word “metre” should be plural.]

(b) type B: a decision height below 75 metres (250 feet) and Type B instrument approach operations are categorized as:

(i) Category I (CAT I): a decision height not lower than 60 metres (200 feet) and with either a visibility not less than 800 metres or a runway visual range not less than 550 metre;

(ii) Category II (CAT II): a decision height lower than 60 metre (200 feet) but not lower than 30 metres (100 feet) and a runway visual range not less than 300 metres;

(iii) Category III (CAT III): a decision height lower than 30 metre (100 feet) or no decision height and a runway visual range less than 300 metres or no runway visual range limitations.

[The singular word “metre” should be plural in each of the subparagraphs above.]

(11) The operating minima for 2D instrument approach operations using instrument approach procedures must be determined by establishing a minimum descent altitude or minimum descent height, minimum visibility and, if necessary, cloud conditions.

(12) The operating minima for 3D instrument approach operations using instrument approach procedures must be determined by establishing a decision altitude or decision height and the minimum visibility or runway visual range.

(13) The Executive Director must issue a specific approval for instrument approach operations in low visibility which must only be conducted if runway visual range information is provided.

(14) The Executive Director may, for take-off in low visibility, issue a specific approval for the minimum take-off runway visual range.

**Threshold crossing height**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**91.07.6** The pilot-in-command of an aircraft being used to conduct an instrument approach, must ensure that the aircraft crosses the threshold by a safe margin and in the required landing configuration and altitude.

**Pre-flight selection of aerodromes**

**91.07.7** (1) The owner or operator of an aircraft must select the destination or alternate aerodromes contemplated in regulation 91.07.5 when planning a flight.

(2) The owner or operator must select a departure, destination or alternate aerodrome only when the service ability status of the aerodrome permits safe operation of the type of aircraft concerned.

(3) A take-off alternate aerodrome must be selected and specified in the operational and ATS flight plan, as contemplated in 91.06.23, if the meteorological conditions at the aerodrome of departure are at or below the applicable aerodrome operating minima or it would not be possible to return to the aerodrome of departure for other reasons.

[The word “regulation” appears to have been omitted before “91.06.3”.]

(4) The take-off alternate aerodrome referred to in subregulation (3), must be located within the following time from the aerodrome of departure -

- (a) 45 minutes flying time from the departure aerodrome in the case of single-engine aeroplanes;
- (b) for aircraft with two engines, one hour of flight time at a one-engine-inoperative cruising speed, determined from the aircraft flight manual referred to in regulation 91.03.2, calculated in International Standard Atmosphere and still-air conditions using the actual take-off mass;

[The word “from” is misspelt as “form” in the *Government Gazette*, as reproduced above.]

- (c) for aeroplanes with three or more engines, two hours of flight time at an all-engine cruising speed, determined from the aircraft flight manual, calculated in international standards atmosphere and still-air conditions using the actual take-off mass;
- (d) for aeroplanes engaged in extended diversion time operations where an alternate aerodrome meeting the distance criteria of subregulation (4)(b) or (c) is not available, the first available alternate aerodrome located within the distance of the operator’s approved maximum diversion time considering the actual take-off mass;
- (e) for an aerodrome to be selected as a take-off alternate the available information must indicate that, at the estimated time of use, the conditions will be at or above the operator’s established aerodrome operating minima for that operation; and
- (f) en-route alternate aerodromes, required by paragraph (d) for extended diversion time operations by aircraft with two turbine engines, must be selected and specified in the air traffic services flight plan,

except that if the aircraft flight manual referred to in regulation 91.03.2 does not contain a one-engine inoperative cruising speed as referred to in subparagraphs (b) and (c), the speed to be used for calculation must be the speed which is achieved with the remaining engine or engines set at maximum continuous power.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The owner or operator of a helicopter must select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions prevailing are such that, for the period from one hour before and until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) The owner or operator of an aircraft must for a flight to be conducted in accordance with IFR, select at least one destination alternate aerodrome which must be specified in the ATS flight plan, unless -

- (a) the duration of the flight from the departure aerodrome or from the point of in-flight re-planning to the destination aerodrome is such that, taking into account all meteorological conditions and operational information relevant to the flight, at the estimated time of use, a reasonable certainty exists that -
  - (i) the approach and landing may be made under visual meteorological conditions; and
  - (ii) separate runways are usable at the estimated time of use of the destination aerodrome with at least one runway having an operational instrument approach procedure;
- (b) the aerodrome is isolated and operations into isolated aerodromes do not require the selection of a destination alternate aerodromes, planned as contemplated in Document NAM-CATS-OPS 91 and -
  - (i) for each flight into an isolated aerodrome a point of no return must be determined; and
  - (ii) a flight to be conducted to an isolated aerodrome may not be continued past the point of no return unless a current assessment of meteorological conditions, traffic and other operational conditions indicate that a safe landing can be made at the estimated time of use.

**[The verb “indicate” should be “indicates” to accord with the subject “assessment”.]**

(7) Except as provided in subregulations (10) and (13), the owner or operator of an aircraft must when planning a flight, only select an aerodrome as a destination or alternate aerodrome if the appropriate weather reports or forecasts or a combination of such weather report or forecast, are at or above the applicable planning minima for a period of one hour before to one hour after the estimated time of arrival of the aircraft at the aerodrome.

**[The verb “are” should be “is” to accord with the subject “combination”.]**

(8) The owner or operator of a helicopter must select at least one destination alternate aerodrome for each IFR flight unless -

- (a) available current meteorological information indicates that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival or from the actual time of departure to two hours after the estimated time of arrival, whichever is the shorter period -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) a cloud base of at least 400 feet above the minimum associated with the instrument approach procedure; and
- (ii) visibility of at least 1.5 kilometre more than the minimum associated with the procedure; or

[The singular word “kilometre” should be plural.]

- (b) the heliport of intended landing is isolated, and no suitable alternate heliport is available and -

- (i) an instrument approach procedure is provided for the isolated heliport of intended landing; and
- (ii) a point of no return is determined in case of an offshore destination.

[The word “the” appears to have been omitted between the words “in” and “case”.]

- (9) Suitable offshore alternates for helicopters may be specified subject to the following -

- (a) the offshore alternates must be used only after passing a point of no return or prior to a point of no return, onshore alternates must be used;
- (b) mechanical reliability of critical control systems and critical components is considered and taken into account when determining the suitability of the alternate;
- (c) one-engine inoperative performance capability must be attainable prior to arrival at the offshore alternate;
- (d) to the extent possible, deck availability must be guaranteed; and
- (e) weather information must be reliable and accurate.

- (10) An owner or operator of an aircraft must for two destination alternate aerodromes select and specify in the operational and ATS flight plans, if at the destination aerodrome -

- (a) meteorological conditions at the estimated time of use will be below the operator’s established aerodrome operating minima for that operator; or
- (b) meteorological information is not available.

- (11) The owner or operator of an aircraft must, in the ATS flight plan referred to in regulation 91.06.23, specify the destination alternate aerodrome if required.

- (12) The owner or operator of an aircraft must, in the ATS flight plan referred to in regulation 91.06.23, specify enroute alternate aerodromes for extended-range operations with a twin-engine aeroplanes.

[The word “a” does not accord with the phrase “twin-engine aeroplanes”.]

- (13) In addition to subregulation (10) an owner or operator of an aircraft may conduct a flight in accordance with IFR to a destination for which there is no aviation weather report or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

forecast available, as long as the requirements specified in Document NAM-CATS-OPS 91 are met.

(14) Despite subregulations (3), (6) and (8) the Executive Director may, based on the results of a specific safety risk assessment conducted by the owner or operator of an aircraft which demonstrates how an equivalent level of safety will be maintained approve operational variations to alternate aerodrome selection criteria.

(15) The specific safety risk assessment referred to in subregulation (14) must include at least the -

- (a) capabilities of the pilot-in-command or operator;
- (b) overall capability of the aircraft and its systems;
- (c) available aerodrome technologies, capabilities and infrastructure;
- (d) quality and reliability of meteorological information;
- (e) identified hazards and safety risks associated with each alternate aerodrome variation; and
- (f) specific mitigation measures.

**Planning minima for IFR flights**

**91.07.8** (1) The owner or operator of an aircraft may not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under instrument meteorological conditions unless the appropriate weather reports or forecasts or any combination of such weather or forecast, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at or above the applicable landing minima provided for in regulation 91.07.5.

[The word “report” appears to have been omitted after the phrase “combination of such weather”; compare subregulation 91.07.7(7) above and subregulations (4) and (6) below. The verb “indicate” should be “indicates” to accord with the subject “combination”.]

(2) The ceiling of the aircraft must be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations must be taken into account.

(4) Except as provided for in regulation 91.07.7(13), the owner or operator of an aircraft may only select the destination aerodrome or destination alternate aerodrome, if required, if the appropriate weather reports or forecasts or any combination of such weather reports or forecast, indicate that, during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at, or above, the applicable planning minima.

[The verb “indicate” should be “indicates” to accord with the subject “combination”.  
The phrase “such weather reports or forecast” should be “such weather reports or forecasts”.]

(5) The applicable planning minima referred to in subregulation (4) must be as follows -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) planning minima for a destination aerodrome -
  - (i) runway visual range or visibility specified in regulation 91.07.5; and
  - (ii) for non-precision approach or a circling approach, the ceiling at, or above, minimum descent altitude or minimum descent height; and

[The word “height” is misspelt in the *Government Gazette*, as reproduced above.]

- (b) planning minima for a destination alternate aerodrome must be as provided for in Document NAM-CATS-OPS 91.

(6) The owner or operator of an aircraft may not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts or any combination of such weather reports or forecast, indicate that during a period commencing one hour before and ending one hour after the estimated time of arrival at the aerodrome, the weather conditions will be at or above the planning minima as provided for in Document NAM-CATS-OPS 91.

[The verb “indicate” should be “indicates” to accord with the subject “combination”.  
The phrase “such weather reports or forecast” should be “such weather reports or forecasts”.]

**Meteorological conditions**

**91.07.9** (1) A pilot may not, on a flight conducted in accordance with VFR, commence take-off unless current meteorological reports or a combination of current reports and forecasts, indicate that the meteorological conditions along the route or that part of the route to be flown under VFR will, at the appropriate time, be such as to enable compliance with this Part.

- (2) A pilot conducting a flight in accordance with IFR -
  - (a) may not take off from the departure aerodrome unless meteorological conditions, at the time of use, are at or above the operator’s established aerodrome operating minima for that operator; and
  - (b) may not take off or continue beyond the point of in-flight re-planning unless at the aerodrome of intended landing or at each alternate aerodrome to be selected in compliance with regulation 91.07.7, current meteorological reports or a combination of current reports and forecasts, indicate that the meteorological conditions will be, at the estimated time of use, at or above the operator’s established aerodrome operating minima for that operation.

[The verb “indicate” should be “indicates” to accord with the subject “combination”.]

(3) In the case of commercial air transport operations, to ensure that adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate aerodrome, the operator must specify appropriate incremental values, acceptable to the Executive Director, for height of cloud base and visibility to be added to the operator’s established aerodrome operating minima for the estimated time of use of the aerodrome.

[The article “an” appears to have been omitted before the phrase “adequate margin of safety”.]

**VFR operating minima**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.07.10** The owner or operator of an aircraft must ensure that -

- (a) VFR flights are conducted in accordance with the VFR provided for in Subpart 6; and
- (b) special VFR flights are not commenced when the visibility is less than the visibility provided for in regulation 91.06.32(1).

**Mass and balance**

**91.07.11** (1) The owner or operator of an aircraft must ensure that, during any phase of the operation, the loading, mass and the centre of gravity of the aircraft complies with the limitations specified in the approved aircraft flight manual referred to in regulation 91.03.2 or the operations manual referred to in regulation 91.03.7 if the limitations in such manual are more restrictive.

[The verb “complies” should be “comply” to accord with the compound subject.]

(2) The owner or operator of an aircraft must establish the mass and the centre of gravity of the aircraft by actual weighing prior to initial entry into operation and thereafter at intervals of five years.

(3) The accumulated effects of modifications and repairs on the mass and balance of the aircraft, must be accounted for and properly documented by the owner or operator of the aircraft.

(4) The aircraft must be weighed in accordance with the provisions of subregulation (2), if the effect of modifications on the mass and balance is not accurately known.

(5) The owner or operator of an aircraft must determine the mass of all operating items and flight crew members included in the dry operating mass of the aircraft, by weighing or by using the appropriate standard mass as provided for in Document NAM-CATS-OPS 91.

(6) The owner or operator of an aircraft must determine the influence of the mass of the operating items and flight crew members referred to in subregulation (5) on the centre of gravity of the aircraft.

(7) The owner or operator of an aircraft must establish the mass of the traffic load, including any ballast, by actual weighing or determine the mass of the traffic load in accordance with the appropriate standard passenger and baggage mass as provided for in Document NAM-CATS-OPS 91.

(8) The owner or operator of an aircraft must determine the mass of the fuel load by using the actual specific gravity or, if approved by the Executive Director, a standard specific gravity.

**Fuel and oil requirements**

**91.07.12** (1) A pilot-in-command of an aircraft may not commence a flight unless he or she is satisfied that the aircraft is carrying a sufficient amount of usable fuel, to complete the planned flight safely and to allow for deviations from the planned operation.

(2) The pilot-in-command must advise ATC of a minimum fuel state by declaring minimum fuel when, having committed to land at a specific aerodrome, the pilot calculates that

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

any change to the existing clearance to that aerodrome or other air traffic delays, may result in landing with less than the planned final reserve fuel.

(3) The pilot-in-command may declare a situation of fuel emergency by broadcasting MAYDAY MAYDAY MAYDAY FUEL, if the calculated usable fuel estimated to be available upon landing at the nearest aerodrome where a safe landing can be made is less than the planned final reserve fuel.

(4) The fuel policy, including calculation of the amount of fuel and oil to be carried by an aircraft must be as provided for in NAM-CATS-OPS 91.

[There should be a comma after the phrase “including calculation of the amount of fuel and oil to be carried by an aircraft” to offset that phrase properly.]

**Refuelling or defueling with passengers on board**

**91.07.13** (1) The owner or operator of an aircraft must ensure that the aircraft is not refuelled or defueled with aviation gasoline or wide-cut type fuel when passengers are embarking, on board or disembarking such aircraft.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions must be taken and the aircraft must be properly manned by qualified personnel ready to initiate and direct an evacuation of such aircraft by the most practical and expeditious means available.

**Smoking in aircraft**

**91.07.14** (1) A person may not smoke in a Namibian registered aircraft or in any foreign registered aircraft when flying in or over Namibia.

(2) In all Namibian registered aircraft, notices must be displayed in a prominent place in the aircraft indicating that smoking is prohibited and that such notices are clearly visible to all passengers and flight crew members.

**Instrument approach and departure procedures**

**91.07.15** (1) The owner or operator of an aircraft must ensure that the instrument approach and departure procedures, established by the appropriate authority of the state in which the aerodrome to be used, is located, are used.

(2) Despite subregulation (1), a pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route, as long as -

- (a) obstacle clearance criteria are observed, and full account is taken of the operating conditions; and
- (b) the final approach is flown visually.

(3) The owner or operator of an aircraft must ensure that the appropriate temperature corrections to all published altitudes are applied when conducting approaches at an aerodrome in temperatures below standard.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) One or more instrument approach procedures designed to support instrument approach operations must be approved and promulgated by the state in which the aerodrome is located to serve each instrument runway or aerodrome utilised for instrument flight operations.

(5) An aircraft operated in accordance with the instrument flight rules must comply with the instrument approach procedures approved by the state in which the aerodrome is located.

**Noise abatement and noise certification**

**91.07.16** (1) The pilot-in-command must take into account published noise abatement procedures to minimise the effect of aircraft noise while ensuring that safety has priority over noise abatement.

(2) The pilot-in-command, owner or operator of an aircraft must insure that such aircraft is carrying a document attesting noise certification where applicable.

[The spelling “ensure” instead of “insure” is used elsewhere in the regulations.]

**Submission of ATS flight plan**

**91.07.17** The owner or operator of an aircraft must ensure that a flight is not commenced unless an ATS flight plan has been filed or adequate information has been deposited in order to permit alerting services to be activated, if required.

**Seats, safety belts and harness**

**91.07.18** (1) The pilot-in-command must, before take-off and landing, and whenever considered necessary in the interests of aviation safety, ensure that each person on board such aircraft occupies a seat or berth with his or her safety belt or harness, where provided, properly secured except as provided for in regulation 91.04.11.

(2) Despite subregulation (1), a person may use the floor of the aircraft as a seat, if that person is on board for the purpose of parachuting.

(3) Despite subregulation (2) a person may operate an aircraft without a seat belt for a person, if that person is on board for the purpose of parachuting and has an alternative means of securing that person during take-off and landing.

(4) A seat for any cabin crew member must, if possible, be located near a floor-level emergency exit and any additional cabin crew member seat required must be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation, but such a seat must be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(5) If a pilot-in-command cannot see all the passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, must be installed.

(6) A safety harness and safety belt must have a single point release.

(7) A passenger may not be allowed to be responsible for the safety of more than one infant on board an aircraft.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Passenger seating**

**91.07.19** (1) The owner or operator of an aircraft must ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist and not hinder evacuation from the aircraft.

(2) The owner or operator of an aircraft must ensure that if a disabled passenger is carried together with other passengers, such passenger may not be positioned in such a way that access to emergency exits is blocked.

(3) Passengers may be carried in an aircraft, other than an air ambulance aircraft operated and equipped in terms of regulations relating to aircraft engaged in air ambulance operations, on a stretcher only if such stretcher and the manner in which it is secured to the aircraft have been approved by the Executive Director and the condition of the passenger does not require the attention of an aviation health care provider or require the passenger to be connected to any external medical equipment.

(4) In the case of an emergency medical situation, where no air ambulance aircraft operated and equipped in terms of regulations relating to aircraft engaged in air ambulance operations can be made available within a reasonable time span at or near the place where the situation exists, an aircraft owner or operator may disregard subregulation (1), (2) and (3) in the interest of saving human life.

(5) If an owner or operator uses an aircraft as a non-standard emergency transport in terms of subregulation (4), such operator must, within 14 days of the flight having taken place report such an incidence to the Executive Director on the appropriate form as provided for by the Executive Director, explaining the reasons for the deviation from this regulation.

[The word "incidence" should be "incident".]

(6) The pilot-in-command must ensure that multiple occupancy of aircraft seats does not occur other than by one adult and one infant who is properly secured by a child restraint device.

**Passenger movements and briefing**

**91.07.20** (1) The owner or operator of an aircraft must take reasonable steps to provide for the safe movement of his or her passengers to or from the aircraft while on the aerodrome movement area.

(2) The owner or operator of an aircraft must ensure that -

- (a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation; and
- (b) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

**Passenger health and safety**

**91.07.21** (1) The pilot-in-command of an aircraft must notify air traffic control if it appears that a person displays the signs and symptoms of a communicable disease as provided for in Document NAM-CATS-OPS 91.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The owner or operator of an aircraft must establish procedures for -
  - (a) evaluation by flight crew member or cabin crew member of a person who displays the signs and symptoms referred to in subregulation (1); and
  - (b) the notification of the air traffic control by the pilot-in-command of a suspected case as provided for in Document NAM-CATS-OPS 91.

**Emergency equipment**

**91.07.22** (1) The owner or operator of an aircraft must ensure that emergency equipment, carried or installed in the aircraft to meet the requirements provided for in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command of the aircraft must ensure that the emergency equipment referred to in subregulation (1) remains easily accessible for immediate use by the flight crew.

**Illumination of emergency exits**

**91.07.23** If an aircraft, which is equipped with an emergency lighting system is in flight and below 1 000 feet above ground level or on the ground with passengers on board -

- (a) the emergency lighting system must be switched on; or
- (b) the normal cabin lighting system must be switched on and the emergency lighting must be armed.

**Use of supplemental oxygen**

**91.07.24** (1) The pilot-in-command of an aircraft must ensure that flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight, use supplemental oxygen -

- (a) continuously when the flight deck pressure altitude exceeds 10 000 feet for longer than 120 consecutive minutes flight time; and
- (b) at all times when the flight deck pressure altitude exceeds 12 000 feet.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Approach and landing conditions**

**91.07.25** (1) A pilot-in-command of an aircraft must before commencing an approach to land, be satisfied that, according to the information available, the weather and the condition of the touch-down and runway area at an aerodrome intended to be used, a safe approach, landing or missed approach can be executed having regard to the performance information specified in the aircraft flight manual or similar document of the aircraft.

(2) An approach to land may not be continued below 1 000 feet above aerodrome elevation, unless a pilot-in-command, based on the information available, is satisfied that -

- (a) a runway surface condition permits a safe landing; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) an aircraft performance information indicates that a safe landing can be made.

**Approach ban**

**91.07.26** (1) An approach to land may not be continued below 300 metre (1 000 feet) above aerodrome elevation unless the pilot-in-command is satisfied that, with the runway surface condition information available, the aircraft performance information indicates that a safe landing can be made.

[The singular word “metre” should be plural.]

(2) If, after passing 1 000 feet above an aerodrome elevation in accordance with subregulation (1), a reported runway visual range or visibility falls below the applicable minimum, a pilot may continue with an approach to decision altitude or decision height or minimum descent altitude or minimum descent height.

[The word “height” at the end of subregulation (2) is misspelt in the *Government Gazette*, as reproduced above.]

(3) A pilot may continue with an approach below altitude or decision height or minimum descent altitude or minimum descent height and complete a landing, provided that the required visual reference is established at an altitude or decision height or minimum descent altitude or minimum descent height is maintained.

[The word “height” is misspelt in two of its three appearances in subregulation (3), as reproduced above.]

**In-flight testing on passenger- and cargo-carrying flights**

**91.07.27** The owner or operator of an aircraft, when passengers or cargo are on board such aircraft, must ensure that a person does not -

- (a) simulate emergency situations in the aircraft affecting the flight characteristics of such aircraft;
- (b) conduct flight testing for the initial skills test or renewal of an instrument rating;
- (c) conduct any flight or skills test other than a route proficiency test; or
- (d) conduct any skills test for a class or type rating.

**Turning helicopter rotors**

**91.07.28** (1) A person engaged in helicopter operations may not, except as provided for in subregulation (2), permit helicopter rotors to be turned under power without a qualified pilot at the controls of such helicopter.

(2) A licensed AME, who has undergone instruction from a qualified Grade II or higher qualified helicopter flight instructor on the ground-running of the relevant helicopter type, and thereafter has been certified as competent to undertake such a task by the instructor in AME's record of experience, may turn helicopter rotors under power for the purposes of blade tracking on condition that -

- (a) the collective has been locked in the down position; and

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) ground-runs are carried out when the helicopter is stationary, and wind conditions do not require major cyclic inputs.

**Starting and running of engines**

**91.07.29** (1) Except where the brakes are serviceable and are fully applied, chocks must be placed in front of the wheels of an aircraft before starting the engine or engines, and a competent person must be seated at the controls when the engine or engines are running.

(2) If the pilot of an aircraft is the only person present and it becomes necessary for chocks to be used, he or she must ensure that the chocks are removed prior to starting the engine, unless if the aircraft is equipped with a parking brake, in which case the parking brake must be set before the pilot removes the chocks.

[The word "if" after the word "unless" is superfluous.]

(3) Except as contemplated in subregulation (2), when the engines are running, at least one pilot seat of an aircraft must be attended by a person qualified to occupy the pilot seat.

**Acrobatic flights**

**91.07.30** (1) A aircraft may not be flown acrobatically, so as to avoid endangering air traffic.

[The article "A" before the word "aircraft" should be "An".]

(2) An aircraft may not be flown acrobatically, unless if individual permission has been obtained from the Executive Director, on condition that -

[The word "if" after the word "unless" is superfluous.]

- (a) the manoeuvre can be concluded, and the aircraft brought on an even keel at a height of not less than 2 000 feet above the ground or water;
- (b) the aircraft is flown acrobatically within a five nautical mile distance of an aerodrome reference point of an aerodrome licensed and approved in terms of Part 139 unless the aircraft is flown at a height not less than 4 000 feet above ground level;
- (c) the aircraft is not flown in the vicinity of air traffic services routes; and
- (d) the aircraft is not flown over any populous area or public gathering.

**Aerodrome approach and departure procedures**

**91.07.31** (1) When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of an aircraft must use the instrument approach and departure procedure as published by the Executive Director in the AIC, IAIP, IAIP Supplement or NOTAM or otherwise approved by the Executive Director.

(2) A person flying an aircraft may not execute or endeavour to execute an instrument approach or instrument departure at an aerodrome unless -

- (a) the provisions of regulation 91.06.33 are complied with;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the flight is conducted in accordance with procedures for instrument approach or instrument departure authorised by the Executive Director for the specific aerodrome and manoeuvre to be executed;
  - (c) the requirements for flights conducted under instrument meteorological conditions authorised by the Executive Director are complied with; and
  - (d) where applicable, has received a clearance for the approach from the relevant air traffic services unit.
- (3) A pilot-in-command of an aircraft under IFR may not nominate an aerodrome as an alternate aerodrome unless -
- (a) there is a procedure for an instrument approach authorised by the Executive Director, if the forecast for the alternate aerodrome is instrument meteorological conditions;
  - (b) the aircraft complies with the requirements of regulation 91.06.33; and
  - (c) there is reasonable certainty that the requirements for flights conducted under instrument meteorological conditions will be complied with.

**Aircraft operating procedures**

**91.07.32** The pilot-in-command of an aircraft must climb or descend to an assigned altitude or flight level at a rate less than 1 500 feet per minute throughout the last 1 000 feet of climb or descent to the assigned altitude or flight level, unless otherwise specified in an air traffic control instruction.

**Head-up displays and vision systems**

**91.07.33** An owner or operator of an aircraft may only provide for the use of automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, combined vision system, or any combination of those systems into a hybrid system for the safe operation of an aircraft, if -

- (a) such owner or operator has an approval to do so;
- (b) such owner or operator complies with the requirements for automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, combined vision system, as applicable, as provided for in Document NAM-CATS-OPS 91;
- (c) such equipment meets the appropriate airworthiness certification requirements;
- (d) such owner or operator has carried out a safety risk assessment of the operations supported by the automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, combined vision system;

**[The last comma in paragraph (d) should be replaced with “and” or “or”.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the Executive Director has authorised operational credit for such operations with an aircraft equipped with automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, combined vision system;

[The last comma in paragraph (d) should be replaced with “and” or “or”.]

- (f) such owner or operator of an aircraft has acquired a specific approval, if operational credit relates to low visibility operations, provided that such specific approval must not affect the classification of the instrument approach procedure.

[The full stop at the end of paragraph (f) should be a semicolon.]

- (g) information necessary to support effective crew tasks for the operation is appropriately available to both pilots where the number of flight crew members specified in the operations manual or other documents associated with the certificate of airworthiness is more than one;
- (h) such owner or operator has established and documented normal and abnormal procedures and a MEL;
- (i) such owner or operator has established a training programme for the flight crew members and relevant personnel involved in the flight preparation;
- (j) such owner or operator has established a system for data collection, evaluation and trend monitoring for low visibility operations for which there is an operational credit; and
- (k) such owner or operator has instituted appropriate procedures with respect to continuing airworthiness maintenance and repair practices and programmes.

(2) An owner or an operator of an aircraft must include suitable operational procedures for use of, and training requirements for such equipment, which must cover at least the following:

[There should be a comma after the phrase  
“and training requirements for” to offset that phrase properly.]

- (a) equipment limitations;
- (b) operational credits as specified in Document NAM-CATS-OPS 91;
- (c) flight planning;
- (d) ground and airborne operations;
- (e) crew resource management;
- (f) standard operating procedures; and
- (g) ATS flight plans and communication.

### **Electronic flight bags**

**91.07.34** (1) If an electronic flight bag is used on board an aircraft, the pilot-in-command and an operator or owner of the aircraft must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) assess the safety risk associated with each electronic flight bag function;
- (b) establish procedures for the use of, and training requirements for, each electronic flight bag function;
- (c) ensure that, in the event of electronic flight bag failure, sufficient information is readily available to a flight crew for the flight to be conducted safely;
- (d) ensure that requirements are established for redundancy of information contained and displayed by the electronic flight bag functions, if appropriate;
- (e) ensure that electronic flight bag equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet the appropriate airworthiness certification requirements; and
- (f) establish and document procedures for the management of electronic flight bag function including any database it may use.

(2) If a portable electronic flight bag is used on board an aircraft, a pilot-in-command and an owner or operator of such aircraft must ensure that such electronic flight bag does not affect the performance of aircraft systems, equipment or the ability to operate the aircraft.

[The superfluous letter “r” after the word “operator” appears in the *Government Gazette*.]

**Extended diversion time operation requirements**

**91.07.35** (1) An pilot-in-command or owner or operator conducting operations beyond 60 minutes, from a point on a route to an enroute alternate aerodrome must ensure that -

- (a) for all aircraft -
  - (i) enroute alternate aerodromes are identified; and
  - (ii) the most up-to-date information is provided to the flight crew on the identified enroute alternate aerodromes, including operational status and meteorological conditions;
- (b) for aeroplanes with two turbine engines, the most up-to-date information provided to the flight crew indicates that conditions at the identified enroute alternate aerodromes will be at or above the operator’s established aerodrome operating minima for the operation at the estimated time of use.

(2) An owner or operators of an aircraft must, in addition to subregulation (1)(a) provide the overall level of safety intended by the provisions of this Part and ensure that the following are taken into account -

[The plural word “operators” should be singular.]

- (c) the operational control and flight dispatch procedures;
- (d) the operating procedures; and
- (e) the training programmes.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The paragraphs above should be labelled “(a)”, “(b)” and “(c)” instead of “(c)”, “(d)” and (e)”.]

(11) Unless the operation has been specifically approved by the Executive Director, an aeroplane with two or more turbine engines may not be operated on a route where diversion time from any point on the route, calculated in international standards atmosphere and still air conditions at the one-engine inoperative cruise speed for aeroplanes with two turbine engines and at the all-engine operating cruise speed for aeroplanes with more than two turbine engines, to an adequate enroute alternate aerodrome, exceeds a threshold time established for such operation.

(12) The maximum diversion time, for an operator of a particular aircraft type engaged in extended diversion time operations must be approved by the Executive Director.

(13) The Executive Director must, when approving the appropriate maximum diversion time for an owner or operator for a particular aeroplane type engaged in extended diversion time operation, be satisfied that -

- (a) for all aeroplanes, the maximum diversion time may not exceed the value of the extended diversion time operation significant system time limitation, if any, indicated in the aircraft flight manual directly or by reference, reduced by an operational safety margin of 15 minutes; and
- (b) for an aeroplane with two turbine engines, the aeroplane is extended diversion time operation certified.

(14) Despite subregulation (5)(a) the Executive Director may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operations beyond the time limits of the most time-limited system.

(15) The specific safety risk assessment referred to in subregulation (6) must include at least the -

- (a) capabilities of the operator;
- (b) overall reliability of the aeroplane;
- (c) reliability of each time limited system;
- (d) relevant information from the aeroplane manufacturer; and
- (e) specific mitigation measures.

(16) For aeroplanes engaged in extended diversion time operation must for the additional fuel required under regulation 91.07.12 (4) include the fuel necessary to comply with the extended diversion time operation critical fuel scenario as established by the Executive Director.

[The word “For” at the beginning of subregulation (16) should be omitted to make the sentence structure coherent.]

(17) The pilot-in-command or owner or operator of aircraft may not proceed with a flight beyond the threshold time in accordance with subregulation (3), unless the identified enroute alternate aerodromes have been re-evaluated for availability and the most up to date information indicates that, during the estimated time of use, conditions at those aerodromes will be at or above



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the operator's established aerodrome operating minima for the operation and if any conditions is identified that would preclude a safe approach and landing at that aerodrome during the estimated time of use, an alternative course of action must be determined.

[The word plural word "conditions" in the phrase "if any conditions is identified" should be singular.]

(18) The Executive Director must, when approving maximum diversion times for aeroplanes with two turbine engines, ensure that the following are taken into account in providing the overall level of safety intended -

- (a) reliability of the propulsion system;
- (b) airworthiness certification for extended diversion time operation of the aeroplane type; and
- (c) extended diversion time operation maintenance programme.

**Disinfection of aircraft**

**91.07.36** (1) The Executive Director must, in consultation with public health authorities, establish and determine, based on a risk assessment, procedures providing for the conditions under which an aircraft is disinfected.

(2) An owner or operator of an aircraft must, in consultation with the Ministry responsible for Health and the Authority, establish procedures and conditions under which an aircraft must be disinfected.

**Operations in required navigation performance designated airspace**

**91.07.37** A person may not operate an aircraft in required navigation performance designated airspace unless -

- (a) an required navigation performance operations procedures manual is available and is incorporating all amendments, approved in accordance with this Part for that aircraft and aircraft navigation system;

[The article "an" before the phrase "required navigation performance operations procedures manual" at the beginning of paragraph (a) should be "a". The phrase "is incorporating" should be "incorporates". The comma after "amendments" is superfluous.]

- (b) such operation is performed in accordance with procedures, instructions and limitations contained in an approved manual;
- (c) the instruments and equipment required by Document NAM-CATS 91 for a particular required navigation performance operation have been inspected and maintained in accordance with an approved maintenance program;
- (d) each flight crew member has adequate knowledge of, and is familiar with the aircraft concerned and -

[There should be a comma after the phrase "and is familiar with" to offset that phrase properly.]

- (i) its navigation system; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) procedures to be used, including normal, abnormal and contingency procedures; and
- (e) the pilot-in-command has ensured that such aircraft and its navigation system are both approved by the Executive Director for required navigation performance operation and that an required navigation performance operation procedures manual is complied with for a planned route and any alternate routes.

[The article “an” before the phrase “required navigation performance operations procedures manual” should be “a”.]

**Repatriation and relief flight**

**91.07.38** (1) The Executive Director must, in consultation with the Ministry, Ministry responsible for health and other relevant authorities, establish a policy or procedures to facilitate relief and repatriation flights.

[The word “the” appears to have been omitted before the phrase “Ministry responsible for health”.]

(2) The Executive Director must, in consultation with the Ministry, Ministry of responsible for home affairs and immigration and other relevant authorities -

[The word “the” appears to have been omitted before the phrase “Ministry responsible for home affairs and immigration”, which also contains the superfluous word “of”.]

- (a) facilitate the entry, departure and transit of aircraft engaged in repatriation and relief flight; and
  - (b) take all possible measures to ensure the safe operation of repatriation and relief flight.
- (3) A repatriation and relief flight may commence as soon as possible after reaching agreement with the states involved.
- (4) The Authority must, after consultation with a holder of an aerodrome licence and other relevant stakeholders, ensure that personnel and carry-on baggage, hold baggage, cargo, and other goods arriving on repatriation and relief flight are cleared without delay.

(5) An owner or operator of an aircraft must ensure that human remains infected with a communicable disease are transported according to the requirements stipulated in Annex 9 to the Convention and the applicable Ministry responsible for health and social services medical protocols.

[The closing phrase of subregulation (5) appears to have been intended to refer to “the applicable medical protocols of the Ministry responsible for health and social services”.]

(6) An owner or operator of an aircraft must expedite clearance processes for entry or departure and transit of an aircraft, passengers, cargo, and other goods involved in repatriation and relief flight.

**Security Programme**

**91.07.39** An owner or operator with an aircraft greater than 5 700 kilogram must establish and maintain a requirement in its training programme, to acquaint appropriate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

[The singular word “kilogram” should be plural.]

**Low visibility operations**

**91.07.40** An owner or operator of an aircraft may not assign a pilot to conduct a low visibility take-off or Category II or III approach unless -

- (a) such an owner or operator has a specific approval issued by the Executive Director;
- (b) an LVO is conducted in accordance with procedures approved in its operations manual;
- (c) instrument approach operations in low visibility may only be conducted if runway visual range information is provided; and
- (d) minimum take-off runway visual range must be approved in its operations manual.

[The wording of paragraphs (c) and (d) does not fit the introductory phrase.]

**Minimum equipment list**

**91.07.41** (1) A person may not conduct a take-off in an aircraft with instruments or equipment that are not serviceable or that have been removed unless -

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

- (a) the aircraft is operated in accordance with a configuration deviation list;
- (b) the provisions specified in the aircraft flight manual; or
- (c) the conditions or limitations specified in a MEL, which has been approved by the Executive Director, and in the opinion of the pilot-in-command aviation safety will not be compromised.

[It appears that the phrase “the aircraft is operated in accordance with” in paragraph (a) should be part of the introductory phrase of subregulation (1) to make that phrase fit properly with paragraphs (b) and (c). It is possible that the closing phrase “and in the opinion of the pilot-in-command aviation safety will not be compromised” may have been intended to apply to all three paragraphs rather than paragraph (c) alone, although this is not certain; there is no analogous provision in the previous Part 91 to serve as a point of comparison.]

**91.07.41** (1) A person may not conduct a take-off in an aircraft with instruments or equipment that is not serviceable or that has been removed unless the aircraft is operated in accordance with -

- (a) a configuration deviation list;
- (b) the provisions specified in the aircraft flight manual; or
- (c) the conditions or limitations specified in a MEL, which has been approved by the Executive Director,

and in the opinion of the pilot-in-command aviation safety will not be compromised.]

(2) An owner or operator of an aircraft must establish an MEL for each type of aircraft for which an MEL has been approved by a state of design of such an aircraft, provided such state is a contracting state.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “of” is misspelt as “od” in the *Government Gazette*, as reproduced above.]

(3) An operator may not operate an aircraft in accordance with an MEL unless such MEL is carried on board of an aircraft.

[The word “of” after the phrase “on board” is superfluous.]

**Landing on roads**

**91.07.42** A person may not use a public road as a place of landing or take-off in an aircraft, except -

- (a) in the case of an emergency involving the safety of the aircraft or its occupants;
- (b) for the purpose of saving human lives; or
- (c) when involved in civil defence or law-enforcement operations, provided that at all times reasonable care is taken for the safety of others with due regard to the prevailing circumstances.

**Pilot-in-command picking up objects**

**91.07.43** The pilot-in-command of an aircraft in flight may not permit objects to be picked up except with the prior written approval of the Executive Director.

**Operation of vehicle- or vessel-towed aircraft**

**91.07.44** (1) Except if prior written approval is obtained from the Executive Director and subject to such conditions as the Executive Director may impose, an aircraft which is intended, for flight purposes, to be towed by a vehicle or vessel travelling on the surface or to be moored on the surface, may not -

- (a) be flown higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;
- (b) be flown closer than five nautical miles from the boundary of an aerodrome; or
- (c) take-off from, land on or be flown above any public road.

(2) The provisions of subregulation (1)(a) and (b) do not apply to the winching or towing of gliders at the aerodrome of departure.

**Following line features**

**91.07.45** An aircraft flying at or below 1 500 feet above the surface and following a power line, a road, a railway line, a river, a coastline or any other line feature within one nautical mile of such line feature, must be flown to the right of such line, road, railway line, river, coastline or other line feature, except when the aircraft is instructed to do otherwise by an air traffic service unit.

**Aircraft speed**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.07.46** (1) Unless otherwise authorised by the Executive Director a person may not, fly an aircraft at an indicated air speed of more than 250 knots outside controlled airspace and below flight level 100.

[The comma after the word “not” is superfluous.]

(2) A person may not fly an aircraft within a control zone or an aerodrome traffic zone at an indicated air speed of more than 200 knots, unless if otherwise authorised or required by an air traffic service unit, provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed provided for in this regulation, the aircraft may be flown at the minimum safe indicated air speed.

[The word “if” after the word “unless” is superfluous.]

**SUBPART 8  
PERFORMANCE OPERATING LIMITATIONS****General provisions**

**91.08.1** (1) The owner or operator of an aircraft must ensure that, under all conditions that could reasonably be expected to be encountered, the aircraft is operated in compliance with -

- (a) the terms and conditions of the certificate of airworthiness and within the approved operating limitations contained in the aircraft flight manual issued in respect of such aircraft;
- (b) the operating limitations, the markings and placards as provided for by the appropriate authority of the State of Registry; and
- (c) the mass limitations provided for in Part 21 or as imposed by compliance with the applicable noise certification standards under which the aircraft was certified unless otherwise authorised in exceptional circumstances by the competent authority of the state in which the aerodrome is situated for a certain aerodrome or a runway where there is no noise disturbance problem.

(2) The owner or operator of an aircraft must take account of airframe configuration, environmental conditions and the operation of systems which may have an effect on the performance of the aircraft, when appropriate, including aircraft mass, operating procedures, the pressure altitude appropriate to the elevation of the aerodrome, temperature, wind, runway gradient and condition of runway.

(3) Placards and instrument markings, containing those operating limitations required by the type certificate or under regulation 183.00.3 to be visible to the flight crew, must be displayed in the aircraft.

(4) The pilot-in-command must determine whether the aircraft performance will permit the take-off and departure to be carried out safely.

**Helicopter operating limitations**

**91.08.2** (1) Performance Class 3 helicopters may only be operated in conditions of weather and light, and over such routes and diversions from such routes, which may permit a safe forced landing to be executed in the event of an engine failure.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The provisions of subregulation 1 apply to Performance Class 2 helicopters prior to the take-off decision point or after passing the landing decision point.

(3) Performance Class 1 helicopters may be operated from elevated heliports in built-up urban areas.

**Helicopter performance classification**

**91.08.3** For performance purposes, helicopters are classified as follows -

- (a) Class 1 helicopter- is a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to safely continue the flight to an appropriate landing, unless the failure occurs prior to reaching the take-off decision point or after passing the landing decision point, in which case the helicopter must be able to land within the rejected take-off or landing area;
- (b) Class 2 helicopter- is a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to safely continue the flight, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which case a forced landing may be required; and
- (c) Class 3 helicopter- is a helicopter with performance such that, in case of power unit failure at any point in the flight profile, a forced landing has to be performed.

**Aeroplane performance classification**

**91.08.4** For performance purposes, aeroplanes are classified as follows -

- (a) Class A aeroplanes -
  - (i) multi-engine aeroplanes powered by a turbo-propeller engines with a maximum certificated take-off mass exceeding 5 700 kilograms; and
- [The article “a” does not agree with the plural phrase “turbo-propeller engines”.]**
- (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes- propeller-driven aeroplanes, other than single-engine aeroplanes, with a MCM of 5 700 kilograms or less;
- (c) Class C aeroplanes- aeroplanes powered by two or more reciprocating engines with a maximum certificated take-off mass exceeding 5 700 kilograms; and
- (d) Class D aeroplanes- single-engine aeroplanes.

**Performance limitations Class A and Class C aeroplanes**

**91.08.5** (1) A owner or operator of a Class A or C aeroplane may not start a take-off unless the aeroplane is able, in the event of a critical power-unit failing at any point in the take-off, either to discontinue the take-off and stop within either the accelerate-stop distance available or the runway available or to continue the take-off and clear all obstacles along the flight

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

path by an adequate margin until the aeroplane is in a position to safely transition to the enroute phase of flight.

**[The article “A” at the beginning of subregulation (1) should be “An”.]**

(2) The adequate margin referred to in subregulation (1) must be determined as provided for in Document NAM-CATS-OPS 91.

(3) For the purposes of subregulation (1), the pilot-in-command must in determining the length of the runway available consider the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

(4) A owner or operator of a Class A or C aeroplane may not operate such aeroplane unless it is able, in the event of the critical engine becoming inoperative at any point along the route or planned diversions from such route, to continue the flight to an aerodrome at which the requirements of subregulation (5) can be met, without flying below the minimum obstacle clearance altitude at any point.

**[The article “A” at the beginning of subregulation (4) should be “An”.]**

(5) A owner or operator of a Class A or C aeroplane may not operate such aeroplane unless it is able, at the aerodrome of intended landing and at any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, be able to land, with assurance that it can come to a stop or, for a seaplane, to a satisfactorily low speed, within the landing distance available and allow for expected variations in the approach and landing techniques, if such allowance was not made during the establishment of the aeroplane’s performance data.

**[The article “A” at the beginning of subregulation (5) should be “An”.]**

(6) An owner or operator of an aeroplane may, in meeting the requirements of subregulations (4) and (5), allow for normal fuel consumption and if applicable, the ability to jettison fuel en route.

(7) An owner or operator of aeroplanes without approved performance data may submit an alternative means of meeting the requirements of subregulations (1), (4) and (5) to the Executive Director for approval.

## SUBPART 9

### AIRCRAFT CONTINUING AIRWORTHINESS

#### General

**91.09.1** (1) A owner, operator or pilot of an aircraft may not operate the aircraft unless such aircraft is maintained and released to service in accordance with the provisions of Part 43 or Part 44, as applicable to the aircraft.

**[The article “A” at the beginning of subregulation (1) should be “An”.]**

(2) An owner or operator of an aircraft may assign the maintenance and release of his or her aircraft to an approved maintenance organisation by means of a written agreement.

#### Owner’s continuing airworthiness responsibilities

**91.09.2** (1) The owner of an aircraft, or in the case where it is leased, the lessee, must ensure that, in accordance with procedures acceptable to the Executive Director -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the aircraft is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight is serviceable; and
- (c) the certificate of airworthiness of the aircraft remains valid.

(2) The owner or operator of an aircraft may not operate an aircraft unless maintenance on the aircraft, including any associated engine, propeller, and part, is carried out -

- (a) by an organisation complying with NAM-Cockpit Audio Recording System-OPS Part 145, that is either approved by the Executive Director or is approved by another contracting state to ICAO and is accepted by the Executive Director; or
- (b) by a person or organisation in accordance with procedures that are authorised by the Executive Director,

and there is a maintenance release in relation to the maintenance carried out.

(3) The owner or operator of an aircraft must ensure that the maintenance of the aircraft is performed in accordance with a maintenance programme acceptable to the Executive Director.

**Continuing airworthiness records**

**91.09.3** (1) The owner or operator of an aircraft must ensure that the following records are kept for the periods mentioned in subregulation (2) -

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited components;
- (b) the current status of compliance with all applicable mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service hours, calendar time and cycles, as appropriate since the last overhaul of the aircraft or its components subject to a mandatory overhaul life;
- (e) the current status of the aircraft's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) The records in -

- (a) subregulation (1)(a) to (e) must be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service; and
- (b) subregulation (1)(f) must be kept for or a minimum period of one year after the signing of the maintenance release.

[The word "or" after the word "for" is superfluous.]



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If there is a -

- (a) temporary change of owner or operator, the records of such aircraft must be made available to the new owner or operator; or
- (b) permanent change of owner or operator, the records must be transferred to the new owner or operator.

(4) The records kept and transferred in accordance with this regulation must be maintained in a form and format that ensures readability, security, and integrity of the records at all times.

**Modifications and repairs**

**91.09.4** (1) All modifications and repairs on an aircraft must comply with airworthiness requirements of Parts 43 and 44 acceptable to the Executive Director.

(2) The records of the modifications and repairs substantiating data approved design data supporting compliance with the airworthiness requirements must be retained as contemplated in regulation 43.03.3.

**Maintenance release**

**91.09.5** (1) If maintenance is carried out by an approved maintenance organisation, the maintenance release must be issued by the approved maintenance organisation as contemplated in Part 145.

(2) If maintenance is not carried out by an approved maintenance organization, the maintenance release must be completed and signed by a person appropriately licenced in accordance with Part 66 to certify that the maintenance work performed has been completed satisfactorily and in accordance with data and procedures acceptable to the Executive Director.

(3) If maintenance is not carried out by an approved maintenance organisation, the maintenance release must include the following -

- (a) basic details of the maintenance performed;
- (b) the date such maintenance was completed; and
- (c) the identity of the authorised person or persons signing the release.

**SUBPART 10**

**CARBON OFFSETTING REDUCTION SCHEME FOR INTERNATIONAL AVIATION**

**Applicability**

**91.10.1** (1) This Subpart applies to an owner or operator of an aircraft that -

- (a) is attributed to Namibia in accordance with regulation 91.10.2; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) produces annual CO<sub>2</sub> emissions greater than 10,000 tonnes from the use of an aircraft with a maximum certificated take-off mass greater than 5 700 kilogram conducting international flights on or after 1 January 2019.

[The singular word “kilogram” should be plural.]

- (2) This Subpart is not applicable to -
  - (a) a humanitarian flight;
  - (b) a medical flight;
  - (c) a firefighting flight; and
  - (d) a flight preceding or following a humanitarian, medical, or fire fighting flight, as provided for in Document NAM-CATS-OPS 91.

(3) The formulae and units, related to the carbon offsetting reduction scheme, are provided for in Document NAM-CATS-OPS 91.

**Attribution of aircraft owner or operator to Namibia**

**91.10.2** (1) A owner or operator of aircraft with international flights must be identified and considered attributed to Namibia if the aircraft owner or operator -

[The article “A” at the beginning of subregulation (4) should be “An”.]

- (a) has an ICAO designator;
- (b) has a valid air operator certificate, or equivalent, issued by the Executive Director; and
- (c) is registered as a juristic person or is a natural person with resident status in Namibia.

(2) If a owner or operator of an aircraft changes its attributes and is attributed to a new state but has not established a new entity or a subsidiary, the new state must become the state to which the aircraft operator fulfils its requirements under this Subpart at the start of the next compliance period.

[The article “a” before the phrase “owner or operator” should be “an”.]

(3) A owner or operator of an aircraft and its wholly owned subsidiary aircraft operator may be treated as a single consolidated aircraft operator liable for compliance with the requirements of this subpart, subject to the approval of the Executive Director.

[The article “A” at the beginning of subregulation (3) should be “An”.]

(4) An emissions monitoring plan of an aircraft operator with a wholly owned subsidiary aircraft owner or operator must be accompanied by documentary proof of ownership of that subsidiary aircraft operator.

**Attribution of international flights to an aircraft operator**

**91.10.3** (1) A owner or operator of an aircraft must identify international flights that are attributed to it in terms of subregulation (2).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The article “A” at the beginning of subregulation (4) should be “An”.]

(2) An attribution of a specific international flight to a owner or operator of an aircraft must be determined as follows:

[The article “a” before the phrase “owner or operator” should be “an”.]

- (a) if the aircraft identification of a flight plan contains the ICAO Designator, that international flight must be attributed to the aircraft owner or operator that has been assigned this designator;
- (b) if the aircraft identification of a flight plan contains a nationality or common mark, and registration mark of an aircraft that is explicitly listed in an air operator certificate, a flight concerned must be attributed to the aircraft owner or operator that holds such air operator certificate; and
- (c) if an aircraft has not been identified in terms of subparagraph (a) or (b), an international flight must be attributed to an aircraft owner or operator who must be considered the aircraft operator.

(3) At owner or operator of an aircraft must, upon request by the Executive Director, provide information to identify an actual aircraft operator of a particular flight.

[The word “An” at the beginning of subregulation (3) is misspelt as “At” in the *Government Gazette*, as reproduced above.]

(4) A owner or operator of an aircraft may, by contract, delegate the administrative requirements of this Subpart to a third party, provided that a delegated third party is not the same entity as a verification body.

[The article “A” at the beginning of subregulation (4) should be “An”.]

(5) Despite subregulation (4), liability for compliance may not be delegated and must remain with the aircraft operator in all situations.

### **Record keeping, compliance periods and equivalent procedure**

**91.10.4** (1) A owner or operator of an aircraft must keep records relevant to this Subpart for a period of 10 years.

[The article “A” at the beginning of subregulation (4) should be “An”.]

(2) The Authority must keep records relevant to a aircraft owner or operator of an aircraft’s CO<sub>2</sub> emissions per state pair in order to calculate the aircraft owner or operator’s offsetting requirements during the 2030 to 2035 compliance periods.

[The article “a” before the phrase “aircraft owner or operator” should be “an”.]

(3) A owner or operator of an aircraft must comply with the compliance periods for carbon offsetting reduction scheme as provided for in Document NAM-CATS-OPS 91.

[The article “A” at the beginning of subregulation (3) should be “An”.  
The article “a” appears to have been omitted before the phrase  
“carbon offsetting reduction scheme”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If a owner or operator of an aircraft makes use of equivalent procedures, instead of the procedures provided for in this Subpart, such equivalent procedures may be approved by the Executive Director if such equivalent procedures comply with the requirements in Document NAM-CATS-OPS 91.

[The article “a” before the phrase “owner or operator” should be “an”.]

**Monitoring requirements of aircraft operator’s annual CO<sub>2</sub> emissions**

**91.10.5** (1) The monitoring requirements of an aircraft operator’s annual CO<sub>2</sub> emissions as provided for in Document NAM-CATS-OPS 91 must be applicable to an aircraft owner or operator of an aircraft from the year after it qualifies to be classified in terms of regulation 91.10.1.

(2) The monitoring requirements referred to in subregulation (1) must be applicable to a new entrant from the year after it meets the requirements referred to in regulation 91.10.1.

**Eligibility of monitoring methods**

**91.10.6** (1) CO<sub>2</sub> emissions monitoring methods provided for in Document NAM-CATS-OPS 91 must be considered as eligible, if an aircraft owner or operator monitors and records its fuel use from international flights, in accordance with an eligible monitoring method provided for in subregulations (3) and (4).

(2) A owner or operator of an aircraft must use the same eligible monitoring method for the compliance period in accordance with an Emissions monitoring *plan* approved by the Executive Director.

[The article “A” at the beginning of subregulation (2) should be “An”.]

(3) A owner or operator of an aircraft must comply with the compliance period provided for in Document NAM-CATS-OPS 91.

[The article “A” at the beginning of subregulation (3) should be “An”.]

(4) The eligibility thresholds, for the use of an eligible monitoring method for the 2019 to 2020 compliance period and the 2021 to 2035 compliance period, must be as provided for in Document NAM-CATS-OPS 91.

**Emissions monitoring plan**

**91.10.7** (1) A owner or operator of an aircraft must -

[The article “A” at the beginning of subregulation (1) should be “An”.]

- (a) develop an emissions monitoring plan as provided for in Document NAM-CATS-OPS 91;
- (b) submit an emissions monitoring plan in the form and with the information and timelines as provided for in Document NAM-CATS-OPS 91, to the Executive Director for approval;
- (c) if it is a new entrant, submit an emissions monitoring plan to the Executive Director for approval within 90 days of falling within the scope of applicability; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- (d) submit any material or substantial change on information contained in an emissions monitoring plan to the Executive Director for approval.

[The phrase “substantial change on information” should be “substantial change in information”.]

(2) A owner or operator of an aircraft must inform the Executive Director of any change to an emissions monitoring plan even if the aircraft operator does not consider such change to be a material change.

[The article “A” at the beginning of subregulation (2) should be “An”.]

(3) The Executive Director must inform an aircraft owner or operator, during an approval process of an emissions monitoring plan, of a level of aggregation for which a reporting of number or flight and CO<sub>2</sub> emissions must be conducted.

**Calculation of CO<sub>2</sub> emissions from aircraft fuel use**

- 91.10.8** (1) A owner or operator of an aircraft must -

[The article “A” at the beginning of subregulation (1) should be “An”.]

- (a) apply a fuel density value to calculate fuel mass where an amount of fuel uplift is determined in units of volume;
- (b) record fuel density which may be an actual or a standard value of 0.8 kilogram per litre that is used for operational and safety reasons such as in an operational, flight or technical log; and
- (c) detail a procedure for informing the use of actual or standard density in an emissions monitoring plan along with a reference to a relevant aircraft operator documentation.

(2) A owner or operator of an aircraft using a fuel use monitoring method must determine CO<sub>2</sub> emissions from international flights, using the following equation:

[The article “A” at the beginning of subregulation (2) should be “An”.]

$$CO_2 = \sum_f M_f * FCF_f$$

Where:

$CO_2$  = CO<sub>2</sub> emissions (in tonnes);

$M_f$  = Mass of fuel  $f$  used (in tonnes); and

$FCF_f$  = Fuel conversion factor of given fuel  $f$ , equal to 3.16 (in kg CO<sub>2</sub>/kg fuel) for Jet-A fuel and 3.10 (in kg CO<sub>2</sub>/kg fuel) for AvGas or Jet-B fuel.

**Monitoring of carbon offsetting reduction scheme eligible fuel claims**

**91.10.9** (1) A owner or operator of an aircraft intending to claim for emissions reduction from the use of carbon offsetting reduction scheme eligible fuel must -

[The article “A” at the beginning of subregulation (1) should be “An”.]

- (a) use carbon offsetting reduction scheme eligible fuel that meets the carbon offsetting reduction scheme sustainability criteria as provided for in Document NAM-CATS-OPS 91; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) only use carbon offsetting reduction scheme eligible fuel from a fuel producer that is certified by an approved sustainability certification scheme as provided for in Document NAM-CATS-OPS 91.

(2) If a owner or operator of an aircraft fails to or cannot demonstrate that the fuel used by his or her aircraft meets the carbon offsetting reduction scheme sustainability criteria as provided for in Document NAM-CATS-OPS 91, such fuel may not be accounted for as carbon offsetting reduction scheme eligible fuel.

[The article “a” before the phrase “owner or operator” should be “an”.]

**Reporting requirements for aircraft operator annual CO<sub>2</sub> emissions**

- 91.10.10** (1) An aircraft owner or operator of an aircraft -
- (a) must submit to the Executive Director, a copy of a verified emissions report for approval and a copy of an associated verification report in accordance with the timeline as provided for in Document NAM-CATS-OPS 91;
  - (b) must ensure that an emissions report contains the information as provided for in Document NAM-CATS-OPS 91;
  - (c) must report a number of international flights and CO<sub>2</sub> emissions in accordance with a level of aggregation decided on by the Executive Director during an approval process of an emissions monitoring plan, which must either be at a level of state pair or aerodrome pair;
  - (d) that uses a CERT is not required to report information on a type and mass of fuel used and must use the standardised emissions report template provided in Document NAM-CATS-OPS 91 for submission;

[“CERT” is not defined, but appears to stand for “CO<sub>2</sub> Estimation and Reporting Tool”.]

- (e) reporting on its consolidated CO<sub>2</sub> emissions from international flights, during the 2019-2020 period, must append to the main emission report the disaggregated data relating to each subsidiary aircraft operator; and
- (f) may request the Authority in writing, not to publish its CO<sub>2</sub> emissions monitoring data, as provided for in Document NAM-CATS-OPS 91.

(2) The Executive Director may publicly publish CO<sub>2</sub> emissions data after consultation with a concerned aircraft operator.

(3) A person aggrieved by the decision of the Executive Director to publicly publish CO<sub>2</sub> emissions data may appeal against that decision as provided for in these regulations.

**Claims for carbon offsetting reduction scheme eligible fuel**

**91.10.11** (1) At owner or operator of an aircraft may not include carbon offsetting reduction scheme eligible fuel traded or sold to a third party from its total reported quantity of carbon offsetting reduction scheme eligible fuel.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “An” at the beginning of subregulation (1) is misspelt as “At” in the *Government Gazette*, as reproduced above.]

(2) A owner or operator of an aircraft must declare other GHG schemes it participates in if emissions reduction from the use of carbon offsetting reduction scheme eligible fuel may be claimed, and that it has not made claims for the same batches of carbon offsetting reduction scheme eligible fuel under those schemes.

[The article “A” at the beginning of subregulation (2) should be “An”.]

(3) A owner or operator of an aircraft must provide supplementary information as provided for in Document NAM-CATS 91 within a given compliance period, in order to claim emissions reduction from the use of carbon offsetting reduction scheme eligible fuel in an emissions report.

[The article “A” at the beginning of subregulation (3) should be “An”.]

(4) A owner or operator of an aircraft may make carbon offsetting reduction scheme eligible fuel claim referred to in subregulation (3) on an annual basis in order to ensure all documentation is submitted timeously.

[The article “A” at the beginning of subregulation (4) should be “An”. The article “a” or “the” appears to have been omitted before the phrase “carbon offsetting reduction scheme eligible fuel claim”.]

(5) A owner or operator of an aircraft must follow the procedures provided in Document NAM-CATS 91 to purchase fuel from a supplier downstream from a fuel blender.

[The article “A” at the beginning of subregulation (5) should be “An”.]

### **Verification of CO2 emissions**

**91.10.12** (1) An aircraft owner or operator’s emissions report must be verified annually as follows -

- (a) by performing an internal pre-verification of its emissions report prior to the verification by a verification body;
- (b) by a verification body for the aeroplane operator’s annual emissions report; and
- (c) by a verification body that is included in the list provided for in Document NAM-CATS 91.

(2) A verification body must conduct a verification according to ISO 14064-3:2006, and the relevant requirements provided for in Document NAM-CATS-OPS 91.

(3) A verified emissions report must be submitted, as provided for in Document NAM-CATS-OPS 91.

(4) The requirements for the verification of carbon offsetting reduction scheme eligible fuel are as follows -

- (a) fuel purchases, transaction reports, fuel blending records and sustainability credentials must constitute documentary proof for the purpose of verification and approval of emissions reductions from the use of carbon offsetting reduction scheme eligible fuel; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) an aircraft owner or operator or its representative, must verify the production records for the carbon offsetting reduction scheme eligible fuel that it purchases as provided for in Document NAM-CATS-OPS 91.

**Error corrections to emissions report**

**91.10.13** (1) If an error in an aircraft owner or operator's reported emissions has been identified by the Authority, by the verification body or by a owner or operator of an aircraft after CO2 emissions have been submitted to ICAO, the Executive Director must -

[The article "a" before the phrase "owner or operator" should be "an".]

- (a) update the reported CO2 emissions to address an error identified; and
- (b) assess any implications with respect to a owner or operator of an aircraft offsetting requirements in previous years and if necessary, make arrangements to compensate for the error during a compliance period in which an error has been identified.

[The article "a" before the phrase "owner or operator" should be "an".]

(2) The Executive Director must report an error in a owner or operator of an aircraft CO2 emissions report and the results of a follow-up on related adjustments to ICAO.

[The article "a" before the phrase "owner or operator" should be "an".]

**Requirements for addressing data gaps**

**91.10.14** (1) An aircraft owner or operator of an aircraft using a fuel use monitoring method, must fill data gaps using the ICAO carbon offsetting reduction scheme cert, as provided for in Document NAM-CATS 91, provided that data gaps during a compliance period do not exceed the following thresholds -

[“CERT”, which should appear in upper case, is not defined but appears to stand for “CO<sub>2</sub> Estimation and Reporting Tool”.]

- (a) 2019-2020 period: 5% of international flights; and
- (b) 2021-2035 period: 5% of international flights subject to offsetting requirements.

(2) A owner or operator of an aircraft must correct concerns identified with data and information management system in a timely manner to mitigate ongoing data gaps and system weaknesses.

[The article “A” at the beginning of subregulation (4) should be “An”.]

(3) If a owner or operator of an aircraft notices that it has data gaps and system weaknesses that exceed the threshold referred to in subregulation (1), the aeroplane operator must engage with the Executive Director to take remedial action to address the identified data gaps and system weaknesses.

[The article “a” before the phrase “owner or operator” should be “an”.]

(4) If a owner or operator of an aircraft exceeds the threshold referred to in subregulation (1), such owner or operator must state the percentage of international flights for the 2019-2020



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

period, or flights subject to offsetting requirements for the 2021-2035 period that had data gaps and must provide an explanation to the Executive Director in their annual emissions report.

[The article “a” before the phrase “owner or operator” should be “an”.]

(5) A owner or operator of an aircraft must fill all data gaps and correct systematic errors and misstatements prior to the submission of an emissions report.

[The article “A” at the beginning of subregulation (5) should be “An”.]

### **CO<sub>2</sub> offsetting requirements**

**91.10.15** (1) The offsetting requirements of carbon offsetting reduction scheme -

[The article “a” appears to have been omitted before the phrase “carbon offsetting reduction scheme”.]

(a) must be applicable from 1 January 2021 to 31 December 2035, to an aircraft operator referred to in regulation 91.10.1, whose international flights are between Namibia and states defined in Document NAM-CATS-OPS 91.

[The full stop at the end of paragraph (a) should be a semicolon.]

(b) may not be applicable to a new entrant aircraft owner or operator of an aircraft -

(i) for thee years starting from the year when such owner or operator meets the requirements under regulation 91.10.1; or

[The word “three” is misspelt in the *Government Gazette*, as reproduced above.]

(ii) until the annual CO<sub>2</sub> emissions exceed 0.1 percent of its total CO<sub>2</sub> emissions from international flights in 2020, whichever occurs first.

(2) The Methods of calculation of emissions for offsetting requirements are as provided for in Document NAM-CATS-OPS 91.

[The word “methods” should not be capitalised.]

(3) The Authority must calculate the annual aircraft owner or operator’s final CO<sub>2</sub> offsetting requirements, based on the data reported in accordance with Chapter 2 of the carbon offsetting reduction scheme methodology for calculating actual life cycle emissions values and the applicability requirements as provided for in Document NAM-CATS-OPS 91.

### **Total final CO<sub>2</sub> offsetting requirements for given compliance period with emissions reductions from use of carbon offsetting reduction scheme eligible fuels**

**91.10.16** (1) The amount of CO<sub>2</sub> emissions required to be offset by an aircraft owner or operator of an aircraft after considering emissions reductions from the use of carbon offsetting reduction scheme eligible fuels from 1 January 2021 to 31 December 2035 given compliance period, must be calculated by the authority using the requirements provided for in Document NAM-CATS-OPS 91.

(2) If a owner or operator’s of an aircraft total final offsetting requirements during a compliance period FORc is negative, the negative offsetting requirements may not be carried forward to subsequent compliance periods and such an aircraft operator may not have offsetting requirements for the compliance period.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The article “a” before the phrase “owner or operator” should be “an”. The abbreviation “FORc” is not defined in the regulations, but it appears to stand for the “final offsetting requirements during a compliance period” and so should perhaps appear in brackets after this phrase.]

(3) The total final offsetting requirements of an aircraft owner or operator of an aircraft must, during a compliance period FORc, be rounded up to the nearest tonne of CO<sub>2</sub>.

[The abbreviation “FORc” is not defined in the regulations, but it appears to stand for “final offsetting requirements during a compliance period”.]

(4) The Executive Director must inform an owner or operator of an aircraft of its total final offsetting requirements, for a compliance period, according to the timelines for the given compliance period 2019 to 2020 as provided for in Document NAM-CATS 91.

[The word “aircraft” is misspelt in the *Government Gazette*, as reproduced above.]

**Cancellation of carbon offsetting reduction scheme eligible Emissions Units**

**91.10.17** (1) The carbon offsetting reduction scheme eligible emissions units must be as provided for in Document NAM-CATS-OPS 91.

(2) The cancellation of emissions units must be applicable to an aircraft owner or operator of an aircraft subject to the offsetting requirements stipulated in regulation 91.10.15.

(3) A owner or operator of an aircraft must meet the offsetting requirements stipulated in regulation 91.10.15, as calculated by the authority, by cancelling carbon offsetting reduction scheme eligible emissions units in a quantity equal to its total offsetting requirements, for a given compliance period, FORc.

[The article “A” at the beginning of subregulation (3) should be “An”. The abbreviation “FORc” is not defined in the regulations, but it appears to stand for “final offsetting requirements during a compliance period” and so should perhaps appear in brackets after this phrase.]

(4) A owner or operator of an aircraft must, to comply with subregulation (3), -

[The article “A” at the beginning of subregulation (4) should be “An”.]

- (a) cancel such carbon offsetting reduction scheme eligible emissions units within a registry, designated by a carbon offsetting reduction scheme eligible emissions unit programme, in accordance with the timelines as provided for in Document NAM-CATS-OPS 91; and
- (b) request each carbon offsetting reduction scheme eligible emissions unit programme registry to make visible on the registry’s public website, information on each of such aeroplane operator’s cancelled carbon offsetting reduction scheme eligible emissions units, for a given compliance period, in terms of the timelines as provided for in Document NAM-CATS-OPS 91.

(5) Information for each cancelled carbon offsetting reduction scheme eligible emissions unit must include consolidated identifying information in an emissions unit cancellation report, as provided for in Document NAM-CATS-OPS 91.

**Accreditation of verification body**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**91.10.18** (1) A owner or operator of an aircraft must engage a verification body, accredited by a national accreditation body, to ISO 14065:2013, ISO/IEC 17011:2004 and the relevant requirements as provided for in Document NAM-CATS-OPS 91, for the verification of its emissions unit cancellation report.

[The article “A” at the beginning of subregulation (1) should be “An”.]

(2) A verification body must be accredited and comply with the standards specified in ISO 14064:3:2006, and the relevant requirements provided for in Document NAM-CATS-OPS 91.

(3) A owner or operator of an aircraft must upon request, by a verification body, provide access to relevant information on the cancellation of emissions units.

[The article “A” at the beginning of subregulation (3) should be “An”.]

**Verification of Emissions Unit Cancellation Report**

**91.10.19** (1) An aircraft owner or operator must report to the Authority the cancellation of carbon offsetting reduction scheme eligible emissions units carried out in accordance with regulation 91.10.18, to meet its total final offsetting requirements for a given compliance period, by submitting to the Executive Director for approval -

- (a) a copy of a verified emissions unit cancellation report; and
- (b) a copy of an associated verification report.

(2) An emissions unit cancellation report submitted to the Authority must contain information and be in accordance with the timelines provided for in Document NAM-CATS-OPS 91.

(3) A verification body referred to in regulation 91.10.18 must independently submit a copy of emissions unit cancellation report and associated verification report, to the Executive Director, in accordance with the timelines as provided for in Document NAM-CATS-OPS 91.

[The article “a” or “the” appears to have been omitted before the phrase  
“emissions unit cancellation report and associated verification report”.  
The comma after this phrase is superfluous.]

(4) The Executive Director must perform an order of magnitude check of emissions unit cancellation report submitted in terms of subregulation (3), in accordance with the timeline, as provided for in Document NAM-CATS-OPS 91.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 92**  
**SAFE TRANSPORT OF DANGEROUS GOODS BY AIR**

**[Part 92, including its heading, is substituted by GN 293/2018.]**

**LIST OF REGULATIONS**

92.00.1	Applicability
92.00.2	Prohibition of transportation of dangerous goods by air
92.00.3	Classification, division and listing of dangerous goods
92.00.4	Designation of dangerous goods inspectors
92.00.5	Powers of dangerous goods inspectors
92.00.6	Training
92.00.7	Validation of foreign certificates
92.00.8	Packing and packaging
92.00.9	Responsibility of shipper
92.00.10	Labelling and marking
92.00.11	Dangerous goods transport document
92.00.12	Inspection for damage or leakage by operator
92.00.13	Loading restrictions in cabin or on flight deck
92.00.14	Separate packaging of dangerous goods
92.00.15	Securing of dangerous goods
92.00.16	Loading in cargo aircraft
92.00.17	Dangerous goods accident and incident reporting
92.00.18	Dangerous goods accident and incident investigation
92.00.19	Dangerous goods accident and incident information
92.00.20	Notification of undeclared or misdeclared dangerous goods
92.00.21	Retention of documents
92.00.22	Dangerous goods carried by passengers or flight crew members
92.00.23	Information to passengers
92.00.24	Powers of aerodrome operator: loading and unloading of dangerous goods
92.00.25	Designation of persons responsible for dangerous goods
92.00.26	Issuing of competency cards
92.00.27	Reporting of undeclared or misdeclared dangerous goods
92.00.28	Surface transport
92.00.29	Dangerous goods by mail
92.00.30	Reporting of dangerous goods occurrences
92.00.31	Storage and loading
92.00.32	In-flight emergencies
92.00.33	Application of Technical Instructions: reporting difficulties and amendments

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## **Applicability**

**92.00.1** (1) This Part is applicable to all international and domestic operations of civil aircraft and specifically applies to -

- (a) any aircraft which is registered in Namibia or operated in Namibian airspace and which is used for the transportation of dangerous goods and any person who -
    - (i) offers dangerous goods for transportation by air;
    - (ii) transports dangerous goods by air; or
    - (iii) accepts dangerous goods for transportation by air; and
  - (b) any passenger or flight crew member on board or to be taken on board any aircraft in the manner provided for in Annex 18 of the Chicago Convention read with the Technical Instructions issued as ICAO Doc 9284.
- (2) This Part does not apply to -
- (a) military aircraft and military personnel who perform their official duties on board a military aircraft;
  - (b) dangerous goods carried in an aircraft where such goods are intended -
    - (i) to provide medical aid to a patient during a flight;
    - (ii) to provide veterinary aid or a humane killer for an animal during a flight;
    - (iii) for spraying, dusting or dropping in connection with lawfully conducted agricultural, horticultural, forestry or pollution control operations; or
    - (iv) for purposes of lawful game and livestock management during a flight;
  - (c) articles and substances which would otherwise constitute dangerous goods but which are required to be on board the aircraft in accordance with the appropriate airworthiness requirements and the provisions of the operations manual concerned, except that articles and substances intended as replacements for such articles and substances must be transported in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;
  - (d) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in Document NAM-CATS-DG; and
  - (e) articles and substances intended for the personal use of passengers and flight crew members to the extent as prescribed in Document NAM-CATS-DG.

## **Prohibition of transportation of dangerous goods by air**

**92.00.2** (1) A person may not offer for transportation in an aircraft or transport in an aircraft or accept for transport in an aircraft any -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) of the dangerous goods specifically identified by name or by generic description in Document NAM-CATS-DG as being forbidden for transportation by air under any circumstances;
- (b) of the dangerous goods identified in Document NAM-CATS-DG as being forbidden for transportation by air under normal circumstances;
- (c) other dangerous goods, unless in accordance with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (d) infected live animals.

(2) The Executive Director may, upon application in writing by any person referred to in regulation 92.00.1(1)(b), exempt such person from the provisions of subregulation (1)(b), where the Executive Director determines that -

- (a) a situation of extreme urgency requires the transportation of the dangerous goods;
- (b) other forms of transportation are, in the circumstances, impracticable or inappropriate; or
- (c) full compliance with the provisions of this Part would, in the circumstances, be contrary to the public interest,

and the grant of the exemption applied for would not be contrary to the interests of aviation safety.

(2) The provisions of section 46 of the Act apply with the necessary changes to an application for exemption in terms of subregulation (1).

- (3) An application for an exemption under this Part may be made -
  - (a) in respect of flights originating in or departing from Namibia; or
  - (b) in respect of aircraft not registered in Namibia but engaged in the overflight of Namibian territory.

**Classification, division and listing of dangerous goods**

**92.00.3** The classes, divisions and listing of dangerous goods are contained in Document NAM-CATS-DG.

**Designation of dangerous goods inspectors**

**92.00.4** (1) Subject to the provisions of section 37 of the Act, the Executive Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.5.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1), are as prescribed in Document NAM-CATS-DG.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director must sign and issue to each designated dangerous goods inspector a document which states the full name of such inspector and contains a statement indicating that -

- (a) such inspector has been designated in terms of subregulation (1); and
- (b) such inspector is authorised to exercise the powers referred to in regulation 92.00.5 and any other powers delegated by the Executive Director to the inspector under the Act.

**Powers of dangerous goods inspectors**

**92.00.5** (1) A designated dangerous goods inspector may -

- (a) enter and inspect any -
  - (i) aerodrome or hangar;
  - (ii) premises, whether situated inside or outside any aerodrome, where goods, including food products intended for transportation by air are manufactured, produced, prepared or stored or where goods, mail or baggage intended for the transportation by air are packed, held or received or where goods, mail or baggage are received after being conveyed by air; and

[The word “the” before the second appearance  
of the phrase “transportation by air” is superfluous.]

- (iii) aircraft, vehicle, freight or baggage container or unit load device used for the transportation of goods,

in order to ensure that the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG are complied with; and

- (b) require any person to forthwith produce or furnish the inspector with all documents, information and any other evidence relating to dangerous goods or baggage in so far as this may be necessary for the proper execution of his or her functions.

(2) A designated dangerous goods inspector who on reasonable grounds suspects that -

- (a) any baggage, consignment, freight or baggage container or unit load device contains goods which may not lawfully, in terms of the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG, be transported by air; or
- (b) goods which constitute a danger or potential danger to the safety or security of persons, aircraft or any other property are being transported, have been transported or are to be transported by air,

may inspect such baggage, consignment, freight or baggage container or unit load device and, if he or she considers it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in any aircraft.

(3) A designated dangerous goods inspector may at any time -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) search -
  - (i) any baggage, consignment, freight or baggage container or unit load device presented or accepted for transportation by air;
  - (ii) any baggage, consignment, freight or baggage container or unit load device received after being transported by air; and
  - (iii) any person who has disembarked from an aircraft or who intends to board an aircraft or the baggage or personal possessions of such person,

in order to ascertain whether dangerous goods are being, have been or are to be transported by air;
- (b) take reasonable steps to satisfy himself or herself that the mass, quantity or composition of any -
  - (i) goods or baggage offered or presented for transportation in any consignment;
  - (ii) passengers' baggage;
  - (iii) freight or baggage container or unit load device;
  - (iv) stores transported by the operator or owner of an aircraft or his or her agent; and
  - (v) goods or baggage on board an aircraft,

comply with the requirements and standards as prescribed in Document NAM-CATS-DG;
- (c) take reasonable steps to satisfy himself or herself that the requirements and standards as prescribed in Document NAM-CATS-DG are complied with regarding the separation of the classes of dangerous goods in storage areas, unit load devices, vehicles and aircraft;
- (d) require goods to be removed from an aircraft if the requirements and standards referred to in paragraphs (b) and (c) are not complied with;
- (e) request any person to produce or cause to be produced for inspection, any document relating to a consignment intended for transportation by air or which has been transported by air or any other document specified in Document NAM-CATS-DG;
- (f) question any person handling dangerous goods in order to ascertain whether that person complies with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG relating to the handling of such dangerous goods; and
- (g) condemn any dangerous goods which, in his or her reasonable opinion, are not in a good condition or the storage or use of which he or she considers to be dangerous and order any such dangerous goods -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) to be returned to the owner of the goods or to the person who delivered the goods to the place where they are inspected by the designated dangerous goods inspector; or
- (ii) where the owner of the goods or the person who delivered the goods cannot be found or identified, to be destroyed forthwith; and

recover any expenses incurred in connection with the return or destruction of the goods from that owner or person, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(4) Any search referred to in subregulation (3)(a)(iii) must be conducted in accordance with the requirements of section 144 of the Act as if such search were a search carried out under section 140(1) of that Act.

(5) The provisions of this Part are without prejudice to the general powers under the Act, of the Executive Director, and to the specific powers under the Act of aviation security officers insofar as they may be of general or specific application to dangerous goods.

## **Training**

**92.00.6** (1) Any -

- (a) shipper of dangerous goods, including a packer and shipper’s agent;
- (b) operator of any aircraft used in a commercial air transport operation in terms of Parts 91, 121, 127 or 135;
- (c) person -
  - (i) who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;
  - (ii) located at an aerodrome, who performs the act of processing passengers on behalf of an operator;
  - (iii) not located at an aerodrome, who performs the act of checking in passengers on behalf of an operator;
  - (iv) other than an operator, who is involved in the processing of cargo; or
  - (v) engaged in the security screening of passengers, their baggage and cargo,

must ensure that the following categories of any personnel in his, her or its employ successfully complete initial dangerous goods training and recurrent dangerous goods training -

- (aa) cargo personnel including any person who has access to a cargo warehouse;
- (bb) personnel engaged in the ground handling, storage and loading of dangerous goods;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (cc) passenger handling personnel;
- (dd) security personnel who deal with the screening of passengers, their baggage and cargo;
- (ee) flight crew members;
- (ff) packers;
- (gg) shippers;
- (hh) shipper's agents;
- (ii) any person who has unescorted access to a cargo warehouse who is not responsible for the handling, storage, loading or transportation of cargo; and
- (jj) cabin crew members.

(2) Training as required by this Part may only be provided by an aviation training organisation approved in terms of Part 141.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training are as prescribed in Document NAM-CATS-DG.

(4) The persons, employees or agencies referred to in subregulation (1) must complete recurrent dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding recurrent dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the recurrent dangerous goods training referred to in subregulation (3), the dangerous goods training organisation concerned must issue to the candidate a certificate of competence in the handling of dangerous goods to be transported by air.

(6) Any instructor conducting a dangerous goods training programme must successfully complete a category 6 initial training course and thereafter successfully complete a dangerous goods training recurrent course within 24 months calculated from the date of the completion of the initial course with an aviation training organisation approved under Part 141.

(7) The curriculum for the training referred to in subregulation (6) is as prescribed in Document NAM-CATS-DG.

(8) An operator of an aerodrome or, where appropriate or necessary, a holder and its respective service providers and subcontractors must maintain a record of training of personnel, including third party personnel, and such records must be made available on-site and upon request.

**Validation of foreign certificates**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**92.00.7** (1) The Executive Director may upon application in writing by any person, validate any foreign certificate issued in respect of the handling of dangerous goods to be transported by air, if the holder of the certificate submits documentary proof that -

- (a) such certificate has been obtained from an approved foreign training organisation; and
- (b) he or she has successfully completed the refresher dangerous goods training referred to in regulation 92.00.6(3), where applicable.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

(3) The provisions of regulation 92.00.6(4) and (5) apply with the necessary changes to the holder of a certificate referred to in subregulation (1).

**Packing and packaging**

**92.00.8** (1) A shipper must ensure that all dangerous goods which the shipper prepares or offers for transportation by air, are packed in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any packaging used for the transportation of dangerous goods by air -

- (a) complies with the material and construction specifications of, and is tested initially in accordance with, the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (b) is of good quality and be constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of transportation by air.

(3) A shipper must ensure that inner packaging is packed, secured or cushioned to prevent its breakage or leakage and to control its movement within the outer packaging during normal conditions of transportation by air.

(4) A shipper must ensure that packaging in direct contact with dangerous goods is resistant to any chemical or other action of such goods and cushioning, and that absorbent materials do not react dangerously with the contents of the receptacles.

(5) A shipper must ensure that packaging for which retention of a liquid is a basic function, is capable of withstanding, without leaking, the pressure as prescribed in Document NAM-CATS-DG.

(6) A receptacle used for the transportation of dangerous goods by air may not be re-used by the shipper until such receptacle has been inspected by such shipper and found free from corrosion or other damage.

(7) If a receptacle, used for the transportation of dangerous goods by air, is reused by the shipper, all necessary measures must be taken by the shipper to prevent contamination of subsequent dangerous goods transported therein.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper must ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

(9) A shipper must ensure that no harmful quantity of any dangerous substance adheres to the outside of a package.

**Responsibility of shipper**

**92.00.9** (1) A shipper must ensure that dangerous goods offered for transportation by air are not dangerous goods identified as forbidden for transported by air in terms of regulation 92.00.2 and are -

[The word “transported” should be “transport”.]

- (a) identified, classified, packed, marked and labelled; and
- (b) accompanied by a properly executed dangerous goods transport document,

in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any person employed by him or her or any person employed to act on his or her behalf, who is involved in the preparation of a consignment of dangerous goods to be transported by air, is trained in accordance with the provisions of regulation 92.00.6.

**Labelling and marking**

**92.01.10** (1) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is labelled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is marked with the proper shipping name, UN number, class of hazard and subsidiary risk, and that any authorisation reference of the contents of the package is in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(3) Any person who offers any package containing dangerous goods for transportation by air must ensure that each packaging which is manufactured in accordance with a packaging specification as prescribed in Document NAM-CATS-DG, is marked with the appropriate packaging specification marking as prescribed in Document NAM-CATS-DG.

(4) Packaging may not be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document NAM-CATS-DG.

(5) In addition to the languages required by the State of origin, the English language must be used for the markings related to dangerous goods.

**Dangerous goods transport document**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**92.00.11** (1) Any person who offers dangerous goods for transportation by air must, unless otherwise provided for in Document NAM-CATS-DG, complete, sign and provide the operator with a dangerous goods transport document and such other appropriate documents as prescribed in Document NAM-CATS-DG.

(2) A dangerous goods transport document must contain the information as prescribed in Document NAM-CATS-DG as well as a declaration, signed by the person referred to in subregulation (1), indicating that the dangerous goods offered for transportation by air are -

- (a) fully and accurately described by their proper shipping names;
- (b) identified, classified, packed, marked and labelled in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;
- (c) in proper condition for transportation by air in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (d) not dangerous goods identified as forbidden for transportation by air in terms of regulation 92.00.2.

(3) The English language must be used for the dangerous goods transport document.

(4) The operator of an aircraft in which dangerous goods are to be transported, may not accept such dangerous goods for transportation by air -

- (a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Document NAM-CATS-DG provides that such document is not required; and
- (b) until such operator has inspected the exterior or the package, overpack or freight or baggage container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document NAM-CATS-DG.

[The word “of” after the word “exterior” is misspelt  
as “or” in the *Government Gazette*, as reproduced above.]

(5) The operator referred to in subregulation (1) must develop and use an acceptance checklist to ensure that the provisions of subregulation (1) regarding the acceptance of dangerous goods for transportation by air are complied with.

(6) The acceptance checklist referred to in subregulation (2), must comply with the requirements as prescribed in Document NAM-CATS-DG.

(7) The operator of an aircraft in which dangerous goods are to be transported must provide the pilot-in-command, as soon as practicable before departure of the aircraft, with the written information as prescribed in Document NAM-CATS-DG.

(8) The operator referred to in subregulation (1), must provide information in the operations manual and other relevant publications to the flight crew members and employees concerned to enable such flight crew members and employees to carry out their duties with regard to the transportation by air of dangerous goods, and such information must include the information as prescribed in Document NAM-CATS-DG.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) Operators, shippers or other organisations involved in the transport of dangerous goods by air must provide such information to their personnel as will enable the personnel to carry out their responsibilities with regard to the transport of dangerous goods and must provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

**Inspection for damage or leakage by operator**

**92.00.12** (1) The operator of an aircraft in which dangerous goods are to be transported must inspect the exterior of each package and overpack containing dangerous goods and each freight or baggage container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight or baggage container, before loading such package, overpack and container into the aircraft or into a unit load device.

(2) The operator referred to in subregulation (1) must inspect a unit load device before loading such device in the aircraft to ensure that there is no damage to or leakage from any dangerous goods contained therein.

(3) Damaged or leaking package, overpack, freight or baggage container or unit load device may not be loaded into an aircraft.

(4) If any package, overpack or freight or baggage container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight or baggage container into an aircraft, the operator must remove or arrange for the removal of such package, overpack or freight or baggage container from the aircraft and must ensure that the remainder of the consignment is in a proper condition for transportation by air and that no other package, overpack or freight or baggage container has been damaged or contaminated.

(5) The operator of an aircraft referred to in subregulation (1) must inspect each package or overpack containing dangerous goods, or a freight or baggage container or package containing radioactive materials, for signs of damage or leakage upon unloading such package, overpack or freight or baggage container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight or baggage container or unit load device was stowed in the aircraft, must be inspected for damage or contamination.

(6) If a package, overpack or freight or baggage container containing radioactive materials is found to be damaged or leaking, the operator must -

- (a) take all necessary precautions to restrict access to such package, overpack or freight or baggage container containing radioactive materials; and
- (b) designate a qualified person to assess the extent of the contamination and the radiation level.

(7) If any hazardous contamination is found in an aircraft as a result of damage to or leakage from a package or overpack containing dangerous goods, the operator must decontaminate the aircraft immediately.

(8) The operator must remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and may not return such aircraft to service until the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination, is below the values as prescribed in Document NAM-CATS-DG.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) Any person responsible for the conveyance and opening of packages containing infectious substances who becomes aware of damage to or leaking from such packages, must -

- (a) avoid handling such infectious substances, where possible;
- (b) inspect adjacent packages for contamination;
- (c) inform the appropriate public health authority or veterinary authority of such damage or leakage;
- (d) provide the appropriate authority of the country of transit with information regarding any possible contamination; and
- (e) notify the shipper or the consignee accordingly.

(10) The operator of an aircraft in which dangerous goods are to be transported must comply with the storage and loading provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

**Loading restrictions in cabin or on flight deck**

**92.00.13** Unless otherwise provided for in Document NAM-CATS-DG, a person may not stow dangerous goods in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

**Separate packaging of dangerous goods**

**92.00.14** (1) The operator of an aircraft in which dangerous goods are to be transported must ensure that packages containing dangerous goods which might react dangerously when coming into contact with each other, are not stowed in an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(2) The operator must ensure that a package containing a toxic or infectious substance is stowed in an aircraft in accordance with the requirements and standards prescribed in Document NAM-CATS-DG.

(3) The operator must ensure that a package containing radioactive materials is stowed in an aircraft in a manner which separates the package from persons, live animals, and undeveloped film, in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

**Securing of dangerous goods**

**92.00.15** (1) The operator of an aircraft in which dangerous goods are to be transported, must, when dangerous goods are loaded into the aircraft, protect such dangerous goods from being damaged, and must secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the positioning of the packages.

(2) When securing packages containing radioactive materials, the operator must ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.14(3) are complied with.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator, shipper, and other person engaged in the transport of dangerous goods by air, must establish dangerous goods security measures to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment, in accordance with the provisions of Document NAM-CATS-DG.

**Loading in cargo aircraft**

**92.00.16** Unless otherwise provided for in Document NAM-CATS-DG, an operator must load a package or overpack, containing dangerous goods and bearing a “cargo aircraft only” label in such manner that any flight crew member or other person authorised by the operator, can see, handle and, where size and weight permit, separate such package or overpack from other cargo in flight.

**Dangerous goods accident and incident reporting**

**92.00.17** (1) The operator of an aircraft, the person in charge of a cargo warehouse, an aerodrome manager or the person in charge of ramp and ground handlers involved in a dangerous goods accident or dangerous goods incident within Namibia, must, within 48 hours after such accident or incident has occurred, notify -

- (a) in the case of an accident, the Executive Director, any air traffic service Unit (ATSU) or the nearest police station; or

[The word “Unit” should be not be capitalised in the phrase “air traffic service unit”; alternatively, all of the words in that phrase should be capitalised.]

- (b) in the case of an incident, any ATSU,

of such accident or incident, and such ATSU or police station, as the case may be, must immediately on receipt of the notification, notify -

- (i) the Executive Director; and
- (ii) where such accident or incident occurs at an aerodrome, the aerodrome manager.

(2) The operator of a Namibian registered aircraft involved in a dangerous goods accident or dangerous goods incident or an accident or serious incident where dangerous goods carried as cargo may be involved, must, as soon as practicable, notify -

- (a) the appropriate authority of the State in territory where the accident or incident has occurred, directly or through any ATSU; and

[The word “the” appears to have been omitted before the word “territory”.]

- (b) the Executive Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident must contain the particulars as prescribed in Document NAM-CATS-DG.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying the dangerous goods as cargo must provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as indicated in the operator's dangerous goods manual.

(5) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo must, if requested to do so, provide information without delay to emergency services responding to the incident, as indicated in the operator's dangerous goods manual.

(6) Reports of incidents and accidents involving dangerous goods must be collated and analysed by the Executive Director as part of the State safety programme required under Part 11.

**Dangerous goods accident and incident investigation**

**92.00.18** The investigator in charge designated by the Director of Investigations under section 84(1) of the Act must investigate all dangerous goods accidents and dangerous goods incidents reported in terms of regulation 92.00.17, and the provisions of Part 11 of the Act will apply with the necessary changes to such investigation.

**Dangerous goods accident and incident information**

**92.00.19** In the case of a consignment for which a dangerous goods transport document is required in terms of this Part, the operator or cargo handling organisation must ensure that the information as prescribed in Document NAM-CATS-DG is available at all times for use in an emergency response to dangerous goods accidents or dangerous goods incidents.

**Notification of undeclared or misdeclared dangerous goods**

**92.00.20** (1) The operator of an aircraft in which dangerous goods are transported within Namibia or, in the case of Namibian a registered aircraft, outside Namibia must, within 48 hours after the discovery of -

- (a) any undeclared or misdeclared dangerous goods; or
- (b) dangerous goods not permitted in terms of regulation 92.00.2,

on board the aircraft or in the baggage or on the person of a passenger or flight crew member, notify the Executive Director or the appropriate national authority thereof, as the case may be.

(2) In order to prevent the occurrence of instances of undeclared and misdeclared dangerous goods in cargo, each operator must establish procedures for investigating and compiling information concerning such occurrences in any State or territory and which involve the transport of dangerous goods originating in, or destined for, another State or territory, and those procedures must be clearly stated in the manual of procedures (MOP).

(3) Reports of occurrences of instances must be made available to the Executive Director or the appropriate authority of the State in which this occurred, within 48 hours.

**Retention of documents**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**92.00.21** (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

- (a) dangerous goods transport records such as the dangerous goods transport document and air way bill;
- (b) acceptance checklist, if completion of the checklist is required; and
- (c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7), are retained for a period of 90 days, calculated from the date of such flight.

[Subregulation (1) is reproduced above as it appears in the *Government Gazette*. The closing phrase “are retained for a period of 90 days, calculated from the date of such flight” appears to have been intended to apply to paragraphs (a)-(c). Thus, subregulation (1) should probably appear as follows:

**92.00.21** (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

- (a) dangerous goods transport records such as the dangerous goods transport document and air way bill;
- (b) acceptance checklist, if completion of the checklist is required; and
- (c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7),

**are retained for a period of 90 days, calculated from the date of such flight.**

**In addition, the verb “are” in the closing phrase should be “is” to accord with the subject “one copy”.]**

(2) The operator of an aircraft involved in a dangerous goods accident or incident, and the manager of an aerodrome where such accident or incident has occurred must keep records of the dangerous goods incident or accident and any undeclared or misdeclared dangerous goods discovered and such records must be made available on-site and copies supplied to the Executive Director upon request by the Executive Director an authorised officer, inspector or authorised person within 48 hours.

### **Dangerous goods carried by passengers or flight crew members**

**92.00.22** A passenger or flight crew member may not carry dangerous goods as, or in, carry-on baggage or checked baggage, or on his or her person, except in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

### **Information to passengers**

**92.00.23** Every operator of an aircraft must ensure that information regarding the types of goods that passengers are prohibited to carry on board an aircraft, is available to such passengers as prescribed in Document NAM-CATS-DG and such information must include -

- (a) applicable information accompanying the passenger ticket; and
- (b) notices which are prominently displayed -
  - (i) at any location where tickets are issued and baggage checked; and
  - (ii) at all check-in- counters and aircraft boarding areas.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Powers of aerodrome operator: loading and unloading of dangerous goods**

**92.00.24** (1) If in the opinion of any aerodrome operator a possibility exists that persons on a certified or licensed aerodrome may be endangered through the loading or unloading of dangerous goods, the operator may take any of the steps as contemplated in subregulations (2), (3) and (4).

(2) If the operator of an aircraft has informed the aerodrome operator of the proposed loading or unloading, and the aerodrome operator considers that persons or property on the licensed aerodrome may be endangered by the proposed loading or unloading, the aerodrome operator may -

- (a) permit such loading or unloading subject to such conditions as the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome; or
- (b) prohibit such loading or unloading.

(3) If dangerous goods have been loaded into, or unloaded from, an aircraft without the permission of the aerodrome operator, the aerodrome operator may direct that such dangerous cargo be unloaded from or reloaded into such aircraft, or give such other directions or impose such conditions as the aerodrome operator may consider necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft carrying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep such aircraft in that place until the aerodrome operator grants permission for such aircraft to be moved.

**Designation of persons responsible for dangerous goods**

**92.00.25** (1) Each operator, ramp handling organisation, ground handling organisation and aerodrome manager must designate a dangerous goods specialist who is responsible for the following matters involving dangerous goods -

- (a) compliance with these regulations;
- (b) quality control;
- (c) reporting of accidents and incidents; and
- (d) maintenance of dangerous goods incidents and accidents records.

(2) The minimum requirement or qualification for the designated dangerous goods specialist is the successful completion of minimum dangerous goods Category 6 training from an aviation training organisation approved under Part 141.

**Issuing of competency cards**

**92.00.26** All personnel required to have a dangerous goods qualification as prescribed in Document NAM-CATS-DG must be issued with a competency card and must carry the card on their person at all times while on duty.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Reporting of undeclared or misdeclared dangerous goods**

**92.00.27** (1) Any operator, shipper or any other organisation engaged in the transportation of dangerous goods by air, must report any occasion when undeclared or misdeclared dangerous goods are discovered or when dangerous goods not permitted in terms of Document NAM-CATS-DG are discovered in a passenger's baggage.

[The word "transport" is misspelt in the *Government Gazette*, as reproduced above. Compare regulation 92.00.29. Alternatively, the word may have been intended to be "transportation". Compare regulation 92.00.30.]

(2) The report referred to in subregulation (1) must be made to the Executive Director, within 48 hours of the discovery.

**Surface transport**

**92.00.28** An operator must make provision to enable dangerous goods intended for air transport, and prepared in accordance of Document NAM-CATS-DG, to be accepted by such surface transport operators for surface transport to or from aerodromes.

[The phrase "in accordance of" was probably intended to be "in accordance with".]

**Dangerous goods by mail**

**92.00.29** (1) An operators and an individual engaged in the transport of dangerous goods by air must establish procedures with the view to controlling the introduction of dangerous goods into air transport through postal and courier services as set out in Document NAM-CATS-DG, and read with Part 108 on Co-Mail.

[The plural word "operators" should be singular.]

(2) Staff of any postal operators must be trained appropriate to their responsibilities as set out in Document NAM-CATS-DG.

**Reporting of dangerous goods occurrences**

**92.00.30** Any operator, shipper or individual engaged in the transportation of dangerous goods by air must report any occurrence to the Executive Director, within 48 hours, whenever it is discovered that -

- (a) dangerous goods carried by air have not been loaded, segregated, separated or secured in accordance with the provisions of these regulations and Document NAM-CATS-DG; and
- (b) dangerous goods have been carried on an aircraft without information having been provided to the pilot-in-command in accordance with the provisions of these regulations and Document NAM-CATS-DG.

**Storage and loading**

**92.00.31** The procedure for the loading and stowing of packages and overpacks containing dangerous goods, and freight or baggage containers containing radio-active materials is as prescribed in Document NAM-CATS-DG.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “radioactive” appears elsewhere in the regulations without a hyphen.]

**In-flight emergencies**

**92.00.32** In the event of an in-flight emergency, the pilot-in-command must, as soon as the situation permits, inform the appropriate provider of air navigation services, for the information of the aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in Document NAM-CATS-DG.

**Application of Technical Instructions: reporting difficulties and amendments**

**92.00.33** (1) The Executive Director must inform the ICAO of any difficulties encountered in the application of the Technical Instructions referred to in regulation 92.00.1(1), and, in the manner prescribed in the Technical Instructions, of any amendments which it would be desirable to make to them.

(2) Although an amendment to the Technical Instructions with an immediate applicability for reasons of aviation safety may not yet have been implemented in Namibia, it may nevertheless be applied by way of an Executive Director aviation directive to facilitate the movement of dangerous goods in Namibian territory which are consigned from another State in accordance with that amendment, as long as the goods comply in total with the revised requirements.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 98**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF POWERED PARAGLIDERS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 98.01.1 Applicability
- 98.01.2 Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 98.02.1 Airworthiness
- 98.02.2 Certificate of fitness
- 98.02.3 Maintenance and inspection requirements

**SUBPART 3: FLIGHT RULES**

- 98.03.1 Right of way
- 98.03.2 Flight plan
- 98.03.3 Clearance from cloud and maximum altitude
- 98.03.4 Minimum altitude
- 98.03.5 Launch sites
- 98.03.6 Flight criteria

**SUBPART 4: EQUIPMENT AND INSTRUMENTS**

- 98.04.1 Equipment
- 98.04.2 Protective headgear

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

- 98.01.1** This Part shall apply to the operation of powered paragliders and contains -
- (a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and
  - (b) the exceptions to the general operating and flight rules prescribed in Part 91.

**Pilot qualifications**

- 98.01.2** Any person operating a powered paraglider shall -
- (a) be the holder of a valid powered paraglider pilot licence or certificate issued by the body or institution designated by the Director in terms of Part 149;
  - (b) be the holder of at least a valid class 3 medical certificate
- [A semicolon appears to be missing at the end of paragraph (b).]
- (c) comply with the competency requirements prescribed by such designated body or institution for the holder of a powered paraglider pilot licence or certificate;
  - (d) comply with the privileges and limitations of a powered paraglider pilot licence or certificate issued by such designated body or institution;
  - (e) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149; and
  - (f) comply with the standards and procedures determined by such approved aviation recreation organisation.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

- 98.02.1** No person shall operate a powered paraglider unless such powered paraglider and its suspension system -
- (a) comply with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and
  - (b) are in an airworthy condition before the commencement of each flight.

**Certificate of fitness**

- 98.02.2** Notwithstanding the provisions of regulation 91.03.7, a person may operate a powered paraglider if the powered paraglider has a certificate of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance and inspection requirements**

**98.02.3** (1) The pilot of a powered paraglider shall ensure that the powered paraglider is in an airworthy condition before the commencement of each flight.

- (2) The owner of the powered paraglider shall -
- (a) take such action as is necessary to ensure the continued airworthiness of the powered paraglider concerned; and
  - (b) maintain the powered paraglider as may be necessary.

**SUBPART 3**  
**FLIGHT RULES**

**Right of way**

**98.03.1** Notwithstanding the provisions of regulation 91.06.7(5), a pilot of a powered paraglider overtaking another powered paraglider soaring from a ridge, shall pass on the right side of the overtaken powered paraglider.

**Flight plan**

**98.03.2** Notwithstanding the provisions of regulation 91.03.4, the pilot of a powered paraglider may fly under VFR without submitting a flight plan.

**Clearance from cloud and maximum altitude**

**98.03.3** Notwithstanding the provisions of regulation 91.06.21, a pilot may fly a powered paraglider -

- (a) to 500 feet vertically below cloud up to a maximum altitude of 10 000 feet above MSL in Class G airspace; or
- (b) to 500 feet vertically below cloud up to a maximum altitude of 10 000 feet above MSL in Class E airspace other than transponder-mandatory airspace.

**Minimum altitude**

**98.03.4** The pilot of a powered paraglider may fly the powered paraglider below 500 feet AGL, for the purpose of ridge soaring, if such powered paraglider is flown in a manner that does not cause nuisance to persons, property, animals or birds on the ground.

**Launch sites**

**98.03.5** No pilot of a powered paraglider, shall launch the powered paraglider from a launch site other than an approved launch site.

**Flight criteria**

**98.03.6** All powered paraglider operations shall be conducted -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) by day;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight unless otherwise approved by the Director.

**SUBPART 4**  
**EQUIPMENT AND INSTRUMENTS**

**Equipment**

**98.04.1** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a powered paraglider unless the powered paraglider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 98.

**Protective headgear**

**98.04.2** Each pilot and passenger of a powered paraglider shall wear serviceable rigid protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 100**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF GYROPLANES**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 100.01.1    Applicability
- 100.01.2    Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 100.02.1    Airworthiness
- 100.02.2    Registration
- 100.02.3    Flight manual
- 100.02.4    Maintenance and inspection requirements
- 100.02.5    Equipment

**SUBPART 3: FLIGHT RULES**

- 100.03.1    Hazardous operations
- 100.03.2    Practice for and participation in competition and display flying
- 100.03.3    Flight criteria

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**100.01.1** This Part shall apply to the operation of gyroplanes and contains -

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

**Pilot qualifications**

**100.01.2** No person shall act as pilot-in-command of a gyroplane unless such person -

- (a) is the holder of a valid gyroplane pilot licence issued in terms of Part 61;
- (b) is the holder of a valid Class 1 medical certificate or a Class 2 medical certificate issued in terms of Part 67, as the case may be;
- (c) complies with the privileges and limitations of a gyroplane pilot licence;
- (d) complies with the competency requirements prescribed for the holder of a gyroplane pilot licence; and
- (e) when operating for non-commercial purposes, is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

**100.02.1** No person shall operate a gyroplane unless such gyroplane -

- (a) has been issued with an appropriate authority to fly; and
- (b) is in an airworthy condition.

**Registration**

**100.02.2** No person shall operate a gyroplane unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

**Flight manual**

**100.02.3** Notwithstanding the provisions of regulation 91.03.2, a person may operate a gyroplane without carrying a current approved flight manual on board.

**Maintenance and inspection requirements**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**100.02.4** (1) The pilot-in-command of a gyroplane shall ensure that the gyroplane is in an airworthy condition before the commencement of each flight.

(2) The owner of a gyroplane shall -

- (a) take such action as is necessary to ensure the continued airworthiness of the gyroplane concerned; and
- (b) maintain the gyroplane in accordance with the provisions of the regulations in Part 43.

**Equipment**

**100.02.5** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a gyroplane unless the gyroplane is equipped with the equipment as prescribed in Document NAM-CATS-OPS 100.

**SUBPART 3**  
**FLIGHT RULES**

**Hazardous operations**

**100.03.1** No person shall operate any gyroplane in a manner that creates, or is likely to create, a hazard or nuisance to other persons, animals, birds or property.

**Practice for and participation in competition and display flying**

**100.03.2** The pilot-in-command of a gyroplane may carry out low flying for the purpose of practice for, and participation in, gyroplane competition and display flying: Provided that such operations are -

- (a) authorised by the body or institution designated by the Director in terms of Part 149;
- (b) carried out in accordance with any conditions imposed by such designated body or institution; and
- (c) carried out not lower than 200 feet above the ground and not over any inhabited area, or assembly of persons, animals or birds.

**Flight criteria**

**100.03.3** All gyroplane operations shall be conducted -

- (a) by day, unless the gyroplane is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 101**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF REMOTELY PILOTED AIRCRAFT**

[Part 101 is substituted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 101.01.1 Definitions for this Part
- 101.01.2 Applicability

**SUBPART 2: CLASSIFICATION OF RPA AND RPA SYSTEMS**

- 101.02.1 Classification of RPA and RPA systems
- 101.02.2 Additional requirements for Category III RPA and RPA systems

**SUBPART 3: APPROVAL OF RPA AND RPA SYSTEM OPERATIONS**

- 101.03.1 Requirement for approval of RPA and RPA system operation
- 101.03.2 Application for approval or amendment or extension of approval
- 101.03.3 Requirements for application
- 101.03.4 Issue of RPA approval
- 101.03.5 Duplicate approval
- 101.03.6 Display of approval
- 101.03.7 Privileges of RPA approval holder

**SUBPART 4: OTHER REQUIREMENTS RELATING TO RPA AND RPA SYSTEMS**

- 101.04.1 Import, manufacture, assembly and testing

**SUBPART 5: OPERATION OF RPA AND RPA SYSTEMS**

- 101.05.1 General: operations
- 101.05.2 RPA flight rules
- 101.05.3 Rockets
- 101.05.4 Restrictions on use of RPA and RPA systems
- 101.05.5 Flight plans-air space requirements
- [The heading of this regulation in the text below is "Flight plans: airspace requirements".]
- 101.05.6 Collision avoidance
- 101.05.7 Reporting of RPA and RPA system incidents and accidents
- 101.05.8 Air traffic control communication
- 101.05.9 Operations in vicinity of aerodromes

**SUBPART 6: GENERAL PROVISIONS**

- 101.06.1 Records and documents
- 101.06.2 Insurance

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**101.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-RPA.

(2) For the purposes of this Part -

“approval” means an authorisation granted by the Executive Director under this Part, authorising a person to carry out a specified RPA or RPA system operation or to do any other thing in connection with or that is related to a RPA or RPA system operation;

“beyond visual line-of-sight (BVLOS) operation” means an operation of a RPA system in which the remote pilot or RPA observer cannot maintain direct unaided visual contact with the RPA in the manner described in the current updated version of the ICAO Manual on Remotely Piloted Aircraft Systems (Document 10019);

“detect and avoid” means the capability to see, sense or detect conflicting traffic or other hazards and take the appropriate action;

“RPA observer” means a trained and competent person designated by the operator who, by visual observation of a RPA, or a RPA system, assesses the remote pilot in the safe conduct of the flight, and for such purposes, the observer may be an inspector, authorised officer or authorised person designated by the Executive Director; and

“visual line-of-sight (VLOS) operation” means an operation in which the remote pilot or a RPA observer maintains direct unaided visual contact with the remotely piloted aircraft.

**Applicability**

**101.01.2** (1) This Part -

(a) applies to the operation of unmanned free balloons, kites, rockets and remotely piloted aircraft; and

(b) contains -

(i) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to the operations described in paragraph (a); and

(ii) the exceptions or variations to the general operating and flight rules prescribed in Part 91.

(2) This Part does not apply to -

(a) RPA operations that constitute an air service within the meaning of the Air Services Act, 1949 (Act No. 51 of 1949);

(b) operations utilising a RPA or RPA system separately from commercial air transport services;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) recreational use RPA provided that -
  - (i) such use is not within an aerodrome and not less than 1 500 metres from the aerodrome boundaries;
  - (ii) it meets the restriction, prohibition, or danger areas requirements wherever or whenever designated; and
  - (ii) such use is not in or around any key points as described in Document NAM-CATS-RPA; and

[There are two paragraphs labelled as “(ii)” in the *Government Gazette*, as reproduced above.]

- (d) RPA or RPA systems, when used for purposes of -
  - (i) military, police and related security operations; and
  - (ii) environmental protection actions of national game parks or reserves.

**SUBPART 2**  
**CLASSIFICATION OF RPA AND RPA SYSTEMS**

**Classification of RPA and RPA systems**

**101.02.1** (1) RPA or RPA systems are classified and categorised by weight and use for the purposes of this Part, for use as follows:

- (a) Category I:
  - (i) recreational operation of RPA which refers to a RPA operation for individual, personal, casual and private purposes, within the confines of the private property of the operator, and where -
    - (aa) there is no commercial reward or gain; and
    - (bb) the operation excludes public, sporting or academic research RPA usage; and
  - (ii) a person intending to operate a RPA or RPA system recreational operation outside the boundaries of the private property of the operator, and in excess of the height or VLOS requirements set out in this Part, must apply for an approval under paragraph (b), Category II, and must conduct such operation in accordance with conditions set out in the approval;
- (b) Category II: sports, recreational and research operations, including operations for purposes of tourism, of a RPA or RPA system, which refers to any operation of a RPA or RPA system for the sole purpose of organised leisure, competition, entertainment or games, and where there is no commercial reward or gain, subject to the payment of the fee prescribed under Part 187 for this category; and
- (c) Category III: commercial operation of a RPA or RPA system which refers to any operation under either paragraph (a) or (b), but for purposes of business, and for

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

remuneration, hire, reward or gain, subject to the payment of the fee prescribed fee under Part 187 for this category.

(2) For the purposes of this regulation a RPA or RPA system is considered to be used in a recreational operation if the RPA is -

- (a) less than 250 grammes in gross weight;
- (b) not powered by any fuel system;
- (c) not capable of carrying any payload;
- (d) not fitted with a camera or other similar recording device; and
- (e) operated at a maximum height of 120 metres above ground level and at a lateral distance of 50 metres from the operator and a maximum speed of 10 knots.

**Additional requirements for Category III RPA and RPA systems**

**101.02.2** (1) An operator or owner of a Category III RPA or RPA system must demonstrate to the Executive Director -

- (a) an adequate organisation for the purposes of the commercial operation;
- (b) a level of accountability for purposes of a commercial operation;
- (c) a method of control and supervision of flight operations, training programmes as well as ground handling and maintenance arrangements under the approval;
- (d) safety management actions consistent with the nature and extent of the operations specified and commensurate with the size, structure and complexity of the organisation as required under Part 140; and
- (e) any other requirement for safe and secure operations under this category.

(2) A person may not own, register or seek approval to operate a RPA or RPA system that has military, police or intelligence specifications, unless that person has been authorised in writing by the Executive Director to conduct the operation.

**SUBPART 3**  
**APPROVAL OF RPA AND RPA SYSTEM OPERATIONS**

**Requirement for approval of RPA and RPA system operation**

**101.03.1** A person may not carry out a Category II or III RPA or RPA system operation outside the property of the owner or operator except, under the authority of, and in accordance with the provisions of an approval issued under this Part, and the standards set out in Document NAM-CATS-RPA.

**Application for approval or amendment of approval**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**101.03.2** (1) A person may apply to the Executive Director for the issue or amendment of an approval to operate a RPA or RPA system operation for use in Namibia whether or not the commencing operation is inside or outside of Namibia.

(2) An application under subregulation (1) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-RPA; and
- (b) accompanied by proof of the payment of the appropriate fee prescribed under Part 187.

(3) An application under subregulation (1) must be made within the following periods prior to the commencement date of the operation:

- (a) Category II: 15 days; and
- (b) Category III: 30 days.

(4) The Executive Director may allow for alternative periods of an application under subregulation (3) on good cause shown by the applicant which is acceptable to the Executive Director.

(5) An approval issued under this Part must be specific to a particular RPA or RPA system operation and is valid for the period of the specific operation only unless the Executive Director extends its validity up to a maximum of 12 months.

(6) An application for an approval requiring conversion to another RPA category must be considered as a new application for that RPA category.

(7) Where an application for conversion is made under subregulation (1) -

- (a) the fee which accompanied the original application is not refundable to the applicant; and
- (b) the original application must be considered as valid until such time that the conversion to a new RPA category application becomes effective.

**Requirements for application**

**101.03.3** (1) Unless otherwise specified by the Executive Director, an application for an approval to operate or use a RPA or RPA system, must include the following:

- (a) the name and contact information of the operator and, where relevant, the owner;
- (b) the technical characteristics of the RPA, including the type of aircraft, maximum certificated take-off mass, and where relevant, number of engines and other attachments;
- (c) a certified copy of certificate of registration or airworthiness, where relevant;

[The word “the” appears to have been omitted before the word “certificate”.]

- (d) aircraft identification to be used in radiotelephony, where relevant;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) a copy of the RPA operator certificate, currently valid, issued by the appropriate authority of another State, where applicable;
- (f) a copy of the remote pilot competency certificate, where relevant;
- (g) a copy of the aircraft radio station licence, if applicable;
- (h) a description of the intended operation, including type of operation or purpose, and flight rules, visual line-of-sight or beyond visual line of sight (VLOS or BVLOS) operation, if applicable, date of intended flight, point of departure, destination, cruising speed, cruising level, route to be followed and duration or frequency of flight;
- (i) command and control (C2) link failure procedure;
- (j) remote pilot or RPA observer communications failure, if applicable;
- (k) number and location of remote pilot stations as well as handover procedures between remote pilot stations, if applicable;
- (l) document attesting noise and emissions certification, if applicable;
- (m) payload information or description, if applicable;
- (n) proof of adequate insurance liability, including third party insurance coverage; and
- (o) proof of registration as a surveyor, for purposes of commercial aerial and survey mapping, where applicable.

(2) Where the documents listed in subregulation (1) are issued in a language other than English, the applicant for an approval must ensure that a sworn English translation is included.

**Issue of RPA approval**

**101.03.4** (1) The Executive Director may issue a RPA approval, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in this Part;
- (b) the applicant's personnel required by this Part are competent to perform their respective duties; and
- (c) the issuing of the approval is not contrary to the interests of aviation safety.

(2) The RPA approval referred to in subregulation (1) must be issued in the appropriate form, and contain the information, set out in Document NAM-CATS-RPA.

**Duplicate approval**

**101.03.5** (1) If a RPA approval is lost, stolen, damaged or destroyed, the holder may apply to the Executive Director for the issue of a duplicate approval.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) An application referred to in subregulation (1) must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-RPA; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the approval is issued on the appropriate form set out in Document NAM-CATS-RPA.

**Display of approval**

**101.03.6** (1) A holder of a RPA approval must display the approval, or a copy of it, in a conspicuous place, generally accessible to the public at such holder's principal place of business.

(2) Where a copy of the approval in Category II or III is displayed under subregulation (1), the holder of the approval must produce the original approval, if so requested by an authorised officer, inspector or authorised person.

[The word "Category" is misspelt in the *Government Gazette*, as reproduced above.]

**Privileges of RPA approval holder**

**101.03.7** The privileges of a RPA approval holder are limited to the services authorised by the approval and the appropriate specifications set out in Document NAM-CATS-RPA.

**SUBPART 4**  
**OTHER REQUIREMENTS RELATING TO RPA AND RPA SYSTEMS**

**Import, manufacture, assembly and testing**

**101.04.1** (1) A person may not import or export a RPA or RPA system, or a component thereof, unless that person has complied with the requirements of the Customs and Excise Act of 1998, as specified in Document NAM-CATS-RPA.

(2) Any person intending to manufacture, assemble, modify or test a RPA or RPA system or a component of it, must ensure compliance with requirements of the State of Design, State of Manufacture, State of Import or State of Registration to the extent required by the Executive Director and in compliance with the requirements, where relevant, set out in NAM-CATS-RPA or NAM-CATS-AR.

(3) The Executive Director may require a RPA or RPA system of a certain class and category with a type certificate to obtain a certificate of airworthiness in accordance with Part 21, 34 or 36.

**SUBPART 5**  
**OPERATION OF RPA AND RPA SYSTEMS**

**General: operations**

**101.05.1** (1) A person may not operate a RPA or RPA system flight commencing at a place within Namibia and terminating at a place outside Namibia, unless that person has

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

authorisation from the State of destination and any other State over whose airspace the RPA must fly.

(2) A person may not launch a RPA flight or RPA system flight commencing at a place outside Namibia and terminating at a place within Namibia or overflying the Namibian airspace, unless that person has obtained approval from the Executive Director.

**RPA flight rules**

**101.05.2** (1) A person who is in charge of the operation of a RPA or RPA system may not operate or permit that aircraft to be operated -

- (a) so as to cause a hazard to other aircraft;
- (b) in the vicinity of aircraft manoeuvring in an aerodrome traffic circuit;
- (c) in such a manner or within a distance that may endanger or obstruct traffic that is using a public road as defined in the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999); or
- (d) in a negligent or reckless manner so as to endanger life or cause damage to the property of others.

(2) A RPA must give way to manned aircraft and must have the capability to -

- (a) be halted in mid-air;
- (b) be re-routed to another waypoint; and
- (c) change present flight levels.

(3) The Executive Director may define areas within air traffic services airspace, where RPA activity may, subject to the requirements of Part 173, take place.

(4) A person who is in charge of the operation of a RPA which has a mass of less than 25 kilograms, without fuel but including -

- (a) any articles or equipment installed in or attached to the aircraft; and
- (b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown in the manner described in subregulation (5).

(5) The RPA referred to in subregulation (4) may not be flown -

- (a) within a prohibited area, restricted area or controlled airspace, without specific approval from the Executive Director;
- (b) in air traffic services airspace, other than controlled airspace, within three kilometres of an aerodrome during periods of aircraft operations, unless the aerodrome operator has given permission for the flight to be undertaken;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) at any distance from a person, vessel, vehicle or structure, unless the RPA is flown under the direct control of the operator or the owner;
- (d) at any distance from an assembly of persons, unless the RPA is flown under the direct control of the operator or owner and only with an approved fail safe system and with the approval of the Executive Director;
- (e) beyond direct unaided visual line of sight (BVLOS) and not further than 300 metres from the point of operation, unless specifically approved by the Executive Director for BVLOS operations;
- (f) at a height of more than 50 metres above the ground or water, unless the flight is approved by the Executive Director; or
- (g) in such a manner as to allow or permit any article or animal, including a bullet or missile, whether or not attached to a parachute or free balloon to be released from that aircraft.

(6) A person who is in charge of the operation of a RPA or RPA system may not allow such aircraft to be operated from any place, unless the aircraft may take-off and land without undue hazard to persons or property.

(7) A person who is in charge of the operation of a RPA or RPA system, which has a mass of four kilograms or more, without fuel but including -

- (a) any articles or equipment installed in or attached to the aircraft; and
- (b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown, unless that person has successfully undertaken a course of remote aircraft-related handling, safety, and emergency procedures training acceptable to the Executive Director.

(8) A person who is in charge of the operation of a RPA or a RPA system carrying goods, including -

- (a) any articles or equipment installed in or attached to the aircraft; and
- (b) cargo,

at the commencement of its flight, may not allow such an aircraft to be flown, unless the person has been granted approval by the Executive Director to do so and subject to such conditions as are required by such approval.

### **Rockets**

**101.05.3** In the case of a rocket, an operation, other than for military purposes, may not be conducted within Namibia unless the person who is in charge of the operation -

- (a) furnishes such pertinent information as may be required by the Executive Director on the operation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) obtains approval from the Executive Director prior to the launching of the rocket; and
- (c) complies with such conditions as are imposed in that approval.

**Restrictions on use of RPA and RPA systems**

**101.05.4** (1) The Executive Director may decline an application for approval to operate a RPA or RPA system and may prohibit such an operation if it appears that it would not be in the interest of aviation safety and security to allow that operation to proceed.

(2) The Executive Director or an authorised officer, inspector or authorised person may at any time during the operations of a RPA or RPA system, subject the RPA or RPA system to inspection without prior notification to the operator or owner.

(3) A person engaged in RPA and RPA system operations is subject to security background checks and, where necessary, vetting, in accordance with the requirements of section 134 of the Act and Part 114.

- (4) A person may not use a RPA or RPA system to -
  - (a) conduct surveillance of another person, unless that other person has given his or her consent to the surveillance;
  - (b) conduct surveillance of movable or immovable property of any person, unless the owner of the property has given his or her consent to the surveillance;
  - (c) photograph or film any person, for the purpose of publishing or otherwise publicly disseminating the photograph, unless that person has given his or her consent to the photographing or filming.

(5) RPA or RPA system usage under this Part allows for newsgathering, or events or places to which the general public is invited and in such manner participate provided that the required approvals from the Executive Director or the Head of Air Navigation Services, as the case maybe, are obtained and all generally accepted aviation safety and security considerations are complied with.

[One or more words seem to have been omitted in the phrase “events or places to which the general public is invited and in such manner participate”.  
The word “maybe” should be the two words “may be”.]

(6) Infrared or other similar thermal imaging technology equipment fitted on a RPA or RPA system, subject to the requirements in this Part, must be set-up as part of the RPA or RPA system, for purposes of -

[The term “set up” should be spelt without a hyphen when used in this context.]

- (a) scientific research and investigation;
- (b) mapping and evaluating the earth’s surface, including terrain and surface water bodies and other features;
- (c) investigation or evaluation of crops, livestock or farming operations;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) investigation of forests and for estate management; or
- (e) fire fighting, police, search and rescue, or crime investigations.

(7) If it appears to the Executive Director, or an authorised officer, inspector or authorised person that a RPA or RPA system is intended to be or is likely to be flown from any place within Namibia and that there would be a contravention of any provision of the Act, or these regulations, if that RPA were to be so flown, the Executive Director may direct -

- (a) the registered owner or operator of the RPA or RPA system;
- (b) the person who is in charge of that RPA or RPA system;
- (c) the person designated by the registered owner or operator thereof to be in charge of that RPA or RPA system; or
- (d) any other person having charge or purporting to have charge of that RPA, with or without the permission of the registered owner or the legitimate operator of that RPA or RPA system,

that he or she may not to permit or cause the RPA or RPA system to make the flight and the Executive Director may take such steps as are necessary to seize and detain that RPA at a suitable location.

[The word “to” in the phrase “not to permit” is superfluous.]

**Flight plans: airspace requirements**

**101.05.5** (1) A RPA or RPA system operator of BVLOS flights and flights in airspace higher than 120 metres must file a flight plan with the nearest ATC as specified in the following conditions:

- (a) flights in controlled airspace must file flight plans as specified for in the Aeronautical Information Publication (AIP); and
- (b) flights in uncontrolled air space higher than 120 metres must file flight plans as follows:

[The term “airspace” appears as one word in most of its uses in the regulations.]

- (i) operations within five kilometres out of launch area must notify the nearest ATC; and
- (ii) operations beyond five kilometres out of launch must file flight plans as stipulated in paragraph (a) and in accordance with the requirements set out in Document NAM-CATS-RPA.

**Collision avoidance**

**101.05.6** (1) A RPA or RPA system in controlled airspace must be operated in accordance with the Rules of the Air prescribed in Part 91, and in compliance with following:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a remote pilot must maintain awareness so as to detect and avoid other aircraft and vehicles and must yield the right-of-way to all aircraft;
- (b) yielding the right-of-way means that the RPA or RPA system must give way to the aircraft and may not pass over, under, or ahead of it unless well clear; and
- (c) a RPA or RPA system operating in mixed use airspace must have detect and avoid capability.

(2) A person may not operate a RPA or RPA system so close to another aircraft so as to create a collision hazard.

**Reporting of RPA and RPA system incidents and accidents**

**101.05.7** (1) A RPA or RPA system owner or operator must ensure that all incidents and accidents involving a RPA or RPA system and which cause damage to property, injuries or death, are reported to the Executive Director, and to the Directorate in accordance with the provisions of Part 11 of the Act.

(2) A RPA and RPA system owner or operator in Categories II and III must develop and implement emergency and contingency procedures acceptable to the Executive Director.

(3) A RPA and RPA system owner or operator in Categories II and III must have response procedures for operations personnel for threats and incidents involving RPA operations in compliance with the requirements set out in Document NAM-CATS-RPA.

(4) A RPA and RPA system owner or operator in Categories II and III must ensure that reports on acts of unlawful interference are promptly submitted to the Executive Director in compliance with the requirements set out in Document NAM-CATS-RPA.

**Air traffic control communication**

**101.05.8** (1) A RPA or RPA system owner or operator must ensure that air traffic control (ATC) is made aware of any operations that takes or will take place in areas which are likely to affect manned and controlled air traffic.

[The word “takes” should be “take” to accord with the word “operations”.]

(2) Subject to compliance with the applicable requirements of Part 170, a RPA and RPA system owner or operator must, in compliance with the procedures set out in Document NAM-CATS-RPA integrate, the RPA operations into the airspace to ensure aviation safety and such procedures must include communication and surveillance detection.

[The comma after the word “integrate” should appear before that word instead, to properly offset the phrase “in compliance with the procedures set out in Document NAM-CATS-RPA”.]

(3) Procedures referred to in subregulation (2) must specify that the operator or person in charge of the RPA or RPA system must, before and during RPA operations, pass on the required information to the air traffic control services provider.

**Operations in vicinity of aerodromes and airports**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**101.05.9** (1) Except with the permission of the owner or operator of an aerodrome or airport, and subject to the requirements of the appropriate air navigation services provider, a person may not operate a RPA or RPA system -

- (a) from the aerodrome or airport reference point;
- (b) in approach and take-off paths;
- (c) within the vicinity of navigation aids;
- (d) within the aerodrome traffic zone; and
- (e) within terminal traffic holding patterns.

(2) The Executive Director may, in writing, approve RPA or RPA system operations at an aerodrome or airport subject to the following conditions:

- (a) imposition of operating restrictions on the approval in the interest of safety;
- (b) publication of details of the approval in the appropriate part of the AIP; and
- (c) revocation or change of the conditions that apply to such approval and publication of details of any revocation or change in conditions in the appropriate part of the AIP.

**SUBPART 6**  
**GENERAL PROVISIONS**

**Records and documents**

**101.06.1** (1) A Category II or Category III RPA or RPA system operator must establish a system of record-keeping that allows adequate storage, accessibility and enabling the surveillance and traceability of all activities developed in terms of this Part.

(2) Records must be stored in a manner that ensures protection from damage, alteration and theft.

(3) The list of others matters required to be recorded and kept in terms of this Part are set out in Document NAM-CATS-RPA.

[The phrase “others matters” was probably intended to be “other matters”.  
The verb “are” should be “is” to accord with the subject “list”.]

**Insurance**

**101.06.2** (1) A person may not operate, or cause to be operated or permit any other person to operate a RPA or RPA system unless there is in force adequate liability insurance in respect of third party risks.

(2) A RPA or RPA system owner or operator must make a certified copy of the insurance required in terms of subregulation (1) to be available in case of any inspection carried out by the Executive Director or an authorised officer, inspector or authorised person.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “the” appears to have been omitted between the words “in” and “case”.]

(3) Despite the provision of subregulation (1), the Executive Director may dispense with the requirement depending on the class and category of the RPA or RPA system operation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 102**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF FREE BALLOONS AND AIRSHIPS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 102.01.1 Applicability
- 102.01.2 Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 102.02.1 Airworthiness
- 102.02.2 Registration
- 102.02.3 Flight manual
- 102.02.4 Maintenance and inspection requirements
- 102.02.5 Equipment

**SUBPART 3: FLIGHT RULES**

- 102.03.1 Hazardous operations
- 102.03.2 Flight criteria

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**102.01.1** This Part shall apply to free balloons and contains -

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

**Pilot qualifications**

**102.01.2** No person shall act as pilot-in-command of a free balloon unless such person -

- (a) is the holder of a valid free balloon pilot licence or airship pilot licence, as the case may be, issued in terms of Part 61;
- (b) is the holder of a valid Class 1 medical certificate or a Class 2 medical certificate, as the case may be, issued in terms of Part 67;
- (c) complies with the privileges and limitations of a free balloon pilot licence or airship pilot licence, as the case may be;
- (d) complies with the competency requirements prescribed for the holder of a free balloon pilot licence or airship pilot licence, as the case may be; and
- (e) when operating for non-commercial purposes, is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

**102.02.1** No person shall operate a free balloon unless such free balloon -

- (a) has been issued with an appropriate certificate of airworthiness in terms of Part 21; and
- (b) is in an airworthy condition.

**Registration**

**102.02.2** No person shall operate a free balloon unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

**Flight manual**

**102.02.3** Notwithstanding the provisions of regulation 91.03.2, a person may operate a free balloon without carrying a current approved flight manual on board for non-commercial operation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance and inspection requirements**

**102.02.4** (1) The pilot-in-command of a free balloon shall ensure that the free balloon is in an airworthy condition before the commencement of each flight.

(2) The owner of a free balloon shall -

- (a) take such action as is necessary to ensure the continued airworthiness of the free balloon concerned; and
- (b) maintain the free balloon in accordance with the provisions of the regulations in Part 43.

**Equipment**

**102.02.5** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a free balloon unless the free balloon is equipped with the equipment as prescribed in Document NAM-CATS-OPS 102.

**SUBPART 3**  
**FLIGHT RULES**

**Hazardous operations**

**102.03.1** No person shall operate any free balloon in a manner that creates, or is likely to create, a hazard to other persons or property.

**Flight criteria**

**102.03.2** All free balloon operations shall be conducted -

- (a) by day, unless in the case of an airship, the airship is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight and a surface wind not exceeding 10 knots, unless otherwise approved by the Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 103**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF MICROLIGHT AEROPLANES**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 103.01.1 Applicability
- 103.01.2 Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 103.02.1 Airworthiness
- 103.02.2 Registration
- 103.02.3 Flight manual
- 103.02.4 Maintenance and inspection requirements
- 103.02.5 Equipment

**SUBPART 3: FLIGHT RULES**

- 103.03.1 Hazardous operations
- 103.03.2 Practice for and participation in competition and display flying
- 103.03.3 Flight criteria

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**103.01.1** (1) This Part shall apply to microlight aeroplanes operated for non-commercial purposes, and contains -

- (a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and
  - (b) the exceptions to the general operating and flight rules prescribed in Part 91.
- (2) No person shall use a microlight aeroplane in any air transport operation.

**Pilot qualifications**

**103.01.2** No person shall act as pilot-in-command of a microlight aeroplane unless such person -

- (a) is the holder of a valid microlight aeroplane pilot licence issued in terms of Part 61;
- (b) is the holder of a valid Class 2 medical certificate issued in terms of Part 67;
- (c) complies with the privileges and limitations of a microlight aeroplane pilot licence;
- (d) complies with the competency requirements prescribed for the holder of a microlight aeroplane pilot licence; and
- (e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

**103.02.1** No person shall operate a microlight aeroplane unless such microlight aeroplane -

- (a) has been issued with an appropriate authority to fly; and
- (b) is in an airworthy condition.

**Registration**

**103.02.2** No person shall operate a microlight aeroplane unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

**Flight manual**

**103.02.3** Notwithstanding the provisions of regulation 91.03.2, a person may operate a microlight aeroplane without carrying a current approved flight manual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance and inspection requirements**

**103.02.4** (1) The pilot-in-command of a microlight aeroplane shall ensure that the microlight aeroplane is in an airworthy condition before the commencement of each flight.

- (2) The owner of a microlight aeroplane shall -
- (a) take such action as is necessary to ensure the continued airworthiness of the microlight aeroplane concerned; and
  - (b) maintain the microlight aeroplane in accordance with the provisions of the regulations in Part 43.

**Equipment**

**103.02.5** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, a person may operate a microlight aeroplane if the microlight aeroplane is equipped with the equipment as prescribed in Document NAM-CATS-OPS 103.

**SUBPART 3**  
**FLIGHT RULES**

**Hazardous operations**

**103.03.1** No person shall operate any microlight aeroplane in a manner that creates, or is likely to create, a hazard to other persons or property.

**Practice for and participation in competition and display flying**

**103.03.2** A pilot-in-command of a microlight aeroplane may do low flying for the purpose of practice for, and participation in, microlight aeroplane competition and display flying: Provided that such operations are -

- (a) authorised by the body or institution designated by the Director in terms of Part 149;
- (b) carried out in accordance with any conditions imposed by such designated body or institution; and
- (c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

**Flight criteria**

**103.03.3** All microlight aeroplane operations shall be conducted -

- (a) by day, unless the microlight aeroplane is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) at least 500 feet beneath any ceiling.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 104**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF GLIDERS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 104.01.1 Applicability
- 104.01.2 Pilot qualifications
- 104.01.3 Glider launching winches

**SUBPART 2: OPERATING RULES**

- 104.02.1 Airworthiness
- 104.02.2 Registration
- 104.02.3 Flight manual
- 104.02.4 Maintenance and inspection requirements
- 104.02.5 Equipment

**SUBPART 3: FLIGHT RULES**

- 104.03.1 Hazardous operations
- 104.03.2 Practice for and participation in competition and display flying
- 104.03.3 Flight criteria

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**  
**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

- 104.01.1** (1) This Part shall apply to the operation of gliders and contains -
- (a) in addition to the provisions of the regulations in Part 91, the operating and flight rules relating to such operations; and
  - (b) the exceptions to the general operating and flight rules prescribed in Part 91.
- (2) No person shall use a glider in any commercial air transport operation.

**Pilot qualifications**

- 104.01.2** No person shall act as pilot-in-command of a glider unless such person -
- (a) is the holder of a valid glider pilot licence issued in terms of Part 61;
  - (b) is the holder of at least valid Class 2 medical certificate issued in terms of Part 67;

[The word “a” appears to have been omitted before the phrase “valid Class 2 medical certificate”.]

- (c) complies with the privileges and limitations of a glider pilot licence;
- (d) complies with the competency requirements prescribed for the holder of a glider pilot licence; and
- (e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

**Glider launching winches**

**104.01.3** (1) On every winch used for the launching of gliders, a means shall be provided for the severing of the launching cable.

(2) The means referred to in subregulation (1) shall be subject to the approval of an aviation recreation organisation approved by the Director in terms of Part 149, and shall be so positioned that it can be easily and readily operated by the winch operator.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

- 104.02.1** No person shall operate a glider unless such glider -
- (a) has been issued with an authority to fly in terms of Part 21; and
  - (b) is in an airworthy condition.

**Registration**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**104.02.2** No person shall operate a glider unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

**Flight manual**

**104.02.3** Notwithstanding the provisions of regulation 91.03.2, a person may operate a glider without carrying a current approved flight manual on board.

**Maintenance and inspection requirements**

**104.02.4** (1) The pilot-in-command of a glider shall ensure that the glider is in an airworthy condition before the commencement of each flight.

(2) The owner of a glider shall -

- (a) take such action as is necessary to ensure the continued airworthiness of the glider concerned; and
- (b) maintain the glider in accordance with the provisions of the regulations in Part 43.

**Equipment**

**104.02.5** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, no person may operate a glider unless the glider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 104.

**SUBPART 3**  
**FLIGHT RULES**

**Hazardous operations**

**104.03.1** No person shall operate any glider in a manner that creates, or is likely to create, a hazard to other persons or property.

**Practice for and participation in competition and display flying**

**104.03.2** The pilot-in-command of a glider may carry out low flying for the purpose of practice for, and participation in, glider competition and display flying: Provided that such operations are -

- (a) authorised by the body or institution designated by the Director in terms of Part 149;
- (b) carried out in accordance with any conditions imposed by such designated body or institution; and
- (c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

**Flight criteria**

**104.03.3** (1) All glider operations shall be conducted -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) by day, unless the glider is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight unless otherwise approved by the Director; and

**[Subregulation (1) is reproduced as it appears in the *Government Gazette*. Some portion of it may be missing. Otherwise, it should end with a full stop instead of a semicolon and the word "and".]**

(2) Unless otherwise approved by the Director, no glider operation shall be conducted above FL 195.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 105**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF PARACHUTES**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 105.01.1 Applicability
- 105.01.2 Persons making parachute descent
- 105.01.3 Problematic use of psychoactive substances or alcohol
- 105.01.4 Securing of articles
- 105.01.5 Hazard
- 105.01.6 Parachuting operations
- 105.01.7 Minimum parachute opening altitude
- 105.01.8 Parachute drop zone
- 105.01.9 Parachute landing area
- 105.01.10 Controlled airspace
- 105.01.11 Descent onto an aerodrome where ATS Unit is in operation
- 105.01.12 Descent onto an aerodrome where no ATS Unit is in operation
- 105.01.13 Descent within restricted area
- 105.01.14 Visibility and clearance from cloud
- 105.01.15 Descent from unpressurised aircraft
- 105.01.16 Descent from pressurised aircraft
- 105.01.17 Descent from above FL150
- 105.01.18 Descent from above FL200
- 105.01.19 Aircraft operating and airworthiness requirements

**SUBPART 2: PARACHUTE EQUIPMENT**

- 105.02.1 Main parachute
- 105.02.2 Reserve parachutes
- 105.02.3 Night descents
- 105.02.4 Water descents
- 105.02.5 Altimeter
- 105.02.6 Automatic activation devices
- 105.02.7 Protective headgear
- 105.02.8 Parachute descent near water
- 105.02.9 Tandem harness

**SUBPART 3: PARACHUTE MAINTENANCE**

- 105.03.1 Rigger
- 105.03.2 Safety directives
- 105.03.3 Parachute serviceability
- 105.03.4 Modification and repair
- 105.03.5 Parachute assemblies
- 105.03.6 Parachute records

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**105.01.1** (1) This Part shall apply to the operation of parachutes.

(2) This Part shall not apply in respect of -

- (a) persons making emergency descents; or
- (b) persons making base jumps.

**Persons making parachute descent**

**105.01.2** Any person making a parachute descent shall -

- (a) be the holder of a valid parachuting licence or certificate, as the case may be, issued by the body or institution designated by the Director in terms of Part 149;
- (b) comply with the privileges and limitations of a parachuting licence or certificate, as the case may be, issued by such designated body or institution;
- (c) comply with the competency requirements prescribed by such designated body or institution for the holder of a parachuting licence or certificate, as the case may be;
- (d) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149;
- (e) comply with the standards and procedures determined by such approved aviation recreation organisation.

**Problematic use of psychoactive substances or alcohol**

**105.01.3** No person shall make a parachute descent -

- (a) while under the influence of any psychoactive substance; or alcohol

**[The semicolon is misplaced in paragraph (a); it should appear at the end of the paragraph.]**

- (b) if such person has used any psychoactive substance or alcohol less than eight hours prior to commencing the parachute descent; or
- (c) with a blood alcohol level exceeding 0,04 gram per 100 millilitres.

**Securing of articles**

**105.01.4** No person making a parachute descent shall carry any article which is not part of the parachute assembly or normal apparel of a person making a parachute descent, unless such person secures such article to his or her person.

**Hazard**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**105.01.5** No person shall make a parachute descent if such parachute descent constitutes, or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

**Parachuting operations**

**105.01.6** (1) The pilot-in-command of the aircraft engaged in a parachuting operation, shall -

- (a) ensure that -
  - (i) the aircraft performing the operation has a valid appropriate certificate of airworthiness;
  - (ii) the configuration of the aircraft is appropriate for the parachute drop operation;
  - (iii) the aircraft has adequate interior room and satisfactory egress for the parachutists to be carried;
  - (iv) the aircraft cabin has no handles or fittings which could cause the inadvertent opening of a parachute in the aircraft or during egress by any parachutist;
  - (v) suitable strong points on the aircraft are used for the attachment of static lines;
  - (vi) the aircraft flight manual authorises flight with a door open in flight or the aircraft is of a type referred to in regulation 105.01.19, which may be operated with a door removed;
  - (vii) each person carried in the aircraft including the persons who will perform the parachute descent shall;

[The semicolon at the end of the phrase above should be a colon or a dash.]

- (aa) fasten his or her safety belt during take-off and landing;
- (bb) wears an emergency or reserve parachute;
- (cc) be trained in the use of the emergency or reserve parachute; and
- (dd) be briefed on the general procedures to be followed in an aircraft emergency, including the method to be used for exiting the aircraft; and
- (viii) each person carried in the aircraft for the purpose of making a parachute descent -
  - (aa) is not in a position in the aircraft that could hazard the safety of the aircraft or its occupants through inadvertent interference with the controls; and
  - (bb) is briefed on the general procedures to be followed in an aircraft emergency, including the method to be used for exiting the aircraft;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) not permit a person to make a parachute descent from the aircraft, unless the person or persons making the descent have -
  - (i) provided the pilot with the details of the proposed descent prior to take-off; and
  - (ii) satisfied the pilot that each person is operating under the authorisation of an aviation recreation organisation approved by the Director in terms of Part 149; and
- (c) give an instruction to proceed with the parachute descent, after approval has been received from the appropriate air traffic service unit or when the aircraft is positioned correctly.

(2) Each person making a parachute descent shall only exit from the aircraft and commence the parachute descent on instruction of the jump master.

(3) For the purposes of this regulation, “jump master” means the holder of a licence or certificate and rating issued by the body or organisation designated by the Director in terms of Part 149, who is capable of supervising novices in the aircraft and supervising novices and students on static line and free fall parachute descents.

**Minimum parachute opening altitude**

**105.01.7** Each person making a parachute descent shall activate the main parachute at not less than 2 000 feet AGL, except for -

- (a) a student parachutist, who shall activate the main parachute at not less than 3 000 feet AGL;
- (b) a person carrying out a tandem parachute descent, who shall activate the main parachute at not less than 4 000 feet AGL, or a higher altitude if so recommended by the manufacturer; or
- (c) a person making a parachute descent at night, who shall activate the main parachute at not less than 3 500 feet AGL.

**Parachute drop zone**

**105.01.8** (1) All parachute descents, except emergency and display parachute descents, shall be made within a parachute drop zone approved by the Director.

(2) No person may make a parachute descent outside a parachute drop zone, unless such descent is approved by the Director.

**Parachute landing area**

**105.01.9** (1) Each person making a parachute descent shall land on a parachute landing area approved by the Director.

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes, if the parachute landing area is located clear of -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) any movement area in use;
  - (b) the strip area of any runway in use;
  - (c) the taxiway minimum separation distances; and
  - (d) the approach and take-off area of any runway in use.
- (3) A person shall not make a parachute descent into water unless -
- (a) the parachute landing area has a clearly defined perimeter; and
  - (b) a motorised rescue tender as required by an aviation recreation organisation approved by the Director in terms of Part 149, is stationed at the parachute landing area to retrieve him or her.

**Controlled airspace**

**105.01.10** No parachute descent shall take place in controlled airspace unless an air traffic control clearance has been granted.

**Descent onto an aerodrome where ATS Unit is in operation**

**105.01.11** No parachute descent shall take place onto an aerodrome where ATS unit is in operation unless, in addition to the approval contemplated in regulation 105.01.8 -

[The word “an” appears to have been omitted before the phrase “ATS unit”.]

- (a) prior approval has been obtained from the Director and owner or operator of the aerodrome; and
- (b) the person making the parachute descent lands within the parachute landing area.
- (c) prior approval has been obtained from the ATS unit.

[The full stop at the end of paragraph (b) should be a semicolon, and the word “and” at the end of paragraph (a) should appear at the end of paragraph (b) instead.]

**Descent onto an aerodrome where no ATS Unit is in operation**

**105.01.12** No parachute descent shall be made onto an unmanned aerodrome unless -

- (a) prior approval has been obtained from the Director and the owner or operator of that aerodrome;
- (b) collision with other traffic can be avoided;
- (c) other traffic within the parachute descent zone is made aware of the parachute descent; and
- (d) the person making the parachute descent lands within the parachute landing area.

**Descent within restricted area**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**105.01.13** No parachute descent shall be made within a restricted area unless permitted by virtue of an authorisation contemplated in regulation 91.06.20(1)(b).

**Visibility and clearance from cloud**

**105.01.14** (1) Subject to the provisions of subregulation (2), no person shall make a parachute descent unless the visibility and distance from cloud is greater than the visibility and distance from cloud as prescribed in Document NAM-CATS-OPS 105.

(2) A person may descend through cloud in a parachute drop zone at a manned aerodrome, if he or she has an air traffic control clearance in Class C and D airspace.

**Descent from unpressurised aircraft**

**105.01.15** Each person making a parachute descent prior to exiting from an unpressurised aircraft shall -

- (a) if between an altitude of 10 000 feet above MSL and FL150 for longer than 30 minutes, use supplementary oxygen; and
- (b) if above FL150, use supplementary oxygen until immediately prior to exiting the aircraft.

**Descent from pressurised aircraft**

**105.01.16** Each person making a parachute descent from a pressurised aircraft up to FL200, shall use supplementary oxygen during the period from immediately prior to depressurisation above FL150, to immediately prior to exiting the aircraft.

**Descent from above FL150**

**105.01.17** Each person making a parachute descent from above FL150, shall comply with the standards, procedures and training requirements determined by the body or institution designated by the Director in terms of Part 149, for intermediate altitude descents.

**Descent from above FL200**

**105.01.18** (1) Each person making a parachute descent from above FL200, shall, in addition to regulations 105.01.16 and 105.01.17, use individual supplementary oxygen during the dispatch and descent.

(2) No person shall make a parachute descent from above FL200 unless he or she has the prior approval of the body or institution designated by the Director in terms of Part 149.

**Aircraft operating and airworthiness requirements**

**105.01.19** (1) The owner or operator of an aircraft engaged in a parachuting operation, shall, if the aircraft is to be flown with the cabin door removed during the parachuting operation, apply for approval to the Director.

(2) The Director may grant the approval referred to in subregulation (1), subject to the following conditions:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) The aircraft concerned shall be of the type as prescribed in Document NAM-CATS-OPS 105; and
- (b) installation and removal of equipment shall be done in accordance with the applicable provisions of the regulations in Part 43.

**SUBPART 2**  
**PARACHUTE EQUIPMENT**

**Main parachute**

**105.02.1** Each person, or tandem pair, making a parachute descent shall be equipped with a main parachute which complies with the requirements prescribed by the body or institution designated by the Director in terms of Part 149.

**Reserve parachutes**

**105.02.2** Each person, or tandem pair, making a parachute descent shall be equipped with a reserve parachute assembly which has been

- (a) approved by the body or institution designated by the Director in terms of Part 149;
- (b) inspected, re-packed and signed-off within the preceding six months by a rigger authorised by such designated body or institution; and
- (c) where necessary, repaired in accordance with -
  - (i) the standards of such designated body or institution; and
  - (ii) the instructions of the manufacturer.

**Night descents**

**105.02.3** Each person making a parachute descent by night shall be equipped with an illuminated altimeter.

**Water descents**

**105.02.4** Each person making a parachute descent into water shall wear a serviceable, self-righting flotation jacket capable of supporting the person and equipment.

**Altimeter**

**105.02.5** (1) Each student parachutist or solo jumper making a free-fall descent of more than 15 seconds, unless the student parachutist or solo jumper is engaged in formation parachuting, and each tandem master, shall -

- (a) be equipped with, and use, a serviceable altimeter of a type suitable for parachuting; and
- (b) prior to take-off, zero the altimeter to the parachute landing area height.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) In the case of formation parachuting -
  - (a) if the formation consists of less than eight participants, 50 per cent of the participants in such formation; or
  - (b) if the formation consists of eight or more participants, 25 per cent of the participants in such formation,

shall comply with the provisions of subregulation (1).

**Automatic activation devices**

**105.02.6** From 1 January 2002, each student parachutist or tandem master making a parachute descent, and every person making a parachute descent from above FL200, shall, in addition to the provisions of regulation 105.02.2, be equipped with an automatic activation device on the reserve parachute, which has been -

- (a) certified by a rigger as compatible with the reserve parachute assembly, on the parachute assembly packing record;
- (b) calibrated in accordance with the manufacturer's operating instructions;
- (c) set to operate the reserve parachute at a minimum altitude of-
  - (i) in the case of an individual parachute descent, 1 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and
  - (ii) in the case of a tandem parachute descent, 2 000 feet AGL or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;
- (d) inspected by the rigger in accordance with the manufacturer's instructions; and
- (e) check calibrated within the preceding six months.

**Protective headgear**

**105.02.7** (1) Each person making a parachute descent shall wear protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

(2) Each student parachutist making a parachute descent shall wear serviceable rigid, protective headgear authorised by such designated body or institution.

**Parachute descent near water**

**105.02.8** Each student parachutist making a parachute descent within one nautical mile of a coastline, harbour, lake or major river, and each holder of a parachuting licence or certificate issued by the body or organisation designated by the Director in terms of Part 149, shall, on his or her initial parachute descent into water, wear a serviceable, self-righting flotation jacket capable of supporting the person and equipment.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Tandem harness**

**105.02.9** Each tandem passenger making a tandem descent shall wear a harness which is -

- (a) authorised by the body or institution designated by the Director in terms of Part 149; and
- (b) properly secured to the matching tandem master harness approved by such designated body or institution.

**SUBPART 3**  
**PARACHUTE MAINTENANCE**

**Rigger**

**105.03.1** Each rigger shall -

- (a) be a current *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149;
- (b) be at least 18 years old;
- (c) be the holder of the appropriate rating issued by the body or institution designated by the Director in terms of Part 149;
- (d) comply with the competency requirements determined by such designated body or institution;
- (e) comply with the privileges and limitations of his or her rating; and
- (f) comply with the operational standards and procedures determined by such designated body or institution.

**Safety directives**

**105.03.2** A person shall not make a parachute descent unless the parachute assembly complies with -

- (a) any applicable safety directive issued by the body or institution designated by the Director in terms of Part 149; and
- (b) all mandatory modifications or instructions issued by the manufacturer.

**Parachute serviceability**

**105.03.3** (1) Any person who finds a parachute assembly to be unserviceable or not airworthy, shall have the assembly -

- (a) re-inspected and returned to a serviceable and airworthy state; or
- (b) withdrawn from service.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Each owner of a parachute assembly shall ensure that the parachute assembly is in a serviceable and airworthy condition before use.

**Modification and repair**

**105.03.4** A person shall not make a parachute descent with an emergency or reserve parachute, or harness and container system, which has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless such emergency or reserve parachute has been re-inspected and re-assessed by a rigger authorised by the body or institution designated by the Director in terms of Part 149.

**Parachute assemblies**

**105.03.5** (1) Subject to the provisions of subregulations (2) and (3), no person shall make a parachute descent unless he or she has checked the state of serviceability of the parachute assembly by -

- (a) reference to the assembly packing record with the equipment;
- (b) a comprehensive external check; and
- (c) checking the correct setting of the applicable equipment.

(2) A student parachutist shall not make a parachute descent unless his or her parachute assembly has been checked in accordance with the provisions of subregulation (1), by a person authorised by the body or institution designated by the Director in terms of Part 149, to supervise the descent.

(3) A tandem passenger shall not make a parachute descent unless the parachute assembly has been checked in accordance with the provisions of subregulation (1), by the tandem master.

**Parachute records**

**105.03.6** (1) Each owner of an emergency or reserve parachute assembly, a student parachutist parachute assembly or a tandem parachute assembly, shall maintain a permanent record of the assembly in -

- (a) a logbook; or
- (b) a separable log page, approved by the body or institution designated by the Director in terms of Part 149.

(2) The owner referred to in subregulation (1) shall make the record available for inspection when required by an authorised officer, inspector or authorised person.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 106**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF HANG GLIDERS AND PARAGLIDERS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 106.01.1 Applicability
- 106.01.2 Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 106.02.1 Airworthiness
- 106.02.2 Flight manual
- 106.02.3 Certificate of fitness
- 106.02.4 Maintenance and inspection requirements

**SUBPART 3: FLIGHT RULES**

- 106.03.1 Right of way
- 106.03.2 Flight plan
- 106.03.3 Clearance from cloud and maximum altitude
- 106.03.4 Minimum altitude
- 106.03.5 Launch sites
- 106.03.6 Flight criteria

**SUBPART 4: EQUIPMENT AND INSTRUMENTS**

- 106.04.1 Equipment
- 106.04.2 Protective headgear



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**106.01.1** This Part shall apply to the operation of hang gliders and paragliders and contains -

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

**Pilot qualifications**

**106.01.2** Any person operating a hang glider shall -

- (a) be the holder of a valid hang glider or paraglider pilot licence or certificate, as the case may be, issued by the body or institution designated by the Director in terms of Part 149;
- (b) be medically fit;
- (c) comply with the competency requirements prescribed by such designated body or institution for the holder of a hang glider or a paraglider pilot licence or certificate, as the case may be;
- (d) comply with the privileges and limitations of a hang glider or paraglider pilot licence or certificate, as the case may be, issued by such designated body or institution;
- (e) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149; and
- (f) comply with the standards and procedures determined by such approved aviation recreation organisation.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

**106.02.1** No person shall operate a hang glider unless such hang glider and its suspension system -

- (a) comply with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and
- (b) are in an airworthy condition.

**Flight manual**

**106.02.2** Notwithstanding the provisions of regulation 91.03.2, a person may operate a hang glider without carrying a current approved flight manual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Certificate of fitness**

**106.02.3** Notwithstanding the provisions of regulation 91.03.7, a person may operate a hang glider if the hang glider has a certificate of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

**Maintenance and inspection requirements**

**106.02.4** (1) The pilot of a hang glider shall ensure that the hang glider is in an airworthy condition before the commencement of each flight.

(2) The owner of the hang glider shall -

- (a) take such action as is necessary to ensure the continued airworthiness of the hang glider concerned; and
- (b) maintain the hang glider as may be necessary.

**SUBPART 3**  
**FLIGHT RULES****Right of way**

**106.03.1** Notwithstanding the provisions of regulation 91.06.7(5), a pilot of a hang glider overtaking another hang glider soaring on a ridge, shall pass on the ridge side of the overtaken hang glider.

**Flight plan**

**106.03.2** Notwithstanding the provisions of regulation 91.03.4, the pilot of a hang glider may fly under VFR without submitting a flight plan.

**Clearance from cloud and maximum altitude**

**106.03.3** Notwithstanding the provisions of regulation 91.06.21, a pilot may fly a hang glider -

- (a) to 500 feet vertically below cloud up to a maximum altitude of 19 500 feet above MSL in Class G airspace; or

[The word "airspace" is misspelt in the *Government Gazette*, as reproduced above.]

- (b) to 500 feet vertically below cloud up to a maximum altitude of 19 500 feet above MSL in Class E airspace other than transponder-mandatory airspace.

**Minimum altitude**

**106.03.4** The pilot of a hang glider may fly the hang glider below 500 feet AGL, for the purpose of ridge soaring, if such hang glider is flown in a manner that does not endanger persons or property on the ground.

**Launch sites**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**106.03.5** No pilot of a hang glider shall launch the hang glider from a launch site other than an approved launch site.

**Flight criteria**

**106.03.6** All hang glider operations shall be conducted -

- (a) by day;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and
- (c) at least 500 feet beneath any ceiling.

**SUBPART 4**  
**EQUIPMENT AND INSTRUMENTS**

**Equipment**

**106.04.1** Notwithstanding the provisions of the regulations in Subpart 4 of Part 91, a person may operate a hang glider if the hang glider is equipped with the equipment as prescribed in Document NAM-CATS-OPS 106.

**Protective headgear**

**106.04.2** Each pilot and passenger of a hang glider shall wear serviceable rigid protective headgear authorised by the body or institution designated by the Director in terms of Part 149.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 107**  
**RULES OF THE AIR AND GENERAL OPERATING RULES:**  
**OPERATION OF AMATEUR-BUILT AIRCRAFT**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 107.01.1 Applicability
- 107.01.2 Pilot qualifications

**SUBPART 2: OPERATING RULES**

- 107.02.1 Airworthiness
- 107.02.2 Registration
- 107.02.3 Flight manual
- 107.02.4 Maintenance and inspection requirements

**SUBPART 3: FLIGHT RULES**

- 107.03.1 Hazardous operations
- 107.03.2 Practice for and participation in competition and display flying
- 107.03.3 Flight criteria

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**  
**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**107.01.1** This Part shall apply to the operation of amateur-built aircraft and contains -

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

**Pilot qualifications**

**107.01.2** No person shall act as pilot-in-command of an amateur-built aircraft unless such person -

- (a) is the holder of at least a valid private pilot licence issued in terms of Part 61;
- (b) is the holder of at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) complies with the privileges and limitations of a private pilot licence;
- (d) complies with the competency requirements prescribed for the holder of a private pilot licence; and
- (e) is a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149.

**SUBPART 2**  
**OPERATING RULES**

**Airworthiness**

**107.02.1** No person shall operate an amateur-built aircraft unless such amateur-built aircraft -

- (a) has been issued with an appropriate authority to fly.

[The full stop at the end of paragraph (a) should be a semicolon.]

- (b) is in an airworthy condition.

**Registration**

**107.02.2** No person shall operate an amateur-built aircraft unless it is registered and marked in accordance with, and complies with, the provisions of the regulations in Part 47.

**Flight manual**

**107.02.3** Notwithstanding the provisions of regulation 91.03.2, a person may operate an amateur-built aircraft without carrying a current approved flight manual on board.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Maintenance and inspection requirements**

**107.02.4** (1) The pilot-in-command of an amateur-built aircraft shall ensure that the amateur-built aircraft is in an airworthy condition before the commencement of each flight.

- (2) The owner of an amateur-built aircraft shall -
- (a) take such action as is necessary to ensure the continued airworthiness of the amateur-built aircraft concerned; and
  - (b) maintain the amateur-built aircraft in accordance with the provisions of the regulations in Part 43.

**SUBPART 3**  
**FLIGHT RULES**

**Hazardous operations**

**107.03.1** No person shall operate any amateur-built aircraft in a manner that creates, or is likely to create, a hazard to other persons or property.

**Practice for and participation in competition and display flying**

**107.03.2** The pilot-in-command of an amateur-built aircraft may carry out low flying for the purpose of practice for, and participation in, amateur-built aircraft competition and display flying: Provided that such operations are -

- (a) authorised by the body or institution designated by the Director in terms of Part 149;
- (b) carried out in accordance with any conditions imposed by such designated body or institution; and
- (c) carried out not lower than 200 feet above the ground and not over any densely inhabited area of a city, town or settlement.

**Flight criteria**

**107.03.3** All amateur-built aircraft operations shall be conducted -

- (a) by day, unless the amateur-built aircraft is certificated for night flying in terms of Part 21, and the pilot-in-command is the holder of a night rating issued in terms of Part 61;
- (b) in meteorological conditions equal to, or better than, those prescribed as suitable for VFR flight, unless otherwise approved by the Director; and
- (c) at least 500 feet beneath any ceiling.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**AVIATION SECURITY**

**PART 108  
ACCEPTANCE, FORWARDING, STORAGE AND CARRIAGE OF CARGO,  
MAIL AND IN-FLIGHT SUPPLIES**

[Part 108 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL PROVISIONS**

- 108.01.1 Applicability
- 108.01.2 General restrictions on carriage by air of cargo, mail and in-flight supplies

**SUBPART 2: DUTIES AND FUNCTIONS OF REGULATED AGENTS, KNOWN  
CONSIGNORS AND AIR CARRIERS OR AIRCRAFT OPERATORS**

- 108.02.1 General duties of regulated agents
- 108.02.2 Duties of regulated agents regarding known consignors
- 108.02.3 Duties of air carriers or aircraft operators
- 108.02.4 Requirements for certification of known consignors

**SUBPART 3: SECURITY CONTROLS**

- 108.03.1 General
- 108.03.2 Regulated agents: acceptance and delivery of consignments
- 108.03.3 Security controls to be applied by known consignor
- 108.03.4 Known cargo
- 108.03.5 Unknown cargo
- 108.03.6 Screening of cargo and mail
- 108.03.7 Cargo and mail exemptions
- 108.03.8 Protection of cargo and mail during transportation
- 108.03.9 Protection of cargo and mail at airports
- 108.03.10 Air carrier company mail and air carrier company materials to be loaded into aircraft
- 108.03.11 Air carrier company materials used for passenger and baggage processing

**SUBPART 4: IN-FLIGHT SUPPLIES, REGULATED SUPPLIER OF IN-FLIGHT  
SUPPLIES OR AIRPORT SUPPLIES AND KNOWN SUPPLIER OF IN-FLIGHT  
SUPPLIES OR AIRPORT SUPPLIES**

[The word "IN-FLIGHT" is misspelt in the *Government Gazette* in its second usage in the heading of Subpart 4, as reproduced above. It is spelt correctly in the text below.]

- 108.04.1 General provisions
- 108.04.2 Security controls: in-flight supplies
- 108.04.3 Screening of in-flight supplies
- 108.04.4 Designation of known suppliers of in-flight supplies
- 108.04.5 Security controls to be applied by air carrier, regulated supplier of in-flight supplies and known supplier of in-flight supplies
- 108.04.6 Airport supplies: known suppliers of airport supplies
- 108.04.7 Security controls: airport supplies
- 108.04.8 Screening of airport supplies

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 108.04.9 Designation of known suppliers of airport supplies
- 108.04.10 Security controls to be applied by known supplier of airport supplies

**SUBPART 5: CERTIFICATIONS**

- 108.05.1 Application for certification as regulated agent
- 108.05.2 Regulated agent's certificate
- 108.05.3 Duties of certificate holder
- 108.05.4 Renewal of regulated agent's certificate
- 108.05.5 Amendments
- 108.05.6 Application for certification as known consignor
- 108.05.7 Designation of inspectors, authorised officers and authorised persons for the certification of known consignors
- 108.05.8 Known consignor certificate
- 108.05.9 Renewal of known consignor certificate
- 108.05.10 Certification of regulated suppliers of in-flight supplies and airport supplies
- 108.05.11 Regulated supplier's certificate
- 108.05.12 Renewal of regulated supplier's certificate
- 108.05.13 Inspection or investigation fees, expenses and fines
- 108.05.14 Duplicate certificate
- 108.05.15 Cancellation, suspension and imposition of conditions
- 108.05.16 Register of certificates

**SUBPART 6: MAIL**

- 108.06.1 General provisions
- 108.06.2 Express cargo and mail
- 108.06.3 Transshipment cargo and mail

**SUBPART 7: STAFF RECRUITMENT AND TRAINING, HANDLING OF AVIATION CRGO, MAIL AND IN-FLIGHT SUPPLIES**

[The word "CARGO" is misspelt in the *Government Gazette*, as reproduced above.  
It is spelt correctly in the text below.]

- 108.07.1 General provisions
- 108.07.2 Recruitment: background checks
- 108.07.3 Air cargo security familiarisation training
- 108.07.4 Standard air cargo security training
- 108.07.5 Validation of foreign certificates issued for air cargo security training

**SUBPART 8: SECURITY SCREENING: EQUIPMENT AND EXPLOSIVES DETECTION DOG TEAMS**

- 108.08.1 General provisions
- 108.08.2 Requirements for security screening equipment

**APPENDICES**

- Appendix 1:** Trucking/transporter declaration  
[The heading of this Appendix in the text below is "Trucking/transporter security declaration".]
- Appendix 2:** Declaration of commitments: regulated supplier of in-flight supplies and airport supplies



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this Appendix in the text below is “Declaration of commitments by regulated supplier of in-flight supplies/airport supplies”.]

- Appendix 3:** Declaration of commitments: known supplier of in-flight supplies  
**Appendix 4:** Declaration of commitments: known supplier of airport supplies

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL PROVISIONS**

**Applicability**

**108.01.1** (1) This Part applies to all persons engaged in acceptance, forwarding, storage and carriage by air of cargo, mail and in-flight supplies and regulates -

- (a) aviation security in respect of all cargo, mail and in-flight supplies entering security controlled or security restricted areas of an aerodrome;
- (b) security measures required for the storage and carriage of cargo, mail and in-flight supplies by an air carrier or aircraft operator;
- (c) training requirements for personnel involved in handling air cargo, mail and in-flight supplies; and
- (d) any other aspect incidental to air cargo security or the security of mail or in-flight supplies.

(2) The operator of security designated aerodrome, an air carrier or aircraft operator, a regulated agent, a known consignor and a regulated supplier of in-flight supplies or airports supplies are each respectively responsible, according to the applicable requirements of this Part, for the implementation of the measures set out in this Part.

[The terms “airports supplies” should be “airport supplies”,  
as it appears elsewhere in the regulations.]

- (3) A person may not act as -
  - (a) a regulated agent to provide a consignment of cargo or mail to an air carrier or aircraft operator for carriage by air except under the authority of a regulated agent certificate granted in accordance with this Part and any disclosed elements of the NCASP;
  - (b) a certificated known consignor to provide a consignment of cargo or mail to an air carrier or aircraft operator for carriage by air except under the authority of a known consignor certificate granted in accordance with this Part and any disclosed elements of the NCASP; or
  - (c) a regulated supplier of in-flight supplies, except under the authority of a regulated supplier certificate granted in accordance with this Part and any disclosed elements of the NCASP.

**General restrictions on carriage by air of cargo, mail and in-flight supplies**

**108.01.2** (1) An air carrier or aircraft operator may not carry unknown cargo.

(2) An air carrier must treat all unaccompanied baggage as unknown cargo.

(3) Assembled explosive and incendiary devices that are not carried in accordance with the applicable authorisations and safety standards and requirements are prohibited articles in consignments of cargo.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (4) Explosive and incendiary devices, whether assembled or not, and their component parts are prohibited articles in consignments of mail.
- (5) Any air carrier or aircraft operator or regulated agent has the right -
  - (a) to examine or cause to be examined by his or her handling agent, the packaging and contents of all cargo tendered for carriage by air, and to inquire into the correctness or sufficiency of information or documentation submitted in respect of any cargo; and
  - (b) without assuming any liability, to refuse, delay or return any cargo, if there is a reasonable belief that the cargo may contain explosives or dangerous devices.
- (6) A regulated agent, an air carrier or aircraft operator or any other entity approved by the Authority must screen all cargo and mail before being loaded on to an aircraft, unless the -
  - (a) required security controls have been applied to the consignment by a regulated agent and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading;
  - (b) required security controls have been applied to the consignment by a known consignor and the consignment has been protected from unauthorised interference from the time that those security controls were applied and until loading; or
  - (c) consignment is exempt from screening and has been protected from unauthorised interference from the time that it became identifiable air cargo or identifiable air mail and until loading.
- (7) A regulated agent engaged in the acceptance or storage or the forwarding or handling of cargo or in-flight supplies to be carried by air must hold a regulated agent's certificate which is an aviation document and is issued by the Executive Director.
- (8) Any person in the employ of a regulated agent and involved with known cargo or in-flight supplies must complete the relevant training prescribed by this Part and must hold a certificate of proficiency for such training.
- (9) A regulated agent must draw up a security programme containing all information stipulated in Appendix P to the NCASP, and setting out the manner in which such regulated agent will operate and that security programme must be submitted to the Executive Director for approval.
- (10) Each regulated agent must have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the NCASP, and such designated official must undergo the training as prescribed by this Part and the NCASP.
- (11) Any person applying for certification as a regulated agent or as a certificated known consignor, must permit an inspector, authorised officer or authorised person designated by the Executive Director pursuant to section 37(1) of the Act to carry out inspections and audits which may be necessary to verify whether the security measures regarding the handling, transportation and storage of known cargo comply with the requirements of this Part and with any disclosed elements of the NCASP.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(12) The holder of a regulated agent's certificate, a known consignor's certificate or a regulated supplier's certificate must permit an authorised officer, inspector or authorised person referred to in subregulation (11) to carry out such inspections and audits for the purposes of determining compliance with the appropriate requirements prescribed in this Part or in any disclosed elements of the NCASP.

(13) The holder of a regulated agent's certificate, a known consignor's certificate or a regulated supplier's certificate must permit an authorised officer, inspector or authorised person referred to in subregulation (11) to conduct random checks of cargo, emanating from and through regulated agents, to ensure compliance with this Part and with any disclosed elements of the NCASP.

**SUBPART 2**  
**DUTIES AND FUNCTIONS OF REGULATED AGENTS, KNOWN CONSIGNORS**  
**AND AIR CARRIERS OR AIRCRAFT OPERATORS**

**General duties of regulated agents**

**108.02.1** Any person certificated by the Executive Director as a regulated agent must -

- (a) maintain records of all shipping documents documenting the transport and handling history of all cargo submitted for carriage in accordance with the requirements of this Part or of any disclosed elements of the NCASP, and, unless otherwise required by the Executive Director or the NCASP, the period of retention of such records must be not less than seven years;
- (b) ensure that, after the receipt of known cargo, and while such cargo is under his or her or its control, such cargo is safeguarded from unlawful interference in accordance with the security measures stipulated in the security programme referred to in regulation 108.01.2(9);
- (c) ensure that the acceptance and handling of cargo and shipping documentation is carried out by trained personnel, who have received job-specific cargo security training, as stipulated in the security programme, required in terms of this Part;
- (d) complete any physical checks or screening in the manner prescribed in this Part and in any disclosed elements of the NCASP, for the purpose of determining whether consignments of cargo contain any explosives, incendiary devices or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;
- (e) ensure that known cargo is sealed with tamper-evident seals and that such seals are intact;
- (f) conduct security background checks on all personnel recruited for accepting all cargo and processing shipping documentation and storing, forwarding or handling of known cargo intended for carriage by air; and
- (g) ensure that each consignment of known cargo is accompanied by a consignment security declaration in the manner stipulated in any disclosed elements of the NCASP.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Duties of regulated agents regarding known consignors**

**108.02.2** All regulated agents who conduct business with, and receive, known cargo from known consignors must -

- (a) verify whether the known consignor is a holder of a known consignor certificate issued in terms of this Part;
- (b) document the identity and address of the known consignors and advise the Executive Director of the details of these known consignors;
- (c) have on record a declaration from the known consignor stating that -
  - (i) consignments of known cargo are prepared in secured premises;
  - (ii) all personnel employed to handle known cargo and shipping documentation have been subjected to background checks and have received job-specific cargo security training as stipulated in the NCASP;
  - (iii) consignments of known cargo are protected from unlawful interference during preparation, storage and transportation;
  - (iv) consignments do not contain any explosives or other dangerous goods or devices or substances, unless declared as such; and
  - (v) air waybills, dispatch notes or other valid transportation documents have been signed by authorised personnel; and
- (d) conduct random inspection of the premises and cargo of known consignors to ensure that the requirements of this Part and of any disclosed elements of the NCASP are adhered to and, where a substantial non-compliance is identified in the course of such inspection, must forthwith notify the Executive Director in writing providing particulars of every identified noncompliance.

**Duties of air carriers or aircraft operators**

**108.02.3** (1) An air carrier or aircraft operator is responsible for ensuring that appropriate security controls have been carried out, and in so doing, the air carrier or aircraft operator must -

- (a) not accept cargo or mail for carriage on an aircraft engaged in commercial air transport operations, unless the application of screening or other security controls is confirmed and accounted for by a regulated agent or an entity that is approved the Authority;
- (b) ensure that cargo and mail which cannot be confirmed and accounted for by a regulated agent or an entity that is approved by the Authority is subjected to screening;
- (c) carry out appropriate security controls to be applied to any given consignment to the required level;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) protect the consignment from unlawful interference while it is in the custody of the airline;
- (e) ensure that where screening of cargo and mail is conducted, screening is carried out using an appropriate method or methods, taking into account the nature of the consignment;
- (f) ensure that all consignments have been secured to an appropriate level before being placed in the aircraft;
- (g) ensure that all consignments placed on board the aircraft are recorded on the aircraft manifest;
- (h) ensure that cargo and mail that has been confirmed and accounted for must then be issued with a security status which must accompany, either in an electronic format or in writing, the cargo and mail throughout the secure supply chain;

[The verb “has” should be “have” to accord with the subject “cargo and mail”.]

- (i) ensure that transfer cargo and mail has been subjected to appropriate security controls prior to being loaded on an aircraft engaged in commercial air transport operations departing from Namibia;

[The verb “has” should be “have” to accord with the subject “transfer cargo and mail”.]

- (j) ensure that cargo and mail to be carried on a commercial aircraft are protected from unauthorised interference from the point screening or other security controls are applied until departure of the aircraft;
- (k) ensure that enhanced security measures apply to high-risk cargo or mail to appropriately mitigate the threats associated with it;
- (l) ensure that appropriate security controls, including screening where practicable, are applied to cargo and mail, prior to their being loaded onto an aircraft engaged in commercial air transport operations;
- (m) ensure that catering, stores and in-flight supplies intended for carriage on passenger commercial flights are subjected to appropriate security controls and thereafter protected until loaded into the aircraft; and
- (n) ensure that merchandise and supplies introduced into security restricted areas are subject to appropriate security controls, which may include screening.

**Requirements for certification of known consignors**

**108.02.4** Any person who has a known consignor relationship with a regulated agent and wishes to be certificated by the Executive Director as a known consignor must apply to Executive Director for certification as a known consignor in accordance with Subpart 5.

**SUBPART 3**  
**SECURITY CONTROLS**

**General**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**108.03.1** (1) An air carrier or aircraft operator may not transport cargo by air unless a valid air waybill or other valid transport documentation recognised by the Executive Director accompanies the cargo.

(2) Any person tendering a diplomatic bag for carriage by air must ensure that it is properly sealed and marked and may only be carried by air, without an airway bill, when accompanied by an employee of the respective embassy holding -

- (a) a valid passport issued to the respective embassy employee; and
- (b) a letter from the official in charge of the embassy from which the diplomatic bag originates, authorising the specific employee to accompany the diplomatic bag.

(3) Diplomatic cargo accompanied by an air waybill must comply with the following requirements:

- (a) the status and number of packages must be clearly indicated on the air waybill;
- (b) the cargo must be properly sealed and marked and bear visible external marks of its character; and
- (c) the person tendering the cargo must be duly authorised in writing by the sending state or originating embassy and must carry official identification.

**Regulated agents: acceptance and delivery of consignments**

**108.03.2** (1) When accepting any consignment, a regulated agent must establish whether the entity from which it receives the consignment is a regulated agent, a known consignor or neither of these.

(2) The person delivering the consignment to the regulated agent or air carrier or aircraft operator must present an identity card, passport, driving licence or other document, which includes his or her photograph and which has been issued by or is recognised by the Executive Director.

(3) The identity card, passport, licence or other document referred to in subregulation (2) must be used to establish the identity of the person delivering the consignment.

(4) When accepting a consignment to which not all required security controls have previously been applied, the regulated agent must ensure that it is screened pursuant to regulation 108.03.6, and that it complies with any disclosed elements of the NCASP.

(5) After the security controls pursuant to subregulations (1) to (3) have been applied, the regulated agent must ensure that -

- (a) access to the consignment is controlled; and
- (b) the consignment is protected from unauthorised interference until it is handed over to another regulated agent or air carrier or aircraft operator.

(6) After the security controls pursuant to subregulations (1) to (5) have been applied, the regulated agent must ensure that any consignment tendered to an air carrier or aircraft operator

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

or another regulated agent is accompanied by appropriate recognised documentation, either in the form of an air waybill or a separate declaration and either in an electronic format or in writing.

(7) The documentation must be available for inspection by authorised representatives of the Executive Director at any point before the consignment is loaded into an aircraft and must provide the following information:

- (a) the site specific name and address of the regulated agent that issued the security status and its unique alphanumeric identifier as received from the Executive Director;
- (b) a unique identifier of the consignment, such as the number of the master air waybill;
- (c) the content of the consignment;
- (d) the security status of the consignment, stating -
  - (i) “SPX”, meaning secure for passenger, all-cargo and all-mail aircraft;
  - (ii) “SCO”, meaning secure for all-cargo and all-mail aircraft only;
- (e) the reason that the security status was issued, stating -
  - (i) “KC”, meaning received from known consignor;
  - (ii) the means or method of screening used;
  - (iii) the grounds for exempting the consignment from screening;
- (f) the name of the person who issued the security status or an equivalent identification, and the date and time of issue; and
- (g) the site specific name and address or unique identifier received from the Executive Director, of any regulated agent who has accepted the security status given to a consignment by another regulated agent.

(8) The consolidations pursuant to subregulation (7)(c), (e), (f) and (g) will be satisfied where the regulated agent is able to establish the nature of the contents, the reason that the security status was issued and the name of the person who issued the security status and the date and time of issue, respectively, by a verifiable audit trail at any time before the consignment is loaded on an aircraft and afterwards for the duration of the flight or for 24 hours, whichever is longer.

(9) When accepting a consignment to which not all required security controls have previously been applied, the regulated agent may also elect not to apply the security controls pursuant to this regulation, but to hand the consignment over to another regulated agent to ensure the application of these security controls.

(10) Security controls to be applied by a regulated agent are subject to any additional provisions laid down in a separate aviation directive issued by the Executive Director.

**Security controls to be applied by known consignor**

**108.03.3** A known consignor must ensure that -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) there is a level of security on the site or at the premises sufficient to protect identifiable air cargo and identifiable air mail from unauthorised interference;
- (b) all personnel with access to identifiable air cargo or identifiable air mail to which the required security controls have been applied have been recruited and trained in accordance with the NCASTP;
- (c) during production, packing, storage, despatch or transportation, as appropriate, identifiable air cargo and identifiable air mail is protected from unauthorised interference or tampering;

[The verb “is” should be “are” to accord with the subject  
“identifiable air cargo and identifiable air mail”.]

- (d) when, for whatever reason, these security controls have not been applied to a consignment or where the consignment has not been originated by the known consignor for its own account, the known consignor must clearly identify this to the regulated agent so that regulation 108.03.2(4) can be applied; and
- (e) consignments to which the appropriate security controls have not been applied are screened in accordance with this Part and with any disclosed elements of the NCASP.

**Known cargo**

**108.03.4** (1) A person may not place cargo on board an air carrier’s or aircraft operator’s unless the cargo has been -

[The word “aircraft” appears to have been omitted after the phrase “air carrier’s  
or aircraft operator’s”; compare regulation 108.06.1(4).]

- (a) subjected to security controls prior to loading whereupon it is deemed to be known cargo and must be declared as such; and
- (b) packed and made known and secured by a certificated known consignor and handed to a regulated agent in compliance with the provisions of this Part and with any disclosed elements of the NCASP.

(2) Known cargo, after acceptance by a regulated agent, must be kept in a secure area, as stipulated in the security programme, to protect it from unlawful interference while in the custody of the regulated agent.

(3) Where known cargo is forwarded from a known consignor to a regulated agent or from one regulated agent to another regulated agent and is kept secure, such cargo must continue to be treated as known cargo.

(4) The air carrier or aircraft operator must ensure that cargo is at all times safeguarded while on the ramp prior to loading on board an aircraft.

(5) Prior to loading on board a commercial air transport aircraft, the air carrier or aircraft operator must ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Unknown cargo**

**108.03.5** (1) Cargo originating from a consignor that has not been subjected to the security controls prescribed in this Part and with any disclosed elements of the NCASP must be treated as unknown cargo.

(2) Known cargo that, after acceptance by a regulated agent, has not been stored in a secure area, as stipulated in the security programme, must be treated as unknown cargo.

(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals or the cargo have or has been tampered with, except where the cargo has been resealed with tamper proof seals by a regulated agent, must be treated as unknown cargo.

(4) Cargo presented as unknown cargo must be subjected to security controls prescribed in this Part before being loaded into an aircraft.

**Screening of cargo and mail**

**108.03.6** (1) When screening cargo or mail the means or method -

- (a) most likely to detect prohibited articles must be employed, taking into consideration the nature of the consignment; and
- (b) employed must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the consignment.

(2) Where the screener cannot be reasonably sure that no prohibited articles are contained in the consignment, the consignment must be rejected or be rescreened to his or her satisfaction.

**Cargo and mail exemptions**

**108.03.7** (1) The security controls required by this Part are not applicable in respect of -

- (a) human remains;
- (b) live animals;
- (c) *bona fide* consignments of life-saving materials or other essential medical supplies, human organs, blood plasma or similar materials; and
- (d) any nuclear materials.

(2) The regulated agent tendering consignments for carriage by air that are exempted from security controls in terms of subregulation (1) must ensure that such consignments are -

- (a) clearly declared on shipping documents as such;
- (b) physically checked upon receipt for signs of tampering;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(c) subjected to documentary checks to establish on face value the correctness and sufficiency of information on any document; and

(d) protected from unauthorised interference at all times.

(3) The cargo mentioned in subregulation (1) is only exempted from security controls if it is tendered by a regulated agent.

(4) The Executive Director may, where he or she is satisfied that -

(a) the requirement for, or objectives of, screening have been substantially complied with;

(b) in all the particular circumstances screening should not be required; and

(c) there is no risk of compromise to aviation safety or security,

make provision for written exemptions from screening to be specified in the NCASP or by an aviation directive issued pursuant to this Part.

[The word “aviation” in the term “aviation directive” is misspelt in the *Government Gazette*, as reproduced above.]

**Protection of cargo and mail during transportation**

**108.03.8** (1) In order to ensure that consignments to which the required security controls have been applied are protected from unauthorised interference during transportation -

(a) the regulated agent or known consignor must pack and seal the consignment in order to ensure that any tampering would be evident;

(b) the cargo load compartment of the vehicle in which the consignments are to be transported must be locked or sealed or curtain sided vehicles must be secured so as to ensure that any tampering would be evident or the load area of flatbed vehicles must be kept under observation;

(c) the transporter who transports on behalf of the regulated agent or known consignor must sign the declaration as contained in Appendix 1, unless the transporter is itself approved as a regulated agent;

(d) the signed declaration must be retained by the regulated agent, known consignor for whom the transporter provides transport; and

[The phrase “regulated agent, known consignor” may have been intended to be “regulated agent or known consignor”, as in paragraph (c) above.]

(e) on request, a copy of the signed declaration must also be made available to the regulated agent or air carrier or aircraft operator receiving the consignment or to the Executive Director.

(2) The requirements contained in subregulation (1)(b), (c), (d) and (e) may not apply during airside transportation or in any other security controlled area.

**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Protection of cargo and mail at airports**

**108.03.9** (1) Consignments of cargo and mail that are in a sterile area, are considered to be protected from unauthorised interference.

(2) Consignments of cargo and mail that are stored in a lockable store or on the ramp are sufficiently protected from unauthorised interference if -

- (a) they are physically protected so as to prevent the introduction of any article which might be used to commit an act of unauthorised interference; or
- (b) they are not left unattended and access is limited to persons involved in the protection and loading of cargo and mail into the aircraft.

**Air carrier company mail and air carrier company materials to be loaded into aircraft**

**108.03.10** (1) Before being loaded into the hold of an aircraft, air carrier mail and air carrier materials must either be screened and protected in accordance regulation 108.03.6 or be subjected to security controls and protected in accordance with regulation 108.03.9.

(2) Before being loaded into any part of an aircraft other than the hold of the aircraft, air carrier mail and air carrier materials must be screened and protected in accordance with the provisions relating to cabin baggage.

**Air carrier company materials used for passenger and baggage processing**

**108.03.11** (1) Co-Mat which are used for the purposes of passenger and baggage processing and which could be used to compromise aviation security must be protected or kept under surveillance in order to prevent unauthorised access.

(2) Self-check-in and applicable internet options allowed for use by passengers must be considered to be authorised access to such materials.

(3) Discarded materials which could be used to facilitate unauthorised access or to move baggage either into a security restricted area or into an aircraft must be destroyed or otherwise rendered permanently ineffective for any of the purposes referred to in subregulation (1).

(4) Departure control systems and check-in systems must be managed in such a manner as to prevent unauthorised access.

(5) Self-check-in allowed for use by passengers must be considered to be authorised access to such systems.

**SUBPART 4**

**IN-FLIGHT SUPPLIES, REGULATED SUPPLIER OF IN-FLIGHT SUPPLIES OR  
AIRPORT SUPPLIES AND KNOWN SUPPLIER OF IN-FLIGHT SUPPLIES OR  
AIRPORT SUPPLIES**

**General provisions**

**108.04.1** (1) Unless otherwise stated, the operator of a security designated aerodrome, an air carrier or aircraft operator, a regulated agent, a known consignor and a regulated

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

supplier of in-flight supplies or airport supplies are each according to the applicable requirements in this Part, responsible for the implementation of the measures set out in this Part.

(2) Supplies are considered to be in-flight supplies from the time that they are identifiable as supplies to be taken on board an aircraft for use, consumption or purchase by passengers or crew members during a flight.

**Security controls: in-flight supplies**

**108.04.2** (1) In-flight supplies must be screened before being taken into a security restricted area, unless -

- (a) the required security controls have been applied to the supplies by an air carrier or aircraft operator that delivers the supplies to its own aircraft and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery at the aircraft;
- (b) the required security controls have been applied to the supplies by a regulated supplier of in-flight supplies and the supplies have been protected from unauthorised interference from the time that those controls were applied until arrival at the security restricted area or, where applicable, until delivery to the air carrier or aircraft operator or another regulated supplier; or
- (c) the required security controls have been applied to the supplies by a known supplier of in-flight supplies and the supplies have been protected from unauthorised interference from the time that those controls were applied until delivery to the air carrier or aircraft operator or regulated supplier.

(2) Any in-flight supplies received from a regulated supplier or a known supplier that shows signs of being tampered with, or where there is other reason to believe that it has not been protected from unauthorised interference from the time that controls were applied, must be screened.

**Screening of in-flight supplies**

**108.04.3** When screening in-flight supplies, the means or method employed must take into consideration the nature of the supplies and must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supplies.

**Designation of known suppliers of in-flight supplies**

**108.04.4** (1) Any entity that ensures application of the security controls referred to in this Part and delivers in-flight supplies, but not directly to aircraft, may be designated as a known supplier by the entity to whom it delivers, but this provision does not apply to a regulated supplier of in-flight supplies.

(2) In order to be designated as a known supplier, the entity must submit a 'Declaration of Commitment by Known Suppliers of In-flight Supplies' as contained in Appendix 3, to each entity to whom it delivers.

[The mismatched quotation marks are reproduced as they appear in the *Government Gazette*.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The senior accountable manager of the entity must sign the declaration referred to in subregulation (2), and the signed declaration must be retained by the entity to whom the known supplier delivers and a copy of the signed declaration must forthwith after receipt be delivered by the entity to the Executive Director.

(4) If there are no deliveries within a period of two years, the status of the known supplier expires.

(5) If the Executive Director or the entity to whom the known supplier delivers is no longer satisfied that the known supplier complies with the requirements of this Part, the entity concerned must forthwith withdraw the status of the known supplier and immediately inform the Executive Director of the withdrawal.

**Security controls to be applied by air carrier or aircraft operator, regulated supplier of in-flight supplies and known supplier of in-flight supplies**

**108.04.5** An air carrier or aircraft operator engaged in commercial air transport, a regulated supplier of in-flight supplies and a known supplier of in-flight supplies must -

- (a) appoint a person responsible for security in the entity;
- (b) ensure that persons with access to in-flight supplies receive security awareness training before being given access to such supplies;
- (c) prevent unauthorised access to its premises and in-flight supplies;
- (d) reasonably ensure that no prohibited articles are concealed in in-flight supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and containers that transport in-flight supplies at all times, except that this requirement does not apply during airside transportation.

**Airport supplies: known supplier of airport supplies**

**108.04.6** (1) An operator of a security designated aerodrome must ensure the implementation of the measures set out in this Subpart.

(2) Supplies are airport supplies from the time that they are identifiable as supplies to be sold, used or made available in security restricted areas of an airport.

**Security controls: airport supplies**

**108.04.7** (1) Airport supplies must be screened before being allowed into security restricted areas, unless security controls have been applied to the supplies by a known supplier and the supplies have been protected from unauthorised interference from the time that those controls were applied until they are taken into the security restricted area.

(2) Airport supplies which originate in the security restricted area may be exempted from these security controls.

(3) Any airport supply received from a known supplier that shows signs of being tampered with, or where there is reason to believe that it has otherwise not been protected from unauthorised interference from the time that controls were applied, must be screened.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Upon delivery at the outlet in the security restricted area, a visual check of the airport supplies must be carried out by the staff of the outlet in order to ensure that there are no signs of tampering.

**Screening of airport supplies**

**108.04.8** When screening airport supplies, the means or method employed must take into consideration the nature of the supplies and must be of a standard sufficient to reasonably ensure that no prohibited articles are concealed in the supplies.

**Designation of known suppliers of airport supplies**

**108.04.9** (1) The operator of a security designated aerodrome may designate any entity that ensures the security controls as referred to in this Part and delivers airport supplies as a known supplier of airport supplies.

(2) In order to be designated as a known supplier, the entity must submit to the operator of a security designated aerodrome a 'Declaration of Commitment by Suppliers of Airport Supplies' as contained in Appendix 4.

(3) The declaration referred to in subregulation (2) must be signed by the senior accountable manager of the entity and the signed declaration must be retained by the operator of the security designated aerodrome as evidence of its designation of the known supplier.

(4) If there are no deliveries within a period of two years, the status of known supplier expires.

(5) If either the Executive Director or the operator of a security designated aerodrome is no longer satisfied that the known supplier complies with the requirements of this Part, the operator of security designated aerodrome must forthwith withdraw the status of the known supplier and advise the Executive Director in writing of the withdrawal.

**Security controls to be applied by known supplier of airport supplies**

**108.04.10** A known supplier of airport supplies must -

- (a) appoint a person responsible for security in the entity;
- (b) ensure that persons with access to airport supplies receive security awareness training before being given access to these supplies;
- (c) prevent unauthorised access to its premises and airport supplies;
- (d) reasonably ensure that no prohibited articles are concealed in airport supplies; and
- (e) apply tamper-evident seals to, or physically protect, all vehicles and containers that transport airport supplies.

**SUBPART 5  
CERTIFICATIONS****Application for certification as regulated agent**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**108.05.1** (1) An application for a regulated agent's certificate and renewal of such a certificate must -

- (a) be made to the Executive Director in the appropriate format as contained in Appendix P to the NCASP;
- (b) specify every site or sites in respect of which certification is sought;
- (c) include duplicate copies of the security programme of procedures referred to in regulation 108.01.3(9);
- (d) include a duly authorised and signed "Declaration of Security" as contained in Appendix P to the NCASP;
- (e) be accompanied by the appropriate fee or fees as prescribed in Part 187; and
- (f) designate at least one person at each site who has successfully completed a security background check in accordance with the provisions of Part 114 and the NCASP, and who must be responsible for the implementation of the submitted security programme for each site.

(2) An authorised officer, inspector or authorised person must examine the security programme and then make an on-site verification of every specified site in order to assess whether the applicant complies with the requirement of this Part, and with any disclosed elements of the NCASP.

(3) If the Executive Director is not satisfied with the information provided under subregulation (1), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a regulated agent.

**Regulated agent's certificate**

**108.05.2** (1) The Executive Director must grant the application, if he or she is satisfied that the applicant complies with the requirements set out in this Part, and with any disclosed elements of the NCASP, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

(2) Where the application is granted, the Executive Director must issue the regulated agent's certificate and must ensure that the necessary details of the regulated agent are entered into the civil aviation registry.

(3) When making the entry in the civil aviation registry in terms of subregulation (2), the Executive Director must give each approved regulated agent a unique alphanumeric identifier.

(4) The certificate issued under this regulation is an aviation document for the purposes of the Act.

(5) The certificate is, unless otherwise specified by the Executive Director in any case, valid for a period of 12 months from the date of issue.

**Duties of certificate holder**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**108.05.3** The regulated agent must at all times operate in accordance with the approved security programme or an approved amendment thereto.

**Renewal of regulated agent's certificate**

**108.05.4** (1) The holder of a certificate must apply to the Executive Director for the renewal of such certificate not later 60 days before the date on which the certificate expires.

[The word "than" appears to have been omitted between the phrases "not later" and "60 days".]

(2) In considering an application for renewal of a certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act, this Part and with any disclosed elements of the NCASP.

(3) The process of renewal must include an on-site verification in order to assess whether the regulated agent still complies with the requirements of this Part and with any disclosed elements of the NCASP.

(4) An application for renewal must be granted and the certificate issued, if the Executive Director is satisfied that the applicant will comply with the provisions of this Part, and with any disclosed elements of the NCASP, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

(5) If the Executive Director is not satisfied, he or she must notify the regulated agent, stating the reasons in the notification, and grant the regulated agent the opportunity to rectify or supplement any defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

(6) The application for the renewal of a certificate must be made on the form referred to in regulation 108.05.1(1)(a) and must be accompanied by the appropriate fee as prescribed in Part 187.

(7) The provisions of regulation 108.05.01 apply, with necessary changes required by the context, to an application for renewal of a regulated agent's certificate.

**Amendments**

**108.05.5** (1) The regulated agent must submit any amendments to an approved security programme to the Executive Director for approval before implementing any substantial change in any security procedure.

(2) If the Executive Director is satisfied that the amendments will not contravene the provisions of this Part and the NCASP, the Executive Director must certify in writing on both copies of the amendment to the approved security programme that such amendment has been approved, and must return one copy of the approved amendment to the regulated agent.

**Application for certification as known consignor**

**108.05.6** (1) An application for a known consignor's certificate and renewal of such a certificate must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be made to the Executive Director in the appropriate form as contained in Appendix Q of the NCASP;
- (b) specify every site or sites in respect of which certification is sought;
- (c) include duplicate copies of the known consignor's security programme;
- (d) include a duly authorised and signed "Declaration of Commitments - Known Consignor" as contained in Appendix Q to the NCASP;
- (e) be accompanied by the appropriate fee or fees as prescribed in Part 187; and
- (f) designate at least one person at each site who has successfully completed a background check in accordance with the provisions of Part 114 and the NCASP, and who is responsible for the implementation of the submitted security programme for each site.

(2) An authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an on-site verification of every specified site in order to assess whether the applicant complies with the requirement of this Part and with any disclosed elements of the NCASP for the purposes of certification as a known consignor.

(3) If the Executive Director is not satisfied with the information provided under subregulation (1), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a known consignor.

(4) The Executive Director may conduct an inspection on the operation of an applicant wishing to be certificated as a known consignor, to ascertain whether the applicant is able to comply with the provisions of this Part.

**Designation of inspectors, authorised officers and authorised persons for certification of known consignors**

**108.05.7** (1) Despite the provisions of section 37 of the Act, the Executive Director may designate inspectors, authorised officer or authorised persons to conduct inspections on known consignors for the purpose of granting known consignor certificates.

**[The singular phrase "authorised officer" should be plural.]**

(2) The privileges referred to in subregulation (1) must be exercised and performed according to the conditions, requirements, rules, procedures and standards as prescribed in this Part and the Act.

**Known consignor certificate**

**108.05.8** (1) If the Executive Director is satisfied that the -

- (a) security measures and handling, transportation and storage of known cargo of the applicant for certification as a known consignor comply with the requirements of this Part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) senior accountable manager of the applicant is a fit and proper person for the purposes of the Act; and
- (c) grant of such application will not be contrary to the interests of civil aviation safety and security, the Executive Director must grant the application made in terms of regulation 108.05.6.

(2) A known consignor certificate is valid for a period of 24 months from the date of issue, unless the Executive Director specifies a longer term, and in specific cases for good cause, a shorter term.

(3) The known consignor must submit all amendments to an approved security programme to the Executive Director for approval before implementing any substantial change in any security procedure of the known consignor.

**Renewal of known consignor certificate**

**108.05.9** (1) The holder of a known consignor certificate must apply to the Executive Director for the renewal of such certificate not later than 60 days before the date on which the certificate expires.

(2) In considering an application for renewal of a known consignor certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act, this Part and any disclosed elements of the NCASP.

(3) The application for the renewal of a certificate must be made on the form referred to in regulation 108.05.6(1)(a) and must be accompanied by the appropriate fee as prescribed in Part 187.

(4) The provisions of regulation 108.05.06 apply with necessary changes required by the context to the application for the renewal of a known consignor certificate.

**Certification of regulated suppliers of in-flight supplies and airport supplies**

**108.05.10** (1) A person may not act as a regulated supplier of -

- (a) in-flight supplies to provide a consignment of in-flight supplies to an air operator for carriage by air; or
- (b) airport supplies to any airport,

except under the authority of a regulated supplier's certificate granted by the Executive Director in accordance with this Part.

(2) An entity, with the exception of an air carrier or aircraft operator that applies the security controls under regulation 108.04.2 itself and delivers supplies only to its own aircraft, must ensure that the security controls referred to in regulation 108.04.2 will apply at all times to the delivery of in-flight supplies directly to an aircraft as a condition of certification as a regulated supplier of in-flight supplies.

(3) An application for a regulated supplier's certificate and renewal of such a certificate must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) be made to the Executive Director in the form and manner determined by the Executive Director;
- (b) specify every site or sites in respect of which certification is sought, and provide details of the location and characteristics of the site including a site map or plan;
- (c) include duplicate copies of the regulated supplier air cargo security programme of procedures referred to in regulation 108.01.3(9);
- (d) include a duly authorised and signed “Declaration of Commitments-Regulated Suppliers of In-flight Supplies or Airport Supplies” as contained in Appendix 2;
- (e) be accompanied by the appropriate fee or fees as prescribed in Part 187;
- (f) designate at least one person at each site who has successfully completed a security background check in accordance with the provisions of Part 114 and the NCASP, and who is responsible for the implementation of the submitted security programme for each site.

(4) An authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an onsite verification of every specified site in order to assess whether the applicant complies with the requirement of this Part.

**[There is no subregulation (5) in the Government Gazette.]**

(6) If the Executive Director is not satisfied with the information provided under subregulation (3), then the reason for the dissatisfaction must promptly be notified to the entity seeking certification as a regulated supplier.

**Regulated supplier’s certificate**

**108.05.11** (1) The Executive Director must grant the application if he or she is satisfied that the -

- (a) applicant complies with the requirements of this Part;
- (b) senior accountable manager of the applicant is a fit and proper person for the purposes of the Act; and
- (c) grant of such application will not be contrary to the interests of civil aviation safety and security.

(2) Where the application is granted, the Executive Director must issue the regulated suppliers certificate and must ensure that the necessary details of the regulated supplier are entered into the civil aviation registry of regulated agents, known consignors and regulated suppliers not later than the close of business on the next working day.

(3) When making the database entry in terms of subregulation (2), the Executive Director must give each approved site a unique alphanumeric identifier in the standard format.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The certificate issued under this regulation is an aviation document for the purposes of the Act and, unless otherwise specified by the Executive Director in any case, is valid for a period of 24 months from the date of issue.

(5) The applicant must submit a security programme to the Executive Director which must describe the methods and procedures which are to be followed by the supplier in order to comply with the requirements of this Part, and with any disclosed elements of the NCASP.

(6) The security programme must describe how compliance with these methods and procedures is to be monitored by the regulated supplier itself.

(7) The applicant must also submit to the Executive Director a 'Declaration of Commitment - Regulated Supplier of In-flight Supplies or Airport Supplies' as contained in Appendix 2.

(8) The senior accountable manager of the applicant must sign the declaration referred to in subregulation (7), and the Executive Director must retain the signed declaration.

(9) The Executive Director or authorised officer, inspector or authorised person acting on behalf of the Executive Director, must examine the security programme and then make an on-site verification of the sites specified in order to assess whether the applicant complies with the requirements of this Part.

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". This substitution has been interpreted to apply also to the similar expression "designated inspector, authorised officer or person" (which omits the second use of the word "authorised") in subregulation (9).]

(10) If the Executive Director is not satisfied, the reasons for the dissatisfaction must promptly be notified to the entity seeking approval as a regulated supplier.

#### **Renewal of regulated supplier's certificate**

**108.05.12** (1) The holder of a regulated supplier's certificate must apply to the Executive Director for the renewal of such certificate not later 60 days before the date on which the certificate expires.

[The word "than" appears to have been omitted between the phrases "not later" and "60 days".]

(2) In considering an application for renewal of a certificate, the Executive Director may conduct an investigation that he or she considers necessary to ascertain whether the applicant continues to comply with the requirements of the Act and this Part.

(3) The process of renewal must include an on-site verification in order to assess whether the regulated supplier still complies with the requirements of this Part.

(4) An inspection at the premises of the regulated supplier by the Executive Director in accordance with the NCASQCP may be considered as an on-site verification, provided that it covers all the requirements of this Part.

(5) An application for renewal must be granted and the certificate issued if the Executive Director is satisfied that the applicant still complies with the provisions of this Part, and that the grant of such application will not be contrary to the interests of civil aviation safety and security.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) If the Executive Director is not satisfied, he or she must notify the regulated supplier, stating the reasons in the notification, and grant the regulated supplier the opportunity to rectify or supplement any defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

(7) An application for the renewal of a certificate must be made to the Executive Director in the form and manner determined by the Executive Director and must be accompanied by the appropriate fee as prescribed in Part 187.

(8) The provisions of regulations 108.05.10 apply with necessary changes required by the context to an application for renewal of a regulated supplier's certificate.

**Inspection or investigation fees, expenses and fines**

**108.05.13** Whenever an alleged violation of these regulations necessitating further inspection or investigation is identified, the decision by the Executive Director following on such an inspection or investigation may, in addition to payment of the prescribed fees set out in Part 187 or administrative fine as set out in Part 185, as the case maybe, in appropriate cases require additionally the reimbursement of the expenses incurred by the Authority.

[The word "prescribed" is misspelt in the *Government Gazette*, as reproduced above.  
The word "maybe" should be the two words "may be".]

**Duplicate certificate**

**108.05.14** (1) The holder of a certificate issued or validated by the Executive Director which has been lost destroyed or defaced to such an extent that the particulars thereon are illegible, must apply to the Executive Director for the issuing of a duplicate certificate.

(2) An application for the issuing of a duplicate certificate must be -

- (a) made in the form and manner determined by the Executive Director; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must -

- (a) issue a duplicate certificate, if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate certificate with the word "DUPLICATE" thereon.

(4) If, after the issuing of a duplicate certificate, the original certificate is found, the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

**Cancellation, suspension and imposition of conditions**

**108.05.15** (1) Without prejudice to the general powers of the Executive Director under the Act regarding aviation documents, the Executive Director may cancel, suspend or impose conditions on a regulated agent's certificate, a known consignor certificate or a regulated supplier's certificate where -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the Executive Director is no longer satisfied that the holder of the certificate complies with the requirements of this Part;
- (b) the holder of the certificate prevents the Executive Director from carrying out a safety inspection or audit in accordance with these regulations; or
- (c) the holder of the certificate is under receivership, liquidation or insolvency proceedings.

(2) The holder of a certificate which has been cancelled, suspended or subjected to conditions may appeal against such decision to the High Court in terms of section 225 of the Act.

**Register of certificates**

**108.05.16** (1) The Executive Director must maintain a register of all certificates issued in terms of this Part.

(2) The register of certificates must contain the following particulars:

- (a) the full name and, if any, the trade name of the holder of the certificate;
- (b) the postal and physical address of the holder of the certificate; and
- (c) the date on which the certificate was issued.

(3) The register kept under this regulation must comply with the CAR requirements as set out in section 52 of the Act.

(4) The Executive Director must, on payment of the appropriate fee prescribed in Part 187, furnish an extract from the register to any person who can show good and sufficient reason why he or she should be furnished with such extract.

**SUBPART 6**  
**MAIL**

**General provisions**

**108.06.1** (1) Any postal and courier entity, may apply for a certification as a regulated agent in terms of this Part and any disclosed elements of the NCASP.

(2) Mail received by the registered postal and courier entity that are to be tendered for carriage by air, must be -

- (a) subjected to screening and sealed; and
- (b) accompanied by a valid postal manifest listing the numbers of secured bags.

[The verb “are” should be “is” to accord with the subject “mail”.]

(3) The registered postal or courier entity is responsible for the screening and sealing of mail before submitting the mail for carriage by air.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) For the purpose of excluding the introduction of explosives, incendiary devices or other prohibited or harmful articles and dangerous goods on board an air carrier's or aircraft operator's aircraft, the postal or courier entity must, subject to the powers on searches contemplated by sections 149, 152 and 156 of the Act, apply the following measures:

- (a) the postal or courier entity must ensure that mail is kept in locked or closed containers and protected against unlawful interference prior to being placed in mail bags; and
- (b) prior to loading on-board a commercial air transport aircraft, the air carrier or aircraft operator or his or her or its ground handling agent must ensure that all mail bags are visually inspected to ensure that they have not been tampered with.

(5) At times of high security alert or an emergency situation, the following additional measures must be implemented:

- (a) the postal or courier entity must declare that mail has been inspected and searched for explosives, incendiary and other prohibited or harmful articles or dangerous goods, which may be used to commit acts of unlawful interference;
- (b) should the security of mail be in doubt, the postal or courier entity is under an obligation not to tender or accept mail for carriage by air; and
- (c) in the event of paragraph (a) or (b) being invoked, a declaration to that effect must be submitted to the Executive Director in the manner as required by the Executive Director.

**Express cargo and mail**

**108.06.2** Any regulated agent or postal or courier entity, tendering express cargo and mail for carriage on commercial air transport operators must ensure that such express cargo and mail has been screened in terms of this Part.

**Transshipment cargo and mail**

**108.06.3** (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it can be proved that it was subjected to the security controls required in terms of this Part at the point of departure and is protected against unlawful interference en route and at the transit point.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls in the manner required by subregulation (1), must be treated as "unknown cargo" and be screened or searched in the manner prescribed for unknown cargo or mail in this Part.

**SUBPART 7****STAFF RECRUITMENT AND TRAINING, HANDLING OF AVIATION CARGO,  
MAIL AND IN-FLIGHT SUPPLIES****General provisions**

**108.07.1** (1) The Executive Director must oversee compliance with responsibilities, requisite standards and related measures set out in this Part and in the NCASP, by the operator of



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

a security designated aerodrome, air carrier or aircraft operator or entity deploying persons implementing or responsible for requisite elements.

(2) Persons must have successfully completed the training set out under regulations 108.07.3 and 108.07.4, and where prescribed, other training, before being authorised to implement security controls.

(3) Unsupervised deployment of staff without requisite training constitutes a violation of these regulations.

**Recruitment: background checks**

**108.07.02** (1) Persons being recruited to implement or to be responsible for the implementation of, screening, access control or other security controls in a security restricted area must have successfully completed a background check carried out by the entity deploying the persons.

(2) Any security background check required in terms of this Part is subject to the determinations of the Executive Director as contemplated by sections 133 to 135 of the Act.

(3) In accordance with the NCASP, a background check must at the minimum -

- (a) establish the person's identity on the basis of documentary evidence;
- (b) cover criminal records in all countries of residence during at least the preceding five years; and
- (c) cover employment, education and any gaps during at least the preceding five years.

(3) Background, including pre-employment checks, must be satisfactorily completed before the person undergoes any security training involving access to information which is not publicly available.

[The word "checks" appears to have been omitted after the word "Background".]

(4) The recruitment process for all persons being recruited under subregulation (1) must include at a minimum, a written application and an interview stage designed to provide an initial assessment of the applicant's abilities and aptitudes.

(5) Recruitment records, including results of any assessment tests, must be kept for all persons recruited under subregulation (1) for at least the duration of their contract of employment.

**Air cargo security familiarisation training**

**108.07.3** (1) Any -

- (a) air carrier or aircraft operator involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring, guarding or other processing of cargo, on behalf of an air carrier or aircraft operator;
- (c) regulated agent approved by the Executive Director in terms of this Part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) known consignor accredited by the Executive Director in terms of this Part,

must ensure that the following categories of personnel in his, her or its employ or personnel provided by a service provider, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter:

- (i) personnel involved in acceptance, handling, storage, loading and unloading of cargo and shipping documentation to be transported by air; and
- (ii) drivers involved in transporting known cargo to be transported by air.

(2) The subject matter of initial air cargo security familiarisation training and refresher air cargo security familiarisation training must be as specified in the syllabi contained in the security training programme as provided for in the NCASTP.

(3) Any person referred to in subregulation (1) must complete refresher air cargo security familiarisation training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.

(4) Records of such training must be maintained as stipulated in the NCASTP.

**Standard air cargo security training**

**108.07.4** (1) Any -

- (a) air carrier or aircraft operator involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an air carrier or aircraft operator;
- (c) regulated agent approved by the Executive Director in terms of this Part;
- (d) known consignor accredited by the Executive Director in terms of this Part,

[The word “of” is misspelt as “or” in the *Government Gazette* in the phrase “in terms of this Part”.]

must ensure that the following categories of personnel in his, her or its employ or personnel provided by a service provider, have successfully completed standard air cargo security training and refresher training every 24 months thereafter:

- (i) screeners; and
- (ii) officials designated by that air carrier or aircraft operator, person, regulated agent or known consignor.

(2) Any level of standard cargo security training, referred to in subregulation (1) must be conducted by an aviation security training organisation certified in terms of Part 109.

(3) The subject matter of the level of aviation security training must be as provided for in the NCASTP.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Any person referred to in subregulation (1) must complete refresher standard cargo security training every 24 months.

(5) Upon the successful completion of the initial aviation security training or the refresher aviation security training referred to in subregulation (2), the aviation security training organisation concerned must issue to the candidate a certificate of competence in standard cargo security training detailing the level of course completed.

**Validation of foreign certificates issued for air cargo security training**

**108.07.5** (1) The Executive Director may upon application in writing by any person, validate any foreign certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that -

- (a) such certificate has been obtained from an approved foreign training organisation; and
- (b) the holder of the certificate has successfully completed the refresher security training referred to in the NCASP.

(2) The application referred to in subregulation (1) must be made in the form and manner determined by the Executive Director, and must be accompanied by the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 108.07.3 and 108.07.4 apply with necessary changes required by the context to the holder of a certificate referred to in subregulation (1).

**SUBPART 8  
SECURITY SCREENING: EQUIPMENT AND EXPLOSIVES DETECTION  
DOG TEAMS****General provisions**

**108.08.1** The operator or entity using equipment for the implementation of measures for which it is responsible in accordance with the national civil aviation security programme must take reasonable steps to ensure that the equipment meets the standards as provided for in the disclosed elements of the NCASP.

**Requirements for security screening equipment**

**108.08.2** (1) Any equipment operated by an air carrier or aircraft operator or a regulated agent to screen cargo, must meet the minimum technical specifications set out in the NCASP.

(2) The equipment referred to in subregulation (1), must be maintained in accordance with the technical specifications set out in the NCASP and must comply with any other requirement that is prescribed by law.

(3) An air carrier or aircraft operator or a regulated agent must keep records of the regular routine testing of each piece of security equipment by the air carrier or aircraft operator or entity responsible for its use.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Any explosive detection dog team utilised by an air carrier or aircraft operator or a regulated agent to screen cargo must meet the minimum competency requirements set out in the NCASTP.

(5) Any assessor wishing to conduct competency assessments of explosive detection dog teams must apply to the Executive Director for approval and be affiliated to an approved aviation security training organisation certified under Part 109 or a recognised State entity.

(6) The certification referred to in subregulation (5) must be renewed every 12 months.

(7) Any assessor wishing to conduct competency assessments of explosive detection dog teams must meet the minimum competency requirements set out in the NCASTP.

(8) Any explosive detection dog team utilised by an air carrier or aircraft operator or a regulated agent to screen cargo must meet the minimum deployment standards set out in the NCASTP.

**APPENDICES**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**APPENDIX 1**  
**TRUCKING/TRANSPORTER SECURITY DECLARATION**  
(Regulation 108.03.8(1)(c))

In accordance with the Namibian Civil Aviation Regulations, regulation 108.03.8

I ....., ID No. .... do hereby declare that:

- 1) The following security procedures must be adhered to:
  - (a) all staff who transport this air cargo/mail have received the security awareness training;
  - (b) the integrity of all staff being recruited with access to this air cargo/mail has been verified. This verification must include at least a check of the identity (if possible by photographic identity card, driving licence or passport) and a check of the curriculum vitae and/or provided references;  
[The verb "has be" should be "has been".]
  - (c) load compartments in vehicles must be sealed or locked. The load areas of flat bed trucks must be kept under observation when air cargo is being transported;
  - (d) immediately prior to loading, the load compartment must be searched and the integrity of this search maintained until loading is completed;
  - (e) each driver must carry an identity card, passport, driving licence or other document, containing a photograph of the person, which has been issued or recognised by the national authorities;
  - (f) drivers may not make unscheduled stops between collection and delivery. Where this is unavoidable, the driver must check the security of the load and the integrity of locks and/or seals on his return. If the driver discovers any evidence of interference, he/she must notify his/her supervisor and the air cargo/mail must not be delivered without notification at delivery;
  - (g) transport may not be sub-contracted to a third party, unless the third party also has a transporter agreement with [same name as above of regulated agent/known consignor, or Executive Director of Civil Aviation has approved or certified the transporter]; and
  - (h) no other services (e.g. storage) shall be sub-contracted to any other party other than a regulated agent or an entity that has been certified or approved and listed for the provision of these services by the Executive Director.
- 2) The [name of company] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with the Act. It will immediately report to the Authority any loss of documentation disclosing elements of the NCASP.  
[The word "will" is misspelt in the last sentence of paragraph 2, as reproduced above.]

I accept full responsibility for this declaration.

Name: ..... Position in company: .....

Date: ..... Signature: .....

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**APPENDIX 2**  
**DECLARATION OF COMMITMENTS BY REGULATED SUPPLIER OF INFLIGHT**  
**SUPPLIES/AIRPORT SUPPLIES**  
(Regulations 108.05.10(3)(d) and 108.05.11(7))

In accordance with Namibian Civil Aviation Regulations, regulation 108.05.10 or 108.05.11.

I, ....., ID No. .... the countable

manager of ..... [company], declare that:

[The word “accountable” is misspelt in the *Government Gazette*, as reproduced above.]

1) To the best of my knowledge, the information contained in the company’s security programme is true and accurate;

2) The practices and procedures set out in this security programme will be implemented and maintained at all sites covered by the programme;

3) This security programme will be adjusted and adapted to comply with all future relevant changes to the NCASP, unless [name of company] informs the Executive Director of Civil Aviation that it no longer wishes to deliver in-flight supplies directly to aircraft and thus no longer wishes to trade as a regulated supplier,

4) [name of company] will inform the Authority in writing of:

- a) minor changes to its security programme, such as company name, person responsible for security or contact details, promptly but at least within 10 working days;
- b) major planned changes, such as new screening procedures, major building works which might affect its compliance with relevant Namibian Civil Aviation legislation or change of site/address, at least 15 working days prior to their commencement/the planned change; and
- c) in order to ensure compliance with relevant Civil Aviation Act, 2016, [name of company] will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors.

[A word such as “provisions” or “requirements” appears to be missing after the phrase “relevant Civil Aviation Act, 2016”.]

5) [name of company] will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with Civil Aviation Act, 2016. It will immediately report to the Authority any loss of documentation disclosing elements of the NCASP.

[The word “the” appears to be have been omitted before the phrase “Civil Aviation Act, 2016”.]

6) [name of company] will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities under the company’s security programme, and [name of company] will inform the Executive Directorate of Civil Aviation if:

- a) it ceases trading;
- b) it no longer delivers in-flight supplies directly to aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

c) it can no longer meet the requirements of the relevant NCASP.

I must accept full responsibility for this declaration.

Name:

Position in company:

Date: ..... Signature: .....

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**APPENDIX 3**  
**DECLARATION OF COMMITMENTS: KNOWN SUPPLIER**  
**OF IN-FLIGHT SUPPLIES**  
(Regulation 108.04.4(2))

In accordance with Namibian Civil Aviation Regulations, regulation 108.04.4.

I ....., ID No. .... declare that:

1) **[name of company]** complies with the requirements of applicable Civil Aviation Act, 2016;

**[The word “applicable” appears to be misplaced in this item, which may have been intended to refer to compliance “with the applicable requirements of the Civil Aviation Act, 2016”.]**

2) in order to ensure compliance with relevant requirements of the NCASP as disclosed to me by the Authority, **[name of company]** will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors;

3) **[name of company]** will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to **[name of company]** or its authorised personnel for the purposes of compliance with the Civil Aviation Act, 2016. It will immediately report to the Authority any loss of documentation which discloses elements of the NCASP;

4) **[name of company]** will immediately inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] of any serious security breaches and of any suspicious circumstances which may be relevant to in-flight supplies, in particular any attempt to conceal prohibited articles in supplies; and

5) **[the company]** will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities, and **[name of company]** will inform [the air carrier or regulated supplier to whom it delivers in-flight supplies] if:

- a) it ceases trading;
- b) it can no longer meet the requirements of the relevant NCASP.

I must accept full responsibility for this declaration.

Name:

Position in company:

Date: ..... Signature: .....



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**APPENDIX 4**

**DECLARATION OF COMMITMENTS: KNOWN SUPPLIER  
OF AIRPORT SUPPLIES**  
(Regulation 108.04.9(2))

In accordance with Namibian Civil Aviation Regulations, regulation 108.04.9

I ....., ID No. .... declare that:

- 1) **[name of company]** complies with the requirements of the Civil Aviation Act, 2016;
- 2) in order to ensure compliance with relevant legislation, **[name of company]** will cooperate fully with all inspections, as required, and provide access to all documents, as requested by inspectors;
- 3) **[name of company]** will immediately inform the Executive Director and operator of security designated aerodrome of any serious security breaches and of any suspicious circumstances which may be relevant to airport supplies, in particular any attempt to conceal prohibited articles in supplies; and
- 4) **[the company]** will ensure that all relevant staff receive appropriate training and are aware of their security responsibilities, and **[name of company]** will inform [the operator of security designated aerodrome] if:
  - a) it ceases trading;
  - b) it can no longer meet the requirements of the NCASP.
- 5) **[name of company]** will take all practicable steps to at all times control and keep secure and confidential all elements of the NCASP as may have been disclosed to authorised personnel for the purposes of compliance with Namibian Civil Aviation legislation. It will immediately report to the Authority any loss of documentation which discloses elements of the NCASP.

I must accept full responsibility for this declaration.

Name: ..... Position in company: .....

Date: ..... Signature: .....

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 109**  
**AVIATION SECURITY TRAINING ORGANISATIONS**

[Part 109 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 109.01.1 Applicability
- 109.01.2 Certification of body or institution
- 109.01.3 Display of aviation security training organisation certificate
- 109.01.4 Advertisements
- 109.01.5 Security inspections and audits
- 109.01.6 Register of certificates
- 109.01.7 Cancellation, suspension and imposition of conditions

**SUBPART 2: CERTIFICATION OF ORGANISATIONS (AVIATION SECURITY TRAINING)**

- 109.02.1 Requirement for certification
- 109.02.2 Manual of procedure
- 109.02.3 Quality assurance system
- 109.02.4 Personnel requirements
- 109.02.5 Facilities and equipment
- 109.02.6 Application for certification or amendment thereof
- 109.02.7 Issuing of certificate
- 109.02.8 Scope of certificate
- 109.02.9 Period of validity
- 109.02.10 Transferability
- 109.02.11 Changes in quality assurance system
- 109.02.12 Renewal of certificate
- 109.02.13 Duties of holder of certificate
- 109.02.14 Documents and records
- 109.02.15 Validation or accreditation of foreign certificate
- 109.02.16 Duplicate certificate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**109.01.1** (1) This Part applies to the certification and operation of organisations conducting aviation security training, including aviation security awareness training.

(2) For the purpose of this Part, aviation security training means the training referred to in the NCASTP.

**Certification of body or institution**

**109.01.2** (1) The Executive Director may issue a certificate to an organisation or institution in order that it may -

- (a) exercise control over the aviation security training provided for in the NCASTP, and over the persons conducting such training;
- (b) develop materials for the aviation security training and for the training of such persons in accordance with training standards provided for in the NCASTP; and
- (c) advise the Executive Director on any matter connected with the delivery of aviation security training or aviation participants.

(2) The powers and duties referred to in subregulation (1) must be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in this Part, and provided for in the NCASTP.

(3) Any certificate issued by the Executive Director pursuant to subregulation (1) is an aviation document.

**Display of aviation security training organisation certificate**

**109.01.3** The holder of an aviation security training organisation certificate must display the certificate in a prominent place, generally accessible to the public at that holder's principal place of business and, if a copy of the certificate is displayed, must produce the original certificate upon request by an authorised officer, inspector or authorised person.

**Advertisements**

**109.01.4** Any advertisement by an organisation indicating that it is an aviation security training organisation must -

- (a) display the number of the aviation security training organisation certificate issued by the Executive Director; and
- (b) contain a reference to the type of aviation security training for which such certificate was issued.

**Security inspections and audits**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**109.01.5** (1) An applicant for the issuing of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 109.02.6.

(2) The holder of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may from time to time be necessary to determine compliance with the appropriate requirements prescribed in this Part and provided for in the NCASTP.

**Register of certificates**

**109.01.6** (1) The Executive Director must maintain a register of all aviation security training organisation certificates issued in terms of this Part.

(2) The register must contain the following particulars:

- (a) full names of the holder of the certificate;
- (b) the postal address and electronic mail address of the holder of the certificate;
- (c) the date on which the certificate was issued or renewed;
- (d) particulars of the scope of the certificate issued to the holder thereof;
- (e) the nationality of the holder of the certificate;
- (f) the principal place of business of the holder of certificate;

[The word “the” appears to have been omitted before the word “certificate”.]

- (g) the telephone and telefax numbers of the holder of the certificate;
- (h) the number of the certificate issued; and
- (i) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the certificate is issued, renewed or cancelled, as the case may be.

(4) The register is kept at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and is accessible to the public in terms of section 52(3) of the Act.

**Cancellation, suspension and imposition of conditions**

**109.01.7** (1) Without prejudice to the powers of the Executive Director under Part 5 of the Act to cancel, suspend or impose conditions upon aviation documents, the Executive Director may suspend for a period not exceeding 30 days, an aviation security training organisation certificate issued under this Part, if -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) after an inspection and audit carried out in terms of regulation 109.01.5, it is evident that the holder of the certificate does not comply with the requirements provided for in the NCASTP and such holder has failed to remedy the non-compliance after receiving notice in writing to do so within the period specified in the notice;
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate to carry out a security inspection and audit in terms of regulation 109.01.5; or

[The phrase “to carry out” should be “from carrying out”  
to fit the sentence structure: “prevented... from carrying out”.]

- (c) the suspension is necessary in the interests of aviation security.

(2) The authorised officer, inspector or authorised person who has carried out security inspections and audit in terms of regulation 109.01.5, must deliver a report in writing to the Executive Director, stating the reasons why, in the inspector’s, authorised officer’s or authorised person’s opinion, an aviation security training organisation certificate should be suspended.

(3) The Executive Director must submit a copy of the report referred to in subregulation (2), to the holder of the certificate which has been suspended.

(4) The holder of a certificate which has been suspended may appeal against such suspension to the High Court in terms of section 225 of the Act.

## SUBPART 2

### CERTIFICATION OF ORGANISATIONS (AVIATION SECURITY TRAINING)

#### Requirement for certificate

**109.02.1** A person or an organisation may not conduct aviation security training except under the authority of, and in accordance with the provisions of, an aviation security training organisation certificate issued under this Subpart.

#### Manual of procedure

**109.02.2** An applicant for the issuing of an aviation security training organisation certificate must provide the Executive Director with its manual of procedure which -

- (a) complies with the requirements prescribed in this Subpart; and
- (b) contains the information as provided for in the NCASTP.

#### Quality assurance system

**109.02.3** (1) An applicant for an aviation security training organisation certificate must establish a quality assurance system, to be included in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

(2) The minimum standards for a quality assurance system are as provided for in the NCASTP.

#### Personnel requirements

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**109.02.4** (1) The applicant for an aviation security training organisation certificate must employ, contract or otherwise engage -

- (a) a senior person to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements provided for in the NCASTP, and who must 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, and other persons rendering service under contract with, the organisation;
  - (ii) full rights of consultation with any such person in respect of compliance by that person;
  - (iii) powers to order cessation of any activity where there is not effective compliance with the requirements;
  - (iv) a duty to establish liaison mechanisms with the Executive Director with a view to ascertain correct manners of compliance with the said requirements and interpretations of such requirements by the Executive Director, and to facilitate liaison between the Executive Director and the organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality control, and who has direct access to the senior person referred to in paragraph (a) on matters affecting aviation security; and
- (c) adequate personnel to plan, conduct and supervise the aviation security training covered by the application.

(2) The applicant for an aviation security training organisation certificate must establish a procedure for initially assessing and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation security training covered by the application.

(3) The applicant for an aviation security training organisation certificate must have personnel responsible for training or assessing students, who have competence and experience adequate for the level of competence required for such training or assessment.

**Facilities and equipment**

**109.02.5** The applicant for an aviation security training organisation certificate must provide adequate facilities and equipment to enable the personnel to conduct the aviation security training covered by the application.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Application for certificate or amendment thereof**

**109.02.6** An application for the issuing of an aviation security training organisation certificate or an amendment thereof, must be -

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 109.02.2; and
  - (iii) copies of training material to be used in such training.

**Issuing of certificate**

**109.02.7** (1) The Executive Director must issue an aviation security training organisation certificate and number the certificate accordingly, if he or she is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 109.02.2 to 109.02.6 and provided for in the NCASTP;
- (b) the applicant and any senior personnel required by regulation 109.02.4 are fit and proper persons; and
- (c) the granting of the certificate is not contrary to the interests of aviation safety or security.

(2) The Executive Director must issue the certificate in the form determined by him or her.

**Scope of certificate**

**109.02.8** An aviation security training organisation certificate must specify the aviation security training which the holder of the certificate is entitled to conduct as provided for in the NCASTP.

**Period of validity**

**109.02.9** (1) An aviation security training organisation certificate is valid for the period determined by the Executive Director, which period may not exceed 24 months, calculated from the date of issuing or renewal thereof.

(2) The certificate remains in force until it expires or is suspended or cancelled by the Executive Director.

(3) The holder of a certificate which has expired or has been cancelled, must, within five working days of the expiry or cancellation, surrender the certificate to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The holder of a certificate which is suspended must, within 48 hours of the suspension, produce the certificate upon suspension thereof, to the inspector, authorised officer or authorised person concerned for the appropriate endorsement.

**Transferability**

**109.02.10** An aviation security training organisation certificate is not transferable.

**Changes in quality assurance system**

**109.02.11** (1) If the holder of an aviation security training organisation certificate desires to make a material change in the quality assurance system referred to in regulation 109.02.6, such holder must apply to the Executive Director for the approval of such change.

(2) The provisions of regulation 109.02.6 apply with the necessary changes required by the context 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 must be granted if the Executive Director is satisfied, upon submission of appropriate proposed changes to its manual of procedure that the applicant will continue to comply with the provisions of regulation 109.02.2, after the implementation of such approved change.

**Renewal of certificate**

**109.02.12** (1) An application for the renewal of an aviation security training organisation certificate must be -

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 109.02.2; and
  - (iii) copies of training material to be used in such training.

(2) The holder of the certificate must at least 30 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

**Duties of holder of certificate**

**109.02.13** The holder of an aviation security training organisation certificate must -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 109.02.2, at each training facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) continue to comply with the appropriate requirements provided for in the NCASTP.

**Documents and records**

**109.02.14** (1) The holder of an aviation security training organisation certificate must -

- (a) keep copies of all relevant documents which may be necessary -
  - (i) for the specified aviation security training conducted by such holder; and
  - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart;
- (b) establish procedures to control the documents referred to in paragraph (a) to ensure that -
  - (i) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;
  - (ii) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation security training undertaken by the holder of the certificate;
  - (iii) all obsolete documents are promptly removed from all points of issue or use; and
  - (iv) changes to documents are reviewed and authorised by the appropriate personnel.

(2) The holder of the certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary for the specified aviation security training conducted by that holder and to determine compliance with the appropriate requirements prescribed in this Subpart, and to ensure that -

- (a) a record is kept of each quality control review of the holder of the certificate;
- (b) a record is kept of each person who conducts the specified aviation security training, including particulars of the competence assessments and experience of each such person;
- (c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and practical sessions and assessments of each such student;
- (d) all records are legible; and
- (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

**Validation or accreditation of foreign certificate**

**109.02.15** (1) Any organisation that has been approved as an aviation security training organisation by any other recognised foreign civil aviation authority may apply to the Executive

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

Director in the form and manner determined by the Executive Director, for a validation or accreditation of such certificate, in accordance with the procedures and requirements prescribed in this Part.

- (2) The application for a validation referred to in subregulation (1) -
  - (a) must be accompanied by -
    - (i) a certified copy of the certificate to which the validation refers;
    - (ii) the appropriate fee as prescribed in Part 187;
    - (iii) the manual of procedure referred to in regulation 109.02.2;
    - (iv) copies of training material to be used in such training; and
    - (v) credentials of the aviation security instructor; and
  - (b) is subject to the inspection of the facility where the aviation security training will be conducted.

- (3) The validation issued by the Executive Director is -
  - (a) valid for 24 months calculated from the date of issue of such a validation and

[The word “is” should be part of paragraph (a) instead of the introductory phrase, as it does not fit paragraph (b). There should be a semicolon before the word “and”.]

- (b) may be renewed for a further period or periods upon application to the Executive Director.

(4) The holder of certificate validated by the Executive Director, may apply to the Executive Director for the renewal of the certificate within 30 days before the date of expiry of such certificate or validation.

[The word “a” appears to have been omitted before the first use of the word “certificate”.]

(5) The holder of a certificate validated by the Executive Director must comply with the requirements prescribed in this regulation.

(6) The provisions of regulation 109.02.9 do, with necessary changes required by the context, apply in relation to suspension and cancellation of the validation of a certificate validated by the Executive Director.

### **Duplicate certificate**

**109.02.16** (1) The holder of a certificate issued or validated by the Executive Director which has been lost destroyed or defaced to such an extent that the particulars thereon are illegible, must apply to the Executive Director for the issuing of a duplicate certificate.

- (2) An application for the issuing of a duplicate certificate must be -
  - (a) made in the form and manner determined by the Executive Director; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director must -

(a) issue a duplicate certificate, if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate certificate with the word “DUPLICATE” thereon.

(4) If, after the issuing of a duplicate certificate, the original certificate is found, the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 110**  
**AVIATION SECURITY SCREENERS AND INSTRUCTORS CERTIFICATION**

[Part 110 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 110.01.1 Applicability
- 110.01.2 Authority to act
- 110.01.3 Competency
- 110.01.4 Documentation
- 110.01.5 Logbooks
- 110.01.6 Register of certificates
- 110.01.7 Language
- 110.01.8 Cancellation of certificate

**SUBPART 2: SCREENER CERTIFICATION**

- 110.02.1 Requirements for screener certification
- 110.02.2 Training
- 110.02.3 Application for screener certification
- 110.02.4 Issuing of screener certificate
- 110.02.5 Validation of certificate not issued by Authority
- 110.02.6 Period of validity
- 110.02.7 Functions
- 110.02.8 Duplicate screener certificate

**SUBPART 3: AVIATION SECURITY INSTRUCTOR CERTIFICATION**

- 110.03.1 Application for certification as aviation security instructor
- 110.03.2 Requirements for certification
- 110.03.3 Issuing of aviation security instructor certificate
- 110.03.4 Validation of certificate not issued by Authority
- 110.03.5 Duplicate instructor certificate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**110.01.1** This Part applies to the certification of screeners and aviation security instructors, the functions and limitations of such certification and related matters.

**Authority to act**

**110.01.2** (1) A person may not act as a screener at a security designated aerodrome within Namibia, unless such person has been certified or validated in terms of this Part.

(2) A screener may not perform functions other than the functions authorised by such certification.

(3) A screener certificate issued by the Executive Director and the validation of a foreign screener certificate by the Executive Director are both aviation documents for the purposes of the Act.

**Competency**

**110.01.3** (1) A screener may not exercise the privileges granted by a screener certificate unless such screener maintains and demonstrates fitness and competency through compliance with the requirements provided for in the NCASTP.

(2) The holder of a screener certificate must submit copies of all documentation demonstrating continued maintenance of competency to the Executive Director within seven days of receiving a request for such documentation from the Executive Director.

**Documentation**

**110.01.4** The Executive Director must ensure that any screener certificate issued contains information sufficient to enable the currency and validity of the certificate to readily be determined by any appropriate authority.

**Logbooks**

**110.01.5** (1) A screener certified to operate technical screening equipment at any security designated airport must maintain and have available for inspection in the workplace, a logbook recording therein all the time spent on duty as a screener.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook must be maintained must be as provided for in the NCASTP.

**Register of certificates**

**110.01.6** (1) The Executive Director must maintain a register of all screener certificates issued or validated in terms of this Part.

(2) The register must be identified as the “Register of Certificated Screeners” and must contain the following particulars:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) full names of the holder of the certificate;
- (b) the physical, electronic mail and postal address of the holder of the certificate;
- (c) the date on which the certificate was issued or validated;
- (d) the nationality of the holder of the certificate; and
- (e) the organisation in which the holder thereof is employed.

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

(4) The register is to be kept at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and must be accessible by the public in terms of section 52(3) of the Act.

**Language**

**110.01.7** The holder of a screener certificate issued or validated in terms of this Part must be able to demonstrate sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a certified screener.

**Cancellation of certificate**

**110.01.8** (1) Without prejudice to the powers of the Executive Director to suspend, revoke or impose conditions on any aviation document under the Act, the Executive Director may cancel a screener certificate issued under this Part if -

- (a) the holder of the certification does not comply with the requirements prescribed in this Part, and provided for in the NCASTP; or
- (b) the privileges or duties for which the document was granted are not being carried out by the holder or are not able to be carried out by the holder; and
- (c) the cancellation is necessary in the interests of civil aviation safety and security.

(2) Unless there is a compelling safety or security reason, before taking any action under subregulation (1), the Executive Director must notify the holder in writing of the proposed action and give the holder a reasonable opportunity to comment or make submissions on the proposed action.

**SUBPART 2**  
**SCREENER CERTIFICATION**

**Requirements for screener certification**

**110.02.1** The requirements for the issuing of a screener certification are as follows:

- (a) the applicant must be 18 years of age or older;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the applicant must hold a valid medical certificate issued as provided for in the NCASTP;
- (c) the applicant must have successfully completed the training referred to in regulation 110.02.2; and
- (d) the applicant must have a minimum qualification as provided for in the NCASTP.

**Training**

**110.02.2** (1) An applicant for the issuing of a screener certificate must have successfully completed the appropriate training as provided for in the NCASTP.

(2) The training contemplated in subregulation (1) must be conducted by a certificate holder of an aviation security training organisation certificate issued under Part 109.

**Application for screener certification**

**110.02.3** An application for the issuing of a screener certificate must be -

- (a) made to the Executive Director in the appropriate form as provided for in the Namibia Civil Aviation Screener Certification Programme (NCASCP) or otherwise provided for by the Executive Director; and
- (b) accompanied by -
  - (i) a certified copy of the identity document of the applicant;
  - (ii) certified evidence that the applicant has successfully completed the required training provided for in the NCASTP and the NCASCP;
  - (iii) the appropriate fee as provided for in Part 187; and
  - (iv) one passport size photograph of the applicant certified as having been taken within the last six months of the date of the application.

**Issuing of screener certificate**

**110.02.4** (1) The Executive Director must issue a screener certificate if -

- (a) the applicant complies with the requirements referred to in regulation 110.02.1, and is a fit and proper person; and
- (b) the issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) The screener certificate must be completed and issued in the format as determined by the Executive Director.

**Validation of certificate not issued by Authority**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**110.02.5** (1) The holder of a screener certificate issued by a foreign appropriate authority who desires to act as a screener at a Namibian security designated aerodrome or for an air carrier or aircraft operator or a regulated agent, may apply to the Executive Director, in the appropriate form as provided for in the NCASCP for the validation of such certification.

(2) The application for the validation referred to in subregulation (1) must be accompanied by -

- (a) a certified copy of the certificate; and
- (b) the appropriate fee as provided for in Part 187.

(3) The Executive Director may validate a certificate issued by a foreign appropriate authority -

- (a) subject to the same restrictions which apply to such certificate; and
- (b) in accordance with and subject to the requirements and conditions as provided for in the NCASTP.

(4) The holder of a validation issued by the Executive Director, may apply to the Executive Director for revalidation of the certificate at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions provided for in this Part and the requirements and conditions as provided for in the NCASTP.

**Period of validity**

**110.02.6** A screener certification is valid for a period stipulated in the certificate, subject to recertification or revalidation as provided for in the NCASCP and provided that the holder of the certificate -

- (a) complies with the requirements of a screener as prescribed in this Part, and provided for in the NCASTP and NCASCP; and
- (b) is still employed to perform the functions of a screener.

**Functions**

**110.02.7** (1) The holder of a valid screener certification is entitled to perform screening duties for which the holder received his or her training referred to in the NCASTP and the NCASCP and which is specified on the certificate.

(2) The functions afforded to the holder of screener certification may not be exercised by such holder unless he or she -

- (a) is the holder of a valid medical certificate issued as provided for in the NCASCP; and
- (b) undergoes the refresher or recurrent training every 12 months.



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Duplicate screener certificate**

**110.02.8** (1) The holder of screener certificate which has been lost, destroyed or defaced to such an extent that the particulars thereon are ineligible, must apply to the Executive Director for the issuing of a duplicate screener certificate.

[The word “a” appears to have been omitted before the phrase “screener certificate”.]

- (2) An application for the issuing of a duplicate screener certificate must be -
  - (a) made in the appropriate form as provided for in the NCASCP; and
  - (b) accompanied by the appropriate fee as provided for in Part 187.
- (3) The Executive Director must -
  - (a) issue a duplicate screener certification if the applicant complies with the requirements referred to in subregulation (2); and
  - (b) endorse the duplicate screener certification with the word “DUPLICATE” on the certificate.
- (4) If, after the issuing of a duplicate screener certificate, the original screener certificate is found, the holder of the duplicate screener certificate must take all reasonable steps to provide such original screener certificate and surrender it forthwith to the Executive Director.

**SUBPART 3  
AVIATION SECURITY INSTRUCTOR CERTIFICATION**

**Application for certification as aviation security instructor**

**110.03.1** (1) A person may not conduct aviation security training in Namibia unless that person is certified or validated in terms of this Part.

(2) Any person who wishes to be certified as an aviation security instructor must complete and submit an application for aviation security instructor certification in terms of this Part.

- (3) The application referred to in subregulation (2) must be -
  - (a) made to the Executive Director in the appropriate form provided for in the NCASTP; and
  - (b) accompanied by -
    - (i) a certified copy of the identity document of the applicant;
    - (ii) a certified copy of the certificate issued for successful completion of the required training in terms of the NCASTP;
    - (iii) the appropriate fee as provided for in Part 187;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) training material or syllabus of the aviation security instructor's course attended; and
- (v) a copy of a detailed curriculum vitae and certified copies of relevant qualifications.

**Requirements for certification**

**110.03.2** The applicant for aviation security instructor certification must meet the requirements provided for in the NCASTP.

**Issuing of aviation security instructor certificate**

**110.03.3** (1) The Executive Director must issue an aviation security instructor certificate if the -

- (a) applicant complies with the requirements of the NCASTP;
- (b) applicant is a fit and proper person to exercise the privileges of the certificate; and
- (c) issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) An aviation security instructor certificate is an aviation document and is valid for a period of 24 months, as long as the holder complies with the requirements as prescribed in this Part and provided for in the NCASTP.

**Validation of certificate not issued by Authority**

**110.03.4** (1) Any person who has been certified as an aviation security instructor by a recognised foreign institution or body other than the Authority, may apply to the Executive Director in the form and manner determined by the Executive Director for a validation of such certification in accordance with the procedures and requirements prescribed in this Part.

(2) The application for validation referred to in subregulation (1) must be accompanied by -

- (a) a certified true copy of the certification to which the validation refers;
- (b) training material for the aviation security instructor course so attended;
- (c) the appropriate fee as provided for in Part 187.

(3) The validation issued by the Executive Director is an aviation document and, subject to the provisions of the Act, is valid for such period as is stipulated in the NCASTP.

(4) The holder of a validation issued by the Executive Director may apply to the Executive Director for the revalidation at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions and the requirements and conditions as provided for in the NCASTP.

**Duplicate instructor certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**110.03.5** (1) The holder of instructor certificate issued by the Executive Director, which has been lost destroyed or defaced to such an extent that the particulars thereon are ineligible must apply to the Executive Director for the issuing of a duplicate instructor certificate.

[The word “a” appears to have been omitted before the phrase “instructor certificate”.]

(2) An application for the issuing of a duplicate instructor certificate must be -

- (a) made in the appropriate form as provided for in the NCASTP; and
- (b) accompanied by the appropriate fee as provided for in Part 187.

(3) The Executive Director must -

- (a) issue a duplicate instructor certificate, if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate instructor certification with the word “DUPLICATE” on the certificate.

(4) If, after the issuing of a duplicate certificate, the original certificate is found the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 111**  
**AVIATION SECURITY PROGRAMMES AND SECURITY MEASURES**

[Part 111 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL PROVISIONS ON AVIATION SECURITY**

- 111.01.1 General
- 111.01.2 National Civil Aviation Security Programme
- 111.01.3 Security programme for security designated aerodrome
- 111.01.4 Air carrier security programme
- 111.01.5 Air Navigation Services security programme
- 111.01.6 General security programme pertaining to other aviation participants
- 111.01.7 Application for approval of security programme
- 111.01.8 Approval of security programme
- 111.01.9 Power of the Executive Director to require amendment of security or training programme
- [The heading of this regulation in the text below is “Power of Executive Director to require amendment of security or training programme” (without the word “the”).]
- 111.01.10 National civil aviation security training programme
- 111.01.11 Changed conditions affecting security
- 111.01.12 National Civil Aviation Security Quality Control Programme
- 111.01.13 Failure to implement security programmes
- 111.01.14 Security aspects of facilitation
- 111.01.15 Aircraft passenger identification

**SUBPART 2: PREVENTIVE SECURITY MEASURES**

- 111.02.1 Airport security: access control
- 111.02.2 Security restricted areas
- 111.02.3 Carriage and use of weapons, firearms, ammunition and other explosives onto aircraft or into security restricted areas
- 111.02.4 Passengers and their cabin baggage
- 111.02.5 Hold baggage
- 111.02.6 Landside
- 111.02.7 Security responsibilities of air carrier or aircraft operator
- 111.02.8 Special categories of passengers
- 111.02.9 Cargo, mail and other goods
- 111.02.10 Cyber security in civil aviation

**SUBPART 3: MANAGEMENT AND RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE**

- 111.03.1 Prevention of acts of unlawful interference
- 111.03.2 Response to acts of unlawful interference
- 111.03.3 Exchange of information and reporting

**SUBPART 4: AVIATION SECURITY ENFORCEMENT MEASURES**

- 111.04.1 Enforcement powers of aviation security inspectors

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**APPENDIX: Forms AVSEC 1 to 4**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL PROVISIONS ON AVIATION SECURITY**

**General**

**111.01.1** (1) This Part must be read in accordance with the provisions of the Act regarding the aviation security functions of the Authority, and in particular Part 12 of the Act regarding the execution of functions on civil aviation security.

(2) The Executive Director may issue orders, circulars or directives regarding any aviation security matter.

(3) The security measures provided for in the NCASP apply equally to both international and domestic operations at security designated aerodromes.

(4) Despite subregulation (3), any aircraft, passenger, baggage, cargo mail and express parcel arriving at a security designated aerodrome from a non-security designated aerodrome must be subjected to the same security controls applicable at the destination airport upon arrival, whether or not the said destination airport is engaged in international or domestic operations.

**National Civil Aviation Security Programme**

**111.01.2** (1) Pursuant to section 118(1)(a) of the Act, the Authority must draw up the National Civil Aviation Security Programme (NCASP), providing for -

- (a) the specific civil aviation security responsibilities of the Authority in accordance with the Act, this Part and any other relevant law;
- (b) the functions to be exercised by the aerodrome management of a security designated aerodrome and security designated navigation installation in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;
- (c) the functions to be exercised by the Air Navigation Services contemplated in section 49 of the Act, in respect of the establishment and implementation of security measures to prevent the occurrence of acts of unlawful interference;
- (d) the responsibility regarding the control of access of airport tenants at security designated aerodromes whose concession or facility forms part of the landside or airside boundary or through which access can be gained from landside to airside;
- (e) the specific responsibilities, in the context of aviation security, of the policing authority at security designated aerodromes;
- (f) the establishment of an airport security committee for the co-ordination of the development and implementation of security measures and procedures at security designated aerodromes;
- (g) the co-operation and communication between States in the development and implementation of aviation security practices and procedures;
- (h) steps to ensure the co-ordination of aviation security measures among stakeholders responsible for implementation of the NCASP;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the protection of airports, aircraft and air navigation facilities with specific reference to the designation and protection of security restricted areas, access control and the listing of both on and off-airport navigational and aviation-related facilities which are vital to the continued safe operation of civil aviation;
  - (j) the security control of persons boarding an aircraft and items being placed on board aircraft, including -
    - (i) screening and searching of the passengers and carry-on baggage;
    - (ii) the control of transit and transfer passengers;
    - (iii) the screening of aircraft crew, airport staff, permit holders, and other non-passengers;
    - (iv) the provision of special screening procedures;
    - (v) the procedure for authorised carriage of weapons;
    - (vi) procedures for the proper control and screening of checked baggage;
    - (vii) control of cargo, courier and express parcels and mail;
    - (vii) procedures to prevent the introduction of weapons, explosives and other dangerous devices into in-flight supplies intended for carriage on aircraft;
- [There are two subparagraphs labelled (vii) in the *Government Gazette*; this subparagraph should be labelled as (viii).]**
- (ix) the procurement, calibration, operation, details, including minimum criteria, and maintenance of security equipment;
  - (x) the selection, security background check and recruitment criteria for persons charged with the execution of aviation security-related duties;
  - (xi) the background check of persons who, in the execution of their duties, are required to gain access to restricted areas;
  - (xii) the management of response to acts of unlawful interference;
  - (xiii) measures for the evaluation of the programme;
  - (k) the NCASQCP, to determine compliance with and validate the effectiveness of the NCASP;
  - (l) the NCASP in order to determine that persons applying and monitoring the NCASP are in a position to comply with the laid-down requirements;
  - (m) the development of measures in order to protect critical information and communications technology systems;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (n) the establishment of a centralised security reporting system for analysing security information which must focus on the following types of reports:
  - (i) mandatory incident reports: incident reports that are required to be made as a result of the NCASP with the exception of an accident or serious incident that is reported to the Directorate of Aircraft Accident and Incident Investigations;
  - (ii) voluntary reports: reporting of a hazard or incident without any legal or administrative requirement to do so at the reporter's own will and initiative;
  - (iii) confidential reports: voluntary incident or hazard reports where the reporter's identity is protected by providing a means by which individuals are able to raise issues of concern without being identified to their peer group, management or respective organisations;
- (n) development, review and approval of contingency plans; and
- (o) any other matter or international standards that are deemed necessary in the interests of civil aviation safety and security.

[The last two paragraphs in this list are mislabelled in the *Government Gazette*; they should be paragraphs (o) and (p).]

(2) The Authority may incorporate into the NCASP any international Standard and Recommended Practice contained in Annex 17 to the Chicago Convention and any other international aviation standard in the manner described in section 227 of the Act.

**Security programme for security designated aerodrome**

**111.01.3** (1) A person may not operate a security designated aerodrome unless that person has in place a security programme approved by the Executive Director.

(2) Pursuant to section 126(1)(a) of the Act, every operator of a security designated aerodrome serving civil aviation in Namibia must establish and implement a written security programme (also referred to as "airport security programme") that meets the requirements of this Part and the NCASP, for the security designated aerodrome concerned.

(3) The operator must review the security programme on an annual basis and submit the programme to the Executive Director for approval.

(4) Where the Executive Director approves a security programme, the Executive Director must issue the security designated aerodrome operator with a certificate of approval of the security programme on Form AVSEC 1 set out in the Appendix.

(5) Every operator of a security designated aerodrome in Namibia must establish an airport security committee (ASC).

(6) The functions of the ASC must be as provided for in the NCASP and the airport security programme.

(7) The airport security committee must refer any matter relating to aviation security and which is within its functions but which cannot be resolved at the airport level to the National Aviation Security Committee (NASC).



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The manager of the security designated aerodrome or the person in charge must be the chairperson of the airport security committee.

(9) The chairperson must appoint other members of the airport security committee.

(10) The composition of the airport security committee must be as provided for in the NCASP.

(11) The airport security committee may invite any person to attend and take part in the proceedings of the committee and that person may participate in any discussion at the meeting but does not have a right to vote at that meeting.

(12) The chairperson must convene every meeting of the airport security committee, and the committee must meet once every month to ensure that the security programme is up to date and effective and that its provisions are being properly applied.

**Air carrier security programme**

**111.01.4** (1) A person may not operate an aircraft serving civil aviation for commercial purposes from or within Namibia unless that person has in place an air carrier security programme (also known as the aircraft operator security programme) approved by the Executive Director.

(2) Pursuant to section 126(1)(c) of the Act, an air carrier or aircraft operator engaged in commercial air transport must establish and implement an aircraft operator security programme that meets the requirements of this Part and the NCASP, for flights undertaken as a scheduled public air transport service or undertaken as a scheduled international public air transport service by that air carrier or aircraft operator.

(3) The an air carrier or aircraft operator must review the air carrier or aircraft operator security programme on an annual basis and submit the programme to the Executive Director for approval.

[The word “The” at the beginning of subregulation (3) is superfluous.]

(4) Where the Executive Director approves an aircraft operator security programme, the Executive Director must issue the aircraft operator with a certificate of approval of the aircraft operator security programme on Form AVSEC 2 set out in the Appendix.

**Air Navigation Services security programme**

**111.01.5** (1) The Air Navigation Services (ANS) must establish and implement a security programme that meets the requirements of this Part and the NCASP.

(2) The ANS must review the ANS security programme on an annual basis and submit the programme to the Executive Director for approval.

(3) Where the Executive Director approves an ANS security programme, the Executive Director must issue the air navigation service provider with a certificate of approval of the air navigation services security programme on Form AVSEC 4 set out in the Appendix.

**General security programme pertaining to other aviation participants**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**111.01.6** (1) Any other aviation participant as designated by the Minister by notice in the *Gazette* or designated in the NCASP or this Part must establish a security programme providing for -

- (a) the compliance with the requirements contained in the NCASP; and
- (b) compliance with the provisions of the security designated aerodrome, air carrier or aircraft operator and the Air Navigation Services security programmes.

(2) An aviation participant referred to in subregulation (1) must review the said security programme on an annual basis and submit it to the Executive Director for approval.

(3) The following aviation participants are required to have a security programme -

- (a) private or contracted security companies providing aviation security services;
- (b) catering companies;
- (c) aircraft cleaning companies; and
- (d) regulated agents and known consignors referred to in Part 108.

**Application for approval of security programme**

**111.01.7** (1) Where a security programme is required to be approved by the Executive Director under this Part, the applicant must -

- (a) submit the programme to the Executive Director, ensuring that it meets the requirements of the NCASP, this Part and any other relevant law and security programmes; and
- (b) be accompanied by the appropriate fee or fees as prescribed in Part 187.

(2) A security programme submitted to the Executive Director under this Part must be in duplicate and signed by the applicant or on behalf of the applicant by a duly authorised person.

**Approval of security programme**

**111.01.8** (1) Where the Executive Director is satisfied that the security programme submitted under regulation 111.01.7 meets the requirements of the Act, this Part, the NCASP and any other relevant law and other security programmes referred to in this Part, the Executive Director must within 30 days after receipt of the programme, approve the security programme.

(2) Where the Executive Director determines that a security programme submitted under regulations 111.01.7 or 111.01.10(5) does not meet the requirements of this Part, and the NCASP, the Executive Director must within 14 days after receipt of the programme, direct the applicant to modify and re-submit the security programme within 14 days after receipt of the programme by the applicant.

(3) Where the Executive Director is satisfied that a security programme resubmitted meets the requirements of this Part, and the NCASP, the Executive Director must, within 14 days after receipt of the programme, approve the security programme, and the Executive Director must

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

issue the applicant with a certificate of approval of the airport security programme on Form AVSEC 1 or air carrier or aircraft operator security programme on Form AVSEC 2 set out in the Appendix.

(4) Upon a proposed security programme submitted under regulation 111.01.7 being approved by the Executive Director under this Part, the applicant must within 30 days of such approval ensure that such approved security programme is implemented and in full operation.

(5) Any non-compliance with the requirement on a security programme in this Part by a participant is subject to the application of the enforcement procedures set out in Part 13 read with Part 185.

**Power of Executive Director to require amendment of security programme or training programme**

**111.01.9** (1) Where the Executive Director is of the opinion that the operator of a security designated aerodrome's, air carrier's or aircraft operator's or any other aviation participant's security or training programme requires amendment, the Executive Director may direct the respective entity to amend the security programme and submit it to the Executive Director for approval.

(2) The Executive Director must, where an amended security or training programme is submitted to him or her under subregulation (1), approve the security or security training programme in accordance with the procedure prescribed by regulation 111.01.8.

**National civil aviation security training programme**

**111.01.10** (1) The Authority must develop a National civil aviation security training programme (NCASTP) for personnel of all entities involved in, or responsible for, the implementation of various aspects of the NCASP which must be submitted to the Executive Director for approval.

[The word "national" should not be capitalised.]

(2) The entities referred to in subregulation (1) must comply with the training requirements stipulated in the NCASTP.

(3) The Executive Director must ensure the development of training and certification procedures for screeners, supervisors, instructors and inspectors is in accordance with this Part, the NCASTP and the NCASCP.

(4) Every operator of security designated aerodrome, air carrier or aircraft operator, air traffic service provider or organisation responsible for the implementation of various aspects of the NCASP must develop and implement an aviation security training programme and the training programme must conform to the requirements of the NCASTP.

(5) A training programme referred to in subregulation (4) must be submitted to the Executive Director for approval in accordance with the procedure prescribed in regulation 111.01.8.

(6) The Executive Director must issue the applicant with a certificate of approval of a security training programme on Form AVSEC 3 set out in the Appendix.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) The operator of a security designated aerodrome, air carrier or aircraft operator, air traffic service provider or organisation responsible for the implementation of various aspects of the NCASP must review the security training programme referred to in subregulation (4) on an annual basis and submit the programme to the Executive Director for approval.

**Changed conditions affecting security**

**111.01.11** (1) Where a security or training programme has been approved, the operator of a security designated aerodrome, air carrier or aircraft operator or any person or his or her agent, where applicable, must comply with the procedure provided for under subregulation (2) whenever the person concerned determines that -

- (a) any description of the area set out in the security or training programme is no longer accurate; or
- (b) any description of the operations set out in the security or training programme is no longer accurate or that the procedures included and the facilities and equipment described in the security programme are no longer adequate.

(2) Whenever a situation described in subregulation (1) occurs, the person concerned, where applicable must -

- (a) immediately notify the Executive Director of the changed conditions and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment of the security or training programme; and
- (b) within 30 days after notifying the Executive Director in accordance with paragraph (a), submit for approval in accordance with the procedure set out under regulation 111.01.7, an amendment to the security programme to bring it into compliance with this Part and the NCASP or the NCASTP.

(3) The Executive Director must, where an amendment to a security or training programme is submitted to it under subregulation (2)(b), approve the amendment in accordance with the procedure set out under regulation 111.01.8.

**National Civil Aviation Security Quality Control Programme**

**111.01.12** (1) Pursuant to section 118(o) of the Act, the Authority must develop, implement and maintain a National Civil Aviation Security Quality Control Programme (NCASQCP), which meets the requirements provided for in the NCASP and submit it to the Executive Director for approval.

(2) The Authority must ensure that the implementation of security measures is regularly subjected to verification of compliance with the NCASP.

(3) The Authority must -

- (a) ensure that personnel carrying out security audits, test, surveys and inspections are trained to appropriate standards;
- (b) ensure that personnel carrying out security audits, test, surveys and inspections are afforded the necessary authority to obtain information to carry out these tasks and to enforce corrective actions;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[In both paragraphs (a) and (b), the singular word “test” should be plural.]

- (c) supplement the NCASQCP by establishing a confidential reporting system for analysing security information provided by sources such as passengers, crew members and ground personnel; and
- (d) establish a process to record and analyse the results of the NCASQCP, to contribute to the effective development and implementation of the national civil aviation security programme, including identifying the causes and patterns of non-compliance and verifying that corrective actions have been implemented and sustained.

(4) Every operator of a security designated aerodrome, air carrier or aircraft operator or organisation responsible for the implementation of various aspects of the NCASP must develop internal quality control measures that conform to the NCASP and the NCASQCP.

(5) Every entity that is responsible for the implementation of various aspects of the NCASP, which requests internal quality control activities to be conducted by any person or entity other than the Authority, must notify the Executive Director within 21 days before such internal quality control activity is conducted.

(6) The entity being monitored must specify the areas to be covered in the internal quality control process as provided for in the NCASP

[There is no full stop at the end of subregulation (6);  
there are no additional words in the *Government Gazette*.]

(7) The entity concerned must submit proof of certification or accreditation of the person or entity that conducts quality control to the Executive Director.

(8) The person or entity that is conducting quality control must consult with the Executive Director before the quality control process begins.

(9) A schedule must be provided to the Executive Director, to allow the Authority to participate in the quality control process, if the Authority considers it necessary.

(10) The person or entity conducting quality control must consult with the Executive Director at the conclusion of the quality control process and provide the Authority with a copy of the preliminary report and final report.

#### **Failure to implement security programmes**

**111.01.13** A person who fails to comply with a security programme referred to in section 126 of the Act and this Part commits an offence and is liable to a fine or to imprisonment specified in that section or to any administrative penalty prescribed in Part 185.

#### **Security aspects of facilitation**

**111.01.14** (1) An air carrier or aircraft operator must take necessary precautions at the point of embarkation to ensure that passengers are in possession of valid documents issued by the relevant authorities in Namibia or in a State other than Namibia for control purposes.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Authority must establish a National Air Transport Facilitation Programme (NATFP) based on the facilitation requirements of the Act, these regulations, and Annex 9 to the Chicago Convention and the facilitation provisions of Annex 17 to the Chicago Convention.

(3) The NATFP referred to in subregulation (9) must contain the following:

- (a) the allocation of responsibilities;
- (b) the facilitation of aircraft;
- (c) the facilitation of passports and immigration;
- (d) the facilitation relating to customs;
- (e) the facilitation of international airports;
- (f) the facilitation of aircraft;
- (g) the facilitation of security; and
- (h) the facilitation of public health and veterinary and agricultural quarantine.

(4) The Executive Director must establish the National Aviation Facilitation Committee (NAFC) consisting of representatives from the following institutions:

- (a) the Authority;
- (b) the Permanent Secretary of the Ministry or a person designated by him or her;
- (c) the Namibia Revenue Agency established by the Namibia Revenue Agency Act, 2017 (Act No. 12 of 2017);
- (d) the Ministry responsible for home affairs and immigration;
- (e) the Ministry responsible for health;
- (f) the Ministry responsible for agriculture, water and forestry;
- (g) an association representing aircraft operators; and
- (h) Namibia Airports Company established by the Airports Company Act, 1998 (Act No. 25 of 1998).

**[The word “the” appears to have been omitted at the beginning of paragraph (h).]**

(5) The NAFC is responsible for the following:

- (a) coordinating facilitation activities between departments, agencies and other organisations of Namibia concerned with, or responsible for various the aspects of international civil aviation; and

**[The word “the” appears to be misplaced in the phrase “for various the aspects of international civil aviation”, which was probably intended to be “for the various aspects of international civil aviation”.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) implementation of the NATFP.

(6) Every operator of a security designated aerodrome must establish an airport facilitation programme that meets the requirements provided for in the NATFP.

(7) The airport facilitation programme referred in subregulation (6) must be implemented by an airport facilitation committee established in terms of the requirements provided for in the NATFP.

[The word “to” appears to have been omitted between the word “referred” and the phrase “in subregulation (6)”.]

**Aircraft passenger identification**

**111.01.5** (1) Any person, including a minor, who is either -

- (a) departing as a passenger from a security designated aerodrome in Namibia on a scheduled public air transport flight to a destination either within Namibia or outside the territory of Namibia;
- (b) arriving as a passenger at a security designated aerodrome in Namibia on a scheduled public air transport flight to a destination within Namibia or to a destination outside the territory of Namibia,

must be required to produce a valid identification document in accordance with the Departure from Namibia Regulation Act, 1955 (Act No. 34 of 1955) and the Immigration Control Act, 1993 (Act No. 7 of 1993), satisfactory to the boarding officer of a relevant air carrier or aircraft operator, at the boarding gates, before boarding the aircraft concerned.

(2) The details on the personal identification document, including the name, date of birth and gender of the person concerned, must correspond to the details in the air carrier’s or aircraft operator’s possession in respect of the intended passenger.

(3) The name of the person appearing on the identification document or passport must correspond to the name of the person appearing on the issued boarding pass.

(4) The air carrier must, through its boarding officers, confirm that any person checking in baggage at the baggage check-in-point in the airport is the same as the person who intends to be a passenger on the flight and who has been issued with a boarding pass or is to be issued with a boarding pass.

(5) A person whose identity cannot be verified in terms of subregulation (2), (3) or (4) must be refused carriage, without recourse to the air carrier or aircraft operator concerned, unless some other form of personal identification that is acceptable to the air carrier or aircraft operator concerned is provided.

(6) A person whose form of personal identification as referred to in subregulation (2) is not acceptable to the air carrier or aircraft operator concerned, may be required to undergo additional security screening.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(7) An authorised officer, inspector or authorised person appointed in terms of section 37(1) of the Act, is authorised to request a person referred to in subregulation (2) for his or her personal identification documentation for verification purposes.

**SUBPART 2**  
**PREVENTATIVE SECURITY MEASURES**

**Airport security: access control**

**111.02.1** (1) Every operator of a security designated aerodrome or navigation installation, must control access to airside areas at an airport serving civil aviation in order to prevent unauthorised entry.

(2) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by such to provide aviation security services must ensure that the access to airside areas at an airport serving civil aviation in Namibia is controlled in order to prevent unauthorised entry as provided for in the NCASP.

(3) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by such to provide aviation security services must establish identity verification systems in respect of persons and vehicles in order to prevent unauthorised access to airside areas and security areas or security restricted areas as provided for in the NCASP.

(4) Every operator of a security designated aerodrome or navigation installation or a person employed or contracted by that operator to provide aviation security services must verify identity at designated checkpoints before access is allowed to airside areas and security areas or security restricted areas.

(5) Every operator of a security designated aerodrome in Namibia must conduct security background checks, in accordance with Part 114, on persons, other than passengers, granted unescorted access to security restricted areas of the airport prior to granting access to security restricted areas.

(6) Every operator of a security designated aerodrome or a security designated navigation installation must supervise the movement of persons and vehicles to and from the aircraft in security areas or security restricted areas in order to prevent unauthorised access to aircraft in accordance with the procedures, requirements provided for in the NCASP.

(7) Every operator of a security designated aerodrome or a security designated navigation installation must apply screening or other appropriate security controls, in accordance with procedures provided for in the NCASP, to persons other than passengers, together with items carried, prior to entry into security restricted areas at security designated aerodromes serving international civil aviation operations.

(8) Every operator of a security designated aerodrome must apply screening or other appropriate security controls to vehicles being granted access to security areas or security restricted areas, together with items contained within them, in accordance with a risk assessment carried out by the Authority.

(9) The Authority must ensure that identity documents issued to aircraft crew members provide a harmonised and reliable international basis for recognition and validation of documentation to permit authorised access to airside and security restricted areas.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(10) Every operator of a security designated aerodrome must re-apply checks specified in subregulation (5) on a regular basis to all persons granted unescorted access into security restricted areas.

(11) Every operator of a non-security designated aerodrome or navigation installation, must comply with specific security measures applicable to non-security designated aerodromes or navigation installation provided for in the NCASP.

[The term “navigation installation” should be plural where it appears for the second time in subregulation (11).]

**Security restricted areas**

**111.02.2** (1) Pursuant to section 131(1) of the Act, the Executive Director must declare security restricted areas at each security designated aerodrome, in accordance with the procedure, requirements provided for in the NCASP.

[The comma between the words “procedure” and “requirements” should be the word “and”.]

(2) Security restricted areas must be protected through the measures provided for in the NCASP.

**Carriage and use of weapons, firearms, ammunition and other explosives onto aircraft or into security restricted areas**

**111.02.3** Pursuant to sections 157 and 204 of the Act, the carriage and use of weapons, firearms, ammunition and other explosives into aircraft or into security restricted areas must be in accordance with the requirements and conditions prescribed in the Act and the NCASP.

**Passengers and their cabin baggage**

**111.02.4** (1) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must establish measures, in accordance with the Act and the NCASP, to ensure that originating passengers and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area.

(2) Every operator of a security designated aerodrome must screen transfer passengers of commercial air transport operations and their cabin baggage prior to boarding an aircraft in accordance with measures provided for in the NCASP.

(3) Every operator of security designated aerodrome must protect passengers and their cabin baggage which have been screened from unauthorised interference from the point of screening until they board the aircraft.

(4) Where mixing of screened and unscreened passengers takes place, the passengers concerned and their cabin baggage must be re-screened before boarding an aircraft.

(5) An operator of a security designated aerodrome must establish measures for transit operations to protect transit passengers’ cabin baggage from unauthorised interference and protect the integrity of the security of the airport of transit.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) An operator of a non-security designated aerodromes must comply with the measures provided for in the NCASP in respect of the application of security controls for passengers and their cabin baggage originating from non-security designated aerodromes.

**Hold baggage**

**111.02.5** (1) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must establish measures to ensure that originating hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations departing from a security restricted area, in accordance with procedure provided for in the NCASP.

[The word “the” appears to have been omitted before the word “procedure”.]

(2) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must protect, in accordance with procedure provided for in the NCASP, all hold baggage to be carried on a commercial aircraft from unauthorised interference from the point it is screened or accepted into the care of the air carrier or aircraft operator.

[The word “the” appears to have been omitted before the word “procedure”.]

(3) If the integrity of hold baggage is jeopardised, the hold baggage must be rescreened before being placed on board an aircraft.

(4) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must ensure that commercial air transport operators do not transport the baggage of persons who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to appropriate screening.

(5) Every operator of a security designated aerodrome or contracted aviation security service provider must apply screening or other security controls as provided for in the NCASP, to transfer hold baggage prior to being loaded into an aircraft engaged in commercial air transport operations, unless it has established a validation process and continuously implements procedures, in collaboration with the other airport operator from another contracting State to the Chicago Convention where appropriate, to ensure that such hold baggage has been screened at the point of origin and subsequently protected from unauthorised interference from the originating airport to the departing aircraft at the transfer airport.

(6) Every operator of a security designated aerodrome or a person employed or contracted by that operator to provide aviation security services must ensure that commercial air transport operators transport only items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier or aircraft operator.

(7) Baggage referred to in subregulation (6) must be recorded as meeting these criteria and authorised for carriage on the flight concerned.

(8) Every operator of a security designated aerodrome must establish procedures to deal with unidentified baggage in accordance with a security risk assessment carried out in accordance with the NCASP.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) Every operator of a security designated aerodrome serving civil aviation in Namibia must establish storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of.

(10) Every operator of a security designated aerodrome must establish bomb disposal areas where detected explosives may be disposed of.

(11) Every operator of a security designated aerodrome must identify or establish an isolated parking area for aircraft that has been subjected to an act of unlawful interference or a bomb threat.

(12) Specific security measures applicable to hold baggage originating from non-security designated aerodromes must be provided for in the NCASP.

**Landside**

**111.02.6** (1) Every operator of a security designated aerodrome must establish security measures in landside areas to mitigate the risk and to prevent possible acts of unlawful interference in accordance with national and local risk assessments carried out.

(2) The operator of a security designated aerodrome must coordinate landside security measures between the relevant departments, agencies and other entities, and identify appropriate responsibilities in the NCASP.

**Security responsibilities of air carrier or aircraft operator**

**111.02.7** (1) Every air carrier or aircraft operator must take security measures, as provided for in the NCASP.

(2) Every air carrier or aircraft operator must ensure that during flight unauthorised persons are prevented from entering the flight crew compartment.

(3) Every air carrier or aircraft operator must establish security controls, in accordance with the NCASP and the applicable air carrier or aircraft operator security programme, to prevent acts of unlawful interference on aircraft when they are not in security restricted areas.

(4) An air carrier or aircraft operator must ensure that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out.

(5) The determination of whether it is an aircraft security check or a search that is appropriate must be based upon a security risk assessment carried out by the Authority.

(6) An air carrier or aircraft operator must ensure that measures are taken to ensure that any items left behind by passengers disembarking from transit flights are removed from the aircraft or otherwise dealt with appropriately before departure of an aircraft engaged in commercial flights.

(7) An air carrier or aircraft operator must ensure that an aircraft is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) An air carrier or aircraft operator, in consultation with operators of security designated aerodromes, must ensure that appropriate measures on the ground or operational procedures are established to mitigate possible attacks against aircraft using Man-Portable Air Defence Systems (MANPADS) and other weapons representing a similar threat to aircraft at or near an airport, in accordance with the risk assessment carried out by competent authorities.

**Special categories of passengers**

**111.02.8** Every air carrier or aircraft operator must ensure that the carriage of potentially disruptive passengers is in accordance with the requirements provided for in the NCASP.

**Cargo, mail and other goods**

**111.02.9** The provisions of Part 108 apply, with changes required by the context, in relation to the security controls applied to cargo and mail, prior to their being loaded into an aircraft engaged in commercial air transport operations.

**Cyber security in civil aviation**

**111.02.10** (1) The Authority must, in accordance with the risk assessment carried out by the Namibian intelligence services, and levels of threat identified by the Namibian police, develop measures, in accordance with the NCASP, in order to protect critical information and communications technology systems used for civil aviation purposes from interference that may jeopardise the safety and security of civil aviation.

(2) Every entity involved in, or responsible for, the implementation of the various aspects of the NCASP must identify its critical information and communications technology systems, including threats and vulnerabilities thereto, and develop protective measures as provided for in the NCASP.

**SUBPART 3****MANAGEMENT AND RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE****Prevention of acts of unlawful interference**

**111.03.1** (1) The Authority must take adequate measures, in accordance with the NCASP, when reliable information exists that an aircraft may be subjected to an act of unlawful interference -

- (a) to safeguard the aircraft if it is still on the ground; or
- (b) if the aircraft is in flight, to provide as much prior notification as possible of the arrival of such aircraft to relevant airport authorities and air traffic services of the States concerned, if the aircraft has already departed.

(2) The Namibian police in consultation with the operator of a security designated aerodrome must investigate, render safe and dispose of, if necessary, suspected dangerous devices or other potential hazards at an airport in accordance with the procedure provided for in the NCASP or the relevant security programme.

(3) The operator of a security designated aerodrome must develop contingency plans and make resources available to safeguard civil aviation against acts of unlawful interference.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The operator of a security designated aerodrome, in consultation with the Namibian police, must ensure that authorised and suitably trained personnel are readily available for deployment at its airports serving civil aviation to assist in dealing with suspected or actual cases of unlawful interference with civil aviation.

(5) The Namibian police must search an aircraft for concealed weapons, explosives or other dangerous devices, articles or substances when reliable information exists that an aircraft may be subjected to an act of unlawful interference, but prior notification of the search must be provided to the operator concerned.

**Response to acts of unlawful interference**

**111.03.2** The Authority must -

- (a) take appropriate measures, in accordance with the NCASP, for the safety of passengers and crew members of an aircraft, which is subjected to an act of unlawful interference, while on the ground in Namibia, until their journey can be continued;
- (b) collect all pertinent information on the flight of that aircraft through the air navigation services provider and transmit that information to all other States responsible for the air traffic services units concerned, including those at the airport of known or presumed destination, so that timely and appropriate safeguarding action may be taken en route and at the aircraft's known, likely or possible destination;
- (c) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (d) ensure that an aircraft subjected to an act of unlawful seizure which has landed in the territory of Namibia is detained on the ground, unless its departure is necessitated by the overriding duty to protect human life, in consultation with the Namibian police;
- (e) notify by the most expeditious means the State of registry of the aircraft, and the State of the air carrier or aircraft operator, of the landing and must similarly transmit by the most expeditious means all other relevant information to -
  - (i) the two States concerned;
  - (ii) each State whose citizens suffered fatalities or injuries;
  - (iii) each State whose citizens were detained as hostages;
  - (iv) each State whose citizens are known to be on board the aircraft; and
  - (v) the International Civil Aviation Organisation.

**Exchange of information and reporting**

**111.03.3** (1) The exchange of information and reporting must be done in accordance with the procedure provided for in the NCASP.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Every aircraft carrier or aircraft operator must, where an act of unlawful interference occurs, immediately notify the Authority.

(3) Every pilot-in-command and air navigation service provider must submit to the Authority -

- (a) a preliminary written report, within 15 days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers; and
- (b) a final written report, upon completion of investigations, but within 30 days after the occurrence of an act of unlawful interference, including sabotage, threats, hijacks, incidents and disruptive passengers.

(4) The Authority must, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with a report on each incident, whether successful or unsuccessful as follows:

- (a) a preliminary report, within 30 days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and
- (b) a final report, within 60 days after resolution of the incident.

(5) The Authority must provide copies of reports submitted to the International Civil Aviation Organisation under this regulation and to -

- (a) the State of registry of the aircraft and the State of the operator;
- (b) each State whose citizens suffered fatalities or injuries;
- (c) each State whose citizens are, or were, detained as hostages; and
- (d) each State whose citizens are, or were, known to be on board the aircraft.

**SUBPART 4**  
**AVIATION SECURITY ENFORCEMENT MEASURES**

**Enforcement powers of aviation security inspectors**

**111.04.1** Without limiting the powers of authorised officers, inspectors and authorised persons and under the Act or any Part of these regulations, an aviation security inspector may -

[The word “and” which precedes the phrase “under the Act” is superfluous.]

- (a) carry out quality control activities, such as periodic and random inspections, audits and testing of the effectiveness of security measures and procedures;
- (b) inspect any part of any airport in Namibia or any land or area outside the airport used by businesses that operate at the airport or that is in a security restricted area;
- (c) inspect any aircraft registered or operating in Namibia for the purpose of evaluating any security procedure;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) inspect and test the effectiveness of security measures and procedures and performance of security equipment;
- (e) take into an airport, airside area or any designated security restricted area, and use any equipment necessary to carry out his or her duties, including radios, cameras, recording devices (both audio and video) and specially authorised restricted or prohibited articles, such as replica weapons or simulated explosive devices;
- (f) issue notices of deficiencies or recommendations, as appropriate;
- (g) enforce corrective actions, including immediate rectification of any deficiencies or apply enforcement measures; and
- (h) enforce all relevant national aviation security requirements.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**APPENDIX**



**NAMIBIA CIVIL AVIATION AUTHORITY**

**FORM AVSEC 1**

**CERTIFICATE OF APPROVAL OF AIRPORT SECURITY PROGRAMME**  
**(Regulations 111.01.3(4) and 111.01.8(3))**

1. Certificate Number:

2. Expiry date:

3. Name of aerodrome operator:

4. Physical address of aerodrome operator: 5. Postal address:

6. Conditions and restrictions:

I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations.

Name: .....

Designation: ..... Date: .....

**Executive Director/On behalf of Executive Director**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**



**NAMIBIA CIVIL AVIATION AUTHORITY**

<b>FORM AVSEC 2</b>	
<p align="center"><b>CERTIFICATE OF APPROVAL OF AIRCRAFT OPERATOR SECURITY PROGRAMME</b> (Regulations 111.01.4(4) and 111.01.8(3))</p>	
1. Certificate Number:	
2. Expiry date:	
3. Name of air carrier operator:	
5. Physical address:	
6. Postal address:	
7. Conditions and restrictions:	
<p>I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations.</p> <p>Name: .....</p> <p>Designation: .....</p> <p>Date: .....</p> <p><b>Executive Director/On behalf of Executive Director</b></p>	

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**



**NAMIBIA CIVIL AVIATION AUTHORITY**

**FORM AVSEC 3**

**CERTIFICATE OF APPROVAL OF SECURITY TRAINING PROGRAMME**  
**(Regulation 111.01.10(6))**

1. Certificate Number:

2. Expiry date:

3. Name of operator:

4. Physical address of operator:

5. Postal address:

6. Conditions and restrictions

I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations.

Name: .....

Designation: .....

Date: .....

**Executive Director/On behalf of Executive Director**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**



**FORM AVSEC 4**

**CERTIFICATE OF APPROVAL OF AIR NAVIGATION SERVICES SECURITY PROGRAMME**  
**(Regulation 111.01.5(3))**

1. Certificate Number:

2. Expiry date:

3. Name of air navigation operator:

5. Physical address operator:

6. Postal address:

7. Conditions and restrictions

I, hereby certify that the holder of this certificate has been duly approved in accordance with Part 111 of the Namibia Civil Aviation Regulations.

Name: .....

Designation: .....

Date: .....

**Executive Director/On behalf of Executive Director**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 113**  
**AVIATION SECURITY SERVICE PROVIDERS: CERTIFICATION**

[Part 113 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 113.01.1 Applicability
- 113.01.2 Authority to provide aviation security services
- 113.01.3 Application for certificate
- 113.01.4 Issue of certificate
- 113.01.5 Functions and duties of certificate holder
- 113.01.6 Duration of certificate
- 113.01.7 Renewal of certificate

**SUBPART 2: CERTIFICATION REQUIREMENTS**

- 113.02.1 Personnel requirements
- 113.02.2 Establishment of operations procedures
- 113.02.3 Documentation
- 113.02.4 Records
- 113.02.5 Internal quality assurance
- 113.02.6 Organisation security programme

**SUBPART 3: OPERATING REQUIREMENTS**

- 113.03.1 Continued compliance
- 113.03.2 Changes to aviation security programme

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**113.01.1** This Part prescribes procedures governing the certification of an operator of an aerodrome or navigation installation or a person employed or contracted by that operator to provide civil aviation security services in accordance with the Act at a security designated aerodrome or security designated navigation installation.

**Authority to provide aviation security services**

**113.01.2** A person may not provide civil aviation security services at a security designated aerodrome or security designated navigation installation, except under the authority of, and in accordance with the provisions of, a civil aviation security service certificate issued under this Part.

**Application for certificate**

**113.01.3** An application for the issuing of an aviation security service certificate or an amendment thereof, must be -

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
  - (i) the security programme required under regulation 113.02.6; and
  - (ii) payment of the appropriate application fee prescribed in Part 187.

**Issue of certificate**

**113.01.4** The Executive Director must issue a civil aviation security service certificate if -

- (a) the applicant's senior personnel required under regulation 113.02.1 are fit and proper persons;
- (b) the Executive Director is satisfied that the applicant is an operator of a security designated aerodrome or security designated navigation installation or a person employed or contracted by that operator to provide civil aviation security services at that aerodrome or navigation installation;
- (c) the applicant's civil aviation security programme meets the requirements of Subpart 2; and
- (d) the granting of the certificate is not contrary to the interests of civil aviation safety and security.

**Functions and duties of certificate holder**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**113.01.5** Each holder of a civil aviation security service certificate has, at each location specified in its security programme, the following functions and duties:

- (a) where the certificate holder is the operator of a security designated aerodrome, to carry out -
  - (i) passenger, crew and baggage screening of all international aircraft passenger services and of any domestic aircraft passenger service or other service required to be screened by the Minister or the Executive Director;
  - (ii) where necessary, searches of aircraft;
  - (iii) aerodrome security patrols; and
  - (iv) screening and searching of any person, item, substance or vehicle that is present in, or about to enter, a security restricted area as required by the Minister or Executive Director, subject to the requirement that the specific manner or methodology in which screening will be applied must be approved by the Executive Director;
- (b) where the certificate holder is the operator of a security designated navigation installation, to carry out -
  - (i) patrols of that designated navigation installation; and
  - (ii) reviews, inquiries and keep itself informed on security techniques, systems, devices, practices and procedures related to the protection of civil aviation and persons employed in or using it; and

[The comma between “reviews” and “inquiries” should be the word “and”  
to make paragraph (b) grammatically correct.]

- (c) to co-operate with the police, Government departments or entities, airport authorities, operators and authorities administering the airport security services of other countries and with any appropriate international organisation.

**Duration of certificate**

**113.01.6** (1) A civil aviation security service certificate may be granted for a period of up to five years.

(2) A civil aviation security service certificate remains in force until it expires or is suspended or cancelled.

(3) The holder of a civil aviation security service certificate that has expired or has been cancelled must within five working days surrender the certificate to the Executive Director.

(4) The holder of a certificate which is suspended must, within 48 hours of the suspension, produce the certificate upon suspension thereof, to an authorised officer, inspector or authorised person concerned for the appropriate endorsement.

**Renewal of certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**113.01.7** (1) An application for the renewal of a civil aviation security service certificate must be made to the Executive Director in the form and manner determined by the Executive Director.

(2) The application for the renewal must be made before the application renewal date specified on the certificate or, if no such renewal date is specified, not less than 30 days before the certificate expires.

**SUBPART 2**  
**CERTIFICATION REQUIREMENTS**

**Personnel requirements**

**113.02.1** (1) Each applicant for a civil aviation security service certificate must employ -

- (a) a senior person identified as the senior accountable manager who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and
- (b) a senior person or group of senior persons -
  - (i) responsible for ensuring that the applicant's organisation complies with the requirements of this Part, and reporting directly to the senior accountable manager; and
  - (ii) sufficient personnel to plan, inspect, supervise and carry out the aviation security services detailed under regulation 113.02.6(1)(g).

(2) An applicant must establish a procedure to assess the ability of each employee or prospective employee to perform the duties and requirements of the position of a civil aviation security officer, taking into account the employee's -

- (a) education;
- (b) communication skills;
- (c) character;
- (d) experience; and
- (e) health.

(3) After the assessment an applicant must then designate aviation security officers and establish a procedure similar in the manner set out under Part 109 to train and maintain the competence of its aviation security officers.

(4) An applicant must provide personnel who are authorised to plan, inspect, supervise and carry out the civil aviation security services prescribed under regulation 113.02.6(1)(g) with written evidence of the scope of their authorisation.

**Establishment of operations procedures**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**113.02.2** (1) Where the applicant for a civil aviation security service certificate is the operator of a security designated aerodrome, it must establish procedures necessary to enable the requirements in the NCASP and any other aviation security regulations, to be complied with in a manner not inconsistent with the NCASP.

(2) Where the applicant for a civil aviation security service certificate is the operator of a security designated navigation installation, it must establish procedures necessary to enable the requirements in the NCASP to be complied with.

### **Documentation**

**113.02.3** (1) Each applicant for a civil aviation security service certificate must establish a procedure to ensure all documentation that is necessary to support the aviation security services that it provides is available to all personnel who need access to the documentation to carry out their duties.

(2) The documentation referred to in subregulation (1) must include -

- (a) all relevant legislation;
- (b) all relevant international standards and technical standards released by the ICAO;
- (c) all relevant international technical manuals and notices on aviation security;
- (d) documentation issued to the certificate holder by the Executive Director; and
- (e) the applicants's security programme.

[The word "applicant's" is misspelt in the *Government Gazette*, as reproduced above.]

(3) The applicant must establish a procedure to control all documents referred to in subregulation (2) to ensure that -

- (a) the documents are reviewed and approved by appropriate personnel prior to issue;
- (b) outdated documents are promptly removed from all points of issue or use;
- (c) changes to documents are reviewed and approved by appropriate personnel;
- (d) the current issue of each document can be identified; and
- (e) the applicant's operations and security programme is amended so as to remain a current description of the service provider, its services, procedures and facilities.

(4) The applicant must establish a procedure to provide and maintain a copy of its civil aviation security programme at each location stipulated in regulation 113.02.6(1)(e).

### **Records**

**113.02.4** (1) Each applicant for a civil aviation security service certificate must establish a procedure to identify, collect, index, store and maintain the records that are necessary to ensure compliance with this Part.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The applicant must establish a procedure to -
  - (a) maintain a register of its civil aviation security officers, including details of their experience, qualifications, competence, training, medical assessment, and current authorisations; and
  - (b) ensure that -
    - (i) all records are of a legible and permanent nature;
    - (ii) the records required by paragraph (a) are retained for 24 months from the date the person ceases to be employed or contracted by the certificate holder; and
    - (iii) the records required other than by paragraph (a) are retained for 24 months.

**Internal quality assurance**

**113.02.5** (1) Each applicant for a civil aviation security service certificate must establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

- (2) The internal quality assurance system must include -
  - (a) a civil aviation security policy and security policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers;
  - (b) a procedure to ensure quality indicators, including defect and incident reports and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system;
  - (c) a procedure for corrective action to ensure existing problems that have been identified within the civil aviation system are corrected;
  - (d) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied;
  - (e) an internal quality audit programme to audit the applicant's organisation for conformity with the procedures in its civil aviation security programme and achievement of the goals set in its security policy;
  - (f) management review procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part; and
  - (g) a procedure to ensure that the senior person who has the responsibility for internal quality assurance has direct access to the chief executive officer or senior accountable manager of the applicant on matters affecting civil aviation security.
- (3) The security policy procedure must ensure that the civil aviation security policy is understood, implemented, and maintained at all levels of the organisation.
- (4) The procedure for corrective action must specify how -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) to correct an existing problem;
- (b) to follow up a corrective action to ensure the action is effective; and
- (c) management must measure the effectiveness of any corrective action taken.
- (5) The procedure for preventive action must specify how -
  - (a) to correct a potential problem;
  - (b) to follow up a preventive action to ensure the action is effective;
  - (c) to amend any procedure required by this Part as a result of a preventive action; and
  - (d) management must measure the effectiveness of any preventive action taken.
- (6) The internal quality audit programme must -
  - (a) specify the frequency and location of the audits taking into account the nature of the activity to be audited;
  - (b) ensure audits are carried out by trained auditing personnel who are independent of those having direct responsibility for the activity being audited;
  - (c) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits;
  - (d) require preventive or corrective action to be taken by the personnel responsible for the activity being audited, if problems are found by the audit; and
  - (e) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (7) The procedure for management review must -
  - (a) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system;
  - (b) identify the responsible manager who must review the quality assurance system; and
  - (c) ensure the results of the review are evaluated and recorded.

**Organisation security programme**

**113.02.6** (1) An applicant for the grant of a civil aviation security service certificate must provide the Executive Director together with the security programme -

- (a) a statement signed by the senior accountable manager, on behalf of the organisation, confirming that the civil aviation security programme -
  - (i) defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) is to be complied with by its personnel at all times;
- (b) the titles and names of the persons required under regulation 113.02.1(1) and (2);
- (c) the duties and responsibilities of the persons specified in paragraph (b), including matters in respect of which they deal directly with the Executive Director on behalf of the organisation;
- (d) an organisation chart showing associated lines of responsibility of the persons and supervisory persons specified in paragraph (b);
- (e) details of each location where the organisation intends to provide aviation security services and the facilities at each location;
- (f) a summary of the organisation's staffing structure to be used at each location listed under paragraph (e);
- (g) details of the civil aviation security services to be provided at each location;
- (h) details of the scope of the medical examination report and the method of assessment of fitness required;
- (i) details of the applicant's procedures required under -
  - (i) regulation 113.02.2 regarding the operating procedures;
  - (ii) regulation 113.02.3 regarding control and distribution of civil aviation security documentation;
  - (iii) regulation 113.02.4 regarding the identification, collection, indexing, storage and maintenance of records; and
  - (iv) regulation 113.02.5 regarding internal quality assurance of the applicant's organisation;
- (j) procedures for controlling, amending and distributing the civil aviation security programme;
- (k) procedures for notifying, investigating and reporting any security incident to the Executive Director in accordance with the Act or these regulations; and
- (l) procedures for reporting the detection of dangerous goods to the Executive Director.

(2) An applicant's civil aviation security programme must be acceptable to the Executive Director.

**SUBPART 3**  
**OPERATING REQUIREMENTS**

**Continued compliance**

**113.03.7** Every holder of a civil aviation security service certificate must continue to -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) hold at least one complete and current copy of its civil aviation security programme at each location specified in its security programme;
- (b) comply with all the procedures and systems detailed in its civil aviation security programme;
- (c) make each applicable part of its civil aviation security programme available to personnel who are required to comply with those parts in the performance of their duties; and
- (d) meet the standards and comply with the requirements of Subpart 2.

**Changes to aviation security programme**

**113.03.8** (1) Every holder of a civil aviation security service certificate must -

- (a) ensure that its civil security programme is amended so as to remain as the current description of its organisation;
- (b) ensure any amendment to its civil aviation security programme manual meets the applicable requirements of this Part;
- (c) comply with the amendment procedure contained in its civil aviation security programme;
- (d) provide the Executive Director with a copy of each amendment to its civil aviation security programme as soon as practicable after the amendment is incorporated into its civil aviation security programme; and
- (e) make such amendments to its civil aviation security programme as the Executive Director may consider necessary in the interests of aviation security.

(2) Where the civil aviation certificate holder proposes to make a change to any of the following, prior application to, and approval by, the Executive Director is required:

- (a) the chief executive or senior accountable manager;
- (b) the listed senior persons or key post holders;
- (c) the location at which aviation security services may be provided;
- (d) the scope for which the certificate is granted; or
- (e) the organisation's internal quality assurance system.

(3) An application to make any of the changes specified in subregulation (2) must be made to the Executive Director in the form and manner determined by the Executive Director.

(4) The Executive Director may impose conditions during or following any of the changes specified in subregulation (2).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The civil aviation certificate holder must comply with any conditions imposed under subregulation (4).

(6) Where any of the changes specified in subregulation (2) requires an amendment to the certificate, the civil aviation certificate holder must forward the certificate to the Executive Director as soon as practicable.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 114**  
**AVIATION SECURITY BACKGROUND CHECKS**

[Part 114 is inserted by GN 293/2018.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

114.01.1 Applicability

**SUBPART 2: PROCEDURE FOR SECURITY BACKGROUND CHECKS  
FOR PURPOSES OF CIVIL AVIATION**

- 114.02.1 Procedure for security background check
- 114.02.2 Authority to act as participant or holder
- 114.02.3 Recording of security background checks
- 114.02.4 Period of validity of security background checks
- 114.02.5 Proof of identity of persons
- 114.02.6 Alternative method of identification
- 114.02.7 Criminal records
- 114.02.8 Unfavourable certificate of determination
- 114.02.9 Procedure for issuing certificate of favourable determination
- 114.02.10 Verification of education or employment
- 114.02.11 Self-employment
- 114.02.12 Security background check features
- 114.02.13 Security background check on prospective employees
- 114.02.14 Filing of recruitment records
- 114.02.15 Foreign criminal record checks
- 114.02.16 Applicants who cannot obtain foreign criminal records check
- 114.02.17 Suitable referees

**APPENDIX:** Convictions disqualifying a person from participating in the Namibian civil aviation system

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**114.01.1** (1) Subject to the provisions of sections 134 and 135 of the Act, this Part applies to -

- (a) persons employed at an airport, including persons who are responsible for -
  - (i) implementing security controls with regard to cargo and aircraft inflight supplies, whether at an airport or any other location;
  - (ii) implementing screening of baggage and cargo at the airport or any other location;
  - (iii) access controls at an aviation installation; and
  - (iv) transportation of air cargo and mail;
- (b) pilots and cabin crew attendants;
- (c) aircraft maintenance engineers;
- (d) regulated agents, approved known consignors and suppliers of in-flight supplies;
- (e) at the discretion of the Executive Director, staff members and authorised persons of the Authority; and
- (f) any other person or category of persons who may be required by the Executive Director to undergo security background checks pursuant to section 134 of the Act.

(2) In order to carry a security background check the Executive Director may seek assistance from competent authorities in Namibia and, where necessary, in other States.

(3) A security background check is carried out for purposes of establishing whether a person is a threat to civil aviation security.

**SUBPART 2**  
**PROCEDURES FOR SECURITY BACKGROUND CHECKS**  
**FOR PURPOSES OF CIVIL AVIATION**

**Procedure for security background check**

**114.02.1** (1) A security background check must be conducted in a reasonable manner to protect the privacy and integrity of all persons.

(2) A person in respect of whom a security background check is conducted will be informed of such action verbally and in writing, and his or her consent must be obtained and recorded and counter-signed by that person.

(3) A person in respect of whom a security background check is to be conducted must be informed of the consequences of refusing to consent to the background check.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Authority to act as participant or holder**

**114.02.2** (1) A person referred to in regulation 114.01.1 may not act as a participant or holder unless a security background check has been performed on such person or entity and granted approval, to be a participant or holder by the Executive Director.

(2) Without prejudice to section 134 of the Act, employers of participants referred to in regulation 114.01.1 must cause a security background check to be conducted by competent authorities in Namibia.

(3) The Executive Director must make known, in an Aeronautical Information Circular, to potential civil aviation participants referred to in regulation 114.01.1 the competent authorities of the State or other entities which may be authorised to conduct security background checks for the purposes of this Part.

**Recording of security background checks**

**114.02.3** (1) Employers of participants referred to in regulation 114.01.1 must maintain a register including written proof that a security background check was conducted on its employees or entities.

(2) A register referred to in subregulation (1) must be kept in a safe place by the employer and, where so required, be provided to the Authority for inspection.

**Period of validity of security background checks**

**114.02.4** (1) A security background check for the purposes of this Part is valid for a period not exceeding 24 months.

(2) Security background checks must be conducted after every 24 months.

**Proof of identity of persons**

**114.02.5** Subject to regulation 114.02.6, a person's identity must, for the purposes of a civil aviation security background check, be established on production of one of the following original documents:

- (a) in the case of Namibian citizens or permanent residents, either a Namibian identification card, a valid passport or a valid Namibian driver's licence; and
- (b) in the case of non-Namibian citizens or non-permanent residents, a valid passport together with an original immigration office document confirming the individual's right to work, study or reside in Namibia.

**Alternative method of identification**

**114.02.6** (1) Where a person conducting a security background check is satisfied that the person whose identity is to be established cannot reasonably provide the documentation required under regulation 114.02.5, that person is required to provide the following original documents:

- (a) a birth or adoption certificate;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a registration or naturalisation document;
- (c) proof of residence in Namibia;
- (d) a passport-sized photograph endorsed on its back with the signature of a commissioner of oaths; and
- (f) the testimony of two persons aged 18 years or above who have known the person, either personally or professionally, for a minimum period of three years and a signed statement under oath or affirmation confirming that the signatory knows the person identified.

[This paragraph is mislabelled in the *Government Gazette*; it should be paragraph (e).]

(2) The statement referred to in subregulation (1)(f) must contain the signatory's full name, identification number or passport number, occupation, residential address and telephone number.

#### **Criminal records**

**114.02.7** (1) Criminal records must be produced in the form of an official police criminal record certificate (CRC), known as a "certificate of conduct", and in the case of non-Namibian citizens or non-permanent residents, a document equivalent to the certificate of conduct.

[The word "non-Namibian" is misspelt in the *Government Gazette*, as reproduced above.]

(2) A certificate of conduct remains valid for a period of six months from the date of issue.

#### **Unfavourable certificate of determination**

**114.02.8** (1) Where it has been determined in the course of security background check that an applicant or employee has been convicted of a criminal offence listed in the Appendix, that applicant or employee cannot be allowed to become or continue to be a participant or holder, unless the Executive Director has issued a certificate of favourable determination relating to such conviction.

[The word "an" before "participant or holder" should be "a".]

(2) Despite subregulation (1), where a period of 20 years has lapsed from the date of conviction for the offences referred to in the Appendix, that convicted person may be allowed to become a participant or holder.

#### **Procedure for issuing certificate of favourable determination**

**114.02.9** (1) Before issuing a certificate of favourable determination the Executive Director must cause the person who was convicted of an offence in the Appendix to undergo a fit and proper person test in the manner contemplated by section 69 of the Act, and the following additional information, if not already provided for the purposes of this Part, must be considered:

- (a) whether the person so convicted showed any remorse for the crime committed;
- (b) whether there is a likelihood that the person will repeat the same offence;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the aviation document applied for;
- (d) the person's propensity to committing crimes; and
- (e) any other relevant factor.

(2) A person who was convicted of an offence listed in the Appendix may apply in writing to the Executive Director for a certificate of favourable determination, and -

- (a) the Executive Director must, within 14 days of receipt of the application, inform the applicant of the date, time and place where a fit and proper person test may be conducted; and
- (b) the applicant must pay the fee prescribed under Part 187.

**Verification of education or employment**

**114.02.10** A person who is conducting a security background on another person must obtain written confirmation from employers, educational establishments or other sources capable of verifying the information provided by the person for the purpose of the security background check.

**Self-employment**

**114.02.11** Where a security background check reveals that the person was self-employed, either wholly or in part, during any of the period covered by the check, written confirmation of the dates of the periods of self-employment must be obtained from any relevant third parties.

[The singular word "period" should be plural: "any of the periods".]

**Security background check features**

**114.02.12** The minimum security background checks must include the following features:

- (a) establish the person's identity on the basis of documentary evidence;
- (b) cover criminal records, where relevant, of at least the preceding five years from the date of enquiry;
- (c) cover employment, education and any gaps in records during at least the preceding five years; and
- (d) establish that relevant institutions provided credible information on the person's profile regarding his or her involvement with terrorist activities.

**Security background check on prospective employees**

**114.02.13** A security background check must be completed before any prospective employee referred to in regulation 114.01.1 undergoes any security training involving access to information which is not publicly available.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Filing of recruitment records**

**114.02.14** Recruitment records, including results of any assessment tests, must be kept for all persons recruited for at least the duration of their employment.

**Foreign criminal record checks**

**114.02.15** (1) Where a person has been resident outside the territory of Namibia, criminal record certificates are required for each country that the person has been continuously resident in for six months or more, preceding a period of five years from the date of enquiry.

(2) Where a person has served abroad in the service of the State for a period of five years preceding the enquiry, he or she must provide an extract from his or her service records.

(3) The extract referred to in subregulation (1) must expressly disclose any convictions the person may have, and must cover periods spent overseas of six months or more.

[The word “subregulation” is misspelt in the *Government Gazette*, as reproduced above.]

**Applicants who cannot obtain foreign criminal record check**

**114.02.16** In exceptional cases including, but not limited to a situation where official sources do not exist or officials are unable to supply the individual with a certificate, the individual must provide -

- (a) a statement under oath or affirmation;
- (b) a character reference from a referee; and
- (c) reasons as to why it is not possible to obtain the criminal record certificate.

**Suitable referees**

**114.02.17** A person conducting a security background check of an employee or a prospective employee and considering references provided by the applicant must in addition to any other relevant factors take into account the following factors:

- (a) whether the referee has known the applicant for a period of three years or more;
- (b) whether the referee is resident in Namibia;
- (c) whether the referee holds a Namibian passport or a Namibian identity document;
- (d) whether the applicant and the referee are related to each other by birth, adoption, marriage or other conjugal relationship akin to that of husband and wife;
- (e) whether the applicant and the referee live at the same address; and
- (f) whether there is any specific reason why the referee offered to testify to the character of the individual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## APPENDIX

Convictions disqualifying a person from participating in the Namibian civil aviation system

Any person convicted of offences and acts below is disqualified from becoming an aviation participant or holder, unless a period of 20 years has lapsed from the date of conviction or the Executive Director has issued a certificate of favourable consideration.

- (a) terrorism;
  - (b) unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon;
  - (c) interference with air navigation installation;
  - (d) espionage or cybercrime;
  - (e) commission of certain crimes aboard aircraft in-flight;
  - (f) treason;
  - (g) carrying a weapon or explosive aboard aircraft;
  - (h) kidnapping or hostage taking;
  - (i) human trafficking;
  - (j) crimes involving dishonesty;
  - (k) aircraft piracy and any other piracy;
  - (l) unlawful entry into an aircraft or airport area;
  - (m) any offence connected with bomb threats and or hoaxes, to the detriment of airport security;
  - (n) armed robbery;
  - (o) destruction of an aircraft or aircraft facility;
  - (p) smuggling of specially protected game products and drugs or dependence producing substance; and
- [The word “substance” should be “substances”.]
- (q) conspiracy or attempt to commit any of the aforementioned criminal acts.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS**

**PART 121**  
**AIR TRANSPORT OPERATIONS - CARRIAGE ON AEROPLANES**  
**OF 20 OR MORE PASSENGERS OR CARGO**

[Part 121 is substituted by GN 11/2024.]

**LIST OF REGULATIONS**

[Note that the Division headings within the Subparts  
appear in upper case in the text below.]

**SUBPART 1: GENERAL**

- 121.01.1 Applicability
- 121.01.2 Admission to flight deck
- 121.01.3 Passenger intoxication and unruly behaviour
- 121.01.4 Compliance with laws, regulations and procedures
- 121.01.5 Regulatory infractions during emergency situations
- 121.01.6 Language proficiency

**SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS**

**Division One: Minimum crew requirements**

- 121.02.1 Composition of flight crew
- 121.02.2 Minimum requirements for assignment as pilot-in-command
- 121.02.3 Crew pairing and in-flight relief of flight crew members
- 121.02.4 Flight and cabin crew member emergency duties
- 121.02.5 Cabin crew member complement
- 121.02.6 Operation on more than one type or variant by cabin crew member
- 121.02.7 Senior cabin crew member
- 121.02.8 Cabin crew emergency evacuation stations
- 121.02.9 Seating of cabin crew members during flight

**Division Two: Qualification requirements**

- 121.02.10 Flight crew member qualifications
- 121.02.11 Area, route and aerodrome qualifications
- 121.02.12 Flight engineer qualifications
- 121.02.13 Cabin crew member qualifications
- 121.02.14 Flight operations officer qualifications
- 121.02.15 Ground personnel qualifications

**Division Three: Flight time and duty limitations**

- 121.02.16 Flight time and duty scheme
- 121.02.17 Fatigue risk management system
- 121.02.18 Approval of fatigue risk management system
- 121.02.19 Fatigue risk management system manual

**SUBPART 3: TRAINING AND CHECKING**

**Division One: General**

- 121.03.1 Operator approved training and checking programme

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

121.03.2 Approval of training programme

**Division Two: Flight crew member training**

121.03.3 Flight crew member training

121.03.4 Advanced qualification programme

**Division Three: Training of cabin crew members**

121.03.5 Type and differences training

121.03.6 Operator induction training

121.03.7 Familiarisation flights

121.03.8 Recurrent training

121.03.9 Refresher and requalification training

**Division Four: Training of persons other than flight and cabin crew members**

121.03.10 Employees and service agent training

**Division Five: Training, checking, certification and validity**

121.03.11 Training, checking, certification and validity periods

121.03.12 Flight crew proficiency checks and initial type rating

**SUBPART 4: DOCUMENTATION AND RECORDS**

121.04.1 Documentary requirements

121.04.2 Operations manual

121.04.3 Aircraft operating manual

121.04.4 Aircraft flight manual

121.04.5 Operational flight plan

121.04.6 Flight time and duty period records

121.04.7 Records of emergency and survival equipment

121.04.8 Training records

121.04.9 Load and trim sheet

121.04.10 Aeroplane search procedure checklist

121.04.11 Preservation of documents

121.04.12 Cosmic radiation records

**SUBPART 5: AEROPLANE INSTRUMENTS AND EQUIPMENT**

121.05.1 General

121.05.2 Approval of instruments and equipment

121.05.3 Flight, navigation and associated equipment for aeroplanes operated under visual flight rules

121.05.4 Flight, navigation and associated equipment for aeroplanes operated under instrument flight rules

121.05.5 Altitude alerting system

121.05.6 Terrain awareness and warning system

121.05.7 Airborne weather radar equipment

121.05.8 Cosmic radiation detection equipment

121.05.9 Flight deck crew interphone system

121.05.10 Flight crew interphone system

121.05.11 Public address system

121.05.12 Equipment to clear windshield regulation

121.05.13 Internal doors and curtains

121.05.14 First aid, emergency medical and universal precaution kits

121.05.15 Means for emergency evacuation

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 121.05.16 Airborne collision avoidance system
- 121.05.17 Passenger cabin signs and placards
- 121.05.18 Flight recorders
- 121.05.19 Flight data recorders
- 121.05.20 Cockpit voice recorders
- 121.05.21 Data link recorders
- 121.05.22 Lifesaving equipment during flight over open water
- 121.05.23 Equipment requirements for aeroplane on long range over water flight
- 121.05.24 Cabin attendant seats
- 121.05.25 Emergency locator transmitter
- 121.05.26 Microphones
- 121.05.27 Fire extinguisher
- 121.05.28 Turbo-jet aeroplanes - forward-looking wind shear warning system
- 121.05.29 Turbine aeroplane - runway overrun awareness and alerting system

**SUBPART 6: AIR OPERATOR CERTIFICATE**

- 121.06.1 Requirements to hold air operator certificate
- 121.06.2 Application for issue or amendment of air operator certificate and operations specifications
- 121.06.3 Application, consideration of and issue of air operator certificate or operations specifications
- 121.06.4 Validity and status of air operator certificate
- 121.06.5 Safety and security inspections and audits
- 121.06.6 Administrative duties of air operator certificate holder
- 121.06.7 Register of air operator certificates
- 121.06.8 Operator notification
- 121.06.9 Demonstration flights

[The heading of this regulation in the text below is “Demonstration flights for initial application”.]

**SUBPART 7: FOREIGN AIR OPERATOR PERMIT**

- 121.07.1 Requirement for foreign air operator permit
- 121.07.2 Application for foreign air operator permit or amendment of foreign air operator permit
- 121.07.3 Assessment of application and issue of permit
- 121.07.4 Period of validity
- 121.07.5 Transferability
- 121.07.6 Duties of holder of permit
- 121.07.7 Renewal of permit
- 121.07.8 Safety inspections and audits
- 121.07.9 Suspension, revocation and variation of air operator certificate and foreign air operator permit
- 121.07.10 Register of permits

**SUBPART 8: FLIGHT OPERATIONS**

**Division One: General**

- 121.08.1 Routes and areas of operation and aerodrome facilities
- 121.08.2 Establishment of procedures
- 121.08.3 Competence of operations personnel
- 121.08.4 Use of air traffic services
- 121.08.5 Single-engine aeroplane operations

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 121.08.6 Defect reporting
- 121.08.7 Instrument approach and departure procedures
- 121.08.8 Environmental protection
- 121.08.9 Reporting of hazardous flight conditions
- 121.07.10 Refuelling and defueling with passengers on board
- 121.08.11 Reporting acts of unlawful interference
- 121.08.12 Cabin and flight deck signals
- 121.08.13 In-flight simulation of emergencies
- 121.08.14 Security of flight crew compartment

**Division Two: Dispatch and flight release rules**

- 121.08.15 Operational control and supervision of flight operations
- 121.08.16 Contracted services for operational control system
- 121.08.17 Operational flight plan and flight release
- 121.08.18 Familiarity with weather conditions and technical data
- 121.08.19 Retention of flight operations documents and reports
- 121.08.20 Maintenance status
- 121.08.21 Requirements for minimum equipment lists
- 121.08.22 Aerodrome operating minima
- 121.08.23 Minimum flight altitudes
- 121.08.24 Ditching
- 121.08.25 Fuel policy
- 121.08.26 Fuel supply and record keeping
- 121.08.27 Operation of aircraft in icing conditions
- 121.07.28 Surface contamination programme
- 121.08.29 In-flight operational changes to a flight plan
- 121.08.30 Inertial navigation systems and inertial reference systems
- 121.08.31 Mass and balance control
- 121.08.32 Low visibility operations
- 121.08.33 Operations with head-up displays or vision systems
- 121.08.34 Operations with electronic flight bags

**Division Three: Cabin safety**

- 121.08.35 Seat, seat safety belt, harness and child restraint device and carriage of infant
- 121.08.36 Carriage of persons with a disability
- 121.08.37 Limitations on carriage of children and passengers with disability
- 121.08.38 Carriage of persons without documentation, deportees or persons in custody
- 121.08.39 Carry-on baggage
- 121.08.40 Hold baggage screening
- 121.08.41 Securing of passenger cabin and galley
- 121.08.42 Passenger services
- 121.08.43 Briefing of passengers
- 121.08.44 Safety features card
- 121.08.45 Carriage of supernumeraries
- 121.08.46 Seating of supernumeraries during flight
- 121.08.47 Portable electronic devices

**SUBPART 9: AEROPLANE PERFORMANCE OPERATING LIMITATIONS**

- 121.09.1 General requirements
- 121.09.2 Take-off mass limitations
- 121.09.3 Net take-off flight path
- 121.09.4 En-route limitations with one engine inoperative



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 121.09.5 En-route limitations with two engines inoperative
- 121.09.6 Dispatch limitations: landing at destination and alternate aerodromes
- 121.09.7 Dispatch limitations: wet runway- turbojet- or turbofan-powered aeroplanes
- 121.09.8 Landing at destination and alternate aerodromes
- 121.09.9 Landing on dry runways
- 121.09.10 Landing on wet and contaminated runways

**SUBPART 10: MAINTENANCE**

- 121.10.1 General
- 121.10.2 Aeroplane maintenance programme
- 121.10.3 Maintenance contracted to approved aircraft maintenance organisation
- 121.10.4 Operator's maintenance responsibilities
- 121.10.5 Operator's maintenance control manual
- 121.10.6 Maintenance records
- 121.10.7 Continuing airworthiness information
- 121.10.8 Modifications and repairs

**SUBPART 11: SAFETY AND QUALITY MANAGEMENT SYSTEMS**

- 121.11.1 Requirement for quality management system

**SUBPART 12: SECURITY**

- 121.12.1 Aviation security for domestic and international air transport operations

**SUBPART 13: DANGEROUS GOODS**

- 121.13.1 Transportation of dangerous goods

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**121.01.1** (1) This Part applies to -

- (a) any Namibian operator, engaged in a commercial air transport operation, using an aeroplane registered in Namibia -
  - (i) having a maximum certificated passenger seating capacity of 20 or more as authorised on the initial type certificate issued to the aeroplane;
  - (ii) operating in an all-cargo configuration having a maximum certificated take-off mass of greater than 8 618 kilogrammes;
  - (iii) that is authorised by the Executive Director to be operated under this Part; or
  - (iv) that is required by the Executive Director to be operated under this Part, based on the size or complexity of the aeroplane;
- (b) any aircraft that is authorised by the Executive Director to be operated under this Part;
- (c) persons employed, or otherwise engaged by the operator referred to in subregulation (1)(a) or (b), who perform functions essential to the operation of aeroplanes operated under this Part; and

[There should be a comma after the phrase “or otherwise engaged” to offset that phrase properly.]

- (d) persons, mail or cargo on board an aeroplane operated under this Part.

(2) For the purposes of this Part, an aeroplane registered in another State and operated by the holder of an air operator certificate issued in Namibia, must be considered to be registered in Namibia.

**Admission to flight deck**

**121.01.2** (1) An operator and the pilot-in-command of any aeroplane operated under this Part must ensure that no person, other than the flight crew members assigned to a flight, is admitted to, or carried on the flight deck of the aeroplane unless the person is -

- (a) an authorised officer, inspector or authorised person; or
- (b) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 121.04.2.

(2) Despite subregulation (1), the pilot-in-command may, in the interests of safety, deny a person admission to or remove the person from the flight deck and any decision to deny admission to or remove a person from the flight deck must be reported to the operator and must include the reasons for the decision.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The admission of any person to the flight deck must not interfere with the operation of the aeroplane.

(4) The pilot-in-command must ensure that any person carried on the flight deck is made familiar with the applicable safety equipment and pertinent operational procedures.

**Passenger intoxication and unruly behaviour**

**121.01.3** (1) An operator may not permit a person to enter or be in an aeroplane while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of the aeroplane or its occupants is, or is likely to be, endangered.

(2) An operator must establish procedures to ensure that any person referred to in subregulation (1) is -

- (a) refused embarkation; or
- (b) if the person is on board, restrained or disembarked.

(3) Each passenger on board an aeroplane must obey any command issued by a flight crew member in the performance of his or her duties.

**Compliance with laws, regulations and procedures**

**121.01.4** (1) An operator must ensure all crew members, while operating within foreign airspace, comply with all air traffic rules and regulations of the State concerned and the local aerodrome rules, except where any regulation of this Part is more restrictive and may be followed without violating the rules or regulations of that State.

(2) An operator must publish in the operations manual referred to in regulation 121.04.2, the information, procedures and instructions as is necessary to ensure its personnel are familiar with and in compliance with the laws, regulations and procedures pertinent to their duties with respect to -

**[The word “is” in the phrase “as is necessary” should be “are” to accord with the compound subject “information, procedures and instructions”.]**

- (a) flight operations into or within domestic and foreign airspace;
- (b) the area over which the operation will occur;
- (c) the aerodromes to be used; and
- (d) air navigation facilities to be used.

(3) Despite subregulation (2), each operator, including its employees or agents, must comply with all applicable provisions of the regulations.

(4) The Authority must immediately notify a foreign operator and if warranted, a State of an Operator and a State of Registry, as the case may be, if -

- (a) a non-compliance or suspected non-compliance with applicable laws of Namibia by a foreign operator is identified; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a potential serious safety issue, similar to one encountered by another operator, is identified.

(5) The Authority must consult with a State of an Operator and a State of Registry, as applicable, concerning safety standards maintained by a foreign operator, if a notification as specified in subregulations (4) is issued and is warrants a resolution.

[The plural word “subregulations” should be singular. The word “is” before the phrase “warrants a resolution” is superfluous.]

**Regulatory infractions during emergency situations**

**121.01.1** (1) Where a pilot-in-command of an aeroplane takes action considered necessary to ensure the safety of the aeroplane which results in a violation of any regulation of a State in, or over which an aeroplane is being operated, he or she must comply with the requirements of regulation 91.02.6 and, where possible, cause the event to be marked on a cockpit voice recorder.

(2) Despite any requirement to file a report in terms of regulation 91.01.2, a pilot-in-command must submit a full report of a violation referred to in subregulation (1), to a person responsible for operations within 48 hours after the conclusion of flight concerned in the manner specified in a concerned operator’s operations manual.

(3) A pilot-in-command must within 48 hours following an act of unlawful interference whereby the pilot-in-command was incapacitated, report the act to the Authority and a relevant foreign authority.

**Language proficiency**

**121.01.6** (1) In addition to the English Language Proficiency referred to in Part 61 an operator may not assign a flight crew to duty unless at least one member of the flight crew has demonstrated to the operator, his or her ability to speak and understand the language used for radiotelephony communications over any route and aerodrome named in the operational flight plan for that flight.

(2) The level of language proficiency required to be demonstrated to the operator must be as provided for in Document NAM-CATS-OPS 121.

**SUBPART 2**  
**OPERATIONS PERSONNEL REQUIREMENTS**

**DIVISION ONE: MINIMUM CREW REQUIREMENTS**

**Composition of flight crew**

**121.02.1** (1) The minimum number and composition of the flight crew must not be less than the minimum number and composition specified in the aeroplane’s aircraft flight manual referred to in regulation 121.04.4.

(2) An operator must allocate additional flight crew members when it is required by the type of operation, and the number of the additional flight crew members must not be less than the number specified in the operations manual referred to in regulation 121.04.2.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator may not assign a person as a flight crew member on an aeroplane and a person may not act as a flight crew member on an aeroplane unless the person meets the qualification requirements specified in regulation 121.02.10.

(4) The flight crew must include at least one member who holds a valid radiotelephony operator licence or an equivalent document issued by an appropriate authority, authorising the member to operate the type of radio transmitting equipment to be used.

(5) The flight crew must include at least one member who is proficient in navigating over the route to be flown.

(6) Where the aeroplane's aircraft flight manual referred to in regulation 121.04.4 specifies the requirement for the minimum flight crew to include a flight engineer, an operator must ensure that a flight engineer, who meets the qualifications specified in regulation 121.02.12, is assigned to each flight.

(7) An operator must designate for each flight a pilot-in-command and a second-in-command.

(8) The flight crew must include at least one member who holds a flight navigator licence in all operations where, as determined by the Executive Director, navigation necessary for the safe conduct of the flight cannot be adequately accomplished by the pilots from the pilot station.

**Minimum requirements for assignment as pilot-in-command**

**121.02.2** (1) An operator may not assign a pilot-in-command, and a flight crew member may not accept any assignment to act as a pilot-in-air flight crew member as command of any aeroplane, unless the crew member meets the minimum flight time requirements to act as a pilot-in-command and he or she meets the operating experience requirements in Document NAM-CATS-OPS 121.

[Subregulation (1) appears to have some extraneous words.  
Compare the similar regulation 135.02.2(1) below.]

(2) The Executive Director may, in the interests of safety, require a pilot-in-command to have additional flight time experience prior to operating in that position.

(3) An operator must publish the minimum flight time for assignment and operating experience requirements for a pilot-in-command in its operations manual.

**Crew pairing and in-flight relief of flight crew members**

**121.02.3** (1) An operator must publish procedures in its operations manual to ensure flight crew members who do not meet the crew pairing standards in Document NAM-CATS-OPS 121 are not simultaneously assigned to flight duty.

(2) A flight deck crew member may be relieved in flight of his or her flight deck duties by another flight deck crew member qualified in accordance with regulation 121.02.10.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) A flight engineer may be relieved in flight by a flight crew member who is qualified in accordance with regulation 121.02.10 or by a suitably qualified flight crew member acceptable to the Executive Director.

(4) An operator may not assign a person, and a person may not accept an assignment, to provide in-flight relief for the purpose of extending any flight duty period, unless the relief pilot holds the minimum qualifications specified in regulation 121.02.10.

**Flight and cabin crew member emergency duties**

**121.02.4** (1) An operator and where appropriate, the pilot-in-command must assign to each flight and cabin crew member concerned the necessary functions to be performed in an emergency or a situation requiring emergency evacuation and the operator must establish emergency evacuation procedures based on such assignment.

(2) The functions referred to in subregulation (1) must be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and must take into consideration the possible incapacitation of individual flight and cabin crew members.

(3) With respect to the emergency evacuation procedures required by subregulation (1) -

- (a) the operator must prove to the satisfaction of the Executive Director that the procedures to accomplish the evacuation have been adopted and are adequate; and
- (b) the procedures must be demonstrated by the operator's flight and cabin crew members and carried out in accordance with the requirements in Document NAM-CATS-OPS 121.

(4) An operator must carry out the emergency evacuation demonstration referred to in subregulation (3)(b) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use and has not been certified under a certification process acceptable to the Executive Director, as provided for in Document NAM-CATS-OPS 121.

(5) A person may not use an aircraft type and model in commercial air transport passenger-carrying operations unless the operator has first conducted, for the Authority, an actual full-capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

(6) The Executive Director may approve a partial-capacity demonstration instead of a full-capacity demonstration where the operator can produce evidence that -

- (a) a satisfactory full-capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another operator; or
- (b) there is an engineering analysis, which shows that an evacuation is still possible within the 90 second standard, if the operator's aircraft configuration differs with regard to the number of exits or exit type or number of cabin crew members.

(7) Where the Executive Director has approved the partial evacuation demonstration referred to in subregulation (6), the demonstration must be performed in the manner prescribed in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The emergency evacuation procedures referred to in subregulation (1) must be contained in the operator's operations manual referred to in regulation 121.04.2 and must form part of the operator's emergency training programme.

(9) An operator may not assign any emergency function, and a flight or cabin crew member may not perform any emergency function, unless the crew member has been trained to perform emergency functions in accordance with the approved emergency training programme of the operator.

**Cabin crew member complement**

**121.02.5** (1) An operator may not operate an aeroplane with a certificated passenger seating capacity of 20 or more in a passenger-carrying service unless -

- (a) one or more cabin crew members have been assigned to duty, if one or more passengers are carried; and
- (b) the minimum number of cabin crew members assigned to a flight is not less than that specified in Document NAM-CATS-OPS 121, despite the actual number of passengers on board the aeroplane.

(2) Where, in consideration of the size, complexity and physical layout of the aeroplane, the Executive Director is of the opinion that it would be in the interest of safety, he or she may, despite the aeroplane's certificated seating capacity -

- (a) require one or more cabin crew members licensed in terms of Part 64 to be assigned to duty; or
- (b) require the operator to demonstrate a capability to provide an equivalent level of safety as would be achieved by paragraph (a).

(3) A cabin crew member must give priority to the performance of duties relating to the safety of passengers as may be assigned by the operator or the pilot-in-command.

(4) In unforeseen circumstances, the operator may reduce the required minimum number of cabin crew members but -

- (a) the number of passengers must be reduced in accordance with the procedures specified in the operations manual referred to in regulation 121.04.2; and
- (b) a report on the reduction of the cabin crew members and passengers must be submitted to the Executive Director after completion of the flight.

**Operation on more than one type or variant by cabin crew member**

**121.02.6** (1) A cabin crew member may not operate on more than three aeroplane types except where the Executive Director approves the operation on a fourth aeroplane type, but the emergency and safety equipment and procedures for at least two of the aeroplane types must be similar.

(2) The types of aeroplanes which are considered to be similar in respect of emergency and safety equipment and procedures must be based on the factors listed in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Senior cabin crew member**

**121.02.7** (1) An operator must appoint a senior cabin crew member whenever more than one cabin crew member is carried on board an aeroplane operated under this Part.

(2) The senior cabin crew member is responsible to the pilot-in-command for the conduct of cabin operations and the coordination and performance of safety duties.

(3) An operator must establish procedures to select the next most suitably qualified cabin crew member to operate as a senior cabin crew member in the event of the nominated senior cabin crew member being unable to perform his or her duties.

**Cabin crew emergency evacuation stations**

**121.02.8** A cabin crew member assigned to perform evacuation duties must occupy the seat provided for that purpose during take-off and landing or when so directed by the pilot-in-command for safety purposes.

**Seating of cabin crew members during flight**

**121.02.9** During take-off and landing, and whenever considered necessary by the pilot-in-command in the interests of aviation safety, cabin crew members must be seated at their assigned stations or seats, on all decks which are occupied by passengers.

**DIVISION TWO: QUALIFICATION REQUIREMENTS**

**Flight crew member qualifications**

**121.02.10** (1) An operator may not permit a person to act and a person may not act as the flight crew member of an aeroplane unless, in addition to the recency requirements in regulation 91.02.4, the person -

- (a) holds valid licences, certificates and ratings as required by Part 61 and Part 63 appropriate to the assignment;
- (b) meets the type and variant training and checking requirements specified in Subpart 3 and has otherwise fulfilled all applicable training requirements specified in Document NAM-CATS-OPS 121;
- (c) in the case of the pilot-in-command assigned to duty on a passenger-carrying flight, meets the area, route and aerodrome familiarisation requirements specified in Document NAM-CATS-OPS 121;
- (d) in the case of a cruise relief pilot, within the previous 90 days, has -
  - (i) operated as a pilot-in-command, co-pilot or cruise relief pilot on the same type of aeroplane; or
  - (ii) completed flying skill refresher training including normal, abnormal and emergency procedures specific to cruise flight on the same type of aeroplane or in a flight simulation training device approved for that purpose, and has practised approach and landing procedures, where the approach and landing



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

procedure practise may be performed as the pilot who is not flying the aeroplane.

(2) A pilot who does not meet the recency requirements in regulation 91.02.4 or whose training and checking validity periods have lapsed must regain competency as provided for in the regaining competency requirements specified in Subpart 3.

(3) Unless otherwise approved by the Executive Director, an operator may not assign a person to act, and a person may not act, as the pilot-in-command or second-in-command on more than -

- (a) two different types of large aeroplanes, for which a separate licence endorsement is required, under this Part;
- (b) one type of aeroplane under this Part and an additional two aircraft types of a maximum certificated take-off mass in excess of 5 700 kilogrammes, for which a separate licence endorsement is required, if operating under Parts 127 or 135; or
- (c) two different types of aeroplanes for which a separate licence endorsement is required under this Part and an additional different aircraft type of a maximum certificated take-off mass in excess of 5 700 kilogrammes, for which a separate licence endorsement is required, if operating under Parts 127 or 135.

(4) A pilot operating on more than one type of aeroplane under this Part must meet the requirements specified in Document NAM-CATS-OPS 121.

(5) An operator may permit a person to act and a person may act as the flight crew member of an aeroplane under this Part where the person does not meet the requirements of subregulation (1) if -

- (a) the aeroplane is operated on a training, ferry or positioning flight; or
- (b) the operator -
  - (i) is authorised to do so in its operations specifications, and
  - (ii) otherwise complies with the provisions of this Part.

**Area, route and aerodrome qualifications**

**121.02.11** (1) An operator may not assign, and a pilot may not act as pilot-in-command of an aeroplane engaged in passenger-carrying a pilot to act as a pilot-in-command, unless the pilot-in-command, has familiarised himself or herself with the area, route and aerodromes to be operated over or into prior to operating there, including consideration of -

- (a) the aerodrome operating minima, terrain and minimum safe altitudes;
- (b) the en-route and aerodrome meteorological conditions, in particular any localized adverse weather patterns;
- (c) the meteorological, communication and air traffic and search and rescue facilities, services and procedures, as appropriate;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the aerodrome obstructions, physical layout, approach aids and arrival, departure, holding and instrument approach procedures and weather minima;
- (e) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and
- (f) with respect to the navigational capability associated with the route along which the flight is to take place -
  - (i) the use of the equipment needed to navigate the route; and
  - (ii) the navigational facilities and procedures, including any long-range or specialised navigation procedures or equipment, to be used.

(2) An operator must establish in its operations manual the means by which the pilot-in-command is to become familiar with the area, route and aerodromes over or into which he or she is to operate.

**Flight engineer qualifications**

**121.02.12** An operator may not assign a person to act, and a person may not act, as a flight engineer on board an aeroplane unless the person -

- (a) holds a valid licence, certificates and appropriate ratings issued in terms of Part 63; and
- (b) has fulfilled the requirements of the approved training and checking programme including line induction as specified in Subpart 3.

**Cabin crew member qualifications**

**121.02.13** An operator may not assign a person to act, and a person may not act, as a cabin crew member on board an aeroplane unless the person -

- (a) holds a valid licence and appropriate ratings issued in terms of Part 64;
- (b) has successfully completed the operator's approved training programme outlined in Subpart 3, except that a person may act as a cabin crew member while undergoing familiarisation training if the person is carried in addition to the number of cabin crew members required by regulation 121.02.5(1) and is under the supervision of a cabin crew member; and
- (c) has successfully completed familiarisation training within 180 days after completing the operator's training programme or has regained qualification in accordance with Subpart 3.

**Flight operations officer qualifications**

**121.02.14** An operator may not permit a person to act and a person may not act as a flight operations officer unless he or she -

- (a) meets the training and checking requirements specified in Subpart 3 and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) holds a flight operations officer certification specifying authorised duty assignments issued by the operator that is acceptable to the Executive Director.

**Ground personnel qualifications**

**121.02.15** Where an operator employs ground personnel to provide essential ground support services appropriate to the aeroplanes and type of service being operated, the operator must ensure -

- (a) persons assigned to the handling of dangerous goods are qualified to do so in accordance with Subpart 3; and
- (b) persons assigned to provide direct service to an operator's aeroplane or any passenger, cargo or mail intended to be carried aboard the aeroplanes, are trained and qualified as appropriate to their assignments.

**DIVISION THREE: FLIGHT TIME AND DUTY LIMITATIONS**

**Flight time and duty scheme**

**121.02.16** (1) An operator must -

- (a) establish a scheme for the regulation of flight time and duty periods, rest periods and days free of duty as applicable, for each flight crew member and flight operations officer and that complies with -
  - (i) the flight time and duty period limitations, rest periods and days free of duty, specified in Document NAM-CATS-OPS 121; or
  - (ii) a system of flight time and duty period limitations, rest periods and days free of duty proposed by the operator where the Executive Director is of the opinion that an equivalent level of safety may be achieved by the operator's proposed scheme; and
- (b) publish the scheme referred to in subregulation (1)(a) in the operations manual referred to in regulation 121.04.2.

(2) An operator may not assign an assignment to a flight crew member, and a flight crew member may not accept an assignment if the assignment is not in compliance with the scheme referred to in subregulation (1)(a) or if -

- (a) the operator or flight crew member knows or has been made aware that the flight assignment will cause the flight crew member to exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or
- (b) the flight crew member is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aeroplane or its flight crew members and passengers.

(3) An operator may not schedule a flight crew member for flight time for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in subregulation (1)(a).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Where any flight crew member, cabin crew member or flight operations officer is aware of any reason they would be in violation of the scheme referred to in subregulation (1)(a), that person must, without delay, inform the operator.

(5) For the purposes of this regulation, the operator must be taken to mean -

- (a) the appropriate management personnel if time permits;
- (b) the duty crew scheduler of the operator;
- (c) the duty person responsible for operational control over the flight; or
- (d) in the case of a cabin crew member, the pilot-in-command or the cabin crew member's immediate supervisor.

(5) The provisions to be included in a flight time and duty scheme referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 121.

**Fatigue risk management system**

**121.02.17** (1) An operator who establishes a scheme for the regulation of flight time and duty periods in accordance with regulation 121.02.16(1)(a)(ii) must establish a fatigue risk management system for the purpose of managing fatigue.

(2) An operator's fatigue risk management system must contain, as a minimum -

- (a) a fatigue risk management system policy;
- (b) a fatigue risk management process;
- (c) a safety assurance process; and
- (d) a fatigue risk management system promotion process:

specified in Document NAM-CATS-OPS 121.

(3) An operator must designate a person responsible for the fatigue risk management system who meets the qualifications and experience requirements and who will be responsible for the functions as provided for in Document NAM-CATS-OPS 121.

(4) A fatigue risk management system established in terms of subregulation (1) must -

- (a) be based upon scientific principles, knowledge and operational experience with the aim of ensuring that flight crew and cabin crew members are performing at an adequate level of alertness; and
- (b) be integrated with the safety management system.

**Approval of fatigue risk management system**

**121.02.18** (1) An operator must submit to the Executive Director their proposed fatigue risk management system which complies with regulation 121.02.17(2).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must approve the commencement of a trial phase for implementation of the proposed fatigue risk management system for a trial period of up to 36 months if the Executive Director is satisfied that the operator has complied with regulation 121.02.17(2).

(3) At any time during the approved trial phase, the Executive Director may withdraw the approval if it becomes evident that the operator does not comply with the provisions of the system or these regulations.

(4) During the trial phase, the operator may implement the proposed maximum and minimum flight time and duty values, as determined by the operator and approved by the Executive Director.

(5) After a 24 months period an operator, approved under subregulation (2) may apply to the Executive Director for full approval by providing evidence that the fatigue risk management system is delivering the required safety outcomes.

[The phrase “24 months” should be “24-month”.]

(6) Where the Executive Director is satisfied that the evidence provided under subregulation (5) is acceptable, the Executive Director must issue a full approval to implement the fatigue risk management system.

**Fatigue risk management system manual**

**121.02.19** An operator must draw up a fatigue risk management system containing all the information required under this Part and publish the content in their operations manual as provided for in Document NAM-CATS-OPS 121.

**SUBPART :**  
**TRAINING AND CHECKING**

[The Subpart number “3” is missing in the *Government Gazette*.]

**DIVISION ONE: GENERAL**

**Operator approved training and checking programme**

**121.03.1** (1) An operator must establish, implement and maintain a training and checking programme for all personnel referenced in Divisions One to Four of this Subpart that will ensure the personnel are adequately trained and qualified to perform their assigned duties and the personnel must undergo the training from that operator, except as provided in Document NAM-CATS-OPS 121.

(2) The training programme referred to in subregulation (1) must be conducted by an aviation training organisation approved in accordance with Part 141 or by the operator if approved by the Executive Director as provided in regulation 121.03.2 but if approved to be conducted by the operator -

- (a) the programme must be conducted for the operator’s employees only;
- (b) with respect to any licence, rating or validation under Parts 61 or 64, the training must be restricted to -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) training for an instrument rating revalidation.
  - (ii) initial type rating, familiarisation and differences training; and
  - (iii) training for licence renewals and proficiency checks; and
- (c) the training must be for any other qualification or certification required under this Part.
- (3) The training programme referred to in subregulation (1) must be approved by the Executive Director as provided in regulation 121.03.2.
- (4) An operator must ensure that -
- (a) prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full time or part time basis, receive the training as appropriate to his or her duties in accordance with the provisions in Document NAM-CATS-OPS 121;
  - (b) each person required to receive the training referred to in paragraph (a), must pass a written examination or other comprehension assessment acceptable to the Executive Director and where applicable, complete a skills test as specified in this Subpart; and
  - (c) the training facilities, equipment and personnel are acceptable to the Executive Director and, in the case of training and checking personnel, must meet the requirements specified in Document NAM-CATS-OPS 121.
- (5) The training and checking programme referred to in subregulation (1) must comply with Document NAM-CATS-OPS 121.
- (6) The training programme referred to in subregulation (1) must include a system of record keeping referred to in regulation 121.04.8.
- (7) The training records referred to in subregulation (6) must be retained as provided in regulation 121.04.8.
- (8) An operator must publish the training programme referred to in regulation 121.03.1 in the operations manual referred to in regulation 121.04.2.

**Approval of training programme**

- 121.03.2** (1) An operator must submit its ground and flight training programme and any amendments to its ground and flight training programme to the Executive Director for approval.
- (2) The initial and final approval process must be as provided for in Document NAM-CATS-OPS 121.
- (3) The Executive Director may approve an operator to have its training programme either in whole or in part contracted to another organisation in accordance with Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

## DIVISION TWO: FLIGHT CREW MEMBER TRAINING

### Flight crew member training

**121.03.3** (1) An operator must provide ground and flight training to its flight crew members that includes at least the following training components -

- (a) company induction training on an initial basis;
- (b) crew resource management training including human factors, risk analysis and error management training;
- (c) emergency procedures training including -
  - (i) the location, inspection schedules, testing as applicable and use of all emergency equipment required to be carried, or otherwise carried on board the aeroplane;
  - (ii) emergency evacuation, and where applicable ditching training; and
  - (iii) training in the functions for which each flight crew member is responsible and the relation of these functions to the functions of other crew members, particularly in regard to abnormal or emergency procedures.

[The full stop at the end of subparagraph (iii) should be a semicolon.]

- (d) initial aeroplane type training including visual, instrument and special flight procedures as applicable, crew coordination in all types of emergency situations, normal, abnormal, emergency and supplementary procedures for the type of aeroplane assigned to;
- (e) recurrent training;
- (f) upgrade training;
- (g) cruise relief pilot training;
- (h) line induction training on initial aeroplane assignment or upgrade;
- (i) differences and familiarisation training where the operator intends to assign a flight crew member to variant types, in accordance with regulation 121.02.10(1)(b);
- (j) pilot qualification to operate in either pilot seat;
- (k) regaining recency or qualification training when required;
- (l) area, route and aerodrome familiarization training;
- (m) airborne collision avoidance system or ACAS II training, as applicable, including ACAS II cyclic training, if applicable, to at least the pilot-in-command where the aeroplane is required to be operated with an approved, serviceable airborne collision avoidance system;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (n) upset prevention and recovery training;
- (o) reduced vertical separation minima training as applicable;
- (p) line-oriented flight training;
- (q) dangerous goods training if dangerous goods are authorised to be carried or dangerous goods awareness training if they are not; and
- (r) any other course of studies required by the Executive Director as provided for in Document NAM-CATS-OPS 121 to ensure full competency of personnel on new or special equipment installed in the operator's aeroplane or other operations requiring specialised training.

(2) Except where noted in Document NAM-CATS-OPS 121, all training components listed in subregulation (1) must be provided on an initial and an annual recurrent basis and meet the requirements specified in Document NAM-CATS-OPS 121.

**Advanced qualification programme**

**121.03.4** (1) The Executive Director may, upon application by an operator, approve the incorporation of an advanced qualification programme into the operator's approved training programme but the advanced qualification programme must meet the conditions specified in Document NAM-CATS-OPS 121.

(2) The advanced qualification programme must ensure a level of proficiency is maintained at least to the standards required by Division 5 of this Subpart.

**DIVISION THREE: TRAINING OF CABIN CREW MEMBERS**

**Type and differences training**

**121.03.5** (1) A cabin crew member must complete a type training course when -

- (a) employed by the operator as a cabin crew member; or
- (b) assigned to act as a cabin crew member on another aeroplane type.

(2) An operator must ensure that each cabin crew member successfully completes the initial aeroplane type training as provided for in Document NAM-CATS-OPS 121 before undertaking flight operations with the operator.

(3) A cabin crew member must complete a differences training course when acting as a cabin crew member -

- (a) in a variant of the current aeroplane type; or
- (b) in an aeroplane type with equipment, equipment location or safety procedures which differ from the current aeroplane type or variant.

**Operator induction training**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.03.6** (1) An operator must ensure that each cabin crew member has completed the operator induction training, specified in the operations manual referred to in regulation 121.04.2, before undertaking duties assigned to them.

(2) A cabin crew member must complete an operator induction training course upon initial hire by the operator.

(3) An operator induction training referred to in subregulation (1) must consist of the subject matter specified in Document NAM-CATS-OPS 121.

**Familiarisation flights**

**121.03.7** An operator must ensure that upon completion of type training, differences training or requalification training, each cabin crew member undertakes familiarisation flights before acting as one of the minimum number of cabin crew members referred to in regulation 121.02.5.

**Recurrent training**

**121.03.8** (1) An operator must ensure that each cabin crew member undergoes recurrent training, covering the actions assigned to each cabin crew member in evacuation and other appropriate normal and emergency procedures and drills relevant to the aeroplane type or variant in accordance with the requirements as provided for in Document NAM-CATS-OPS 121.

(2) An operator must ensure that the recurrent training and checking programme syllabus includes theoretical and practical instruction, as well as individual practice and the syllabus must be based on those training items from the initial aeroplane type training programme the Executive Director considers necessary.

(3) Upon successful completion of the recurrent training and checking, the operator must issue a certificate of competency to the cabin crew member concerned, which certificate must be valid for a period of 12 calendar months calculated from the last day of the calendar month in which the certificate is issued.

**Refresher and requalification training**

**121.03.9** (1) An operator must ensure that a cabin crew member who has not been absent from all flying duties and has not acted as a cabin crew member on a particular aeroplane type for a period of up to and including six months, completes -

- (a) a refresher training as provided for in Document NAM-CATS-OPS 121 in the aeroplane type; or
- (b) two familiarisation sectors during commercial operations in the aeroplane type,

before undertaking duties on the aeroplane type.

(2) An operator must ensure that each cabin crew member who has been absent from all flying duties for more than six months completes the requalification training as provided for in Document NAM-CATS-OPS 121.

**DIVISION FOUR: TRAINING OF PERSONS OTHER THAN FLIGHT  
AND CABIN CREW MEMBERS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Employees and service agent training**

**121.03.10** (1) An operator must provide initial, recurrent and refresher training and checking as provided for in Document NAM-CATS-OPS 121 for any person whose function is essential to safe operations in terms of this Part.

- (2) The training will be given to at least -
  - (a) flight operations officers and flight followers;
  - (b) ground service personnel whose function involves working in, on or around the operator's aeroplanes; and
  - (c) any other person considered necessary by the Executive Director.

**DIVISION FIVE: TRAINING, CHECKING, CERTIFICATION AND VALIDITY**

**Training, checking, certification and validity periods**

**121.03.11** (1) An operator must provide checks including an inflight proficiency line check or demonstration of competency as provided for in Document NAM-CATS-OPS 121.

(2) The issue of any certificate or other means of certifying competency must be as provided for in Document NAM-CATS-OPS 121.

(3) The following training, checking, or demonstration of competency validity periods must apply -

- (a) for flight crew members -
  - (i) training is valid to the first day of the thirteenth month following the month in which the training took place;
  - (ii) except as provided in subparagraph (iv), a pilot proficiency check is valid to the first day of the seventh month following the month in which a pilot proficiency check took place, but any two pilot proficiency checks that are similar in nature and occur within four months of each other do not satisfy this requirement;
  - (iii) where an operator is approved to conduct an advanced qualification training programme on specific aeroplane types, the approvals allow for pilot proficiency check on those types to be valid to the first day of the thirteenth month following the month in which the pilot proficiency check took place; and
  - (iv) a line check is valid until the first day of the thirteenth month following the month in which a line check took place;
- (b) for cabin crew members -
  - (i) training is valid to the first day of the thirteenth month following the month in which the training took place;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) examinations and competency checks are valid to the first day of the thirteenth month following the month in which the examination or check took place; and
  - (iii) an inflight proficiency check must be valid for a period of 12 months.
- (c) for persons other than flight or cabin crew members -
- (i) for a flight operations officer, training and checks are valid to the first day of the thirteenth month following the month the training or demonstration of competency took place; and
  - (ii) for all others, training and checks are valid to the first day of the twenty-fifth month following the month the training, check or demonstration of competency took place.

(4) Where any required training, check or demonstration of competency is renewed within the last 90 days of its validity period, its validity period is extended by 6, 12 or 24 months, as appropriate.

(5) The Executive Director may extend the validity period of any required training, check or demonstration of competency by up to 30 days where the Executive Director is satisfied that the application is justified and that aviation safety is not likely to be compromised but the request for extension must be submitted prior to the expiration of the training, check or demonstration of competency.

(6) Completion of any required training, check or demonstration of competency at any time during the periods specified in subregulation (3) or (4) must be considered as completed in the month due for calculation of the next due date.

**Flight crew proficiency checks and initial type rating**

**121.03.12** (1) A flight crew member must undergo a proficiency check, referred to in this Part, in respect of an aeroplane with a turbo fan which includes a light jet, at least once every six months in a flight simulator, approved for the purpose.

(2) If a flight crew member undergoes an initial type rating for a turbo fan aeroplane on an actual aircraft, an approved simulator course must be completed within six months of initial type rating.

(3) An operator may be granted permission to deviate from a proficiency check requirement for a particular type of aeroplane for a period not exceeding six months but the operator must demonstrate a satisfactory equivalent of the requirement.

(4) The Executive Director may, on application, exempt an operator from the requirements of subregulations (1) and (2) where the operator submits proof that -

- (a) a flight simulator is not available;
- (b) a flight simulator does not exist for a particular aeroplane in which the contemplated abnormal and emergency procedures may be simulated; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the relevant abnormal or emergency procedures can be safely carried out in the particular concerned aircraft, or in a similar aircraft.

(5) A permission referred to in subregulation (3) and an exemption granted in terms of subregulation (4) must be issued on a case by case basis upon consideration of a safety case and risk assessment, and must be withdrawn when a suitable device becomes available.

(6) When an operator is granted a permission to deviate from a current proficiency check requirement, a subsequent proficiency check must be performed on a simulator unless it is proven that a simulator does not exist.

**SUBPART 4**  
**DOCUMENTATION AND RECORDS**

**Documentary requirements**

**121.04.1** (1) An operator must ensure that, in addition to the requirements in regulation 91.03.1, the following documents or electronic equivalents are carried on board an aeroplane during flight -

- (a) copy of operational flight plan;

[The article “a” appears to have been omitted before the word “copy”.  
The word “the” appears to have been omitted before the phrase “operational flight plan”.]

- (b) a special loads notification (notification to captain), if applicable;
- (c) an insurance certificate or proof of insurance;
- (d) a certified copy of the latest updated air operator certificate and operations specifications;
- (e) a load and trim sheet referred to in regulation 121.04.9;
- (f) a copy of the standard operating procedures or aircraft operating manual, as applicable;
- (g) a copy of the operations manual referred to in regulation 121.04.2 or the portions of it required to be carried;
- (h) a copy of dangerous goods report as specified in Part 92, if applicable; and

[The word “the” or “a” appears to have been omitted before the phrase “dangerous goods report”.]

- (i) copies of documents required to be carried on board in terms of regulation 91.03.1.

(2) An operator must ensure that the following documents are retained in a safe place at the first point of departure in respect of each flight undertaken by the aeroplane:

- (a) a copy of the operational flight plan;
- (b) copies of the relevant parts of the flight folio or technical log;
- (c) the load and trim sheet referred to in regulation 121.04.9;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the passenger list or cargo manifest;
- (e) the notification to captain, if applicable; and
- (f) a general declaration in the case of an aeroplane engaged in international flights.

(3) Except when otherwise instructed by the Executive Director, the documents referred to in subregulation (2) must be retained at the operator's main base of operations, or other location if approved by the Executive Director, for a period of at least 90 days.

**Operations manual**

**121.04.2** (1) An operator must draw up an operations manual containing all information required under this part and setting out the manner in which the operator will operate the air service for which the operator is licensed in terms of the Air Services Act.

- (2) An operator must ensure that -
  - (a) all parts of the operations manual are consistent and compatible in form and content and must not contravene the conditions contained in the air operator certificate or operations specifications issued to the operator in terms of regulation 121.06.3;
  - (b) the operations manual can be readily amended;
  - (c) the operations manual contains an amendment control page and a list of effective pages showing the effective date for each page in the operations manual; and
  - (d) the operations manual has the date of the last amendment to each page specified on that page that agrees with the list of effective pages.

(3) An operator must submit the operations manual in the English language in duplicate to the Executive Director for approval.

- (4) If the Executive Director is satisfied that the operator -
  - (a) will comply with the provisions of regulation 121.06.7; and
  - (b) will not operate the air service concerned contrary to any provision of the Act or the Air Services Act,

the Executive Director must certify in writing on both copies of the operations manual that the operations manual has been approved and must return one copy of the approved operations manual to the operator.

- (5) An operator must amend its operations manual -
  - (a) where there is a change in any aspect of an operator's operation;
  - (b) where the operations manual no longer meets the requirements of these regulations or associated technical standards; or
  - (c) when so required by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) An operator must submit an amendment to its operations manual in duplicate to the Executive Director for approval and if the Executive Director is satisfied that the operator will comply with the provisions of subregulation (4), the Executive Director must certify in writing on both copies of the amendment to the approved operations manual that the amendment has been approved and must return one copy of the approved amendment to the operator.

(7) An operator must at all times operate its aeroplanes in accordance with the approved operations manual or an approved amendment to its approved operations manual.

(8) An operator must -

- (a) ensure that all operations personnel are able to understand the technical language used and that the information provided will ensure that the personnel are properly instructed in their particular duties and responsibilities and the relationship of the duties to the operation as a whole;
- (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight are easily accessible to the crew members on board during flight time;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them and designating such crew members as operations manual holders;
- (e) provide each operations manual holder with copies of all amendments after approval by the Executive Director and ensure that the operations manual holders do insert the amendments issued to them prior to their next flight assignment; and
- (f) keep the operations manual in a safe place.

(9) The structure and contents of the operations manual referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 121.

**Aircraft operating manual**

**121.04.3** (1) An operator must compile an aircraft operating manual and make it available during flight time to all flight crew members assigned to the aeroplane and each flight crew member must operate the aeroplane in accordance with the aircraft operating manual and the operator must also provide the portions of the aircraft operating manual to other operator's employees or agents where their need to know can be established.

(2) The aircraft operating manual must contain the information specified in Document NAM-CATS-OPS 121 and must be submitted to the Executive Director for approval.

(3) An operator must provide each flight crew member with amendments to the aircraft operating manual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An operator may provide the aircraft operating manual in an electronic format provided a means of accessing the information during flight time has also been made available to any crew member who may have need to access the information therein.

(5) The aircraft operating manual may be included in the operations manual referred to in regulation 121.04.2 or be published as a standalone document as part of the manual system.

[The word “stand-alone” is written with a hyphen elsewhere in the regulations.]

**Aircraft flight manual**

**121.04.4** (1) An operator must maintain and operate its aeroplanes in accordance with the approved aircraft flight manual required by regulation 91.03.2.

(2) An operator must maintain a system that ensures timely receipt and insertion of all aircraft flight manual revisions as published by the aeroplane manufacturer or as required by the Executive Director.

(3) Where an operator provides an aircraft operating manual that meets the requirements of subregulation (2) the aircraft flight manual referred to in regulation 91.03.2 is not required to be carried on board the aeroplane.

**Operational flight plan**

**121.04.5** (1) An operator must ensure that an operational flight plan that meets the requirements specified in Document NAM-CATS-OPS 121 is completed for each flight undertaken by its aeroplanes in terms of this Part.

(2) The procedures for the use of the operational flight plan and a copy of it must be contained in the operations manual referred to in regulation 121.04.2.

(3) All entries in the operational flight plan must be current and permanent in nature.

(4) The operational flight plan must be retained by the operator for a period of at least 90 days.

**Flight time and duty period records**

**121.04.6** (1) An operator must -

- (a) maintain current flight time and duty period records of all crew members and flight operations officers in the operator’s employ; and
- (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each crew member or, for flight operations officers, from their last date of employment.

(2) A flight crew member who is employed by more than one operator or otherwise accumulates flight time outside of his or her employment, must maintain an accurate record of flight time and duty periods and must provide copies of that record to all operators by whom the crew member is employed.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) While a flight crew member is responsible to report all flight activity, each employer is responsible for ensuring that the crew member concerned does not exceed the limits specified in the flight time and duty scheme of the operator referred to in regulation 121.02.16.

[The phrase “responsible to report” should be “responsible for reporting”.]

**Records of emergency and survival equipment**

**121.04.7** (1) An operator must compile a list of all the survival and emergency equipment to be carried in the aeroplane and must have the list available at all times for immediate communication to rescue coordination centres.

(2) The survival and emergency equipment list must be included in the operations manual referred to in regulation 121.04.2.

(3) The format and minimum information to be included in the survival and emergency equipment list must be as provided for in Document NAM-CATS-OPS 121.

**Training records**

**121.04.8** (1) An operator must establish a training file for each person required to receive training and retain on the file a record of all training and checking required in terms of Subpart 3 and the records of training and checking must contain at least the information specified, and be retained for the period of time specified, in Document NAM-CATS-OPS 121.

(2) An operator must establish procedures to make an employee’s training file available for supervised review by the employee, but all training files must remain in the custody of the operator.

**Load and trim sheet**

**121.04.9** (1) An operator -

- (a) registered in Namibia and operated into, within or from Namibia under a licence issued in terms of the Air Services Act; or
- (b) registered in a foreign State and operated into, within or from Namibia under a foreign operator’s permit issued in terms of the Air Services Act,

must ensure that a flight is not undertaken by the aeroplane unless the person superintending the loading of the aeroplane has completed and certified a load and trim sheet.

(2) A load and trim sheet must be completed in duplicate and one copy must be carried in the aeroplane and one copy must be retained in accordance with the provisions of regulation 121.04.1.

(3) The load and trim sheet must be retained by the operator for a period of at least 90 days calculated from the date on which the flight was completed.

(4) The minimum contents of a load and trim sheet must be as provided for in Document NAM-CATS-OPS 121.

**Aeroplane search procedure checklist**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.04.10** (1) An operator must ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aeroplanes for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aeroplane may be the object of an act of unlawful interference.

(2) The checklist referred to in subregulation (1) must be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aeroplane where such information is available from the manufacturer including where appropriate, any means of attenuating and directing the blast for use at the least-risk bomb location.

(3) Where the operator accepts the carriage of weapons removed from passengers, the aeroplane should have provision for stowing such weapons in a place so that they are inaccessible to any person during flight time.

**Preservation of documents**

**121.04.11** (1) An operator must retain any document required in terms of this Subpart for the period of time specified in this Subpart even where, prior to the expiry of the retention period, the operator ceases to maintain ownership or possession of the aeroplane concerned or employ the personnel concerned.

(2) Completed flight preparation forms must be kept by the operator for a period of 90 days.

**Cosmic radiation records**

**121.04.12** An operator must, for each flight of an aeroplane above 49 000 feet, maintain records so that the total cosmic radiation dose received by each crew member over a period of 12 consecutive months can be determined.

**SUBPART 5**  
**AEROPLANE INSTRUMENTS AND EQUIPMENT**

**General**

**121.05.1** (1) In addition to the minimum equipment necessary for the issue of a certificate of airworthiness, the instruments and equipment specified in the following paragraphs must be installed in an aeroplane according to the aeroplane used and to the circumstances under which the flight is to be conducted.

(2) The instruments and equipment required under this Subpart, including their installation, must be approved or accepted by the Executive Director.

**Approval of instruments and equipment**

**121.05.2** (1) For the purposes of this Subpart, any reference to the initial date of a type certificate or certificate of airworthiness means the first time that type certificate or certificate of airworthiness was issued for that aircraft type.

(2) An operator must ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed on an aircraft are such that they will

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

enable a flight crew to control the flight path of the aircraft, carry out any required procedural manoeuvres and observe the operating limitations of the aircraft in the expected operating conditions and are -

[There should be a comma after the phrase “or otherwise installed on an aircraft” to offset that phrase properly.]

- (a) approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to the instruments and equipment; and
- (b) in a condition for safe operation of a kind being conducted, except as provided for in its minimum equipment list.
- (3) An operator must not be required to obtain approval for -
  - (a) fuses referred to in regulation 91.04.2;
  - (b) an independent portable light for each required crew member, readily accessible to the crew member when seated at his or her designated station referred to in regulation 91.04.3(1)(d);
  - (c) accurate time piece referred to in regulations 91.04.4 and 91.04.5;

[The article “the” appears to have been omitted before the phrase “accurate time piece”.]

- (d) first aid equipment referred to in regulation 91.04.13;
- (e) megaphones referred to in regulation 91.04.21;
- (f) survival equipment referred to in regulation 91.04.24 and 91.04.25; and

[The singular word “regulation” should be plural.]

- (g) medical equipment referred to in regulation 121.05.14.

(4) An agent used in a built-in fire extinguisher for each lavatory disposal receptacle for towels, paper or waste in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2011, and an extinguishing agent used in a portable fire extinguisher in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2016 must -

- (a) meet the applicable specified minimum performance requirements; and
- (b) not be of a type listed in the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer.

(5) Information regarding extinguishing agents to be used in an aeroplane is contained in Document NAM-CATS-OPS 121.

(6) A person must not conduct a take-off in an aeroplane with an instrument or equipment that is unserviceable or that has been removed, where the instrument or equipment is required by -

- (a) the standards of airworthiness that apply to a type of flight being operated;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) any equipment list published by an aeroplane manufacturer indicating aeroplane equipment that is required for an intended flight;
- (c) an air operator certificate;
- (d) an airworthiness directive; or
- (e) this Part.

**Flight, navigation and associated equipment for aeroplanes operated under visual flight rules**

**121.05.3** (1) An operator may not operate an aeroplane in accordance with visual flight rules, unless the aeroplane is equipped with -

- (a) a magnetic compass;
  - (b) an accurate time-piece showing the time in hours, minutes and seconds;
  - (c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
  - (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
  - (e) a vertical-speed indicator;
  - (f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;
  - (g) an attitude indicator;
  - (h) a stabilised direction indicator; and
  - (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius.
- (2) The second pilot's station must be equipped with -
- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
  - (b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
  - (c) a vertical-speed indicator;
  - (d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;
  - (e) an attitude indicator; and
  - (f) a stabilised direction indicator.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) For flights, the duration of which does not exceed 60 minutes, which commence and end at the same aerodrome, and which remain within 25 nautical miles of the aerodrome, the instruments specified in subregulation (1)(f), (g) and (h), and subregulation (2)(d), (e) and (f), may be replaced by a turn-and-slip indicator, or a turn coordinator incorporating a slip indicator, or both an attitude indicator and a slip indicator.

(4) A large commercial air transport aeroplane being operated by night must be equipped in accordance with the flight and navigation instruments referred to in regulation 121.05.3.

**Flight, navigation and associated equipment for aeroplanes operated under instrument flight rules**

**121.05.4** (1) An operator may not operate an aeroplane in accordance with instrument flight rules, unless the aeroplane is equipped with -

- (a) a magnetic compass;
- (b) an accurate time-piece showing the time in hours, minutes and seconds;
- (c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, adjustable any barometric pressure setting likely to be encountered during flight and the altimeters must have counter drum-pointer or equivalent presentation;

[The word “for” appears to have been omitted after the word “adjustable”;  
compare regulation 121.05.3(2) above.]

- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;
- (e) a vertical-speed indicator;
- (f) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;
- (g) an attitude indicator;
- (h) a stabilised direction indicator;
- (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius;
- (j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators;
- (k) a chart holder in an easily readable position which can be illuminated, if to be operated at night;
- (l) a means of indicating whether the power supply to the gyroscopic instrument is adequate;
- (m) in the case of a multi-engine aeroplane, at least two independent electrical generating systems each operated by separate engines and individually capable of powering all

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

required instruments and equipment necessary for safe emergency operation of the aeroplane;

(n) in the case of the pressure altitude reporting transponder specified in regulation 91.04.5(1)(l) -

(i) all aeroplanes for which the individual certificate of airworthiness is first issued after 1 January 2009 must be equipped with a data source that provides pressure-altitude information with a resolution of 25 feet or better; and

(ii) after 1 July 2012, all aeroplanes must be equipped with a data source that provides pressure-altitude information with a resolution of 25 feet or better; and

(o) communication, navigation and surveillance equipment as provided for in Subpart 5 of Part 91.

(2) The second-in-command's station must be equipped with -

(a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight, which may be one of the two altimeters required under subregulation (1)(c);

(b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing;

(c) a vertical-speed indicator;

(d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;

(e) an attitude indicator; and

(f) a stabilised direction indicator.

(3) In addition to the flight and navigation equipment referred to in subregulations (1) and (2), an aeroplane must be equipped with a single standby attitude indicator, capable of being used from either pilot's station which

(a) is powered continuously during normal operation and, after a total failure of the normal electrical generating system is powered from a source independent of the normal electrical generating system;

(b) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;

(c) operates independently of any other attitude indicating system;

(d) is operative automatically after total failure of the normal electrical generating system and provides a clear indication on the instrument panel that the attitude indicator(s) is or are being operated by emergency power; and

(e) is appropriately illuminated during all phases of operation,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

but if the standby attitude instrument system is capable of being used through flight attitudes of 360° of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators.

(4) Where the standby attitude indicator referred to in subregulation (3) has its own dedicated power supply, there must be an associated indicator, either on the instrument or instrument panel, when the power supply is in use.

(5) Instruments that are used by any pilot must be so arranged as to permit the pilot to see their indications readily from his or her station with the minimum practicable deviation from the position and line of vision normally assumed when looking forward along the flight path.

**Altitude alerting system**

**121.05.5** (1) A large turbine-engine aeroplane may not be operated unless it is equipped with an altitude alerting system capable of -

- (a) alerting flight deck crew members upon approaching preselected altitude in either ascent or descent in sufficient time to establish level flight at the preselected altitude; and
- (b) alerting by at least an aural signal the flight deck crew members when deviating above or below a preselected altitude.

(2) A large turbine-engine aeroplane may not be operated unless the aeroplane is equipped with a pressure-altitude reporting transponder which operates in accordance with the requirements stipulated in Part 171 and is capable of -

- (a) providing pressure-altitude information with a resolution of 25 feet, or better from its aeroplane data source; and
- (b) automatically providing information on its airborne or on-ground status by means of a Mode S transponder.

**Terrain awareness and warning system**

**121.05.6** (1) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 15 000 kilogrammes or authorised to carry more than 30 passengers, for which the individual certificate of airworthiness is first issued on or after 1 July 1979, must be equipped with a terrain awareness and warning system.

(2) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers, for which the individual certificate of airworthiness is first issued on or after 1 January 2010, must be equipped with a terrain awareness and warning system which has a predictive terrain avoidance function.

(3) All turbine-engine aeroplanes authorised under this Part to carry passengers must be equipped with a terrain awareness and warning system which has a predictive terrain avoidance function.

(4) As from 1 January 2013 all piston-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers must be equipped with a terrain awareness and warning system which provides the warnings

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

contemplated in subregulation (6)(a) and (c), warning of unsafe terrain clearance and a predictive terrain avoidance function.

(5) A terrain awareness and warning system must automatically provide a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the surface of the earth.

(6) A terrain awareness and warning system must provide, unless otherwise specified herein, warnings of the following circumstances -

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration -
  - (i) gear not locked down; or
  - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.

(7) A person may not inhibit or otherwise render inoperative any required terrain awareness and warning system during flight time except in accordance with the approved aeroplane flight manual.

(8) An operator must implement database management procedures that ensure a timely distribution and update of current terrain and obstacle data to terrain awareness and warning system.

[It appears that the article “a” or “the” may have been omitted before the phrase “terrain awareness and warning system”.]

**Airborne weather radar equipment**

**121.05.7** (1) Subject to the provisions of subregulation (2), an operator may not operate the aeroplane whenever the aeroplane is being operated by night or in instrument meteorological conditions in an area where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route unless the aeroplane is equipped with airborne weather radar equipment.

(2) In the case of a non-pressurized aeroplane, the airborne weather radar equipment may however be substituted by other approved equipment, which is capable of detecting thunderstorms and other potentially hazardous weather conditions, and of providing the flight crew with bearing and distance of the detected conditions.

[The comma after the phrase “other approved equipment” is superfluous.]

**Cosmic radiation detection equipment**

**121.05.8** An operator of an aeroplane which is intended to be operated above 49 000 feet, must ensure that the aeroplane is equipped with an instrument to measure and indicate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

continuously the dose rate of total cosmic radiation being received and the cumulative dose on each flight.

**Flight deck crew interphone system**

**121.05.9** An operator may not operate an aeroplane unless the aeroplane is equipped with a flight deck crew interphone system, including headsets and microphones, not of a hand-held type, for use by all flight deck crew members.

**Flight crew interphone system**

**121.05.10** (1) An operator may not operate an aeroplane with a maximum certificated take-off mass exceeding 15 000 kilogrammes and a maximum approved passenger seating configuration of 20 or more seats, unless the aeroplane is equipped with a flight crew interphone system.

- (2) The flight crew interphone system must -
  - (a) operate independently of the public address system except for handsets, microphones, selector switches and signalling devices;
  - (b) provide a means of two-way communication between the flight deck crew compartment and each -
    - (i) passenger compartment;
    - (ii) galley located on another level than on a passenger deck level;
    - (iii) isolated flight crew compartment;
  - (c) be readily accessible for use from each of the required flight deck crew stations on the flight deck;
  - (d) be readily accessible for use at the required cabin crew member stations close to each separate or pair of floor-level emergency exits;
  - (e) have an alerting system incorporating aural or visual signals for use by flight deck crew members to alert the cabin crew and for use by cabin crew members to alert the flight deck crew;
  - (f) have a means of the recipient of a call to determine whether it is a normal call or an emergency call; and
 

[The word “of” in the phrase “have a means of the recipient of a call...” should be “for”: “have a means for the recipient of a call...”.]
  - (g) provide on the ground a means of two-way communication between ground personnel and at least two flight deck crew members.

**Public address system**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.05.11** (1) An operator of aeroplane with a maximum approved passenger seating configuration of 20 or more seats, may not operate the aeroplane unless the aeroplane is equipped with a public address system.

- (2) The public address system must -
- (a) operate independently of the interphone systems referred to in regulations 121.05.8 and 121.05.9, except for handsets, microphones, selector switches and signalling devices;
  - (b) be readily accessible for immediate use from each required flight deck crew member station;
  - (c) be readily accessible for use from at least one cabin crew member station in the cabin;
  - (d) in the case of a public address system microphone intended for cabin crew member use, be positioned adjacent to a cabin crew member seat located near each required floor-level emergency exit in the passenger compartment;
  - (e) be capable of operation within 10 seconds by a cabin crew member at each of those stations in the compartment from which the use of the public address system is accessible;
  - (f) be audible and intelligible in all phases of flight at all passenger seats, toilets and cabin crew member seats and stations; and
  - (g) be powered continuously during normal operation.

**Equipment to clear windshield regulation**

**121.05.12** Aeroplanes with a maximum certificated take-off mass of more than 5 700 kilogrammes must be equipped at each pilot station with a means to maintain a clear portion of the windshield during precipitation.

**Internal doors and curtains**

**121.05.13** (1) An operator may not operate an aeroplane unless the aeroplane is equipped with -

- (a) a door between a passenger compartment and a flight deck compartment with a locking device to prevent passengers from opening it without the permission of a flight deck crew member;
- (b) means by which cabin crew may discreetly notify a flight deck crew member in an event of a suspicious activity or security breaches in a cabin;

[The phrase “in an event of a suspicious activity” should be  
“in the event of a suspicious activity” for correct English idiom.]

- (c) a device for opening each door which separates a passenger compartment from other compartments that has emergency exit provisions and the device for opening must be readily accessible;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**[The verb “has” should be “have” to accord with the subject “compartments”.]**

- (d) if it is necessary to pass through a doorway or curtain separating a passenger cabin from other areas to reach any required emergency exit from each passenger seat, a device to secure the door or curtain in an open position;
- (e) a placard on each internal door or adjacent to a curtain which provides access to an emergency exit, to indicate that a door or curtain must be secured open during take-off, taxi and landing;
- (f) a device for any flight crew member to unlock any door which is normally accessible to passengers, and which can be locked by passengers; and
- (g) in the case of an aeroplane of maximum take-off weight in excess of 45 000 kilogrammes or with a passenger seating configuration of more than 60, a compartment door that -
  - (i) is designed to resist penetration by small arms fire and grenade shrapnel;
  - (ii) is designed to resist forcible intrusions by unauthorised person;

**[The singular word “person” should be plural.]**

- (iii) is capable of being locked and unlocked from either pilot’s station; and
  - (iv) has means for monitoring from a flight deck the entire door area outside a flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.
- (2) In a case of an aeroplane which is equipped with a flight crew compartment door as stipulated in subregulation (1), a pilot-in-command must ensure that -
- (a) the flight crew compartment door is closed and locked from the time all external doors are closed following embarkation until any the door is opened for disembarkation, except when necessary to permit access and egress of an authorised person; and
  - (b) the aeroplane has equipment for monitoring from either pilot’s station, the entire door area outside flight crew compartment and able to identify a person requesting entry and to detect suspicious behaviour or potential threat.

**First aid, emergency medical and universal precaution kits**

**121.05.14** (1) An operator may not operate an aircraft unless the aircraft is equipped with an appropriate first aid kit as provided for in Document NAM-CATS-OPS 121 that is accessible to the crew or passengers.

(2) An operator of an aeroplane with a maximum approved passenger seating configuration of more than 10 seats, may not operate the aeroplane unless the aeroplane is equipped with the appropriate emergency medical kit as provided for in Document NAM-CATS-OPS 121, if any point on the planned route is more than 120 minutes flying time, at normal cruising speed, from an aerodrome at which qualified medical assistance is available.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The medication contained in the emergency medical kit must only be dispensed by qualified doctor, nurse or similarly qualified personnel acting under the authority of the pilot-in-command of the aeroplane.

[The phrase “qualified doctor, nurse or similarly qualified personnel” mixes singular and plural nouns and is missing an article at the beginning. It should perhaps be “a qualified doctor or nurse, or similarly-qualified personnel,”.]

(4) The emergency medical kit must be dust and moisture proof and must be carried in an appropriate secured location.

(5) Personnel authorised by the operator must carry out periodical inspections of all emergency medical kits to ensure that, as far as is practicable, the contents of the emergency medical kits are in a condition necessary for their intended use.

(6) The supplies in the emergency medical kit must be replenished at regular intervals in accordance with instructions contained on their labels or as circumstances require.

(7) An operator of an aircraft must ensure the universal precaution kits specified in Document NAM-CATS-OPS 121 are carried.

**Means for emergency evacuation**

**121.05.15** (1) An operator may not operate any aeroplane with passenger emergency exit sill heights -

- (a) which are more than 1,83 metres above the ground with the aeroplane on the ground and the landing gear extended; or
- (b) which will be more than 1,83 metres above the ground after the collapse of, or failure to extend one or more legs of the landing gear and for which a type certificate was first applied for on or after 1 March 1998,

unless the aeroplane has equipment or devices available at each exit to enable passengers and flight crew members to reach the ground safely in an emergency.

(2) The equipment or devices referred to in subregulation (1) need not be provided at overwing exits if the designated place on the aeroplane structure at which the escape route terminates, is less than 1,83 metres from the ground with the aeroplane on the ground, the landing gear extended and the flaps in the take-off or landing position, whichever flap position is higher from the ground.

(3) In an aeroplane required to have a separate emergency exit for the flight deck crew and for which -

- (a) the lowest point of the emergency exit is more than 1,83 metres above the ground with the landing gear extended;
- (b) a type certificate was first applied for on or after 1 March 1998 and for which the lowest point of the emergency exit will be more than 1,83 metres above the ground after the collapse of, or failure to extend one or more legs of the landing gear,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

there must be a device to assist the flight deck crew members in reaching the ground safely in an emergency.

**Airborne collision avoidance system**

**121.05.16** (1) An operator or pilot-in-command of a turbine-engine aeroplane may not operate an aeroplane unless the aeroplane is equipped with a serviceable airborne collision avoidance system meeting ACAS II specifications, as provided for in Document NAM-CATS-OPS 91.

- (2) Despite the provisions of subregulation (1), an aeroplane may be flown -
  - (a) for the purpose of moving the aeroplane to a place to have an approved but unserviceable airborne collision avoidance system that is fitted to the aeroplane repaired, removed, substituted or overhauled; or
  - (b) if the aeroplane is fitted with an approved airborne collision avoidance system that is unserviceable at the beginning of the flight -
    - (i) for aeroplanes with an approved minimum equipment list, the aeroplane is operated in accordance with that minimum equipment list; or
    - (ii) for aeroplanes without an approved minimum equipment list -
      - (aa) if not more than 10 days have passed since the airborne collision avoidance system became unserviceable, excluding the day of discovery, or for the shorter duration as provided for by the authority responsible for a particular airspace; or
      - (bb) if the traffic advisories and resolution advisories are inoperative on the non-flying pilot side, the traffic advisories and resolution advisories elements and audio functions are operative on the flying pilot side, and on intercontinental flights the traffic advisories and resolution advisories functions are visible to the non-flying pilot.

(3) The pilot-in-command of an aeroplane that is fitted with a serviceable airborne collision avoidance system must take all reasonable steps to ensure that the system is activated at all times during flight and that its use is consistent with the conditions specified for the area of operation.

**Passenger cabin signs and placards**

**121.05.17** (1) An operator must ensure the following information is conveyed to the passengers by means of signs or placards suitably conspicuous that will ensure each passenger on board the aeroplane is aware -

- (a) of when and how seat belts must be fastened;
- (b) of when and how oxygen equipment is to be used if the carriage of oxygen is required;
- (c) that smoking is not permitted;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) of the location and use of life jackets or equivalent individual flotation devices where their carriage is required; and
- (e) of the location and method of opening emergency exits.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Flight recorders**

**121.05.18** (1) An operator must equip the aeroplanes specified in Document NAM-CATS-OPS 121 with the flight recorders as provided in that document.

(2) Each flight recorder installed in an aeroplane must be located and installed in a manner that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state and flight recorders must meet the crashworthiness and fire protection specifications in Document NAM-CATS-OPS 121.

(3) Flight recorders must be deactivated upon completion of flight time following an accident or incident and the flight recorders must not be reactivated before their disposition to the accident or incident investigation team.

(4) An operator must ensure, to the extent possible, in the event the aeroplane becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders and their retention in safe custody pending their disposition as determined in accordance with regulations related to aircraft accident and incident investigations.

(5) The flight recorder may not be switched off during flight time.

(6) An operator may not allow use of recordings or transcripts of cockpit voice recorder, cockpit Audio Recording System, Class A airborne image recorder, and Class A airborne image recording system for purposes other than investigation of an accident or incident in regulations related to aircraft accident and incident investigations, except where the recordings or transcripts are -

- (a) related to a safety event identified in the context of a safety management system referred to in Subpart 1 of Part 140;
- (b) restricted to the relevant portions of a de-identified transcript of the recording, and are subject to the protections accorded by Part 140;
- (c) sought for use in criminal proceedings not involving an accident or incident investigation, and are subject to protections accorded by Part 140; or
- (d) used for inspections of flight recorder systems as provided in this Part and associated Document NAM-CATS-OPS 121.

(7) An operator may not allow the use of recordings or transcripts of flight data recorders, aircraft data recording system, Class B and Class C airborne image recorders, and airborne image recording systems for purposes other than investigation of an accident or incident in terms of regulations related to aircraft accident and incident investigations, except where recordings or transcripts are subject to protections accorded by Part 140 and are -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The phrase “aircraft data recording system” should be  
“an aircraft data recording system” or “aircraft data recording systems”.]

- (a) used by an operator for airworthiness or maintenance purposes;
- (b) used by an operator in the operation of a flight data analysis program required in this Part;
- (c) sought for use in proceedings not related to an event involving an accident or incident investigation;
- (d) de-identified; or
- (e) disclosed under secure procedures.

(8) Flight recorders must be checked daily and on an annual basis as specified in Document NAM-CATS-OPS 121.

**Flight data recorders**

**121.05.19** (1) An operator must ensure that any aeroplane operated is equipped with the flight data recorder specified in Document NAM-CATS-OPS 121.

(2) An operator must ensure that the flight data recorder required by this Subpart complies with the specifications as provided for in Document NAM-CATS-OPS 121.

(3) Each flight data recorder installed in an aeroplane must be located in a manner that ensures that maximum practicable protection is provided, in order that, in the event of an accident or incident, the recorded data may be recovered in a preserved and intelligible state.

(4) The parameters of the flight data recorder must be determined to be within the ranges, accuracies and recording intervals as provided for in Document NAM-CATS-OPS 121 and, where required by subregulation (1), must comply with the requirements of -

- (a) a Type I/IA flight data recorder capable of recording the parameters that accurately determine the aeroplane flight path, speed, attitude, engine power, configuration and operation; or
- (b) a Type II/IIA flight data recorder capable of recording the parameters that accurately determine the aeroplane flight path, speed, attitude, engine power and configuration of lift and drag devices.

(5) An operator may not operate an aeroplane equipped with a flight data recorder using -

- (a) metal foil;
- (b) photographic film technology; or
- (c) a magnetic tape.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) The flight data recorder required by subregulation (1) must be capable of retaining the data recorded during at least the last 25 hours of its operation except for the Type IIA flight data recorder, which must be capable of retaining the information recorded during at least the last 30 minutes of its operation.

(7) The data obtained from a flight data recorder must be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(8) The flight data recorder must start automatically to record the data prior to the aeroplane being capable of moving under its own power and must stop automatically after the aeroplane is incapable of moving under its own power.

- (9) An aeroplane may commence a flight with the flight data recorder inoperative but -
- (a) for aeroplanes with an approved minimum equipment list, the aeroplane must be operated in accordance with that minimum equipment list and the minimum equipment list incorporates the provisions of paragraph (b); or
  - (b) for aeroplanes without an approved minimum equipment list -
    - (i) the aeroplane must not depart from an aerodrome where repairs or replacements to the flight data recorder can be made;
    - (ii) the aeroplane does not exceed six further consecutive flights with the flight data recorder unserviceable;
    - (iii) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and
    - (iv) the flight data recorder is not a cockpit voice recorder combined with the flight data recorder and the cockpit voice recorder is serviceable and functioning in accordance with the requirements of regulation 121.05.20.

### **Cockpit voice recorders**

**121.05.20** (1) An operator must ensure each aeroplane operated under this Part is equipped with a cockpit voice recorder as specified in Document NAM-CATS-OPS 121.

[The word “that” appears to have been omitted between the words “ensure” and “each”.]

(2) An operator must ensure that the cockpit voice recorder required by this Subpart complies with the specifications set out in Document NAM-CATS-OPS 121.

- (3) The cockpit voice recorder must record, with reference to a time scale -
- (a) voice communications transmitted from or received on the flight deck or in the cockpit by radio;
  - (b) the aural environment of the flight deck or cockpit, including without interruption, the audio signals received from each microphone in use;

[The comma after the word “interruption” is superfluous.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) voice communications of flight crew members on the flight deck or in the cockpit using the interphone system of the aeroplane, if installed;
  - (d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker; and
  - (e) voice communications of flight crew members on the flight deck or crew members in the cockpit using the public address system of the aeroplane, if installed.
- (4) The cockpit voice recorder must -
- (a) be capable of retaining information recorded during at least the period of time specified in Document NAM-CATS-OPS 121;
  - (b) start automatically to record when the aeroplane is moving under its own power and continue to record, until the termination of the flight when the aeroplane is no longer capable of moving under its own power; and
  - (c) if possible, start to record the cockpit checks prior to engine start at the beginning of the flight, until the cockpit checks immediately following engine shutdown at the end of the flight.
- (5) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 121.05.19.
- (6) A person may not operate an aeroplane equipped with a cockpit voice recorder or cockpit audio recording system using magnetic tape or wire.
- (7) An aeroplane may commence a flight with the cockpit voice recorder inoperative but -
- (a) for aeroplanes with an approved minimum equipment list, the aeroplane must be operated in accordance with that minimum equipment list and the minimum equipment list must incorporate the provisions of paragraph (b); or
  - (b) for aeroplanes without an approved minimum equipment list -
    - (i) the aeroplane must not take-off from an aerodrome where repairs or replacements to the cockpit voice recorder can be made;
    - (ii) the aeroplane must not exceed six further consecutive flights with the cockpit voice recorder unserviceable;
    - (iii) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and
    - (iv) any flight data recorder required to be carried is operative, unless the flight data recorder is combined with a cockpit voice recorder.

**Data link recorders**

**121.05.21** (1) All aeroplanes for which the individual certificate of airworthiness was first issued after 1 January 2016, which utilise any of the data link communications applications



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

listed in Document NAM-CATS-OPS 121 and are required to carry a cockpit voice recorder must record on a flight recorder, all data link communications messages.

[The comma after the phrase “flight recorder” appears to be misplaced; it should rather appear after the phrase “which utilise any of the data link communications applications listed in Document NAM-CATS-OPS 121 and are required to carry a cockpit voice recorder” to offset that phrase properly.]

(2) All aeroplanes which are modified on or after 1 January 2016 to install and utilise any of the data link communications applications listed in Document NAM-CATS-OPS 121 and are required to carry a cockpit voice recorder must record on a flight recorder the data link communications messages.

(3) Sufficient information to derive the content of the data link communications message and, whenever practical, the time the message was displayed to or generated by the crew, must be recorded.

**Lifesaving equipment during flight over open water**

**121.05.22** (1) An operator may not operate an aeroplane over water at a distance of more than 50 nautical miles from shore, in any operation described in subregulation (2) unless there is carried on board one life jacket or equivalent individual flotation device for each person on board, stowed in a position easily accessible from each seat or berth occupied by the person.

(2) The equipment specified in subregulation (1) applies to -

- (a) aeroplanes having two power-units, where in the event of the critical power-unit becoming inoperative at the most critical point along the route, the aeroplane is not capable of maintaining the minimum safe flight altitude to the planned destination or a suitable alternate aerodrome where a safe landing can be made;
- (b) aeroplanes having three or more power-units, where in the event of two power-units becoming inoperative at the most critical point along the route, the aeroplane is not capable of maintaining the minimum safe flight altitude to the planned destination or a suitable alternate aerodrome where a safe landing can be made;
- (c) when taking off or landing at an aerodrome where the aeroplane flight path is over water and in the opinion of the Executive Director, should any mishap occur, there would be a likelihood of the aeroplane ditching into the water.

**Equipment requirements for aeroplane on long range over water flight**

**121.05.23** (1) An aeroplane used on a route where it may be flown over water must be installed with life-saving equipment under the following circumstances:

- (a) if the aircraft may be required to operate at a distance corresponding to at least 120 minutes at cruising speed or 400 nautical miles, whichever is the lesser, away from land suitable for making an emergency landing; and
- (b) in the case of a twin-engine aircraft with one engine inoperative or a 3 or more-engine aircraft with two engines inoperative, if it may be required to operate at a distance corresponding to at least 30 minutes or 100 nautical miles, whichever is lesser, for emergency landing.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) Life-saving equipment referred to in subregulation (1) must include -
- (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in an emergency, and must include means of sustaining life as is appropriate to the flight to be undertaken;
  - (b) equipment for making pyrotechnical distress signals as provided for in Document NAM-CATS-OPS 91; and
  - (c) for an aeroplane of a maximum certificated take-off weight of over 27 000 kilogrammes, a securely attached underwater locating device operating at a frequency of 8.8 kilohertz which has the capability to operate for a minimum of 30 days.

(3) An underwater locating device referred to in subregulation (2)(c) must not be installed in wings or empennage of an aeroplane.

[The word “the” appears to have been omitted before the phrase “wings or empennage”.]

(4) A life jacket or equivalent individual flotation device provided in an aeroplane must be equipped with a means of electric illumination for purpose of facilitating the location of persons.

[The word “the” appears to have been omitted before the word “purpose”.]

(5) Life raft, survival radio equipment, and information requirements for extended over water flights must be as provided for in Document NAM-CATS-OPS 91.

**Cabin attendant seats**

**121.05.24** (1) Aeroplanes must be equipped with seats for cabin crew members which must be forward or rearward facing, within 15° of the longitudinal axis of the aeroplane and located near floor-level emergency exits, where possible.

(2) Each cabin crew member required to satisfy the emergency evacuation criteria must have a seat equipped with a safety harness but a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

**Emergency locator transmitter**

**121.05.25** (1) An operator may not operate an aeroplane under this Part unless the aeroplane is equipped with -

- (a) at least one automatic emergency locator transmitter or two emergency locator transmitters of any type as provided for in Document NAM-CATS-OPS 91;
- (b) where the aeroplane is of a type for which the individual certificate of airworthiness was first issued after 1 July 2008 -
  - (i) at least two emergency locator transmitters, one of which must be automatic; or
  - (ii) at least one emergency locator transmitter of any type as provided for in Document NAM-CATS-OPS 91, but the aeroplane must have the capability

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

to autonomously transmit information regarding its position at least once every minute when in distress as provided for in Document NAM-CATS-OPS 121.

(2) Emergency locator transmitter equipment carried in terms of subregulation (1) must operate and be installed as provided for in Document NAM-CATS-OPS 91.

(3) Emergency locator transmitter required to be fitted in terms of this regulation, must be capable of transmitting on the frequencies 121,5 megahertz and 406 megahertz simultaneously.

(4) Despite subregulations (1) and (2), an aeroplane may be operated without a serviceable emergency locator transmitter where -

- (a) it is operated in accordance with a minimum equipment list approved by the Executive Director; or
- (b) where a minimum equipment list has not been approved by the Executive Director in respect of the aeroplane, the operator -
  - (i) repairs or removes the emergency locator transmitter at the first aerodrome at which repairs or removal can be accomplished;
  - (ii) on removal of the emergency locator transmitter from the aeroplane, sends the emergency locator transmitter to a maintenance facility;
  - (iii) displays on a readily visible placard within the aeroplane cockpit, for the period of removal of the emergency locator transmitter from the aeroplane, a notice stating that the emergency locator transmitter has been removed and setting out the date of removal; and
  - (iv) installs a serviceable emergency locator transmitter within five days after the date of removal.

### **Microphones**

**121.05.26** All flight crew members required to be on flight deck duty must communicate through boom or throat microphones below the transition level or altitude.

### **Fire extinguisher**

**121.05.27** (1) An agent used in a built-in fire extinguisher for a lavatory disposal receptacle for towels, paper or waste in an aeroplane for which the individual certificate of airworthiness was first issued on or after 31 December 2011 and an extinguishing agent used in a portable fire extinguisher in an aeroplane for which the individual certificate of airworthiness is first issued on or after 31 December 2018 must -

- (a) meet the applicable minimum performance requirements as provided for in Document NAM-CATS-OPS 121; and
- (b) not be of a type mentioned in Document NAM-CATS-OPS 121.

(2) The requirements regarding the extinguishing agents to be used in fire extinguishers is specified in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

[The verb “is” should be “are” to accord with the subject “requirements”.]

**Turbo-jet aeroplanes - forward-looking wind shear warning system**

**121.05.28** (1) A turbo-jet aeroplane of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers should be equipped with a forward-looking wind shear warning system.

(2) A forward-looking wind shear warning system referred to in subregulation (1) must be capable of providing a pilot with -

- (a) a timely aural and visual warning of wind shear ahead of an aircraft;
- (b) information on whether to execute a missed approach, go-around, or an escape manoeuvre, if necessary;
- (c) an indication on when limits on automatic landing equipment are being approached, when the equipment is in use.

**Turbine aeroplane - runway overrun awareness and alerting system**

**121.05.29** All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg, for which the individual certificate of airworthiness is first issued on or after 1 January 2026, must be equipped with a runway overrun awareness and alerting system.

**SUBPART 6**  
**AIR OPERATOR CERTIFICATE**

**Requirements to hold air operator certificate**

**121.06.1** (1) An operator may not operate an aeroplane in terms of this Part unless the operator is the holder of and complies with the conditions of a valid air operator certificate including the operations specifications attached to that certificate and an air services licence issued in terms of the Air Services Act.

(2) The holder of an air operator certificate must not wet lease in more than 50 percent of its entire fleet nor more than 50 percent of the aeroplane type in the fleet having the greatest maximum certificated take-off mass.

[The term “lease-in” is hyphenated elsewhere in the regulations.]

(3) The operations specifications of an air operator certificate must contain a record of at least the type, model or series, and registration of each aeroplane approved for use by an operator.

**Application for issue or amendment of air operator certificate and operations specifications**

**121.06.2** (1) An application for the issue or amendment of an air operator certificate or operations specifications must be made to the Executive Director in the form and manner specified in Document NAM-CATS-OPS 121 and must be accompanied by the applicable fee specified in Part 187.

(2) The applicant must demonstrate in the application that the applicant -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) has adequate equipment, facilities and personnel to operate the proposed commercial air transport operation; and
- (b) is able to conduct the commercial air transport service in a safe and proper manner and in full compliance with all applicable rules and regulations.

(3) The submission of an application under this Subpart does not place any obligation upon the Executive Director to issue an air operator certificate or operations specifications until he or she has been given reasonable time to review the application and the application has been assessed in terms of regulation 121.06.3.

(4) The holder of an air operator certificate may add to its air operator certificate an aeroplane registered on another air operator certificate but -

- (a) the aeroplane may not be registered on more than three air operator certificates;
- (b) the aeroplane must be maintained by only one aircraft maintenance organisation;
- (c) the manual of procedures or maintenance control manual, as applicable, for all operators and the operations specifications for each operator, must specify the aircraft maintenance organisation responsible for the maintenance of each shared aeroplane, by aeroplane registration number;
- (d) the aeroplane flight folio used must be the same for all operators, such that there is but one continuous record of the aeroplane's activities, and the flight crew members are trained in the procedures for completion of the flight folio;
- (e) there must be one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members must be trained in those procedures;
- (f) the flight crew members must use the minimum equipment list approved for the aeroplane and must be trained in the minimum equipment list procedures for that particular aeroplane, if applicable, and the operations manual must specify the procedures the flight crew are to follow in the event contact with maintenance personnel is needed; and
- (g) the flight crew members must receive ground and flight training covering on any differences between the models operated by the operator and that are being added to the air operator certificate, including at least -
  - (i) safety equipment contained on board;
  - (ii) ancillary equipment inclusive of navigational aids, auto flight system, flight director or flight management system, airborne collision avoidance system, terrain awareness and warning system and weather radar; and
  - (iii) systems differences, engine or airframe limitations, performance considerations and operating characteristics, and the results of the training recorded on the flight crew member's training file.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The personnel referred to in subregulation (2)(a) must be comprised of the following positions, as applicable to the type of operation proposed, the incumbents of which must be approved by the Executive Director -

- (a) chief executive officer;
- (b) person responsible for flight operations;
- (c) person responsible for aircraft;
- (d) chief pilot;
- (e) cabin crew manager;
- (f) air safety officer;
- (g) quality manager; and
- (h) security manager.

(6) The nominated post-holders required by subregulation (5), must meet the qualifications and are responsible for the functions specified in Document NAM-CATS-OPS 121 and must be employed on a full time basis and for the purposes of this subregulation “full time employment” means having spent sufficient time in the workplace to accomplish all duties within his or her area of responsibility.

(7) Any person who held any of the positions listed in subregulation (5) prior to the commencement of these regulations is considered to meet the qualifications required by Document NAM-CATS-OPS 121 but -

- (a) for a nominated post-holder, the person must be satisfactory to the Executive Director;
- (b) for an incumbent, that incumbent must have discharged his or her responsibilities to the satisfaction of the Executive Director; and
- (c) for a nominated or incumbent post-holder, the person must meet the qualifications specified in Document NAM-CATS-OPS 121 within six months from the commencement of these regulations.

(8) When, after consideration of the scope and size of an operator, the Executive Director is of the opinion that it would be appropriate, he or she may approve the assignment of more than one position to one person or approve different positions.

(9) A person who has been approved for one or more management positions in terms of subregulation (5)(a) to (d) may not hold a management position at another operator.

(10) Despite any provision to the contrary in these regulations, the Executive Director may withdraw any approval where any manager no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position.

- (11) The Executive Director may amend an air operator certificate if -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) he or she determines that safety in commercial air transport and the public interest requires the amendment; or
- (b) the holder of the air operator certificate applies for an amendment, and the Executive Director determines that safety in commercial air transport and the public interest requires the amendment.

(12) If the Executive Director stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, the an amendment becomes effective on the date the holder of an air operator certificate receives the notice.

[The word “an” in the phrase “the an amendment” is superfluous.]

(13) A holder of an air operator certificate may make representations to the Executive Director against the amendment contemplated in regulation (11)(a) or (12), but must continue to operate in accordance with the amendment, unless it is subsequently varied or withdrawn.

(14) Amendments approved by the Executive Director, other than emergency amendments referred to in subregulation (12), become effective 30 days after notice to the holder of an air operator certificate, unless the holder of the air operator certificate makes representations against the proposal as contemplated in subregulation (13) prior to the effective date.

(15) Amendments proposed by the holder of an air operator certificate must be made at least 30 days prior to the intended date of any operation under the proposed amendment.

(16) A person may not perform a commercial air transport operation for which an air operator certificate amendment is required, unless that person has received notice of the approval from the Executive Director.

**Application, consideration of and issue of air operator certificate or operations specifications**

**121.06.3** (1) In considering an application referred to in regulation 121.06.2 the Executive Director may conduct any investigation he or she considers necessary to determine the applicant’s ability to meet the requirements specified in this Part.

(2) An application must be granted and the appropriate aviation document issued, containing the conditions as the Executive Director determines, if the Executive Director is satisfied that -

- (a) the applicant will comply with the provisions of its operator certificate and operations specifications; and
- (b) the applicant will not operate the air service concerned contrary to any provision of the Act, or the Air Services Act.

(3) Where in the opinion of the Executive Director an applicant has failed to provide satisfactory evidence of qualification for the document being sought, the applicant will be informed by the Executive Director as to the deficiencies and will be given a reasonable opportunity to rectify the deficiencies after which time the Executive Director must grant or refuse the application concerned.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An air operator certificate and associated operations specifications must be issued in a form specified, and contain at least the information specified, in Document NAM-CATS-OPS 121.

**Validity and status of air operator certificate**

**135.06.4** (1) Unless otherwise specified by the Executive Director, an air operator certificate remains valid and in force for an indefinite period but -

- (a) the operator must submit, 30 days prior to the anniversary date of initial issue, the appropriate application form and annual fee as provided for in Part 187;
- (b) the operator must successfully complete the audits and inspections carried out by the Executive Director, including the satisfactory resolution of any findings reported to the operator by the Executive Director;
- (c) the air operator certificate must not otherwise have been suspended, cancelled or voluntarily surrendered to the Executive Director; and
- (d) the operator must continue to meet the requirements for the issue of an air operator certificate.

(2) An air operator certificate is not transferable to any other entity.

(3) Where an operator is notified by the Executive Director that its air operator certificate has been suspended or cancelled, the operator must return the air operator certificate to the Executive Director within seven days of the notification.

(4) A contracting state to the Chicago Convention must recognise as valid an air operator certificate issued by another contracting state to that Convention, but the requirements under which the certificate was issued must at least be equal to the applicable standards specified in this Part.

**Safety and security inspections and audits**

**121.06.5** (1) An applicant for the issue of an air operator certificate must permit an authorised officer, inspector or authorised person to carry out the safety and security audit or inspection which may be necessary for consideration of an application made in terms of this Part.

(2) A non-compliance or finding made as a result of an inspection or audit conducted in terms of this Part must be categorised as provided for in Document NAM-CATS-OPS 121.

**Administrative duties of air operator certificate holder**

**121.06.6** (1) The holder of an air operator certificate must keep the air operator certificate in a safe place and produce the air operator certificate to an authorised officer or inspector for inspection if so requested by the officer or inspector.

(2) An operator must notify the Executive Director of any intended change in the personnel occupying a management position specified in regulation 121.06.2(5) and must submit the names and qualifications of a replacement person for the Executive Director's approval before effecting the change but in the case of a sudden departure of an incumbent, an operator must notify the Executive Director of its plan to ensure safety of operations while replacing the person.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator must notify the Executive Director in the event of any change in the ownership of the operator, including the names and contact details of the new owners.

**Register of air operator certificates**

**121.06.7** (1) The Executive Director must maintain a register of all air operator certificates issued in terms of these regulations.

(2) The register must contain the following particulars:

- (a) the full name and, if any, the business name of the holder of the air operator certificate;
- (b) the postal address of the holder of the air operator certificate;
- (c) the number of the air operator certificate issued to the holder;
- (d) particulars of the type of air service for which the air operator certificate was issued, including a list of operations specification issued;

[The singular word “specification” should be plural.]

- (e) particulars of the category of aeroplane for which the air operator certificate was issued; and
- (f) the date on which the air operator certificate was issued.

(3) The particulars referred to in subregulation (2) must be recorded in the register within 30 days from the date on which the air operator certificate is issued.

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

(5) A copy of the register must be furnished, on payment of the applicable fee specified in Part 187, to any person who requests the copy.

**Operator notification**

**121.06.8** If an operator has an operating base in a State other than Namibia, the operator must notify the Executive Director as well as the State in which the operating base is located.

**Demonstration flights for initial application**

**121.06.9** (1) A person may not operate an aircraft type in commercial air transport unless he or she first conducts satisfactory demonstration flights as required by the Executive Director in that aircraft type and as specified in Document NAM-CATS-OPS 121.

(2) A person may not operate an aircraft in a specifically designated area, or use a specialised navigation system, or use a specific approval unless he or she conducts a satisfactory demonstration flight as required by the Executive Director and as specified in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The demonstration flights required by subregulations (1) and (2) must be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.

(4) The Executive Director may authorise deviations from this regulation if he or she finds that special circumstances make full compliance with the provisions of this regulation unnecessary.

**SUBPART 7**  
**FOREIGN AIR OPERATOR PERMIT**

**Requirement for foreign air operator permit**

**121.07.1** (1) A foreign operator may not operate a foreign registered aeroplane engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

(2) Transportation of passengers, cargo or mail within Namibia by a foreign operator may only be undertaken as provided for in NAM-CATS-OPS 121.

**Application for foreign air operator permit or amendment of foreign air operator permit**

**121.07.2** (1) An application for the issue of a foreign air operator permit must be -

- (a) made to the Executive Director in the appropriate form provided for in Document NAM-CATS-OPS 121; and
- (b) accompanied by -
  - (i) a declaration of competency issued in respect of each aeroplane concerned;
  - (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
  - (iii) the applicable fee specified in Part 187; and
  - (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to the provisions of subregulation (5), an application for the issue of a foreign air operator permit must be submitted to the Executive Director at least 90 days before the date of commencement of the intended operation.

[The cross-reference above was probably intended  
to refer to subregulation (6) rather than subregulation (5).]

- (3) If the holder of a foreign air operator permit wishes to amend -
  - (a) its name or principal place of business;
  - (b) the description of the type of operation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the type of aeroplane;
- (d) the nationality and registration marks of the aeroplanes;
- (e) the area of operation; or
- (f) any condition,

specified on the permit, the operator must apply to the Executive Director for the amendment.

- (4) An application for the amendment of a foreign air operator permit must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-OPS 121; and
  - (b) accompanied by -
    - (i) a declaration of competency issued in respect of each aeroplane concerned;
    - (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
    - (iii) the applicable fee specified in Part 187; and
    - (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to the provisions of subregulation (5), an application for the amendment of a foreign air operator permit must be submitted to the Executive Director at least 30 days before the date of commencement of the intended amended operation.

[The cross-reference above was probably intended  
to refer to subregulation (6) rather than subregulation (5).]

(6) The Executive Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Executive Director is satisfied that the object of the operation or amended operation will be defeated if the application is not assessed within a shorter period.

**Assessment of application and issue of permit**

**121.07.3** (1) In considering the application for the issue of a foreign air operator permit, or an amendment of that permit, the Executive Director may conduct the investigation which he or she considers necessary.

(2) The application must be granted and the permit issued if the Executive Director is satisfied that the applicant -

- (a) has the financial capability of conducting a safe operation within Namibia; and
- (b) will not conduct the operation concerned contrary to any provision of the Act or the Air Services Act.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) For the purpose of subregulation (2), if the Executive Director is not satisfied, he or she must -

- (a) notify the applicant and state in the notification the reasons why he or she is not satisfied; and
- (b) grant the applicant the opportunity to rectify or supplement the defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

(4) A foreign air operator permit must be issued in the manner specified in Document NAM-CATS-OPS 121, under the conditions which the Executive Director may determine.

(5) A foreign air operator permit must specify -

- (a) the name, nationality and principal place of business of the operator;
- (b) the date on which the permit was issued and its period of validity;
- (c) a description of the type of operation authorised;
- (d) the type of aeroplane authorised for operation;
- (e) the nationality and registration marks of each aeroplane authorised for operation;
- (f) the authorised area of operation; and
- (g) the conditions of the permit.

**Period of validity**

**121.07.4** (1) A foreign air operator permit is valid -

- (a) for the period determined by the Executive Director, which period must not exceed 12 months, calculated from the date of issue of the permit;
- (b) for the number of flights determined by the Executive Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Executive Director.

(2) Despite subregulation (1), if the holder of a foreign air operator permit applies for its renewal at least 30 days prior to the expiry the permit, the permit remains valid until the holder is notified by the Executive Director of the result of the application for the renewal of the permit.

[The word “of” appears to have been omitted after the word “expiry”.]

(3) The permit remains in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director, in terms of regulation 121.07.9.

(4) The holder of a permit which expires must surrender the permit to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The holder of a permit which is suspended, must produce the permit upon suspension to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, must, within 30 days from the date on which the permit is cancelled, surrender the permit to the Executive Director.

**Transferability**

**121.07.5** A foreign air operator permit is not transferable.

**Duties of holder of permit**

**121.07.6** (1) The holder of a foreign air operator permit must -

(a) at all times during the operation within Namibia -

(i) comply with -

(aa) the appropriate requirements under this Part; and

(bb) the conditions of the permit;

(ii) hold a valid air operator certificate or equivalent authorisation; and

(b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by the officer, inspector or person.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Renewal of permit**

**121.07.7** (1) The holder of a foreign air operator permit must at least 30 days immediately preceding the date on which the permit expires, apply for the renewal of the permit.

(2) The provisions of regulations 121.07.2(1) and 121.07.3 must apply with the necessary changes to an application made in terms of this regulation.

**Safety inspections and audits**

**121.07.8** The holder of a foreign air operator permit must permit an authorised officer, inspector or authorised person to carry out safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements under in this Part.

**Suspension, revocation and variation of air operator certificate and foreign air operator permit**

**121.07.9** An air operator certificate or a foreign air operator permit may in accordance with regulation 13.01.4 be suspended, revoked or varied if the Executive Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Register of permits**

**121.07.10** (1) The Executive Director must maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register must contain the following particulars:

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

(3) The particulars referred to in subregulation (2) must be recorded by the Executive Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

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

(5) A copy of the register must be furnished by the Executive Director, on payment of the applicable fee specified in Part 187, to any person who requests the copy.

**SUBPART 8**  
**FLIGHT OPERATIONS**

**DIVISION ONE: GENERAL**

**Routes and areas of operation and aerodrome facilities**

**121.08.1** (1) Aeroplane dispatched over any route or airway in instrument meteorological conditions must be capable of -

[The article “An” appears to have been omitted at the beginning of subregulation (1).]

- (a) in the case of a twin-engine aeroplane in the event of the failure of the critical engine, maintaining the minimum en-route altitude published or established by the operator for the route or airway;
- (b) in the case of an aeroplane having three or more engines in the event of the failure of any two engines, maintaining the minimum en-route altitude published or established by the operator for the route or airway; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) in addition to subparagraphs (a) and (b) and for flight in visual meteorological conditions, the aeroplane must be capable of landing at the intended destination or alternate aerodrome in accordance with the provisions of regulations 121.09.8, 121.09.9 and 121.09.10.

(2) An operator must specify in its operations manual the procedures used to determine the minimum altitudes to be flown in order to meet the obstacle clearance requirements specified in regulation 121.08.23 and, for operations in uncontrolled airspace, the means for ensuring a navigational capability is maintained while operating on any route used therein.

(3) An operator of an aeroplane must select at least one destination alternate aerodrome for each instrument flight rules flight -

- (a) unless -
  - (i) two separate runways, arranged such that the closure of one cannot affect the operations of the other and each with an operational straight-in instrument approach procedure, are available and usable by the flight crew at the destination aerodrome; and
  - (ii) the duration of the flight from the departure aerodrome, or from the point of in-flight re-planning, to the destination aerodrome is such that, taking into account all operational information relevant to the flight, for a period of at least one hour before and one hour after the estimated time of arrival, a reasonable certainty exists that the approach and landing may be made under visual meteorological conditions; or
- (b) unless the destination aerodrome is isolated and no suitable alternate aerodrome is available, in which case the provisions of regulation 91.07.7(6)(b) apply.

(4) An operator of an aeroplane must select at least two destination alternate aerodromes for each instrument flight rules flight when -

- (a) appropriate weather reports or forecasts for a destination aerodrome, or any combination of the reports and forecasts, indicate that during a period commencing one hour before and ending one hour after an estimated time of arrival, the weather conditions will be below the applicable planning minima; or
- (b) meteorological information is not available at a destination aerodrome.

(5) An operator may not permit, and a pilot-in-command may not operate, a flight that is to be conducted in accordance with instrument flight rules, for which one or more destination alternate aerodromes are required, to be commenced unless the aerodrome meteorological forecast indicates that conditions for a period of at least one hour before until one hour after the estimated time of arrival at the destination alternate aerodrome will meet or exceed those specified in Document NAM-CATS-OPS 121.

(6) An operator must operate all flights in accordance with the route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in the air operator certificate.

- (7) An operator must ensure that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation; and
- (b) except as approved by the Executive Director in accordance with Document NAM-CATS-OPS 121, a twin-engine aeroplane is not operated under this Part over a route which contains a point further from an adequate and suitable aerodrome than the distance that can be flown, under standard conditions in still air, in 60 minutes at the one-engine inoperative cruise speed.

(8) An operator of an aeroplane may not commence a flight unless it has been ascertained by every reasonable means available that the ground facilities and services, including meteorological services and rescue firefighting services are -

- (a) available as required for the safe operation of an aeroplane and the protection of the passengers;
- (b) adequate for the type of operation being conducted; and
- (c) functioning normally for their intended purpose.

(9) An operator must report without delay to the Authority any observed operational inadequacy of facilities referred to in subregulation (8).

(10) Information related to the level of rescue and firefighting service protection that is considered acceptable by an operator of an aeroplane must be contained in the operations manual.

(11) An operator of an aeroplane must, as part of its safety management system referred to in Subpart 1 of Part 140, assess the level of rescue and firefighting service protection available at an aerodrome intended to be specified in the operational flight plan to ensure that an acceptable level of protection is available for an aeroplane intended to be used.

**Establishment of procedures**

**121.08.2** (1) An operator must -

- (a) establish for each aeroplane type, procedures and instructions for ground personnel and crew members pertaining to the duties for all types of operations on the ground and in flight;
- (b) establish a checklist system to be used by a flight crew member for all phases of operation under normal, abnormal, and emergency conditions, to ensure that operating procedures contained in its operations manual referred to in regulation 121.04.2 are followed;
- (c) ensure that a flight crew member does not perform any activities during critical phases of a flight other than those required for a safe operation of an aeroplane;
- (d) ensure specific procedures are developed to instruct a pilot with respect to rates of climb and descent in various stages of flight; and
- (e) unless otherwise specified in an air traffic control instruction, specify procedures by which -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) an aeroplane climbing or descending to an assigned altitude or flight level may do so at a rate less than 1 500 feet per minute throughout the last 1 000 feet of climb or descent to an assigned level; and
  - (ii) a pilot-in-command is made aware of another aircraft at or approaching an adjacent altitude or flight level.
- (2) The approved checklist system referred to in subregulation (1)(b) must include -
- (a) an easy-to-use checklist for normal phases of flight operations;
  - (b) a quick reference-type checklist dealing with all malfunctions requiring the use of abnormal or emergency procedures;
  - (c) an amplified checklist that ensures all referenced check items are dealt with in accordance with the recommended procedures of the aeroplane manufacturer;
  - (d) an easy to locate and employ system of supplementary checks and procedures, if applicable; and
  - (e) any other check items relating to the use of equipment not installed at the time of aeroplane manufacture or not included in the check system provided for in the approved aeroplane flight manual.
- (3) The pilot-in-command is responsible for ensuring all check procedures, including checklists, are managed in accordance with the procedures specified in the operations manuals of the operator.

**Competence of operations personnel**

**121.08.3** An operator must ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of the duties to the operation as a whole.

**Use of air traffic services**

**121.08.4** An operator must ensure that air traffic services provided for in Part 172 are used for all flights whenever available.

**Single-engine aeroplane operations**

**121.08.5** An operator may not operate a single-engine aeroplane under this Part.

**Defect reporting**

**121.08.6** (1) An operator must establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the pilot-in-command of the aeroplane before take-off and where a defect is observed during flight, the pilot-in-command must ensure that the defect is recorded and reported in the manner established in the operations manual of the operator.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

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

(3) Upon receipt of the reports referred to in subregulation (2), the operator must compile a report and submit the report on a monthly basis to the Executive Director.

**Instrument approach and departure procedures**

**121.08.7** An operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in regulation 91.07.15 but -

- (a) the instrument approach and departure procedures must be approved by the Executive Director or the appropriate authority of the State in which the aerodrome is located; or
- (b) the appropriate air traffic control clearance must be received from the air traffic service unit.

**Environmental protection**

**121.08.8** (1) An operator must establish operating procedures for noise abatement as provided for in Part 139.

(2) Take-off and climb procedures for noise abatement specified by an operator for any one aeroplane type may vary for different aerodromes.

(3) An operator engaged in international operations must comply with the requirements relating to the monitoring, reporting and verification of annual carbon dioxide emissions as provided for in Part 91.

**Reporting of hazardous flight conditions**

**121.08.9** The pilot-in-command of any aeroplane that encounters flight conditions considered to be hazardous to his or her, or another aeroplane, must in accordance with Part 175 report the conditions to the aeronautical information services of the Authority and where applicable, any appropriate air traffic control, as soon as possible, giving the details as may be pertinent to the safety of other aeroplanes.

**Refuelling and defueling with passengers on board**

**121.08.10** A person may not refuel or defuel any aeroplane when passengers are embarking, disembarking or on board unless the fuelling is carried out in accordance with the procedures specified in Document NAM-CATS-OPS 121 and the procedures are included in the operations manual of the operator.

**Reporting acts of unlawful interference**

**121.08.11** (1) Following an act of unlawful interference, the pilot-in-command must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) where in his opinion the safety of persons on board the aeroplane would not be jeopardized, report the events to the nearest air traffic services authority by the most discrete method possible, by the means devised for the communications; and
- (b) submit, without delay, a report of the act to the Executive Director in a form acceptable to the Executive Director.

**Cabin and flight deck signals**

**121.08.12** (1) An operator must publish in a manner acceptable to the Executive Director a system of signals to be used between the cabin and the flight deck during normal, abnormal, emergency and security operations.

- (2) The signals may be issued in an overt or covert manner.

**In-flight simulation of emergencies**

**121.08.13** A person may not simulate any emergency or abnormal condition during flight that would effectively alter the flight characteristics of the aeroplane or otherwise induce a potentially unsafe safety condition when passengers are on board the aeroplane.

**Security of flight crew compartment**

**121.08.14** (1) An operator must ensure that the doors of all aeroplanes which are equipped with a flight crew compartment door are capable of being locked.

(2) If cabin crew are required or carried, means or procedures must be established by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(3) In all aeroplanes which are equipped with a flight crew compartment door the operator must ensure that -

- (i) the flight crew compartment door is closed and locked from the time all external doors are closed following embarkation until that door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and
- (ii) means is provided for monitoring from the flight deck the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

[The paragraphs in subregulation (3) should be labelled as “(a)” and “(b)” for consistency with the format used elsewhere in the regulations.]

**DIVISION TWO: DISPATCH AND FLIGHT RELEASE RULES**

**Operational control and supervision of flight operations**

**121.08.15** (1) An operator must establish and maintain an operational control and supervision of flight operations that -

[The word “an” before the phrase “operational control and supervision” is superfluous.]

- (a) meets the requirements in Document NAM-CATS-OPS 121; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) is approved by the Executive Director.

(2) The Executive Director may approve the use of a variation of the operational control systems described in Document NAM-CATS-OPS 121 provided an equivalent level of operational control and supervision of flight operations is demonstrated.

(3) An operator may not dispatch a flight unless a flight release has been issued for the flight and the flight release procedures must meet the requirements specified in Document NAM-CATS-OPS 121 and be acceptable to the Executive Director as appropriate to the type of operation.

(4) Where a flight release has been issued with respect to a flight and not withdrawn prior to the take-off, the pilot-in-command has the final authority as to the commencement, continuation, diversion or termination of that flight.

(5) Where a flight release has been issued with respect to a flight, it must remain in force for the duration of the flight, from the originating point to the final destination, including en-route stops, except where -

- (a) the aeroplane has been delayed or otherwise detained at the originating point or any en-route station stop for a period of more than 4 hours;
- (b) any flight crew member has been changed from the original crew;
- (c) any crew member has exceeded his or her maximum flight duty time, necessitating an extension to the duty period;
- (d) the aeroplane has been involved in an incident or occurrence or has otherwise encountered a malfunction which may have altered the status of the maintenance release;
- (e) due to operational requirements, the aeroplane was forced to divert to an alternate or other aerodrome, not included in the planned itinerary; or
- (f) in the opinion of the pilot-in-command or flight operations officer, if applicable, there has been significant change in the operational weather or other conditions upon which the flight release was issued, thereby rendering it invalid and in the situations the flight release may be withdrawn by either the pilot-in-command or the flight operations officer.

(6) An operator must ensure that the operational control and supervision of flight operations referred to in subregulation (1) includes a means of following the progress of each flight as specified in Document NAM-CATS-OPS 121 and that the communication equipment and facilities required for the flight watch or flight following system used are in place and serviceable during the period of time any of its flights is in progress.

(7) For operations involving co-authority dispatch, the operator must develop a conflict resolution policy that ensures that any disagreement that occurs between the pilot-in-command and a flight operations officer with respect to the conduct of a proposed flight is resolved prior to flight.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) The conflict resolution policy specified in subregulation (7) must require a course of action that would provide the greatest margin of safety.

(9) An operator must publish in the operations manual referred to regulation 121.04.2 -

- (a) the details of its operational control and supervision of flight operations referred to in subregulation (1), including the titles and functions of those persons authorised to exercise operational control over a flight;
- (b) the policies and procedures associated with the type or types of operational control and supervision of flight operations it intends to use in preparing for, releasing and monitoring its flights as well as the emergency procedures to be followed; and
- (c) the conflict resolution policy in full detail.

(10) An operator or a designated representative is responsible for operational control.

(11) The responsibility referred to in subregulation (10) may be delegated only to a pilot-in-command, a flight operations officer or a flight dispatcher, if the operator's approved method of control and supervision of flight operations requires the use of a flight operations officer or flight dispatcher personnel.

(12) An operator must establish an aircraft tracking capability to track aeroplanes throughout its area of operations.

**Contracted services for operational control system**

**121.08.16** (1) An operator may use the operational control system of an agent whether domestic or foreign but -

- (a) for the implementation of -
  - (i) a co-authority dispatch system, the agency and operator must establish an equivalent system to that specified in Document NAM-CATS-OPS 121; or
  - (ii) a pilot self-dispatch system, as specified in Document NAM-CATS-OPS 121,

the operator must establish a means to effectively interface with the contracted services; and
- (b) the service agreement must be approved by the Executive Director.

[The word "must" is misspelt in the *Government Gazette*, as reproduced above.]

(2) The methods, procedures and policies for effecting operational control using the agency must be described in the operations manual referred to in regulation 121.04.2.

**Operational flight plan and flight release**

**121.08.17** (1) An operator must prepare an operational flight plan for its flights as provided in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The signatures or alternative means of signifying acceptance of the operational flight plan by the pilot-in-command and flight operations officer, if applicable, as required by Document NAM-CATS-OPS 121, must constitute a flight release and certifies that -

- (a) the operational flight plan has been prepared and accepted in accordance with the procedures specified in the operations manual; and
- (b) the flight is safe to proceed.

(3) The operational flight plan referred to in subregulation (1) must be left with the aerodrome authority or on record in a suitable place at the point of departure.

**Familiarity with weather conditions and technical data**

**121.08.18** (1) A flight operations officer may not release a flight unless he or she is thoroughly familiar with -

- (a) reported and forecast weather conditions on the route to be flown and at all planned destination and alternate aerodromes;
- (b) the navigational requirements for the planned routes and aerodromes; and
- (c) any other technical data relevant to the proposed flight including aerodrome operating minima, aeroplane performance, maintenance status, notice to airmen, bulletins or operational directives issued by the operations manager,

and that nothing in the information indicates there is a threat to the safety of the flight.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Retention of flight operations documents and reports**

**121.08.19** (1) Unless otherwise specified by the Executive Director, every operator must retain all flight documents made in terms of this Subpart, for a period of not less than 90 days.

(2) All flight documentation required by this Subpart to be prepared with respect to a flight and which was carried on-board that flight must -

- (a) be returned to the company’s main base specified in the air operator certificate; and
- (b) include weather maps and printed information, notice to airmen, cargo and fuel loading sheets and manifests and all paperwork used to record the progress or diversion and irregular or emergency situations of the flight.

**Maintenance status**

**121.08.20** (1) A person may not dispatch or release an aeroplane unless it is airworthy and all known defects have been rectified and appropriately certified by an aeroplane maintenance engineer except where the dispatch of the aeroplane is in accordance with an approved minimum equipment list issued in terms of regulation 121.08.21, a configuration deviation list approved by the State of Manufacture or as otherwise permitted in the aeroplane flight manual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Under a co-authority dispatch system the pre-flight briefing issued by the flight operations officer must include a full review of the aeroplane maintenance status.

**Requirements for minimum equipment lists**

**121.08.21** (1) Except as provided in subregulations (2) and (5), a person may not conduct a take-off in an aeroplane with instruments or equipment that are not serviceable or that have been removed, where the instruments or equipment are required by -

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

- (a) the standards of airworthiness that apply to day or night visual flight rules or instrument flight rules flight, as applicable;
- (b) any equipment list published by the aeroplane manufacturer respecting aeroplane equipment that is required for the intended flight;
- (c) an air operator certificate;
- (d) an airworthiness directive; or
- (e) these Regulations.

(2) A person may conduct a take-off in an aeroplane with instruments or equipment that are not serviceable or that have been removed but the aeroplane must be operated in accordance with any conditions or limitations specified in a minimum equipment list, which has been approved by the Executive Director as provided for in Document NAM-CATS-OPS 121 and, in the opinion of the pilot-in-command, aviation safety will not be affected.

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

(3) An operator must establish a minimum equipment list for each type of aeroplane for which a master minimum equipment list has been approved by a State of Design of the aeroplane but the State of Design must be a contracting state to the Chicago Convention and the manufacturing standards used by that State must at least be equal to the ICAO standards for design.

(4) A person may not operate an aeroplane in accordance with a minimum equipment list unless the minimum equipment list is carried on board the aeroplane.

(5) A person may conduct a take-off in an aeroplane that has instruments or equipment that are not serviceable or that have been removed where the aeroplane is operated in accordance with the conditions of a flight permit that has been issued by the Executive Director or his delegate specifically for that purpose.

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

(6) A person may not conduct a take-off in an aeroplane for which a minimum equipment list has not been approved and the aeroplane has instruments and equipment, other than the instruments and equipment specified in subregulation (1), that are not serviceable or that have been removed unless -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) where the unserviceable instrument or equipment is not removed from the aeroplane, it is isolated or secured so as not to constitute a hazard to any other aeroplane system or to any person on board the aeroplane;
- (b) the appropriate placards are installed as required by the maintenance control manual; and
- (c) an entry recording the actions referred to in paragraphs (a) and (b) is made in the flight folio, as applicable.

**Aerodrome operating minima**

**121.08.22** (1) An operator must establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) in a manner approved by the Executive Director.

(2) An operator must establish aerodrome operating minima for each aerodrome planned to be used, which may not be lower than the values in Document NAM-CATS-OPS 91, except as provided in regulations 121.08.31 and 121.08.32.

(3) An operator must conduct all instrument approaches and departures in accordance with the procedures approved for the operator in its operations specifications.

(4) Where an operator is operating at an aerodrome other than a Namibian aerodrome, the aerodrome operating minima established by the operator may be lower than the minima established by the appropriate authority of the State in which the aerodrome is located but -

- (a) the State in which the aerodrome is located must approve the lower operating minima; and
- (b) the operator must be authorised in its operations specifications to operate to the lower minima.

**Minimum flight altitudes**

**121.08.23** (1) An operator must establish minimum flight altitudes and the methods to determine the minimum flight altitudes for all route segments to be flown which provide the required terrain clearance, taking into account the operating limitations referred to in Subpart 8 of this Part and the minimum flight altitudes referred to in regulation 91.07.2.

(2) An operator must specify the method by which it intends to determine minimum flight altitudes for operations conducted over routes for which minimum flight altitudes have not been established and must include this method in its operations manual.

(3) The method for establishing the minimum flight altitudes referred to in subregulation (2) must be approved by the Executive Director.

(4) An operator must take into account the following factors when establishing minimum flight altitudes -

- (a) the accuracy with which the position of the aeroplane can be determined;
- (b) the probable inaccuracies in the indications of the altimeters used;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;
- (d) the probability of encountering unfavourable meteorological conditions;
- (e) possible inaccuracies in aeronautical charts, and
- (f) airspace restrictions.

(5) In complying with the provisions of subregulation (2), the operator must give due consideration to -

- (a) corrections for temperature and pressure variations from standard values;
- (b) the air traffic control requirements; and
- (c) any contingencies which may occur along the planned route.

### **Ditching**

**121.08.24** An operator may not operate an aeroplane with an approved passenger seating configuration of more than 30 seats over routes on which the aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 400 nautical miles, whichever is the lesser, away from land suitable for making an emergency landing, unless the aeroplane has been certified as having adequate characteristics for ditching or has been approved as adequate for ditching.

### **Fuel policy**

**121.08.25** (1) An operator must establish a fuel policy that meets the requirements in Document NAM-CATS-OPS 121 for the purpose of flight planning and inflight re-planning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

- (2) An operator must ensure that the planning of a flight is based upon -
  - (a) procedures, tables or graphs which are contained in or derived from current aeroplane-specific data or the operations manual referred to in regulation 121.04.2;
  - (b) the operating conditions under which the flight is to be conducted, including -
    - (i) realistic aeroplane fuel consumption data;
    - (ii) anticipated masses;
    - (iii) expected meteorological conditions;
    - (iv) the effects of loss of facilities or services as identified in the notice to airmen; and
    - (v) air traffic service procedures, restrictions and anticipated delays; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(vi) the effect of deferred maintenance items or configuration deviations.

(3) An operator must establish policies and procedures with respect to fuel management and publish the policies and procedures in the operations manual referred to in regulation 121.04.2.

(4) The policies and procedures required by subregulation (3) must, as a minimum, include the requirement that -

- (a) in-flight fuel checks are to be performed at least hourly by or on behalf of the pilot-in-command to ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a suitable aerodrome where a safe landing can be made with the planned final reserve fuel remaining; and
- (b) the pilot-in-command must declare a situation of urgency when the calculated usable fuel predicted to be available upon landing at the nearest suitable aerodrome where a safe landing can be made is less than the planned final reserve fuel.

(5) Operators must determine one final reserve fuel value for each aeroplane type and variant owned or operated rounded up to an easily recalled figure.

**Fuel supply and record keeping**

**121.08.26** (1) An operator must establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

(2) An operator must keep a record of all fuel uplifts, including quantities and types.

(3) Record-keeping procedures must be published in the approved documents of the operator and are considered flight documents for record retention as provided for in regulation 121.08.19.

(4) Fuel and oil records must be retained by the operator for a period of 90 days.

**Operation of aircraft in icing conditions**

**121.08.27** (1) A person may not conduct a take-off or continue a flight in an aeroplane when icing conditions are reported to exist or are forecast to be encountered along the route to be flown unless the aeroplane is equipped to be operated in the conditions and the aircraft type certificate authorises flight in the conditions.

(2) A person may not initiate or continue a flight in icing conditions where in the opinion of the pilot-in-command, the conditions experienced may adversely affect the safety of the flight.

(3) A person may not operate an aeroplane in icing conditions at night unless the aeroplane is equipped with a means to illuminate a representative surface or otherwise detect the formation of ice.

**Surface contamination programme**

**121.08.28** (1) A person may not conduct or attempt to conduct a take-off in an aeroplane that has frost, ice or snow adhering to any of its critical surfaces.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Despite subregulation (1), a person may conduct a take-off in an aeroplane that has frost adhering to the underside of its wings that is caused by cold-soaked fuel, if the take-off is conducted in accordance with the aeroplane manufacturer's instructions for take-off under the conditions.

(3) Where conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, a person may not conduct or attempt to conduct a take-off in an aeroplane unless the operator has established an aeroplane inspection programme in accordance with a surface contamination programme approved by the Executive Director and the dispatch and take-off of the aircraft are in accordance with that programme.

(4) The inspection referred to in subregulation (3) must be performed by -

- (a) the pilot-in-command;
- (b) a flight crew member of the aircraft who is designated by the pilot-in-command; or
- (c) a person, other than a person referred to in paragraph (a) or (b), who -
  - (i) is designated by the operator of the aeroplane; and
  - (ii) has successfully completed an aeroplane surface contamination training programme approved for the operator.

(5) Where, before commencing take-off, a flight crew member of an aeroplane observes that there is frost, ice or snow adhering to the wings of the aeroplane, the crew member must immediately report that observation to the pilot-in-command and the pilot-in-command, or a flight crew member designated by the pilot-in-command, must inspect the wings of the aeroplane before take-off.

(6) Before an aeroplane is de-iced or anti-iced, the pilot-in-command of the aeroplane must ensure that the crew members and passengers are informed of the decision to do so.

(7) An operator is not required to have a programme as required by subregulation (3) if it includes a statement in its operations manual that the operator will not dispatch its aeroplane into any region or country where it could be reasonably expected that surface contamination could at any time form on the aeroplane, while parked or operating on the ground.

**In-flight operational changes to a flight plan**

**121.08.29** (1) An operator must, when practicable, coordinate with the appropriate air traffic services unit any in-flight operational changes to a current air traffic services flight plan before the operator communicates the changes to the aeroplane.

(2) When the coordination required by subregulation (1) is not practicable, the pilot is responsible for obtaining an appropriate approval and clearance from an air traffic services unit, if applicable, before making a change in the flight plan.

[The word "an" should not appear before the phrase "approval and clearance" unless this compound term refers to a single outcome.]

**Inertial navigation systems and inertial reference systems**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.08.30** An operator may not use inertial navigation systems or inertial reference systems unless the operator -

- (a) is authorised to do so in its operations specifications; and
- (b) complies with the inertial navigation systems or inertial reference systems requirements in Document NAM-CATS-OPS 121.

**Mass and balance control**

**121.08.31** (1) A person may not operate an aeroplane unless, during every phase of the flight, the load restrictions, mass and centre of gravity of the aeroplane conform to the limitations specified in the aeroplane flight manual.

(2) An operator must have a mass and balance programme that complies with regulation 91.07.11.

(3) An operator must specify in its operations manual its mass and balance programme and instructions to employees regarding the preparation and accuracy of mass and balance forms and the load and trim sheet in accordance with regulation 121.04.9.

**Low visibility operations**

**121.08.32** (1) An operator may not assign a pilot to conduct a low visibility take-off or Category II or III approach unless -

- (a) the operator meets the conditions specified in Document NAM-CATS-OPS 121;
- (b) an operator is authorised to do so in its operations specifications; and
- (c) a low visibility operation is conducted in accordance with procedures approved for the operator in its operations manual.

(2) A pilot may not conduct a visibility take-off or Category II or III approach unless the conditions specified in subregulation (1) are met.

**Operations with head-up displays or vision systems**

**121.08.33** (1) An operator may only stipulate the use of automatic landing systems, head-up display or equivalent displays, enhanced vision system, synthetic vision system, combined vision system or any combination of those systems into a hybrid system for the safe operation of an aeroplane, if -

[The list of items in subregulation (1) mixes singular and plural items.]

- (a) the operator is authorised to do so in its operation specifications;
- (b) the operator ensures that the requirements of automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, or combined vision system whichever is applicable, as provided for in Document NAM-CATS-OPS 121 are complied with;
- (c) the equipment meets the appropriate airworthiness certification requirements;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the operator has carried out a safety risk assessment of the operation supported by automatic landing systems, a head-up display or equivalent display, enhanced vision system, synthetic vision system, or combined vision system;
- (e) the Executive Director has authorised operational credit for the operations with an aeroplane equipped with automatic landing systems, a head-up display or equivalent displays, enhanced vision system, synthetic vision system, or combined vision system; and
- (f) the operator has applied for a specific approval where operational credit relates to low visibility operations but the specific approval must not affect the classification of instrument approach procedure.

(2) An operator must include suitable operational procedures for the use of, and training requirements for, equipment referred to in subregulation (1) in the operations manual referred to in regulation 121.04.2, which must provide for the following:

- (a) Equipment limitations;
- (b) operational credits as provided for in Document NAM-CATS-OPS 121;
- (c) flight planning;
- (d) ground and airborne operations;
- (e) crew resource management;
- (f) standard operating procedures; and
- (g) air traffic services flight plans and communication.

**Operations with electronic flight bags**

**121.08.34** (1) A person may not use an electronic flight bag unless the person -

- (a) is authorised to do so in terms of the operations specifications; and
- (b) complies with the electronic flight bag requirements in Document NAM-CATS-OPS 121.

(2) Where an electronic flight bag is used on board an aircraft, an operator or owner of the aircraft must -

- (a) assess the safety risk associated with each electronic flight bag function;
- (b) establish and document procedures for the use of, and training requirements for and electronic flight bag device and each electronic flight bag function in the operator or operations manual of the owner;
- (c) ensure that, in the event of an electronic flight bag failure, sufficient information is readily available to a flight crew for a flight concerned to be conducted safely;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) ensure that requirements are established for redundancy of information, if appropriate, contained and displayed by electronic flight bag functions;
- (e) ensure that the electronic flight bag equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet the appropriate airworthiness certification requirements; and
- (f) establish and document procedures for the management of the electronic flight bag functions including any database it may use.

(3) Where a portable electronic flight bag is used on board aircraft, an operator or owner of an aircraft must ensure that the portable electronic flight bag does not affect a performance of aircraft systems, equipment or the ability to operate an aircraft.

**DIVISION THREE: CABIN SAFETY**

**Seat, seat safety belt, harness and child restraint device and carriage of infant**

**121.08.35** (1) A person may not operate an aircraft unless the aircraft is equipped, as applicable, with -

- (a) a seat or berth for each person who is aged two years or more;
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is aged two or more;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for carriage of each child and infant as provided for in Document NAM-CATS-OPS 121;
- (e) a safety harness for each flight crew member seat, incorporating a device which must automatically restrain the torso of an occupant in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat but a safety belt with one diagonal shoulder strap is permitted if a fitting of a safety harness is not practical.

(2) A seat for any cabin crew member must, where possible, be located near floor-level emergency exit and any additional cabin crew member seat required must be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation but the seat must be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a pilot-in-command cannot see all passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts must be fastened, must be installed.

(4) A safety harness and safety belt must have a single point release.

(5) A passenger must not be responsible for the safety of more than one infant on board aircraft.

[The word “an” appears to be missing before the word “aircraft”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Carriage of persons with a disability**

**121.08.36** (1) An operator must establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

- (2) An operator must ensure that -
  - (a) the pilot-in-command of the aeroplane is notified when a passenger with a disability is to be carried on board;
  - (b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;
  - (c) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of the passenger; and
  - (d) the person giving the briefing must enquire as to the most appropriate manner of assisting the person with a disability so as to prevent pain or injury to that person.
- (3) In the case of the carriage of a stretcher patient in the aeroplane -
  - (a) the stretcher must be secured in the aeroplane so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting the as a ditching;
  - (b) the patient must be secured by an approved harness to the stretcher or aeroplane structure; and
  - (c) an able-bodied assistant must accompany each stretcher patient.
- (4) A person with a mental disability may not be carried in the aeroplane unless -
  - (a) he or she is accompanied by an able-bodied assistant; and
  - (b) a medical certificate has been issued by a medical practitioner certifying that the person with the mental disability is suitable for carriage by air and confirming that there is no risk of violence from the person.

(5) An operator must undertake the carriage of a person with a mental disability who, according to his medical history, may become violent, only after special permission has been obtained from the Executive Director by the operator.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) The affected limb or supporting aids of a passenger referred to in subregulation (6) must not obstruct an aisle or any emergency exit or equipment.

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself then he or she must be accompanied by an able-bodied assistant.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Limitations on carriage of children and passengers with disability**

**121.08.37** (1) Unless otherwise authorised by the Executive Director, the maximum number of passengers with a disability, unaccompanied minors, or a combination of the passengers and minors, which may be carried by an operator, is limited to one per unit of 20 passenger capacity or part thereof to a maximum of 10 the passengers or minors.

(2) At least one able-bodied assistant must be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination of that group, and the assistant must be assigned with the responsibility for the safety of the passengers or minors unless the passengers with a disability can assist themselves.

(3) In addition to the provisions of subregulation (2), for each one passenger with a disability who cannot assist himself or herself, an able-bodied assistant must be assigned to solely assist the passenger.

(4) An operator may establish procedures instead of the provisions of subregulations (2) and (3) for the carriage of children and passengers with a disability but -

- (a) the procedures must not jeopardise aviation safety; and
- (b) prior written approval to do so must be obtained from the Executive Director.

**Carriage of persons without documentation, deportees or persons in custody**

**121.08.38** (1) An operator must establish procedures for the carriage of persons without documentation, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane must be notified by the operator prior to departure, of the intended carriage and the reason for carriage, of any of the persons referred to in subregulation (1).

**Carry-on baggage**

**121.08.39** (1) An operator must establish adequate procedures to ensure that only the baggage is carried onto the aeroplane and taken into the passenger cabin as can be adequately and securely stowed.

(2) The minimum requirements for the procedures referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 121.

**Hold baggage screening**

**121.08.40** (1) An operator engaged in international civil aviation operations, may not carry any originating hold baggage unless the baggage has been screened prior to being loaded into the aircraft.

(2) The minimum requirements for the procedures referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 121.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator engaged in a scheduled commercial air service may not carry any originating hold baggage unless the baggage has been screened prior to being loaded into the aircraft.

(4) The minimum requirements for the procedures referred to in subregulation (3) must be as provided for in Document NAM-CATS-OPS 121.

**Securing of passenger cabin and galley**

**121.08.41** (1) Before take-off and landing and whenever considered necessary in the interests of aviation safety, the pilot-in-command must ensure that -

- (a) all equipment, baggage and loose articles in the cabin of the aeroplane, including passenger service items and crew members' and passengers' personal effects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to the aeroplane through the movement of the articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and
- (b) all aisles, passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles must be placed in approved stowage areas in the aeroplane at all times whenever the seat belt lights are illuminated or when so directed by the pilot-in-command of the aeroplane.

(3) For the purposes of subregulation (2), "approved stowage area" means -

- (a) the area under a passenger seat; or
- (b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) A take-off or landing may not be commenced by the pilot-in-command of the aeroplane unless he or she has been informed of the safe condition of the cabin.

**Passenger services**

**121.08.42** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, must be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the aeroplane.

(2) All items referred to in subregulation (1) must be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the aeroplane.

(3) Any item which cannot be accommodated in the stowage, referred to in subregulation (1), must not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin must be completed by the cabin crew members before the approach for landing of the aeroplane is commenced.

(5) If passenger services are provided while the aeroplane is on the ground, no passenger service equipment must obstruct the aisles or exits of the aeroplane.

**Briefing of passengers**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.08.43** (1) The pilot-in-command must ensure that passengers are given a safety briefing in accordance with Document NAM-CATS-OPS 121.

(2) Where the safety briefing referred to in subregulation (1) is insufficient for a passenger because of the physical, sensory or comprehension limitations that passenger or because that passenger is responsible for another person on board the aeroplane, the pilot-in-command must ensure that the passenger is given an individual safety briefing that is appropriate to the needs of the passenger.

[The word “of” appears to be missing before the phrase “that passenger”.]

(3) The pilot-in-command must ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the Document NAM-CATS-OPS 121.

(4) The pilot-in-command must ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

**Safety features card**

**121.08.44** An operator must provide each passenger, at the seat of the passenger, with a safety features card containing, in pictographic form, and any wording in English or as required by the Executive Director and must contain the information as provided for in Document NAM-CATS-OPS 121.

[This regulation appears to be missing some words. Compare regulation 127.08.38, which states: “An operator must ensure that passengers are aware of the safety features on board the helicopter in pictographic form and any wording must be in English or as required by the Executive Director and must contain such information as provided for by Document NAM-CATS-OPS 127.”]

**Carriage of supernumeraries**

**121.08.45** (1) An operator may establish procedures for the carriage of supernumeraries but the procedures must -

- (a) not jeopardise aviation safety and security; and
- (b) be approved by the Authority.

(2) Subject to subregulation (1), an operator must allow supernumeraries to board an aeroplane without being in possession of a valid passenger ticket.

(3) An operator must enter the details of all supernumeraries on board a flight on the passenger manifest or general declaration, as applicable, as referred to in regulation 91.03.1(a)(vi).

**Seating of supernumeraries during flight**

**121.08.46** During take-off and landing, and whenever considered necessary by the pilot-in-command in the interests of aviation safety, supernumeraries must be seated at their assigned stations or seats.

**Portable electronic devices**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.08.47** An operator of an aircraft must ensure that a passenger and crew do not operate any portable electronic device on an aircraft, except with a permission of a pilot-in-command of aircraft.

[The word “a” before “permission” is superfluous. The word “the” appears to have been omitted before the word “aircraft” at the end of the regulation.]

**SUBPART 9**  
**AEROPLANE PERFORMANCE OPERATING LIMITATIONS**

**General requirements**

**121.09.1** (1) An operator may not operate an aeroplane unless the aeroplane meets the requirements specified in this Subpart.

(2) Any determination made for the purposes of this Subpart must be based on approved performance data specified in the aeroplane flight manual for the aeroplane concerned supplemented as necessary with other data acceptable to the Executive Director.

(3) A person may operate an aeroplane without complying with the requirements of this Subpart if the person -

- (a) is authorised to do so in the operations specifications of the operator; and
- (b) complies with the requirements as provided for in Document NAM-CATS-OPS 121.

(4) Where an operator uses charts or graphs published in the approved aeroplane flight manual, allowance should be made to ensure any extract errors will be on the side of safety.

(5) An operator must adopt obstacle data sufficient to make accurate and safe performance calculations.

(6) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of an aeroplane, as applicable to any phase of a flight, must be taken into account and must include as a minimum the -

- (a) mass of the aeroplane;
- (b) operating procedures employed by an operator;
- (c) pressure-altitude appropriate to an elevation of an aerodrome;
- (d) ambient temperature;
- (e) wind;
- (f) runway slope; and
- (g) surface condition of a runway at the expected time of use.

(7) The factors specified in subregulation (6) must be taken into account either directly as operational parameters or indirectly by means of allowances or margins, which may be

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

provided in the scheduling of performance data or in the comprehensive and detailed code of performance in accordance with which the aeroplane is being operated.

(8) An aeroplane must be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(9) A flight may not be commenced unless the performance information provided in the flight manual, supplemented as necessary with other data acceptable to the Executive Director, indicates that the standards in this Subpart can be complied with for the flight to be undertaken.

**Take-off mass limitations**

**121.09.2** (1) A person may not conduct a take-off in an aeroplane if the mass of the aeroplane -

- (a) exceeds maximum take-off weight specified in the aeroplane's flight manual for the pressure altitude and ambient temperature at an aerodrome where the take-off is to be made; or
- (b) exceeds landing mass specified in the aeroplane's flight manual for a pressure altitude and an ambient temperature at a destination aerodrome or alternate aerodrome, after allowing for planned fuel consumption during a flight.

[The word "the" appears to be missing before the phrase "maximum take-off weight" in paragraph (a) and before the phrase "landing mass" in paragraph (b).]

(2) A person may not conduct a take-off in an aeroplane unless the aeroplane is able, in an event of a critical engine failing or for other reasons, at any point in a take-off, either to discontinue a take-off and stop within the accelerate-stop distance available or to continue a take-off and clear all obstacles along a flight path by an adequate vertical or horizontal distance.

[The phrase "in an event of a critical engine failing" should be "in the event of a critical engine failing" for correct English idiom.]

(3) For the purpose of determining an accelerate stop distance, a pilot-in-command must take into account a loss, if any, of runway length due to alignment of an aeroplane prior to take-off.

(4) For the purpose of determining a resulting take-off obstacle accountability area, a pilot-in-command must take into account the crosswind component and navigation accuracy.

- (5) In the determination of a maximum take-off mass referred to in subregulation (1) -
  - (a) the required accelerate-stop distance must not exceed the accelerate-stop distance available;
  - (b) the required take-off run must not exceed the take-off run available; and
  - (c) the required take-off distance must not exceed the take-off distance available.
- (6) For the purposes of subregulation (2), the following factors must be applied -
  - (a) pressure altitude at an aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) ambient temperature;
- (c) runway slope in a direction of take-off;
- (d) not more than 50% of the reported headwind component or not less than 150% of the reported tailwind component;
- (e) loss of effective take-off run during runway alignment except where rolling take offs are approved;
- (f) where a runway condition is other than dry an appropriate penalty based upon runway condition or contaminates on a runway must be factored into the performance calculation;
- (g) maximum take-off weight of an aeroplane;
- (h) specific operating procedures; and
- (i) any other factor that may significantly affect aeroplane performance.

**Net take-off flight path**

**121.09.3** (1) A person may not conduct a take-off in an aeroplane if the mass of the aeroplane is greater than the mass specified in the aeroplane flight manual as allowing a net take-off flight path that clears all obstacles by at least 35 feet vertically or at least 62 metres horizontally within the aerodrome boundaries and by at least 95 metres horizontally outside those boundaries.

(2) In the determination of the maximum mass, minimum distances and flight path referred to in subregulation (1) -

- (a) corrections must be made for -
  - (i) the runway to be used;
  - (ii) the runway slope in the direction of take-off;
  - (iii) the pressure-altitude at the aerodrome;
  - (iv) the ambient temperature; and
  - (v) the wind component at the time of take-off, where not more than 50 percent of the reported headwind component or not less than 150 percent of the reported tailwind component may be considered;
- (b) calculations must be based on the pilot -
  - (i) not banking the aeroplane before reaching an altitude of 50 feet;
  - (ii) subject to subregulation (3), using 15 degrees or less of bank at or below 400 feet;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) using no more than 25 degrees of bank thereafter, aeroplane speed and configuration permitting; and
- (c) consideration of the effects of any crosswind and navigation accuracy must be taken into account.

(3) A bank angle greater than the 15 degrees referred to in subregulation (2)(b)(ii) may be used if it is authorised by the Executive Director.

**En-route limitations with one engine inoperative**

**121.09.4** (1) A person may not conduct a take-off in an aeroplane if the mass of the aeroplane is greater than the mass that will allow the aeroplane to attain, with any engine inoperative, a net flight path that -

- (a) has a positive slope at 1 000 feet above all terrain and obstructions within five nautical miles on either side of the intended track, at all points along the route or planned diversion therefrom; or
- (b) will permit flight from the cruising altitude to an aerodrome where the requirements of regulation 121.09.6 can be complied with and clears vertically, by at least 2 000 feet, all terrain and obstructions within five nautical miles on either side of the intended track.

(2) For the purposes of subregulation (1), the following factors must be taken into account after an engine failure -

- (a) the effects of wind and temperature on the net flight path; and
- (b) the effects of fuel jettisoning, where the jettisoning is conducted in accordance with procedures specified in the operations manual of the operator and sufficient fuel remains to complete a landing with the required fuel reserves.

**En-route limitations with two engines inoperative**

**121.09.5** (1) A person may not operate an aeroplane having three or more engines unless the mass of the aeroplane is not greater than the mass that, according to the two-engines-inoperative en-route net flight path data shown in the aeroplane flight manual, will allow the aeroplane to clear vertically, by at least 2,000 feet, all terrain and obstructions within five nautical miles on either side of the intended track and thereafter to continue flight to an aerodrome where the requirements of regulation 121.09.6 can be complied with.

(2) For the purposes of subregulation (1)(b), the following factors must be taken into account after the failure of two engines -

- (a) the effects of wind and temperature on the net flight path; and
- (b) the effects of fuel jettisoning, where the jettisoning is conducted in accordance with procedures specified in the operations manual of the operator and sufficient fuel remains to arrive at the destination aerodrome at 1 500 feet AGL with a fuel reserve sufficient to fly for 15 minutes thereafter at cruise power.

**Dispatch limitations: landing at destination and alternate aerodromes**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**121.09.6** (1) Subject to subregulation (3), a person may not dispatch or conduct a take-off in an aeroplane unless -

- (a) the mass of the aeroplane on landing at the destination aerodrome will allow a full-stop landing -
  - (i) in the case of a turbojet- or turbofan-powered aeroplane, within 60 percent of the landing distance available, or
  - (ii) in the case of a propeller-driven aeroplane, within 70 percent of the landing distance available; and
- (b) the mass of the aeroplane on landing at the alternate aerodrome will allow a full-stop landing -
  - (i) in the case of a turbojet- or turbofan-powered aeroplane, within 60 percent of the landing distance available, and
  - (ii) in the case of a propeller-driven aeroplane, within 70 percent of the landing distance available.

(2) In determining whether an aeroplane can be dispatched or a take-off can be conducted in accordance with subregulation (1), the following must be taken into account -

- (a) the pressure altitude at the destination aerodrome and at the alternate aerodrome;
- (b) not more than 50 percent of the reported headwind component or not less than 150 percent of the reported tailwind component may be used in computing distances for take-off or landing; and
- (c) that the aeroplane must be landed on a suitable runway, considering the wind speed and direction, the ground handling characteristics of the aeroplane and other conditions the as landing aids and terrain.

(3) Where conditions at the destination aerodrome at the time of take-off do not permit compliance with subregulation (2)(c), an aeroplane may be dispatched and a take-off conducted if the alternate aerodrome designated in the operational flight plan permits, at the time of take-off, compliance with subregulations (1)(b) and (2).

(4) Where the aerodrome of intended landing has in place noise criteria that may require a landing mass reduction, the take-off mass must be adjusted to comply with the limitations.

(5) All flights must be planned so that the diversion time to an aerodrome where a safe landing could be made does not exceed the cargo compartment fire suppression time capability of the aeroplane, reduced by an operational safety margin of 15 minutes.

**Dispatch limitations: wet runway- turbojet- or turbofan-powered aeroplanes**

**121.09.7** (1) Subject to subregulation (2), when meteorological information contemplated in Part 174 indicate that the runway may be wet at the estimated time of arrival, an operator may not dispatch or conduct a take-off in a turbojet- or turbofan-powered aeroplane

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

unless the landing distance available at the destination aerodrome is at least 115 percent of the landing distance required in terms of regulation 121.09.6(1)(a).

[The verb “indicate” should be “indicates” to accord with the subject “information”.]

(2) The landing distance available on a wet runway may be shorter than that required by subregulation (1) but not shorter than that required by regulation 121.09.6, if the aeroplane flight manual includes specific information about landing distances on wet runways.

**Landing at destination and alternate aerodromes**

**121.09.8** (1) An operator must ensure that the landing mass of the aeroplane, determined in accordance with the provisions of regulation 121.09.1(9), does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of landing at the destination and alternate aerodrome.

(2) For instrument approaches with decision heights below 200 feet, the operator must verify that the approach mass of the aeroplane, taking into account the take-off mass and the fuel expected to be consumed in flight, allows a missed approach gradient of climb of at least 2,5 percent in the approach configuration with one engine inoperative, or an approved alternative procedure.

**Landing on dry runways**

**121.09.9** (1) An operator must ensure that the landing mass of the aeroplane for the estimated time of landing, allows a full stop landing from 50 feet above the threshold within 70 percent of the landing distance available at the destination aerodrome and at any alternate aerodrome but the Executive Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator must take account of -

- (a) the pressure altitude at the aerodrome; and
- (b) not more than 50 percent of the reported head-wind component or not less than 150 percent of the reported tail-wind component.

**Landing on wet and contaminated runways**

**121.09.10** (1) An operator must ensure that, when the appropriate meteorological information contemplated in Part 174, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 percent of the required landing distance determined in accordance with the provisions of regulation 121.09.9.

(2) An operator must ensure that, when the appropriate meteorological information contemplated in Part 174, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available must be at least the landing distance determined in accordance with the provisions of subregulation (1) or at least 115 percent of the landing distance determined in accordance with approved contaminated landing distance data or an equivalent of the approved contaminated landing distance data, whichever is the greater.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 121.09.9(1), may be used if the aeroplane flight manual referred to in regulation 121.04.4 includes specific additional information on landing distances on wet runways.

**SUBPART 10**  
**MAINTENANCE**

**General**

**121.10.1** An operator may not operate any aeroplane under this Part unless the aeroplane is maintained in accordance with the regulations in Part 43.

**Aeroplane maintenance programme**

**121.10.2** (1) Each operator must ensure that the aeroplane is maintained in accordance with an aeroplane maintenance programme established by the operator.

(2)

- (a) An operator must provide a maintenance programme, approved by the Executive Director, containing the information required by subregulation (3) for the use and guidance of the maintenance and operational personnel concerned.
- (b) The design and application of the maintenance programme of an operator must observe human factors principles.

(3) The maintenance programme referred to in subregulation (1) must be developed for each aeroplane type and must contain the following information -

- (a) maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the aeroplane;
- (b) when applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b); and
- (d) when applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and powerplants.

(4) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design must be identified as the.

**[It appears that the word “the” at the end of subregulation (4) in the Government Gazette may have been intended to be “such”. Compare regulation 127.10.2(2) which reads in part:**

**“Maintenance tasks and intervals that have been specified as mandatory in approval of the type design must be identified as such.”]**

(5) The maintenance programme must be based on information made available by the State of Design or by the organisation responsible for the type design, and any applicable operational, maintenance and regulatory requirements issued by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) Any amendment to the approved programme must be formulated by the operator, to reflect changes in the type certificate holder's recommendations, modifications, reliability programme, service experience, or as required by the Executive Director.

(7) The aeroplane maintenance programme referred to in subregulation (1) and any subsequent amendment of that maintenance programme must be approved by the Executive Director.

(8) Upon approval of the Executive Director, copies of all amendments to the maintenance programme must be furnished promptly to all organizations or persons to whom the maintenance programme has been issued.

**Maintenance contracted to approved aircraft maintenance organisation**

**121.10.3** If maintenance on a large commercial air transport aeroplane is carried out by the holder of an aircraft maintenance organisation approval with the appropriate rating issued in terms of Part 145, the operator of the aeroplane must ensure that all contracted maintenance is carried out in accordance with the regulations in Part 43.

**Operator's maintenance responsibilities**

**121.10.4** (1) An operator must establish procedures acceptable to the Executive Director that ensure that -

- (a) an aeroplane is maintained in an airworthy condition;
- (b) an operational and emergency equipment necessary for an intended flight is serviceable;
- (c) a certificate of airworthiness of each aircraft remains valid at all times during the operation; and
- (d) an operation of an aircraft meets special conditions which may be imposed.

(2) An operator may not operate an aircraft unless it is maintained and released to service by an organisation approved in accordance with Part 145.

(3) A release to service referred to in subregulation (2) must be conducted as stipulated in regulation 121.10.3.

(4) An operator must employ sufficient personnel to ensure that maintenance is carried out in accordance with the maintenance control manual as stipulated in regulation 121.10.5.

(5) An operator must ensure that the maintenance of an aircraft is performed in accordance with the maintenance programme referred to in regulation 121.10.2.

**Operator's maintenance control manual**

**121.10.5** (1) An operator must provide a maintenance control manual that meets the requirements in Document NAM-CATS-OPS 43 for use and guidance of maintenance and operational personnel concerned.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A maintenance control manual referred to in subregulation (1) must incorporate relevant principles of human factors.

(3) An operator must apply to the Executive Director for approval or amendment of a maintenance control manual by submitting two copies of the maintenance control manual or amendment, as applicable, to the Executive Director who must retain a copy of each manual or amendment.

(4) An operator may, in accordance with the amendment procedures contained in a maintenance control manual amend the manual in order to -

- (a) keep information up to date; and
- (b) accurately reflect the operator's company policy with respect to aeroplane maintenance.

(5) Upon approving an amendment to a maintenance control manual, the Executive Director must furnish an operator with a copy of the amendment with clear instructions to insert the amended pages in a timely manner into a maintenance control manual.

(6) The Executive Director may require an operator to amend a maintenance control manual where in the Executive Director's opinion, a maintenance control manual requires updating.

(7) An operator's maintenance control manual must have description of -

[The word "description" should be "a description " or "descriptions".]

- (a) procedures required in terms of regulation 121.10.4 including a description of the administrative arrangements between the operator and an approved maintenance organisation;
- (b) maintenance procedures and the procedures for completing and signing a maintenance release;
- (c) names and duties of a person employed to ensure that all maintenance is carried out in accordance with a maintenance control manual;
- (d) references to or maintenance programme required in terms of regulation 121.10.2;
- (e) methods used for completion and retention of the operator's maintenance records;
- (f) methods used for completion and retention of the operator's continuing airworthiness records;
- (g) procedures for monitoring, assessing, and reporting maintenance and operational experience with respect to continuing airworthiness;
- (h) procedures for providing information required by a State of Registry, when operating an aeroplane of over 5 700 kilogrammes maximum take-off mass;
- (i) procedures for complying with service information reporting requirements;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (j) procedures for assessing continuing airworthiness information and implementing any resulting actions after receiving continuing airworthiness information or recommendations from an organisation responsible for a type design;
- (k) procedures for implementing resulting actions considered necessary in accordance with a procedure acceptance to a State of Registry;
- (l) procedures for implementing action resulting from mandatory continuing airworthiness information;
- (m) procedures for establishment and maintenance of a system of analysis and continued monitoring of performance and efficiency of a maintenance programme, in order to correct any deficiency in that programme;
- (n) aircraft types and models to which a manual applies;
- (o) procedures for ensuring that any unserviceability affecting airworthiness is recorded and rectified; and
- (p) procedures for advising a State of Registry of any significant in-service occurrence.

(8) Upon approval of the Executive Director, copies of all amendments to the maintenance control manual must be furnished promptly to all organizations or persons to whom the manual has been issued.

**Maintenance records**

**121.10.6** (1) An operator must ensure that the following records are kept for the periods specified in subregulation (2) -

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aeroplane and all life limited components;
- (b) the current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aeroplane or its components subject to a mandatory overhaul life;
- (e) the current status of the aeroplane's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) The records referred to -

- (a) in subregulation (1)(a) to (e) must be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) in subregulation (1)(f) must be kept for a minimum period of 5 years after the signing of the maintenance release; and
- (c) in paragraphs (a) and (b) must be kept, transferred and maintained in a form and format that ensures readability, security and integrity of the records at all times.

(3) In the event an aeroplane is leased or otherwise transferred temporarily to another operator, the records must be made available to the new operator.

(4) In the event of any permanent change of operator, the records must be transferred to the new operator.

**Continuing airworthiness information**

**121.10.7** (1) An operator must monitor and assess maintenance and operational experience with respect to continuing airworthiness of each aircraft they operate and provide the information as required by the Executive Director.

(2) Information referred to in subregulation (1) must be submitted to the Executive Director using a reporting system developed for that purpose.

(3) The Executive Director must transmit all mandatory continuing airworthiness information reported to him or her in accordance with subregulation (2) to the State of Design of any aeroplane that has been issued a Namibian Certificate of Airworthiness and operated in terms of this Part.

(4) An operator must, for each aircraft they operate under this Part, obtain and assess continuing airworthiness information and recommendations issued by the aircraft manufacturer, an organisation responsible for the aircraft type design or by a State of Design of the aircraft.

(5) Despite the provisions of subregulation (4), an operator must meet any additional requirements and conditions issued by the Executive Director for each type of aircraft operated under this Part and must implement resulting actions considered necessary in accordance with a procedure acceptable to the Executive Director.

**Modifications and repairs**

**121.10.8** (1) All modifications and repairs must comply with airworthiness requirements acceptable to the Executive Director.

(2) Procedures must be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

**SUBPART 11**  
**SAFETY AND QUALITY MANAGEMENT SYSTEMS**

**Requirement for quality management system**

**121.11.1** (1) An operator must establish a quality management system that meets the requirements in Document NAM-CATS-OPS 121.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An operator of an aeroplane of a maximum certificated take-off mass in excess of 27 000 kg must establish and maintain a flight data analysis programme as part of its safety management system.

(3) The quality management system referred to in subregulation (1) must -

- (a) be integrated with the safety management system established in terms of Part 140;
- (b) include a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures; and
- (b) be described in relevant documentation as provided for in Document NAM-CATS-OPS 121.

[There are two paragraphs labelled as “(b)” in the *Government Gazette*.]

(4) An operator must designate a person responsible for the quality management system who meets the qualifications and experience requirements and who will be responsible for the functions as provided for in Document NAM-CATS-OPS 121.

(5) An operator must prepare a quality management manual that meets the requirements prescribed in Document NAM-CATS-OPS 121.

(6) Despite subregulation (4), the operator may appoint two quality managers, one for flight operations and one for maintenance but the operator must designate one single quality management unit to ensure that the quality system is applied uniformly throughout the entire operation.

(7) An air service operator must establish a flight safety documents system, for the use and guidance of operational personnel, as part of its safety management system.

**SUBPART 12**  
**SECURITY**

**Aviation security for domestic and international air transport operations**

**121.12.1** Despite the security requirements specified under this Part, an operator, owner or pilot-in-command, as the case may be, must ensure that the security requirements specified in Parts 108 to 114 in respect of all domestic and international air transport operations are complied with.

**SUBPART 13**  
**DANGEROUS GOODS**

**Transportation of dangerous goods**

**121.13.1** When transporting dangerous goods the operator, owner or pilot-in-command must comply with the requirements of Part 92.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 127**  
**COMMERCIAL HELICOPTER OPERATIONS:**  
**PASSENGERS, CARGO AND MAIL**

[Part 127 is substituted by GN 11/2024.]

**LIST OF REGULATIONS**

[Note that the Division headings within the Subparts appear in upper case in the text below.]

**SUBPART 1: GENERAL**

- 127.01.1 Applicability
- 127.01.2 Admission to flight crew compartment
- 127.01.3 Passenger intoxication and unruly behaviour
- 127.01.4 Compliance with laws, regulations and procedures
- 127.01.5 Regulatory infractions during emergency situations
- 127.01.6 Language proficiency

**SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS**

**Division one: Minimum crew requirements**

- 127.02.1 Composition of flight crew
- 127.02.2 Minimum requirements for assignment as pilot-in-command  
[The heading of this regulation in the text below is "Flight and cabin crew member emergency duties".  
There is no regulation in this Division on "Minimum requirements for assignment as pilot-in-command".]
- 127.02.3 Flight and cabin crew member emergency duties  
[The heading of this regulation in the text below is "Cabin crew member complement".]
- 127.02.4 Cabin crew member complement  
[The heading of this regulation in the text below is "Senior cabin crew member".]
- 127.02.5 Senior cabin crew member  
[The heading of this regulation in the text below is "Cabin crew emergency evacuation stations".]
- 127.02.6 Cabin crew emergency evacuation stations  
[The heading of this regulation in the text below is "Seating of cabin crew members during flight".]
- 127.02.7 Seating of cabin crew members during flight  
[There is no regulation 12.02.7 in the text below.]

**Division two: Qualification requirements**

- 127.02.8 Flight crew member qualifications
- 127.02.9 Cabin crew member qualifications
- 127.02.10 Crew members, other than flight and cabin crew members
- 127.02.11 Flight operations officer or flight follower qualifications
- 127.02.12 Ground personnel and service providers qualifications

**Division three: flight time and duty limitations**

- 127.02.13 Flight time and duty scheme
- 127.02.14 Fatigue risk management system
- 127.02.15 Approval of fatigue risk management system
- 127.02.16 Fatigue risk management system manual

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 3: TRAINING AND CHECKING**

**Division one: General**

- 127.03.1 Operator approved training and checking programme
- 127.03.2 Publication of approved training programme
- 127.03.3 Approval of training programme

**Division two: Flight crew member training**

- 127.03.4 Flight crew member training

**Division three: Training of cabin crew members**

- 127.03.5 Initial training
- 127.03.6 Type and differences training
- 127.03.7 Operator induction training
- 127.03.8 Familiarisation flights
- 127.03.9 Recurrent training
- 127.03.10 Refresher and requalification training

**Division four: Training of personnel other than flight and cabin Crew members**

- 127.03.11 Training of personnel other than flight and cabin crew

**Division five: Training, checking, certification and validity**

- 127.03.12 Training, checking, certification and validity periods  
[In the text below, there is no regulation numbered “127.03.12”.  
This regulation is numbered “127.03.13”.]

**Division six: Aviation security training**

- 127.03.14 Crew member aviation security training programmes
- 127.03.15 Aviation security training programmes – other staff.

[In the text below, there is an additional Division, comprising regulations numbered “127.03.14” and “127.03.15”, which is omitted from the LIST OF REGULATIONS.]

**SUBPART 4: DOCUMENTATION AND RECORDS**

- 127.04.1 Documentary requirements
- 127.04.2 Operations manual
- 127.04.3 Aircraft operating manual
- 127.04.4 Aircraft flight manual
- 127.04.5 Operational flight plan
- 127.04.6 Flight time and duty period records
- 127.04.7 Records of emergency and survival equipment
- 127.04.8 Crew member training records  
[The heading of this regulation in the text below is “Training records”.]
- 127.04.9 Mass and balance sheet
- 127.04.10 Fuel and oil records
- 127.04.11 Helicopter search procedure checklist
- 127.04.12 Preservation of documents

**SUBPART 5: HELICOPTER INSTRUMENTS AND EQUIPMENT**

- 127.05.1 Approval and use of instruments and equipment
- 127.05.2 Flight, navigation and associated equipment for helicopters operated under visual flight rules



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- 127.05.3 Flight, navigation and associated equipment for helicopters operated under instrument flight rules
- 127.05.4 Airborne weather radar equipment
- 127.05.5 Flight crew interphone system
- 127.05.6 Crew interphone system
- 127.05.7 Public address system
- 127.05.8 Life jackets and other flotation devices
- 127.05.9 Survival suits
- 127.05.10 Cabin attendant seats
- 127.05.11 Emergency locator transmitters
- 127.05.12 Microphones
- 127.05.13 Passenger cabin signs and placards
- 127.05.14 Flight recorders
- 127.05.15 Pressure-altitude reporting transponder  
[The heading of this regulation in the text below is  
"First-aid and universal precaution kits".]
- 127.05.16 Vibration health monitoring system  
[The heading of this regulation in the text below is  
"Pressure-altitude reporting transponder".]
- 127.05.17 Electronic navigation data management  
[The heading of this regulation in the text below is  
"Vibration health monitoring system".]
- 127.05.18 Electronic navigation data management  
[In the text below, there is an additional regulation  
that is omitted from the LIST OF REGULATIONS.]

**SUBPART 6: AIR OPERATOR CERTIFICATE**

- 127.06.1 Requirement to hold air operator certificate
- 127.06.2 Application for issue or amendment of an air operator certificate and operations specifications
- 127.06.3 Application for, consideration of and issue of air operator certificate or operations specifications
- 127.06.4 Validity and status of air operator certificate
- 127.06.5 Safety and security inspections and audits
- 127.06.6 Administrative duties of air operator certificate holder
- 127.06.7 Register of air operator certificates 4444  
[The number "4444" appears in this heading in the *Government Gazette*, but this appears to be an error. The numbers do not appear in the heading in the text below.]
- 127.06.8 Demonstration flights
- 127.06.9 Foreign air operator certificates

**SUBPART 7: FOREIGN AIR OPERATOR PERMIT**

- 127.07.1 Requirement for foreign air operator permit
- 127.07.2 Application for foreign air operator permit or amendment of foreign air operator permit
- 127.07.3 Assessment of application and issue of permit
- 127.07.4 Period of validity
- 127.07.5 Transferability
- 127.07.6 Duties of holder of permit
- 127.07.7 Renewal of permit
- 127.07.8 Safety inspections and audits

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 127.07.9 Suspension, revocation and variation of air operator certificate and foreign air operator permit
- 127.07.10 Register of permits

**SUBPART 8: FLIGHT OPERATIONS**

**Division one: General**

- 127.08.1 Routes and areas of operation and aerodrome facilities
- 127.08.2 Establishment of procedures
- 127.08.3 Hazardous flight conditions and unlawful interference
- 127.08.4 Competence of operations personnel
- 127.08.5 Use of air traffic services
- 127.08.6 Minimum flight altitudes
- 127.08.7 Aerodrome operating minima
- 127.08.8 Offshore operations
- 127.08.9 Refueling and defueling with passengers on board
- 127.08.10 Fuel and oil policy
- 127.08.11 Instrument meteorological conditions or night flight without a second-in-command
- 127.08.12 Instrument approach and departure procedures
- 127.08.13 Noise abatement procedures
- 127.08.14 Operation of helicopter in icing conditions
- 127.08.15 Surface contamination programme
- 127.08.16 Mass and balance control
- 127.08.17 Performance based navigation
- 127.08.18 Operations with head-up displays, enhanced vision systems or night vision goggles
- 127.08.19 Operations with electronic flight bags
- 127.08.20 Single-engine helicopter instrument meteorological conditions and night operations
- 127.08.21 In-flight simulation of emergency situations and instrument meteorological conditions

**Division two: Operational control**

- 127.08.22 Operational control and supervision of flight operations
- 127.08.23 Contracted services for operational control system
- 127.08.24 Operational flight plans
- 127.08.25 Familiarity with weather conditions and technical data
- 127.08.26 Retention of flight operations documents and reports
- 127.08.27 Maintenance status
- 127.08.28 Incidents and defects
- 127.08.29 Minimum equipment list

**Division three: Cabin safety**

- 127.08.30 Carriage of infants
- 127.08.31 Carriage of persons with a disability
- 127.08.32 Limitations on carriage of infants, children and passengers with disability
- 127.08.33 Carriage of inadmissible passengers, deportees or persons in custody
- 127.08.34 Carry-on baggage
- 127.08.35 Securing of passenger cabin and galley
- 127.08.36 Passenger services
- 127.08.37 Briefing of passengers
- 127.08.38 Safety features card
- 127.08.39 Securing of passengers

**SUBPART 9: HELICOPTER PERFORMANCE OPERATING LIMITATIONS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Division one: General**

- 127.09.1 Classification
- 127.09.2 General provisions for all classes of helicopters

**Division two: Class 1 helicopter**

- 127.09.3 Take-off
- 127.09.4 En-route with one or more engines inoperative
- 127.09.5 Approach and landing

**Division three: Class 2 helicopter**

- 127.09.6 General
- 127.09.7 Take-off
- 127.09.8 En-route with one or more engines inoperative
- 127.09.9 Landing

**Division four: Class 3 helicopter**

- 127.09.10 General
- 127.09.11 Take-off
- 127.09.12 En-route
- 127.09.13 Landing

**SUBPART 10: MAINTENANCE**

- 127.10.1 General
- 127.10.2 Helicopter maintenance programme
- 127.10.3 Maintenance contracted to approved aircraft maintenance organisation
- 127.10.4 Operator's maintenance responsibilities
- 127.10.5 Operator's maintenance control manual
- 127.10.6 Maintenance records
- 127.10.7 Continuing airworthiness information
- 127.10.8 Modifications and repairs
- 127.10.9 Maintenance release
- 127.10.10 Records

**SUBPART 11: SAFETY AND QUALITY MANAGEMENT SYSTEMS**

[In the text below, Subpart 11 has one Division heading, as indicated below.]

**Division one: Safety Management System**

- 127.11.1 Requirement for safety management system

**SUBPART 12: SECURITY**

- 127.12.1 Aviation security for domestic and international air transport operations

**SUBPART 13: DANGEROUS GOODS**

- 127.13.1 Transportation of dangerous goods

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**127.01.1** (1) This Part applies to -

- (a) any operator of a helicopter registered in Namibia and operated in terms of the Air Services Act;
- (b) any approved aviation training organisation engaged in the provision of flight training and operating more than five helicopters for flight training;
- (c) all persons employed or otherwise engaged by the operator, referred to in paragraph (a) or (b), and who perform functions essential to the operation of a helicopter operated under this Part; and
- (d) all persons, mail or cargo on board a helicopter operated under this Part.

(2) For the purposes of this Part a helicopter registered in another State and operated by the holder of an air operator certificate issued in Namibia, is considered to be registered in Namibia.

(3) Part 91 applies with the necessary changes to any helicopter operated in terms of this Part.

(4) Unless the context suggests otherwise, throughout this Part the expression “operator” means an operator referred to in paragraph (a) or (b) of subregulation (1) and in the absence of the operator referred to in paragraph (a) or (b) of that subregulation, it means the owner of the helicopter operated in Namibia.

(5) Throughout this Part the expression “aerodrome” includes any site used for the take-off or landing of a helicopter, whether licensed, approved or not.

**Admission to flight crew compartment**

**127.01.2** (1) An operator and the pilot-in-command of a helicopter must ensure that a person is not admitted to or carried on the flight crew compartment of the helicopter unless the person is -

- (a) a flight crew member assigned to the flight;
- (b) an authorised officer, inspector or authorised person in accordance with subregulation (2) or (3); or
- (c) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 127.04.2.

(2) Where the Executive Director has authorised an authorised officer, inspector or authorised person in terms of regulation 13.01.2 to carry out in-flight inspections of a helicopter engaged in an air service operation and the authorised officer, inspector or authorised person indicates to the pilot-in-command that he or she wishes to carry out such an in-flight inspection,

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

the pilot-in-command must give the authorised officer, inspector or authorised person free and uninterrupted access to the flight crew compartment of the helicopter.

(3) The pilot-in-command must make available for the use of the authorised officer, inspector or authorised person the seat most suitable to perform the official duties, as determined by the authorised officer, inspector or authorised person, whether such seat is located on or off the flight crew compartment.

(4) Despite subregulation (2) or (3), the final decision regarding the admission of any person to the flight crew compartment must be the responsibility of the pilot-in-command.

(5) The admission of any person to the flight crew compartment must not interfere with the operation of the helicopter.

(6) The pilot-in-command must ensure that any person carried on the flight crew compartment is made familiar with the applicable safety equipment and operational procedures.

**Passenger intoxication and unruly behaviour**

**127.01.3** (1) An operator or pilot-in-command must not permit a person to enter or be in a helicopter while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of such helicopter or its occupants is, or is likely to be, endangered.

(2) An operator must establish procedures to ensure that any person referred to in subregulation (1) is -

- (a) refused embarkation; or
- (b) if such person is on board, restrained or disembarked.

(3) Each passenger on board a helicopter must obey any command issued by a crew member in the performance of his or her duties.

**Compliance with laws, regulations and procedures**

**127.01.4** (1) An operator must ensure all crew members, while operating within foreign airspace, comply with all air traffic rules and regulations of the State concerned and the local aerodrome and heliport rules, except where any regulation of this Part is more restrictive and may be followed without violating the rules or regulations of that State.

(2) An operator must publish in the operations manual referred to in regulation 127.04.2, such information, procedures and instructions to ensure its personnel are familiar with, and in compliance with the laws, regulations and procedures pertinent to their duties with respect to -

- (a) flight operations into or within domestic and foreign airspace;
- (b) the area over which the operation will occur;
- (c) the aerodromes to be used; and
- (d) air navigation facilities to be used.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Despite subregulation (2), each operator, including its employees or agents, must comply with all applicable provisions of these regulations.

**Regulatory infractions during emergency situations**

**127.01.5** (1) Where the pilot-in-command of a helicopter takes action, considered necessary to ensure the safety of the helicopter, which results in a violation of any regulation of the State in, or over which the helicopter is being operated, he or she must comply with the requirements in regulation 91.01.2 and, where possible, cause the event to be marked on the cockpit voice recorder, if fitted.

(2) Despite any requirement to file a report in terms of regulation 91.01.2, a pilot-in-command must submit a full report of a violation referred to in subregulation (1), to a person responsible for operations within 48 hours after the conclusion of flight concerned in the manner specified in a concerned operator's operations manual.

(3) Despite any requirement to file a report in terms of regulation 91.02.7, the pilot-in-command must submit a full report of the event to the person responsible for operations within 48 hours after the conclusion of the flight in the manner specified in the operations manual referred to regulation 127.04.2.

**Language proficiency**

**127.01.6** (1) In addition to the English Language Proficiency referred to in Part 61 an operator may not assign a flight crew to duty unless at least one member of the flight crew has, demonstrated to the operator, his or her ability to speak and understand the language used for radiotelephony communications over any route and aerodrome named in the operational flight plan for that flight.

(2) The level of language proficiency required to be demonstrated to the operator must be as provided for in Document NAM-CATS-OPS 127.

**SUBPART 2  
OPERATIONS PERSONNEL REQUIREMENTS****DIVISION ONE: MINIMUM CREW REQUIREMENTS****Composition of flight crew**

**127.02.1** (1) The minimum number and composition of the flight crew of a helicopter must not be less than the minimum number and composition specified in the operations manual referred to in regulation 127.04.2 or in the helicopter's aircraft flight manual referred to in regulation 91.03.2, whichever is the greater, and must take account of the type of helicopter used, the type of operation involved and the duration of flight between points where flight crews are changed.

(2) An operator must allocate additional flight crew members when it is required by the type of operation, and the number of such additional flight crew members must not be less than the number specified in the operations manual referred to in regulation 127.04.2.

(3) An operator may not assign a person, and a person may not act, as a flight crew member on a helicopter type or variant unless the person meets the qualification requirements in regulation 127.02.7.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Each required flight crew member must hold a valid radiotelephony operator licence or equivalent document issued by an appropriate authority, authorising such member to operate the type of radio transmitting equipment to be used.

(5) The flight crew must be proficient in navigating over the route or within the area to be operated.

(6) An operator must ensure that -

- (a) in the case of operations under instrument flight rules or by night, when carrying passengers in a helicopter certified for the transport of more than nine passengers; or
- (b) in the case of any operation, when 20 or more passengers are carried,

the minimum flight crew of such helicopter is two pilots.

(7) A helicopter, other than a helicopter referred to in subregulation (6), may be operated by a single pilot if -

- (a) the requirements in Document NAM-CATS-OPS 127 are complied with; or
- (b) the minimum flight crew of such helicopter is two pilots.

(8) An operator must designate one pilot among the flight crew as pilot-in-command and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

(9) A flight crew member may be relieved in flight of his or her flight crew duties by another flight crew member qualified in accordance with regulation 127.02.7.

(10) An operator may not assign flight crew members to any helicopter required to be operated with two flight crew members unless such flight crew meet the crew pairing requirements in document NAM-CATS-OPS 127.

(11) An operator may not assign a person, and a flight crew member may accept any assignment, to act as a flight crew member of any helicopter operated in terms of this Part not unless such person meets the requirements in document NAM-CATS-OPS 127.

**[The word “not” before the word “unless” is superfluous.]**

(12) An operator must publish procedures in its operations manual referred to in regulation 127.04.2 to ensure flight crew members who do not meet the requirements in subregulations (1) and (2) are not assigned to flight duty.

**Flight and cabin crew member emergency duties**

**127.02.2** (1) An operator and, where appropriate, the pilot-in-command, must assign to each flight and cabin crew member concerned the necessary functions to be performed in an emergency or a situation requiring emergency evacuation, and the operator must establish emergency evacuation procedures based on such assignment.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The functions referred to in subregulation (1) must be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and must take into consideration the possible incapacitation of individual flight and cabin crew members.

(3) With respect to the emergency evacuation procedures required by subregulation (1) -

- (a) the operator must prove to the satisfaction of the Executive Director that the procedures to accomplish the evacuation have been adopted and are adequate; and
- (b) the procedures must be demonstrated by the operator's flight and cabin crew members and carried out in accordance with the requirements in Document NAM-CATS-OPS 127.

(4) An operator must carry out an emergency evacuation demonstration referred to in subregulation (3)(b) when a new type or variant of helicopter or new configuration of an existing helicopter is introduced for use and for any helicopter type which has not been certified under a certification process acceptable to the Executive Director, as provided for in Document NAM-CATS-OPS 127.

(5) The emergency evacuation procedures referred to in subregulation (1) must be contained in the operator's operations manual referred to in regulation 127.04.2 and must form part of the operator's emergency training programme.

(6) A flight or cabin crew member may not accept an assignment of emergency functions unless such flight or cabin crew member has been trained to perform emergency functions in accordance with the requirements in Subpart 3.

**Cabin crew member complement**

**127.02.3** (1) An operator may not operate a helicopter with a certificated passenger seating capacity of 20 or 20 or more in a passenger-carrying service unless -

- (a) one or more cabin crew members have been assigned to duty, if one or more passengers are carried; and
- (b) the minimum number of cabin crew members assigned to a flight is not less than that specified in Document NAM-CATS-OPS 127, despite the actual number of passengers on board the helicopter.

(2) A cabin crew member must give priority to the performance of duties relating to the safety of passengers as may be assigned by the operator or the pilot-in-command.

(3) In unforeseen circumstances, the operator may reduce the required minimum number of cabin crew members but -

- (a) the number of passengers must be reduced in accordance with the procedures specified in the operations manual referred to in regulation 127.04.2; and
- (b) a report on the reduction of the cabin crew members and passengers must be submitted to the Executive Director after completion of the flight.

**Senior cabin crew member**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.02.4** (1) An operator must appoint a senior cabin crew member whenever more than one cabin crew member is carried on board a helicopter operated under this Part.

(2) The senior cabin crew member is responsible to the pilot-in-command for the conduct of cabin operations and the coordination and performance of cabin crew duties.

(3) An operator must establish procedures to select the next most suitably qualified cabin crew member to operate as a senior cabin crew member in the event of the nominated senior cabin crew member being unable to perform his or her duties.

**Cabin crew emergency evacuation stations**

**127.02.5** A cabin crew member assigned to perform evacuation duties must occupy the seat provided for that purpose during take-off and landing or when so directed by the pilot-in-command for safety purposes.

**Seating of cabin crew members during flight**

**127.02.6** During take-off and landing, and whenever considered necessary by the pilot-in-command in the interest of aviation safety, cabin crew members must be seated at their assigned stations or seats with the full safety harness or, except for take-off and landing, the seat belt fastened.

**DIVISION TWO: QUALIFICATION REQUIREMENTS**

**Flight crew member qualifications**

**127.02.7** (1) An operator may not permit a person to act and a person may not act as a flight crew member of a helicopter unless, in addition to the recency requirements of regulation 91.02.4, the person -

- (a) holds valid licences, certificates and ratings as required by Part 61 and Part 63 appropriate to the assignment;
- (b) meets the type and variant training and checking requirements in Subpart 3 and has otherwise fulfilled all applicable training requirements in Document NAM-CATS-OPS 127; and
- (c) in the case of the pilot-in-command of a helicopter operated in accordance with regulation 127.01.1, assigned to duty on a passenger-carrying flight, meets the area, route and aerodrome familiarisation requirements in Document NAM-CATS-OPS 127.

(2) A pilot who does not meet the recency requirements of regulation 91.02.4 or whose training and checking validity periods have lapsed must regain competency as provided for in the regaining competency requirements in Subpart 3.

(3) An operator must ensure that a holder of a commercial pilot licence (helicopter) does not operate as a pilot-in-command of a helicopter -

- (a) certificated for single-pilot operations when operating under instrument flight rules unless the requirements in regulation 127.02.1(7) are complied with or unless -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) when conducting operations in accordance with regulation 127.01.1 under visual flight rules outside a radius of 50 nautical miles from a place of departure, the pilot has a minimum of 300 hours total flight time on helicopter or holds a valid instrument rating; or

**[The singular term “helicopter” should be plural, as in subparagraph (ii) below.]**

- (ii) when operating under instrument flight rules, the pilot has a minimum of 400 hours total flight time on helicopters, which includes 200 hours as pilot-in-command, of which 100 hours have been under instrument flight rules but the 200 hours as pilot-in-command may be substituted by hours operating as second-in-command on the basis of two hours as second-in-command being equivalent to one hour as pilot-in-command and these hours must be gained within an established multi-pilot flight crew system specified in the operations manual referred to in regulation 127.04.2;
- (iii) the minimum required recent experience for a pilot engaged in a single-pilot operation under instrument flight rules must be 5 instrument flight rules flights, including 3 instrument approaches, carried out during the preceding 90 days on a helicopter approved in the single-pilot role and this requirement may be replaced by an instrument flight rules instrument approach check on the helicopter or in a flight simulator training device approved for the purpose..

**[The two full stops at the end of subparagraph (iii) should be a single semicolon.]**

- (iv) 25 hours total instrument flight rules flight experience in the relevant operating environment;
- (v) 25 hours flight experience on the specific type of helicopter, approved for single-pilot instrument flight rules, of which 10 hours is as pilot-in-command or pilot-in-command-under-supervision, including 5 sectors of instrument flight rules line flying under supervision using the single-pilot procedures;
- (b) in multi-pilot flight crew operations, and prior to operating as pilot-in-command, the command course specified in paragraph 127.03.4(1)(f) is completed.

(4) Where a flight crew member operates more than one helicopter or variant of a helicopter under this Part the provisions of Document NAM-CATS-OPS 127 applies.

**[The verb “applies” should be “apply” to accord with the subject “provisions”.]**

(5) An operator may not utilise a pilot as pilot-in-command of a helicopter on a route, route segment or area for which that pilot is not currently qualified until such pilot has -

- (a) gained route and area qualification by demonstrating adequate knowledge of
  - (i) the route to be flown, and the aerodromes which are to be used and this must include knowledge of -
    - (aa) the terrain and minimum safe altitudes;
    - (bb) the seasonal meteorological conditions;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (cc) the meteorological, communication and air traffic facilities, services and procedures;
- (dd) the search and rescue procedures; and
- (ee) the navigational facilities and procedures, including any long-range navigation procedures, associated with the route along which the flight is to take place; and
- (ii) procedures applicable to flight paths over heavily populated areas and areas of high air traffic density, special navigation and communication requirements, terrain and obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures, hazardous meteorological and atmospheric conditions, and applicable operating minima.

[The full stop at the end of subparagraph (ii) should be a semicolon.]

- (b) gained aerodrome qualification by making an actual approach into and departure from each aerodrome of landing on the route, accompanied by a pilot who is qualified for the aerodrome, as a member of the flight crew or as an observer in the flight crew compartment, unless -
  - (i) the approach to or departure from the aerodrome is not over difficult terrain and the instrument approach procedures and aids available are similar to those with which the pilot is familiar, and a margin to be approved by the Executive Director is added to the normal operating minima, or there is reasonable certainty that approach and landing can be made in visual meteorological conditions; or
  - (ii) the descent from the initial approach altitude can be made by day in visual meteorological conditions; or
  - (iii) the operator qualifies the pilot-in-command to land at the aerodrome concerned by means of an adequate pictorial method approved by the Executive Director; or
  - (iv) the flight procedures specified in subregulation (5)(b) are conducted in a flight simulator for the applicable helicopter type and approved by the Executive Director for such purpose; or
  - (v) the flight procedures specified in subregulation (5)(b) are conducted in a helicopter, or in a flight simulator for the applicable helicopter type and approved by the Executive Director for such purpose, as part of a training programme specified by the State of the aerodrome where special pilot-in-command qualification for use of that aerodrome is required by that State.

(6) The pilot-in-command's route and aerodrome qualification referred to in subregulation (5) must -

- (a) for aerodrome qualification, remain valid for 12 months from the date of completion of the requirements in subregulation (5)(b);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) for route qualification, remain valid for 12 months from the date of completion of the requirements in subregulation (5)(a), or subsequently from the date of the last flight within the applicable route or area, such flight being conducted as an operating flight crew member, instructor, examiner or observer;
  - (c) in the event of a pilot-in-command's route or aerodrome qualification expiring, be renewed by completion of the requirements in subregulation (5).
- (7) Unless otherwise approved by the Executive Director, an operator may not assign a person to act, and a person may not act, as the pilot-in-command or second-in-command on more than -
- (a) two different types of helicopters, for which a separate licence endorsement is required, under this Part;
  - (b) one type of helicopter under this Part and an additional two aeroplane types of a maximum certificated take-off mass in excess of 5 700 kilogrammes, for which a separate licence endorsement is required, if operating under Parts 93, 121 or 135; or
  - (c) two different types of helicopters for which a separate licence endorsement is required under this Part and one additional different aeroplane type of maximum certificated take: of mass in excess of 5 700 kilogrammes, for which a separate licence endorsement is required, if operating under Parts 93, 121 or 135.
- (4) A pilot operating on more than one type of helicopter under this Part must meet the requirements in Document NAM-CATS-OPS 127.

**Cabin crew member qualifications**

**127.02.8** An operator may not assign a person to act, and a person may not act, as a cabin crew member on board a helicopter unless the person -

- (a) holds a valid licence and appropriate ratings issued in terms of Part 64;
- (b) has successfully completed the operator's approved training programme outlined in Subpart 3, except that a person may act as a cabin crew member while undergoing operator induction training if the person is carried in addition to the number of cabin crew members required by regulation 127.02.2(1) and is under the supervision of a cabin crew member; and
- (c) has successfully completed operator induction training within 90 days after completing the operator's training programme or has regained competency in accordance with Subpart 3.

**Crew members, other than flight and cabin crew members**

**127.02.9** An operator may not assign a person to act, and a person may not act, as a specialist crew member, other than a flight or cabin crew member, on board a helicopter unless the person has successfully completed the operator's approved training programme for such specialists outlined in Subpart 3.

**Flight operations officer or flight follower qualifications**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.02.10** (1) An owner or operator must ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

(2) An operator must exercise operational control over all flight operations and thereto establish and maintain an approved method of supervision over all flights and if necessary, the operator must employ additional personnel as flight operations officers or flight followers.

(3) An operator may not permit a person to act, and a person may not act, as a flight operations officer, other than a person holding or having held a valid flight crew licence, unless he or she meets the training and checking requirements in Subpart 3.

(4) An operator may not permit a person to act, and a person may not act, as a flight follower unless he or she has successfully completed the training and checking requirements in Subpart 3, but this requirement does not apply to any person holding or having held a valid flight crew licence.

**Ground personnel and service providers qualifications**

**127.02.11** An operator licensed to operate in accordance with regulation 127.01.1, must employ sufficient ground personnel or service providers capable of delivering essential ground support services appropriate to the helicopters and type of service being operated.

**DIVISION THREE: FLIGHT TIME AND DUTY LIMITATIONS**

**Flight time and duty scheme**

**127.02.12** (1) An operator must -

(a) establish a scheme for the regulation of flight time and duty periods, rest periods and days free of duty, as applicable, for each flight crew member and cabin crew member and that complies with -

(i) the flight time and duty period limitations, rest periods and days free of duty, specified in Document NAM-CATS-OPS 127; or

(ii) a system of flight time and duty period limitations, rest periods and days free of duty, proposed by the operator, where the Executive Director is of the opinion that an equivalent level of safety may be achieved by the operator's proposed scheme; and

(b) publish the scheme referred to in subregulation (1)(a) in the operations manual referred to in regulation 127.04.2.

(2) An operator may not assign an assignment to a crew member, and a crew member may not accept an assignment, if the assignment is not in compliance with the scheme referred to in subregulation (1)(a) or if -

(a) the operator or crew member knows or has been made aware that such flight assignment will cause the crew member to exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the crew member is suffering, or having regard to the circumstances of the flight to be undertaken is likely to suffer, from fatigue, which may endanger the safety of the helicopter or its crew members and passengers.

(3) An operator may not schedule a flight crew member for active flight duty for a period exceeding the maximum hours specified in Document NAM-CATS-OPS 127 during any given flight time and duty period unless authorised in the scheme referred to in subregulation (1)(a).

(4) Where any flight crew member, cabin crew member or flight operations officer is aware of any reason they would be in violation of the scheme referred to in subregulation (1) (a), that person must, without delay, inform the person responsible for flight operations or his or her designated alternate.

(5) The provisions to be included in a flight time and duty scheme referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 127.

**Fatigue risk management system**

**127.02.13** (1) An operator who establishes a scheme for the regulation of flight time and duty periods in accordance with regulation 127.02.12 (1)(a)(ii) must establish a fatigue risk management system for the purpose of managing fatigue.

- (2) An operator's fatigue risk management system must contain, as a minimum:
  - (a) a fatigue risk management system policy;
  - (b) a fatigue risk management process;
  - (c) a safety assurance process; and
  - (d) a fatigue risk management system promotion process:

specified in Document NAM-CATS-OPS 127.

(3) An operator must designate a person responsible for the fatigue risk management system who meets the qualifications and experience requirements and who will be responsible for the functions specified in Document NAM-CATS-OPS 127.

- (4) A fatigue risk management system established in terms of subregulation (1) must -
  - (a) be based upon scientific principles, knowledge and operational experience with the aim of ensuring that flight crew and cabin crew members are performing at an adequate level of alertness; and
  - (b) be integrated with the safety management system.

**Approval of fatigue risk management system**

**121.02.14** (1) An operator must submit to the Executive Director their proposed fatigue risk management system which complies with regulation 127.02.13(2).

(2) The Executive Director must approve the commencement of a trial phase for implementation of the proposed fatigue risk management system for a trial period of up to 36

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

months if the Executive Director is satisfied that the operator has complied with regulation 127.02.13(2).

(3) At any time during the approved trial phase, the Executive Director may withdraw the approval if it becomes evident that the operator does not comply with the system or these regulations.

(4) During the trial phase, the operator may implement the proposed maximum and minimum flight time and duty values, as determined by the operator and approved by the Executive Director.

(5) After a 24 months period an operator, approved under subregulation (2) may apply to the Executive Director for full approval by providing evidence that the fatigue risk management system is delivering the required safety outcomes.

[The phrase "24 months" should be "24-month".]

(6) Where the Executive Director is satisfied that the evidence provided under subregulation (5) is acceptable, the Executive Director must issue a full approval to implement the fatigue risk management system.

**Fatigue risk management system manual**

**121.02.15** (1) An operator must draw up a fatigue risk management system containing all the information required under this Part and publish the content in their operations manual as provided for in Document NAM-CATS-OPS 127.

[The subregulation number "(1)" appears to be in error as there are no additional subregulations.]

**SUBPART 3  
TRAINING AND CHECKING****DIVISION ONE: GENERAL****Operator approved training and checking programme**

**127.03.1** (1) An operator must establish, implement and maintain a training and checking programme for all personnel referenced in Divisions One to Four of this Subpart that will ensure the personnel are adequately trained and qualified to perform their assigned duties and the personnel must undergo the training from that operator, except as provided in Document NAM-CATS-OPS 121.

(2) The training programme referred to in subregulation (1) must be conducted by an aviation training organisation approved in accordance with Part 141 or by the operator if approved by the Executive Director as provided in regulation 127.03.3 but if approved to be conducted by the operator -

- (a) the programme must be conducted for the operator's employees only; and
- (b) with respect to any licence, rating or validation under Part 61 or 64, the training must be restricted to -
  - (i) training for an instrument rating revalidation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) initial type rating, familiarisation and differences training; and
  - (iii) training for licence renewals and proficiency checks; or
  - (c) the training must be for any other qualification or certification required under this Part.
- (3) The training programme referred to in subregulation (1) must be approved by the Executive Director as provided in regulation 127.03.3.
- (4) An operator must ensure that -
- (a) prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full or part time basis, receive such training as appropriate to his or her duties;
  - (b) each person, receiving training in terms of subregulation (2) (a), must pass a written examination or other comprehension assessment acceptable to the Executive Director and where applicable, complete a skills test in accordance with Division five of this Subpart; and
  - (c) if training is provided in terms of subregulation (2) (a), the training facilities, equipment and personnel must be appropriate for the task to be performed and acceptable to the Executive Director and, in the case of training and checking personnel, their qualifications must meet the requirements specified in Document NAM-CATS-OPS 127.
- (5) The training and checking programme referred to in subregulation (1) must meet the content specified in Document NAM-CATS-OPS 127.
- (6) The training programme referred to in subregulation (1) must include a system of record keeping referred to in regulation 127.04.8.
- (7) The training records referred to in subregulation (6) must be retained as provided in regulation 127.04.8.

**Publication of approved training programme**

**127.03.2** (1) An operator must publish the training programme referred to in regulation 127.03.1 (1) in the operations manual referred to in regulation 127.04.2.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Approval of training programme**

**127.03.3** (1) An operator must submit its ground and flight training programme and any amendments to its ground and flight training programme to the Executive Director for approval.

(2) The initial and final approval process must be as provided for in Document NAM-CATS-OPS 127.



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The Executive Director may approve an operator to have its training programme either in whole or in part contracted out to another organisation in accordance with Document NAM-CATS-OPS 127.

**DIVISION TWO: FLIGHT CREW MEMBER TRAINING****Flight crew member training**

**127.03.4** (1) An operator must provide ground and flight training, as applicable to the operator's flight crew personnel appropriate to the helicopter types, equipment and routes they operate that includes at least the following training components -

- (a) company induction training on an initial basis;
- (b) crew resource management training including human factors, crew coordination, risk analysis and error management training;
- (c) emergency procedures training including -
  - (i) the location, inspection schedules, testing as applicable and use of all emergency equipment required to be carried, or otherwise carried on board the helicopter;
  - (ii) emergency evacuation, and where applicable ditching training; and
  - (iii) training in the functions for which each flight crew member is responsible and the coordination of these functions with the functions of other crew members, particularly in regard to abnormal or emergency procedures;
- (d) initial helicopter type training if applicable, including visual, instrument and special flight procedures, crew co-ordination in all types of emergency situations, normal, abnormal, emergency and supplementary procedures for the type of helicopter assigned to, including situations and procedures associated with engine, transmission, rotor, airframe or systems malfunctions, fire or other abnormalities;
- (e) recurrent training;
- (f) upgrade training;
- (g) differences and familiarisation training where the operator intends to assign a flight crew member to variant types, in accordance with regulation 127.02.7(1)(b);
- (h) pilot qualification to operate in either pilot seat;
- (i) regaining recency and requalification training when required;
- (j) area, route and aerodrome familiarisation training;
- (k) dangerous goods training if dangerous goods are authorised to be carried, or dangerous goods awareness training if they are not;
- (l) any other course of studies required by the Executive Director as provided for in Document NAM-CATS-OPS 127 to ensure full competency of personnel on new or

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

special equipment installed in the operator's helicopter, or for operations requiring specialised training.

(2) Except where noted in Document NAM-CATS-OPS 127, all training components listed in subregulation (1), must be provided on an initial and an annual recurrent basis and meet the requirements in Document NAM-CATS-OPS 127.

(3) Each training element specified in subregulation (1) must include a suitable assessment of competence.

**DIVISION THREE: TRAINING OF CABIN CREW MEMBERS****Initial training**

**127.03.5** An operator, who is required to engage cabin crew in its operations, must ensure that each cabin crew member successfully completed the initial training as provided for in Part 64, before undertaking helicopter type and differences training.

[The commas before and after the phrase "who is required to engage cabin crew in its operations" should be omitted.]

**Type and differences training**

**127.03.6** (1) A cabin crew member must complete a type training course when -

- (a) engaged by the operator as a cabin crew member; or
- (b) assigned to act as a cabin crew member on another helicopter type.

(2) An operator must ensure that each cabin crew member successfully completes the initial helicopter type training as provided for in Document NAM-CATS-OPS 127 before undertaking flight operations with the operator.

(3) A cabin crew member must complete a differences training course when acting as a cabin crew member -

- (a) in a variant of the current helicopter type; or
- (b) in a helicopter type with equipment, equipment location, or safety procedures which differ from the current helicopter type or variant.

(4) An operator must determine the content of the type or differences training course taking account of the cabin crew member's previous training as recorded in the cabin crew member's training records referred to in regulation 127.04.8.

(5) An operator must ensure that -

- (a) type training is conducted in a structured manner, in accordance with the requirements in Document NAM-CATS-OPS 127;
- (b) differences training is conducted in a structured manner; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) type training and differences training includes the use of all emergency and survival equipment and all emergency procedures applicable to the helicopter type or variant and involves training and practice on either a representative training device or on the actual helicopter.

[The verbs “includes” and “involves” should be “include” and “involve” to accord with the compound subject “type training and differences training”.]

### **Operator induction training**

**127.03.7** (1) An operator must ensure that each cabin crew member has completed the operator induction training, specified in the operations manual referred to in regulation 127.04.2, before undertaking duties assigned to them.

(2) A cabin crew member must complete an operator induction training course upon initial engagement by the operator.

(3) An operator induction training referred to in subregulation (1) must consist of the subject matter specified in Document NAM-CATS-OPS 127.

### **Familiarisation flights**

**127.03.8** An operator must ensure that upon completion of type training, differences training or requalification training, each cabin crew member undertakes familiarisation flights before acting as one of the minimum number of cabin crew members referred to in regulation 127.02.2.

### **Recurrent training**

**127.03.9** (1) An operator must ensure that each cabin crew member undergoes recurrent training, covering the actions assigned to each cabin crew member in evacuation and other appropriate normal and emergency procedures and drills relevant to the helicopter type or variant in accordance with the requirements as provided for in Document NAM-CATS-OPS 127.

(2) An operator must ensure that the recurrent training and checking programme syllabus includes the theoretical and practical instruction, as well as individual practice, as provided for in Document NAM-CATS-OPS 127.

(3) Upon successful completion of the recurrent training and checking, the operator must issue a certificate of competency to the cabin crew member concerned, which certificate must be valid for a period of 12 calendar months calculated from the last day of the calendar month in which such certificate is issued.

### **Refresher and requalification training**

**127.03.10** (1) An operator must ensure that a cabin crew member who has not been absent from all flying duties, and has not acted as a cabin crew member on a particular helicopter type for a period of up to and including six months, completes -

- (a) requalification training in the helicopter type; or
- (b) two familiarisation flights during commercial air transport operations in such helicopter type,

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

before undertaking duties on the helicopter type.

(2) An operator must ensure that each cabin crew member who has been absent from all flying duties for more than six months completes the requalification training specified in the operations manual referred to in regulation 127.04.2 and as provided for in Document NAM-CATS-OPS 127.

**DIVISION FOUR: TRAINING OF PERSONNEL OTHER THAN FLIGHT  
AND CABIN CREW MEMBERS****Training of personnel other than flight and cabin crew**

**127.03.11** (1) An operator must provide initial, recurrent and requalification training and checking as provided for in Document NAM-CATS-OPS 127 for any person whose function is essential to safe operations in terms of this Part.

- (2) The training will be given to at least -
  - (a) flight operations officers and flight followers;
  - (b) ground service personnel whose function involves working in, on or around the operator's aeroplanes; and
  - (c) any other person considered necessary by the Executive Director.

[There is no regulation numbered "127.03.12".]

**DIVISION FIVE: TRAINING, CHECKING, CERTIFICATION AND VALIDITY****Training, checking, certification and validity periods**

**127.03.13** (1) An operator must provide checks including an inflight proficiency line check or demonstration of competency as provided for in Document NAM-CATS-OPS 127.

(2) The issue of any certificate or other means of certifying competency must be as provided for in Document NAM-CATS-OPS 127.

(3) The following training, checking or demonstration of competency validity periods apply -

- (a) for flight crew members -
  - (i) training is valid to the first day of the thirteenth month following the month in which the training took place;
  - (ii) an operator proficiency check is valid to the first day of the seventh month following the month in which a pilot proficiency check took place;
- (b) for cabin crew members -
  - (i) training is valid to the first day of the thirteenth month following the month in which the training took place;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) examinations and competency checks are valid to the first day of the thirteenth month following the month the examination or check took place;
- (c) for persons other than flight or cabin crew members -
  - (i) for flight operations officers, training and checks are valid to the first day of the thirteenth month following the month the training or demonstration of competency took place; and
  - (ii) for all others, training and checks are valid to the first day of the twenty-fifth month following the month the training, check or demonstration of competency took place.

(4) Where any required training, check or demonstration of competency is renewed within the last 60 days of its validity period, its validity period commences from the date of expiry of the previous training, check or demonstration of competency.

(5) The Executive Director may extend the validity period of any required training, check or demonstration of competency by up to 30 days where the Executive Director is satisfied that the application is justified and that aviation safety is not likely to be compromised but the request for extension must be submitted prior to the expiration of the training, check or demonstration of competency.

(6) Completion of any required training, check or demonstration of competency at any time during the periods specified in paragraphs (3) or (4) must be considered as completed in the month due for calculation of the next due date.

## **DIVISION SIX: AVIATION SECURITY TRAINING**

### **Crew member aviation security training programmes**

**127.03.14** (1) An operator must establish and maintain approved initial and annual recurrent security training programmes which ensures crew members act in the most appropriate manner to minimize the consequences of acts of unlawful interference and as a minimum, this programme must include -

[The verb “ensures” should be “ensure” to accord with the subject “programmes”.]

- (a) determination of the seriousness of any occurrence;
- (b) crew communication and coordination;
- (c) appropriate self-defence responses;
- (d) use of non-lethal protective devices assigned to crew members where use of such devices is approved by the Executive Director;
- (e) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions;

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (g) flight crew compartment procedures to protect the helicopter; and
- (h) aeroplane search procedures and guidance on least-risk bomb locations where practicable.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Aviation security training programmes - other staff**

**127.03.15** An operator must establish and maintain a training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on a helicopter so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

**SUBPART 4  
DOCUMENTATION AND RECORDS****Documentary requirements**

**127.04.1** (1) An operator must ensure that, in addition to the requirements in regulation 91.03.1, the following documents are carried on board the helicopter during flight -

- (a) a copy of the operational flight plan; if applicable;
- (b) the special loads notification (notification to captain) if applicable;
- (c) the insurance certificate or proof of insurance;
- (d) a certified copy of the latest updated air operator certificate and operations specifications;
- (e) a mass and balance sheet referred to in regulation 127.04.9; and
- (f) a copy of the relevant portions of the aircraft operations manual referred to in regulation 127.04.2 applicable to the flight to be undertaken.

(2) In the case of any other operation than the ones referred to in subregulation (1) those documents must be available on the ground at the point of operation.

(3) An operator must ensure that the following documents are retained in a safe place at the first point of departure in respect of each flight undertaken by the helicopter -

- (a) a copy of the operational flight plan, if applicable;
- (b) copies of the relevant parts of the flight folio;
- (c) the mass and balance sheet referred to in regulation 127.04.9;
- (d) the passenger list or cargo manifest, if applicable;
- (e) the notification to captain, if applicable; and
- (f) a general declaration in the case of a helicopter engaged in international flights.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Except when otherwise instructed by the Executive Director, the documents referred to in subregulation (3) must be retained at the operator's main base of operations, or other location if approved by the Executive Director, for a period of at least 90 days.

**Operations manual**

**127.04.2** (1) An operator must draw up an operations manual containing all information required under this Part and setting out the manner in which such operator will operate the air service for which the operator is licensed in terms of the Act and the Air Services Act.

(2) An operator must ensure that -

- (a) the operations manual and supporting documentation provide adequate instructions to operations personnel in their particular duties and responsibilities and the relationship of such duties to the operation as a whole;
- (b) all parts of the operations manual are consistent and compatible in form and content and must not contravene the conditions contained in the air operator certificate or operations specifications issued to the operator in terms of regulation 127.06.3;
- (c) the manual can be readily amended;
- (d) the operations manual contains an amendment control page and a list of effective pages showing the effective date for each page in the operations manual; and
- (e) the operations manual has the date of the last amendment to each page specified on that page that agrees with the list of effective pages.

(3) An operator must submit the operations manual in the English language in duplicate to the Executive Director for approval.

(4) If the Executive Director is satisfied that the operator -

- (a) will comply with the provisions of regulation 127.06.7; and
- (b) will not operate the air service concerned contrary to any provision of Act or the Air Services Act,

[The word "the" appears to have been omitted before "Act" in the phrase "any provision of Act".]

the Executive Director must certify in writing on both copies of the operations manual that the operations manual has been approved and must return one copy of the approved operations manual to the operator.

(5) An operator must amend its operations manual -

- (a) where there is a change in any aspect of an operator's operation;
- (b) where the operations manual no longer meets the requirements of these regulations or associated technical standards; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(c) when so required by the Executive Director.

(6) An operator must submit an amendment to its operations manual in duplicate to the Executive Director for approval and if the Executive Director is satisfied that the operator will comply with subregulation (4), the Executive Director must certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved and must return one copy of the approved amendment to the operator.

(7) An operator must at all times operate its helicopters in accordance with the approved operations manual or an approved amendment to its approved operations manual.

(8) An operator must -

- (a) ensure that all operations personnel are able to understand the technical language used and that the information provided will ensure that such personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole;
- (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight are easily accessible to the crew members on board during flight time;
- (c) make the operations manual available for the use and guidance of operations personnel;
- (d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them and designating such crew members as operations manual holders;
- (e) provide each operations manual holder with copies of all amendments after approval by the Executive Director and ensure that operations manual holders do insert the amendments issued to them prior to their next flight assignment; and
- (f) keep the operations manual in a safe place.

(9) The structure and contents of the operations manual referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 127.

(10) An operator may provide the operations manual in an electronic format if a means of accessing the information during flight time is also made available to any crew member who may have need to access such information.

**Aircraft operating manual**

**127.04.3** (1) An operator must compile an aircraft operating manual for each helicopter type being operated and make it available during flight time to all flight crew members assigned to the helicopter and each flight crew member must operate the helicopter in accordance with the aircraft operating manual and the operator must also provide the portions of the aircraft operating manual to other operator's employees or agents where their need to know can be established.

(2) The aircraft operating manual must be approved by the Executive Director and contain the information specified in Document NAM-CATS-OPS 127.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator must provide each flight crew member with any amendments to the aircraft operating manual.

(4) An operator may provide the aircraft operating manual in an electronic format provided a means of accessing the information during flight time has also been made available to any crew member who may have need to access the information therein.

(5) The aircraft operating manual may be included in the operations manual referred to in regulation 127.04.2 or be published as a stand-alone document as part of the manual system.

(6) The design of the manual must observe Human Factors principles.

**Aircraft flight manual**

**127.04.4** (1) An operator must maintain and operate its helicopters in accordance with the approved aircraft flight manual required by regulation 91.03.2.

(2) An operator must maintain a system that ensures timely receipt and insertion of all aircraft flight manual revisions as published by the helicopter manufacturer or as required by the Executive Director.

(3) Where an operator provides an operations manual that meets the requirements of subregulation (2) an aircraft flight manual referred to in regulation 91.03.2 is not required to be carried on board the helicopter.

**Operational flight plan**

**127.04.5** (1) An operator must ensure that an operational flight plan that meets the requirements in Document NAM-CATS-OPS 127 is completed for each flight undertaken by its helicopters in terms of this Part.

(2) The procedures for the use of the operational flight plan and a copy of it must be contained in the operations manual referred to in regulation 127.04.2.

(3) All entries in the operational flight plan must be current and permanent in nature.

(4) The operational flight plan must be retained by the operator for a period of at least 90 days.

**Flight time and duty period records**

**127.04.6** (1) An operator must -

(a) maintain current records of flight time, duty periods and rest periods of all crew members and flight operations officers engaged by such operator; and

(b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each crew member or, for flight operations officers, from their last date of engagement.

(2) A flight crew member who is engaged by more than one operator or otherwise accumulates flight time outside of his or her employment, must maintain an accurate record of

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

his or her flight time and duty periods and must provide copies of that record to all operators by whom the crew member is engaged.

(3) While a flight crew member is responsible to report all flight activity, each employer is responsible for ensuring that the crew member concerned does not exceed the limits specified in the flight time and duty scheme of the operator referred to in regulation 127.02.12.

[The phrase “responsible to report” should be “responsible for reporting”.]

**Records of emergency and survival equipment**

**127.04.7** (1) An operator must compile a list of all the survival and emergency equipment to be carried in a commercial air transport helicopter and must have such list available at all times for immediate communication to rescue coordination centres.

(2) The survival and emergency equipment list must be included in the operations manual referred to in regulation 127.04.2.

(3) The format and minimum information to be included in the survival and emergency equipment list must be as specified in Document NAM-CATS-OPS 127.

**Training records**

**127.04.8** (1) An operator must establish a training file for each person required to receive training and retain on the file a record of all training and checking required in terms of Subpart 3 and the records of training and checking must contain at least the information specified, and be retained for the period of time specified, in Document NAM-CATS-OPS 127.

(2) An operator must establish procedures to make a person’s training file available for supervised review by such person, but all training files must remain in the custody of the operator.

**Mass and balance sheet**

**127.04.9** (1) An operator operating helicopters subject to the provisions of this Part must ensure that no flight is undertaken by the helicopter unless the person superintending the loading of such helicopter has completed and certified a mass and balance sheet.

(2) A mass and balance sheet must be completed in duplicate and one copy must be carried in the helicopter and, one copy must be retained in accordance with regulation 127.04.1.

[The comma before the phrase “one copy must be retained” is superfluous.]

(3) The mass and balance sheet must be retained by the operator for a period of at least 90 days calculated from the date on which the flight was completed.

(4) The minimum contents of a mass and balance sheet must be as provided for in Document NAM-CATS-OPS 127.

**Fuel and oil records**

**127.04.10** An operator must maintain records of the fuel and oil taken on board for flight and used during flight time and must keep such records for a period of at least 90 days following each flight or series of flights.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Helicopter search procedure checklist**

**127.04.11** (1) An operator must ensure that there is on board its helicopters a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting helicopters for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the helicopter may be the object of an act of unlawful interference.

(2) The checklist referred to in subregulation (1) must be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the helicopter where such information is available from the manufacturer, including, where appropriate, any means of attenuating and directing the blast for use at the least-risk bomb location.

**Preservation of documents**

**127.04.12** (1) An operator must retain any document required in terms of this Subpart for the period of time specified in this Subpart even where, prior to the expiry of the retention period, the operator ceases to maintain ownership or possession of the helicopter concerned or employ the personnel concerned.

(2) Completed flight preparation forms must be kept by the operator for a period of 90 days.

**SUBPART 5  
HELICOPTER INSTRUMENTS AND EQUIPMENT****Approval and use of instruments and equipment**

**127.05.1** (1) An operator must ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed on a helicopter, are such that they will enable the flight crew to control the flight path of the helicopter, carry out any required procedural manoeuvres and observe the operating limitations of the helicopter in the expected operating conditions and are -

- (a) subject to the provisions of subregulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to such instruments and equipment; and
- (b) in a condition for safe operation of the kind being conducted, except as provided for in the minimum equipment list.

(2) Except as provided in subregulation (1)(b) and subregulation (4), a person may not conduct a take-off in a helicopter with instruments or equipment that are not serviceable or that have been removed, where such instruments or equipment are required by -

**[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]**

- (a) the standards of airworthiness that apply to the type of flight being undertaken;
- (b) any equipment list published by the helicopter manufacturer respecting helicopter equipment that is required for the intended flight;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) an air operator certificate;
  - (d) an airworthiness directive; or
  - (e) these regulations.
- (3) An operator must not be required to obtain approval for the -
- (a) fuses referred to in regulation 91.04.2;
  - (b) intrinsically safe electric torches referred to in regulation 91.04.3(1)(d);
  - (c) accurate time piece referred to in regulations 91.04.4 and 91.04.5;
  - (d) first aid equipment referred to in regulation 91.04.13;
  - (e) megaphones referred to in regulation 91.04.21;
  - (f) survival equipment referred to in regulation 91.04.24 and 91.04.25; and

**[The singular word “regulation” should be plural.]**

- (g) sea anchors and equipment for the mooring, anchoring or manoeuvring of amphibious helicopters on water, referred to regulation 91.04.27.

(4) A person may conduct a take-off in a helicopter that has instruments or equipment that are not serviceable or that have been removed where the helicopter is operated in accordance with the conditions of a flight permit that has been issued by the Executive Director specifically for that purpose.

**[The verbs “are” and “have” should be “is” and “has” to accord with the relevant subject “equipment”.]**

(5) A person may not conduct a take-off in a helicopter for which a minimum equipment list has not been approved and the helicopter has instruments and equipment, other than the instruments and equipment specified in subregulation (2), that are not serviceable or that have been removed unless -

- (a) where the unserviceable instrument or equipment is not removed from the helicopter, it is isolated or secured so as not to constitute a hazard to any other helicopter system or to any person on board the helicopter;
- (b) the appropriate placards are installed as required by the maintenance control manual; and
- (c) an entry recording the actions referred to in paragraphs (a) and (b) is made in the flight folio, as applicable.

**Flight, navigation and associated equipment for helicopters operated under visual flight rules**

**127.05.2** (1) An operator may not operate the helicopter in accordance with visual flight rules by day, unless such helicopter is equipped with -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a magnetic compass;
- (b) an accurate time-piece on board indicating the time in hours, minutes and seconds;
- (c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) an airspeed indicator;
- (e) a vertical speed indicator and an attitude indicator if operated at night but a helicopter with a maximum certificated take-off mass of 2 730 kilogrammes or less, does not have to comply with this requirement;
- (f) a stabilised direction indicator if operated at night; and
- (g) a means of indicating in the flight crew compartment the outside air temperature in degrees Celsius.

(2) An operator may not operate the helicopter in accordance with visual flight rules by night, unless such helicopter is equipped with -

- (a) the equipment specified in subregulation (1);
- (b) an attitude indicator (artificial horizon) for each required pilot and one additional attitude indicator;
- (c) a slip indicator;
- (d) a heading indicator (directional gyroscope or approved equivalent); and
- (e) a vertical speed indicator.

(3) If in terms of these regulations, other than for training or testing, or in terms of the type certificate of the helicopter two pilots are required to operate a helicopter, the second pilot's station must be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
- (b) an airspeed indicator;
- (c) a vertical speed indicator;
- (d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;
- (e) an attitude indicator; and
- (f) a stabilised Executive Director indicator.

(4) A helicopter being operated in terms of subregulation (2) in accordance with visual flight rules by night -

- (a) outside a radius of 15 nautical miles from its point of departure; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) if on a cross-country flight, for longer than 20 minutes; or
- (c) over water at a distance from land corresponding to more than 10 minutes at normal cruise speed,

must be equipped with two attitude indicators, each powered by a different power source, and a radio altimeter with an audio warning operating below a pre-set height and a visual warning capable of operating at a height selectable by the pilot.

**Flight, navigation and associated equipment for helicopters operated under instrument flight rules**

**127.05.3** (1) An operator may not operate a helicopter in accordance with instrument flight rules, unless the helicopter is equipped with -

- (a) a magnetic compass;
- (b) an accurate time-piece on board indicating the time in hours, minutes and seconds;
- (c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) in the case of a helicopter having a maximum certificated mass exceeding 3 180 kilogrammes or a maximum passenger seating configuration of more than nine seats, a radio altimeter with an audio warning operating below a pre-set height and a visual warning capable of operating at a height selectable by the pilot;
- (e) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;
- (f) a vertical-speed indicator;
- (g) a turn-and-slip indicator or instead an additional attitude indicator powered by a power source separate from that of the main attitude indicator;
- (h) an attitude indicator;
- (i) a single standby attitude indicator, capable of being used from either pilot's station, which -
  - (i) is powered continuously during normal operation and, after a total failure of the normal electrical generating system, is powered from a source independent of the normal electrical generating system;
  - (ii) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;
  - (iii) operates independently of any other attitude indicating system;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) is operative automatically after total failure of the normal electrical generating system; and
- (v) is appropriately illuminated during all phases of operation: but if the standby attitude instrument system is capable of being used through flight attitudes of 360° of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators;
- (j) a stabilised direction indicator;
- (k) a means of indicating in the flight crew compartment the outside air temperature in degrees Celsius;
- (l) an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators;
- (m) a chart holder in an easily readable position which can be illuminated, if to be operated by night;
- (n) a means of indicating whether the electrical or pneumatic power supply to a gyroscope instrument is adequate;
- (o) a stabilisation system, unless it has been demonstrated to the satisfaction of the certificating authority that the helicopter possesses, by nature of its design, adequate stability without such a system; and
- (p) for helicopters with maximum certificated take-off mass in excess of 3 175 kilogrammes or a maximum passenger seating configuration of more than 9, a ground proximity warning system which has a forward-looking terrain avoidance function.

(2) An operator may not operate a helicopter in accordance with instrument flight rules, unless such helicopter is certified for instrument meteorological conditions operations and equipped with an emergency power supply, independent of the main electrical generating system, for the purpose of operating and illuminating, for a minimum period of 30 minutes, an attitude indicating instrument (artificial horizon), clearly visible to the pilot-in-command and the emergency power supply must be automatically operative after the total failure of the main electrical generating system and clear indication must be given on the instrument panel that the attitude indicator(s) is being operated by emergency power.

(3) An operator may not operate a helicopter in instrument meteorological conditions or in accordance with instrument flight rules while carrying passengers unless such helicopter is a multi-engine helicopter and equipped with -

- (a) a power-failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source;
- (b) two independent sources of energy (with means of selecting either), of which at least one is an engine-driven pump or generator, which are both able to drive all required gyroscopic instruments powered by, or to be powered by, that particular source and installed in such a manner that failure of one instrument or source does not interfere with the energy supply to the remaining instruments or the other energy source except where the rate-of-turn indicator of a single-engine helicopter involved in all-

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

cargo operations only, has a source of energy separate from the bank and pitch and direction indicators and for the purpose of this subregulation, each engine-driven source of energy of a multi-engine helicopter must be on a different engine; and

- (c) at least two generators or alternators of which any combination of one-half of the total number are rated sufficiently to supply the electrical loads of all required instruments and equipment necessary for safe emergency operation of the helicopter (both units may be mounted on the main rotor drive train); and
- (d) either airborne weather radar equipment or other equipment, approved by the Executive Director, capable of detecting thunderstorms and other potentially hazardous weather conditions.

(4) If two pilots are required to operate the helicopter, other than for training or testing, the second pilot's station must be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight, which may be one of the two altimeters required under subregulation (1)(c);
- (b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunction due to either condensation or icing, including a warning indicator of pitot heater failure;
- (c) a vertical-speed indicator;
- (d) a turn-and-slip indicator, or instead an additional attitude indicator powered by a power source separate from that of the main attitude indicator;
- (e) an altitude indicator; and
- (f) a stabilised direction indicator.

(5) In complying with subregulation (1)(i) it must be clearly evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

(6) Where the standby attitude indicator referred to in subregulation (1)(i) has its own dedicated power supply, there must be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

(7) When a helicopter is operated with a single pilot in terms of regulation 127.02.1(7) while carrying passengers at night or in instrument meteorological condition, the helicopter must furthermore be equipped with -

- (a) instrument flight rules -approved area navigation equipment that provides immediate identification and heading to the nearest suitable diversion;
- (b) an approved stability augmentation or automatic flight control management system; and
- (c) if the helicopter is fitted with a turbine engine -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) an auto-ignition system or use of continuous ignition during take-off, landing and flight during heavy precipitation; and
- (ii) a manual throttle that bypasses the governing section of the fuel control unit, and permits continued unrestricted operation of the engine in the event of a fuel control unit failure.

**Airborne weather radar equipment**

**127.05.4** An operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats operated in terms of regulation 127.01.1, on a scheduled or non-scheduled public air transport service operation, may not operate the helicopter unless the helicopter is equipped with airborne weather radar or other equivalent equipment whenever the helicopter is being operated by night or in instrument meteorological conditions in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route.

**Flight crew interphone system**

**127.05.5** An operator of a helicopter, on which more than one flight crew member is required, may not operate the helicopter unless such helicopter is equipped with a flight crew interphone system, including headsets and microphones, not of a hand-held type, for use by all flight crew members.

**Crew interphone system**

**127.05.6** (1) An operator of a helicopter with a maximum approved passenger seating configuration of 20 or more seats, may not operate the helicopter unless such helicopter is equipped with a crew interphone system.

- (2) The crew interphone system must -
  - (a) operate independently of the public address system referred to in regulation 127.05.7 except for handsets, microphones, selector switches and signalling devices;
  - (b) provide a means of two-way communication between the flight crew compartment and each passenger compartment;
  - (c) be readily accessible for use from each of the required crew stations in the flight crew compartment;
  - (d) be readily accessible for use at the required cabin crew stations close to each emergency exit;
  - (e) have an alerting system incorporating aural or visual signals for use by flight crew members to alert the cabin crew and for use by cabin crew to alert the flight crew;
  - (f) have a means for the recipient of a call to determine whether it is a normal call or an emergency call; and
  - (g) provide on the ground a means of two-way communication between ground personnel and at least one flight crew member, if the design of the helicopter requires such interphone system.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Public address system**

**127.05.7** (1) An operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, may not operate the helicopter unless such helicopter is equipped with a public address system.

- (2) The public address system must -
- (a) operate independently of the interphone systems referred to in regulations 127.05.5 and 127.05.6, except for handsets, microphones, selector switches and signalling devices;
  - (b) be readily accessible for immediate use from each required flight crew member station;
  - (c) be readily accessible for use from at least one cabin crew station in the cabin;
  - (d) in the case of a public address system microphone intended for cabin crew use, be positioned adjacent to a cabin crew seat located near each required emergency exit in the passenger compartment;
  - (e) be capable of operation within 10 seconds by a cabin crew member at each of those stations in the compartment from which the use of such public address system is accessible;
  - (f) be audible and intelligible in all phases of flight at all passenger seats, toilets and cabin crew seats and stations;
  - (g) be powered continuously during normal operation; and
  - (h) provide reliable operation for at least 10 minutes, following a total failure of the normal electrical generating system.

**Life jackets and other flotation devices**

**127.05.8** (1) Regulations 91.04.23 to 91.04.26, both inclusive, apply with the necessary changes to helicopters operated in terms of this Part.

(2) Despite regulation 91.04.23(1)(c), a Class 2 or Class 3 helicopter, operated in terms of this Part must, where any portion of the flight including the take-off or approach path is so disposed over water that in the event of a mishap there would be the likelihood of a ditching, be equipped with one life jacket or equivalent flotation device for each person on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided.

[The comma after the phrase “a Class 2 or Class 3 helicopter” should be deleted.]

(3) Despite regulation 91.04.23(2)(b) and (c), a Class 1 or Class 2 helicopter, operated in terms of this Part, must be equipped with the equipment specified in regulation 91.04.24 whenever the helicopter is operated over water at such a distance that, in the event of a mishap there would be the likelihood of a ditching.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Despite subregulation (2), helicopters operating in performance Class 3 when operating offshore or over water beyond autorotational or safe forced landing distance from land, must comply with regulation 91.04.24.

(5) For offshore operations, life jackets must be worn constantly during flight unless the occupant is wearing an integrated survival suit that includes the function of a life jacket.

(6) The contents of the life rafts are specified in regulation 91.04.24.

(7) On any helicopter for which the individual certificate of airworthiness was first issued on or after 1 January 1991, at least 50 percent of the life rafts carried must be deployable by remote control and the remainder, where they have a mass greater than 40 kilogrammes, must be equipped with some means of mechanically assisted deployment

[There is no full stop at the end of subregulation (7);  
there are no additional words in the *Government Gazette*.]

(8) On any helicopter where two life rafts are fitted, each must be able to carry all occupants in a design overload state of 1.5 times the maximum capacity.

**Survival suits**

**127.05.9** An operator may not operate a helicopter beyond 10 minutes flying time at normal cruising speed from land when the weather report or forecasts available to the pilot-in-command indicate that -

- (a) the water temperature will be less than 10°C during the flight; or
- (b) the estimated rescue time exceeds the calculated survival time, taking into consideration the sea state and the ambient light conditions,

unless each person on board is wearing a survival suit as specified in NAM-CATS-OPS 127 but this regulation does not apply to the flight crew where an operator received the prior written approval of the Executive Director to operate without such survival suits, for the reason that the elevation and strength of the sun results in a high temperature hazard in the flight crew compartment.

**Cabin attendant seats**

**127.05.10** Where applicable, helicopters must be equipped with seats for cabin crew members, which must be forward or rearward facing within 15° of the longitudinal axis of the helicopter and located near floor-level emergency exits, where possible and each cabin crew member required to satisfy the emergency evacuation criteria must be provided with a seat equipped with a safety harness but a safety belt with one diagonal shoulder strap must be permitted if the fitting of a safety harness is not reasonably practical.

**Emergency locator transmitters**

**127.05.11** (1) An operator may not operate a helicopter, classified as a performance Class 1 or 2 helicopter, in offshore operations or over water more than 30 minutes at normal cruising speed or 50 nautical miles, whichever is the lesser, away from land unless such helicopter is equipped with at least one automatic emergency locator transmitter and one survival emergency locator transmitter in a raft or life jacket.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The commas before and after the phrase “classified as a performance Class 1 or 2 helicopter” should be deleted since this is an essential limiting phrase.]

(2) An operator may not operate a helicopter, classified as a performance Class 3 helicopter, beyond 10 minutes flying time at normal cruising speed from land unless such helicopter is equipped with at least one automatic emergency locator transmitter and one survival emergency locator transmitter in a raft or life jacket.

[The commas before and after the phrase “classified as a performance Class 3 helicopter” should be deleted since this is an essential limiting phrase.]

(3) The survival emergency locator transmitters required by this regulation must meet the requirements in Document NAM-CATS-OPS 91.

**Microphones**

**127.05.12** All flight crew members required to be on flight crew compartment duty must communicate through boom or throat microphones.

**Passenger cabin signs and placards**

**127.05.13** An operator must ensure the following information is conveyed to the passengers by means of signs or placards suitably conspicuous that will ensure each passenger on board the helicopter is aware -

- (a) when and how seat belts must be fastened;
- (b) when and how oxygen equipment is to be used if the carriage of oxygen is required;
- (c) that smoking is not permitted;
- (d) of the location and use of life jackets or equivalent individual flotation devices where their carriage is required; and
- (e) of the location and method of opening of emergency exits.

**Flight recorders**

**127.05.14** (1) Part 91 applies with the necessary changes to helicopters operated in terms of this Part, but for purposes of this Part any reference to international general aviation operations is considered additionally to be a reference to domestic offshore operations.

(2) An operator may not allow the use of recordings or transcripts of cockpit voice recorder, cockpit audio recording system, Class A airborne image recorder and Class A airborne image recording system for purposes other than the investigation of an accident or incident except where the recordings or transcripts -

[The article “a” appears to have been omitted before the phrase “cockpit voice recorder”.]

- (a) are related to a safety-related event identified in the context of an safety management system, are restricted to the relevant portions of a de-identified transcript of the recording, and are subject to the protections specified by the operator’s safety management system;

[The article “a” before the phrase “safety management system” should be “an”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) are sought for use in criminal proceedings not related to an event involving an accident or incident investigation and are subject to the protections accorded by the safety management system and specified by the regulations relating to investigation of aircraft accidents and incidents;; or

**[The colon preceding the semicolon is superfluous.]**

- (c) are used for inspections of flight recorder systems as provided for by regulation 91.04.10.

(3) An operator may not allow the use of recordings or transcripts of flight data recorder, aircraft data recording system as well as Class B and Class C airborne image recorder and airborne image recording system for purposes other than the investigation of an accident or incident in accordance with the regulations relating to investigation of aircraft accidents and incidents, except where the recordings or transcripts are subject to the protections accorded by the operator's safety management system and -

**[The article "a" appears to have been omitted before the phrase "flight data recorder". Also, it appears that the list should read "a flight data recorder, aircraft data recording system, Class B and Class C airborne image recorder and airborne image recording system", in similar fashion to subregulation (2) above.]**

- (a) are used by the operator for airworthiness or maintenance purposes;
- (b) are used by the operator in the operation of a flight data analysis programme;
- (c) are sought for use in proceedings not related to an event involving an accident or incident investigation;
- (d) are de-identified; or
- (e) are disclosed under secure procedures.

**First-aid and universal precaution kits**

**127.05.15** (1) An operator may not operate a helicopter unless such helicopter is equipped with a first-aid kit consisting of the medical supplies as provided for in Document NAM-CATS-OPS 127.

(2) An operator must carry out periodical inspections of the first-aid kit specified in subregulation (1) to ensure that, as far as practicable, the contents of the first-aid kit are in a condition necessary for their intended use.

(3) The contents of the first-aid kit specified in subregulation (1) must be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

(4) The first-aid kit specified in subregulation (1) must be readily accessible to the crew or passengers.

(5) No operator of a helicopter for which the maximum certificated passenger seating is 20 or more and on which is carried a cabin crew member must operate such helicopter unless it is equipped with the universal precaution kit specified in Document NAM-CATS-OPS 127.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Pressure-altitude reporting transponder**

**127.05.16** Subject to provisions for the carriage of transponders as provided for by State and airspace requirements, all helicopters must be equipped with a pressure-altitude reporting transponder.

**Vibration health monitoring system**

**127.05.17** A helicopter which has a maximum certificated take-off mass in excess of 3 175 kilogrammes or a maximum passenger seating configuration of more than nine should be equipped with a vibration health monitoring system.

**Electronic navigation data management**

**127.05.18** (1) An operator may not employ electronic navigation data products that have been processed for application in the air and on the ground unless the Executive Director has approved the operator's procedures for ensuring that the process applied and the products delivered have met acceptable standards of integrity and that the products are compatible with the intended function of the equipment that will use them.

(2) An operator must implement procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.

(3) The Executive Director must ensure that the operator continues to monitor both process and products.

(4) An operator's procedures for ensuring the integrity and compatibility of navigation products must be in accordance with NAM-CATS-OPS 121.05.26.

**SUBPART 6**  
**AIR OPERATOR CERTIFICATE**

**Requirement to hold air operator certificate**

**127.06.1** An operator may not operate a helicopter in terms of this Part unless the operator is the holder of, and complies with the conditions of, a valid air operator certificate including the operations specifications attached to that certificate, and the relevant air services licence issued in terms of the Air Services Act.

**Application for issue or amendment of an air operator certificate and operations specifications**

**127.06.2** An application for, and the requirements pertaining to, the issue or amendment of an air operator certificate or operations specifications must be as specified in regulation 121.06.2, wherein for the purposes of this regulation the term "helicopter" must be substituted for the term "aeroplane".

**Application for, consideration of and issue of air operator certificate or operations specifications**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.06.3** (1) In considering an application referred to in regulation 127.06.2 the Executive Director may conduct the investigation he or she considers necessary to determine the applicant's ability to meet the requirements in this Part.

(2) An application must be granted and the air operator certificate issued, containing such conditions as the Executive Director determines, if the Executive Director is satisfied that -

- (a) the applicant will comply with its air operator certificate and operations specifications; and
- (b) the applicant will not operate the air service concerned contrary to any provision of the Act and the Air Services Act.

(3) Where in the opinion of the Executive Director an applicant has failed to provide satisfactory evidence of qualification for the document being sought, the applicant will be informed by the Executive Director as to the deficiencies and will be given a reasonable opportunity to rectify such deficiencies after which time the Executive Director must grant or refuse the application concerned.

(4) An air operator certificate and associated operations specifications must be issued in a form approved by the Executive Director and contain at least the information specified in Document NAM-CATS-OPS 127.

**Validity and status of air operator certificate**

**127.06.4** (1) Unless otherwise specified by the Executive Director, an air operator certificate remains valid and in force for an indefinite period but -

- (a) the operator must submit on or before the anniversary date of initial issue, the appropriate annual fee specified in Part 187;
- (b) the operator must have satisfactorily -
  - (i) responded to the audits and inspections carried out by the Executive Director; and
  - (ii) resolved any findings reported to the operator by the Executive Director;
- (c) the air operator certificate must not have been suspended, cancelled or voluntarily returned to the Executive Director; and
- (d) the operator must continue to meet the requirements for issue of an air operator certificate.

(2) An air operator certificate is not transferable to any other entity.

(3) Where an operator is notified by the Executive Director that its air operator certificate has been suspended or cancelled, the operator must return the air operator certificate to the Executive Director within seven days of such notification.

**Safety and security inspections and audits**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.06.5** (1) An applicant for the issue of an air operator certificate must permit an authorised officer, inspector or authorised person to carry out such safety and/or security inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 127.06.2.

(2) The holder of an air operator certificate must permit an authorised officer, inspector or authorised person to carry out such safety and security inspections and audits as may be necessary to determine compliance with the appropriate requirements specified in this Part.

**Administrative duties of air operator certificate holder**

**127.06.6** (1) The holder of an air operator certificate must keep the air operator certificate in a safe place and produce the air operator certificate to an authorised officer, inspector or authorised person for inspection if so requested by the officer or inspector.

(2) An operator must notify the Executive Director of any intended change in the personnel occupying a management position specified in regulation 127.06.2(5) and must submit the names and qualifications of a replacement person for the Executive Director's approval before effecting the change but in the case of a sudden departure of an incumbent, an operator must notify the Executive Director of its plan to ensure safety of operations while replacing the person.

(3) An operator must notify the Executive Director in the event of any change in the ownership of the operator, including the names and contact details of the new owners.

**Register of air operator certificates**

**127.06.7** (1) The Executive Director must maintain a register of all air operator certificates issued in terms of these regulations.

(2) The register must contain the following particulars:

- (a) the full name and, if any, the business name of the holder of the air operator certificate;
- (b) the postal address of the holder of the air operator certificate;
- (c) the number of the air operator certificate issued to the holder;
- (d) particulars of the type of air service for which the air operator certificate was issued, including a list of operations specifications issued;
- (e) particulars of the category of helicopter for which the air operator certificate was issued; and
- (f) the date on which the air operator certificate was issued.

(3) The particulars, referred to in subregulation (2), must be recorded in the register within 30 days from the date on which the air operator certificate is issued by the Executive Director.

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



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) A copy of the register must be furnished by the Executive Director, on payment of the appropriate fee specified in Part 187, to any person who requests the copy.

**Demonstration flights**

**127.06.8** (1) The Executive Director may require an operator to conduct satisfactory demonstration flights if the helicopter is to be operated in a designated special area, or requires the use of a specialised navigation system, or the scope of the intended operation, in the opinion of the Executive Director, warrants such demonstration flights.

(2) The demonstration flights required in terms of subregulation (1) must be conducted in accordance with the regulations applicable to the type of operation and helicopter used.

**Foreign air operator certificates**

**127.06.9** (1) The Executive Director must recognise as valid an air operator certificate issued by another Contracting State, but the requirements under which the certificate was issued must be at least equal to the applicable standards specified in ICAO Annex 6 and Annex 19.

(2) The Executive Director must establish a programme with procedures for the surveillance of operations in Namibian territory by foreign operators and for taking appropriate action when necessary to preserve safety.

(3) A foreign operator conducting operations in Namibia must meet and maintain any requirements established by the Executive Director.

**SUBPART 7**  
**FOREIGN AIR OPERATOR PERMIT**

**Requirement for foreign air operator permit**

**127.07.1** (1) A foreign operator may not operate a foreign registered aeroplane engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

(2) Transportation of passengers, cargo or mail within Namibia by a foreign operator may only be undertaken as provided for in NAM-CATS-121.

[The term “NAM-CATS-121” was probably intended to be  
“NAM-CATS-OPS 121”, as in regulation 121.07.1(2).]

**Application for foreign air operator permit or amendment of foreign air operator permit**

**127.07.2** (1) An application for the issue of a foreign air operator permit must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-OPS 127; and
- (b) accompanied by -
  - (i) a declaration of competency issued in respect of each helicopter concerned;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
- (iii) the appropriate fee specified in Part 187; and
- (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to subregulation (5), an application for the issue of a foreign air operator permit must be submitted to the Executive Director at least 90 days before the date of commencement of the intended operation.

[The cross-reference above was probably intended  
to refer to subregulation (6) rather than subregulation (5).]

- (3) If the holder of a foreign air operator permit wishes to amend -
  - (a) its name or principal place of business;
  - (b) the description of the type of operation;
  - (c) the type of helicopter;
  - (d) the nationality and registration marks of the helicopters;
  - (e) the area of operation; or
  - (f) any condition,

specified on the permit, such operator must apply to the Executive Director for such amendment.

- (4) An application for the amendment of a foreign air operator permit must be -
  - (a) made on the form specified in Document NAM-CATS-OPS 127; and
  - (b) accompanied by -
    - (i) a declaration of competency issued in respect of each helicopter concerned;
    - (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
    - (iii) the appropriate fee specified in Part 187; and
    - (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to subregulation (5), an application for the amendment of a foreign air operator permit must be submitted to the Executive Director at least 30 days before the date of commencement of the intended amended operation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The cross-reference above was probably intended to refer to subregulation (6) rather than subregulation (5).]

(6) The Executive Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Executive Director is satisfied that the object of the operation or amended operation will be defeated if such application is not adjudicated within the shorter period.

**Assessment of application and issue of permit**

**127.07.3** (1) In considering the application for the issue of a foreign air operator permit, or an amendment of a foreign air operator permit, the Executive Director may conduct the investigation which he or she considers necessary.

(2) The application must be granted and the permit issued the Executive Director is satisfied that -

[The word “if” appears to have been omitted before the phrase “the Executive Director”.]

- (a) the applicant has the financial capability of conducting a safe operation within Namibia; and
- (b) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Air Services Act.

(3) If the Executive Director is not satisfied with the application for a foreign air operator permit, the Executive Director must in writing notify the applicant and state the reasons for his or her dissatisfaction with the application, and the Executive Director must grant the applicant an opportunity to rectify or supplement the defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application.

(4) A foreign air operator permit must be issued on the form set out in Document NAM-CATS-OPS 127, under such conditions which the Executive Director may determine.

(5) A foreign air operator permit must specify -

- (a) the name, nationality and principal place of business of the operator;
- (b) the date on which the permit was issued and its period of validity;
- (c) a description of the type of operation authorised;
- (d) the type of helicopter authorised for operation;
- (e) the nationality and registration marks of each helicopter authorised for operation;
- (f) the authorised area of operation; and
- (g) the conditions of the permit.

**Period of validity**

**127.07.4** (1) A foreign air operator permit is valid -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) for the period determined by the Executive Director, which period must not exceed 12 months, calculated from the date of issue of the permit;
- (b) for the number of flights determined by the Executive Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Executive Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry of the permit, for the renewal of the permit, such permit must, despite subregulation (1), remain valid until such holder is notified by the Executive Director of the result of the application for the renewal of such permit.

(3) The permit must remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director, in terms of regulation 127.07.9.

(4) The holder of a permit which expires, must forthwith surrender the permit to the Executive Director.

(5) The holder of a permit which is suspended, must forthwith produce the permit to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, must, within 30 days from the date on which the permit is cancelled, surrender the permit to the Executive Director.

### **Transferability**

**127.07.5** A foreign air operator permit must not be transferable.

### **Duties of holder of permit**

**127.07.6** (1) The holder of a foreign air operator permit must -

- (a) at all times during the operation within Namibia -
  - (i) comply with -
    - (aa) the appropriate requirements in this Part; and
    - (bb) the conditions of the permit;
  - (ii) hold a valid air operator certificate or equivalent authorisation; and
- (b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by such officer, inspector or person.

**[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]**

### **Renewal of permit**

**127.07.7** (1) The holder of a foreign air operator permit must at least 30 days immediately preceding the date on which the permit expires, apply for the renewal of the permit.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Regulations 127.07.2(1) and 127.07.3 apply with the necessary changes to an application made in terms of this regulation.

**Safety inspections and audits**

**127.07.8** The holder of a foreign air operator permit must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements specified in this Part.

**Suspension, revocation and variation of air operator certificate and foreign air operator permit**

**127.07.9** An air operator certificate or a foreign air operator permit may in accordance with regulation 13.01.4 be suspended, revoked or varied if the Executive Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

**Register of permits**

**127.07.10** (1) The Executive Director must maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register must contain the following particulars:

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

(3) The particulars referred to in subregulation (2) must be recorded by the Executive Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

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

(5) A copy of the register must be furnished by the Executive Director, on payment of the appropriate fee specified in Part 187, to any person who requests the copy.

**SUBPART 8**  
**FLIGHT OPERATIONS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**DIVISION ONE: GENERAL**

**Routes and areas of operation and aerodrome facilities**

**127.08.1** (1) An operator operating in terms of regulation 127.01.1, must ensure that operations are only conducted along such routes for which -

- (a) it has been ascertained by every reasonable means available that the ground or water facilities and services, including meteorological services, are available as required for the safe operation of the helicopter and the protection of the passengers, are adequate for the type of operation being conducted and are functioning normally for their intended purpose;
- (b) appropriate maps and charts are available.

(2) An operator must ensure that operations are only conducted within such areas and along such routes for which approval or authorisation has been obtained, where required, from the appropriate authority concerned.

(3) An operator must ensure that -

- (a) the performance of the helicopter intended to be used is adequate to comply with minimum flight altitude requirements; and
- (b) the equipment of the helicopter intended to be used complies with the minimum requirements for the planned operation.

(4) An operator must operate all flights in accordance with such route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in the air operator certificate.

(5) An operator must report without delay to the responsible authority any observed operational inadequacy of facilities referred to in subregulation (1)(a).

(6) Prior to conducting a passenger-carrying instrument flight rules or night visual flight rules flight in uncontrolled airspace, the operator must ensure that a navigational capability is able to be maintained while operating on any route used in such airspace.

(7) An operator must select a take-off alternate aerodrome and specify it in the operational flight plan if the weather conditions at the aerodrome of departure are at or below the applicable aerodrome operating minima but for the take-off alternate, the available information must indicate that, at the estimated time of use, the conditions will be at or above the aerodrome operating minima for that operation.

(8) An operator must select at least one destination alternate aerodrome and specify it in the operational flight plan for each instrument flight rules flight unless -

- (a) the duration of the flight and the meteorological conditions prevailing are such that there is reasonable certainty that, at the estimated time of arrival at the aerodrome of intended landing, and for a reasonable period before and after such time, the approach and landing may be made under visual meteorological conditions; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the aerodrome of intended landing is isolated and no suitable alternate is available, in which case a point of no return must be determined.

(9) An operator must select at least two destination alternate aerodromes for each instrument flight rules flight and specify them in the operational flight plan when -

- (a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination of such reports and forecasts, indicate that during a period commencing one hour before and ending one hour after the estimated time of arrival, the weather conditions will be below the applicable planning minima; or
- (b) meteorological information is not available at the destination aerodrome.

(10) For offshore operations as provided in regulation 127.08.8, the operator must select suitable offshore alternates and specify each in the operational flight plan for each instrument flight rules flight as provided in Document NAM-CATS-OPS 127.

(11) An operator may not permit, and a pilot-in-command may not operate, a flight that is to be conducted in accordance with instrument flight rules for which one or more destination alternate aerodromes are required, to be commenced unless the aerodrome meteorological forecast indicates that conditions for a period of at least one hour before until one hour after the estimated time of arrival at the destination alternate aerodrome(s) will meet or exceed those specified in Document NAM-CATS-OPS 127.

**Establishment of procedures**

**127.08.2** (1) An operator must -

- (a) establish procedures and instructions, for each helicopter type, containing ground personnel and flight crew members' duties for all types of operations on the ground and in flight;
- (b) establish a checklist system to be used by flight crew members for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures in the flight manual and other documents associated with the certificate of airworthiness, and in the operations manual referred to in regulation 127.04.2, are followed; and
- (c) ensure that flight crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the helicopter.

(2) The approved checklist system referred to in subregulation (1)(b) must be designed and used in accordance with human factors principles and must include -

- (a) an easy-to-use checklist for normal phases of flight operations;
- (b) a quick reference-type checklist dealing with all malfunctions requiring the use of abnormal or emergency procedures;
- (c) an amplified checklist that ensures all referenced check items are dealt with in accordance with the helicopter manufacturer's recommended procedures;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) an easy to locate and employ system of supplementary checks and/or procedures, if applicable; and
- (e) any other check items relating to the use of equipment not installed at the time of helicopter manufacture or not included in the check system provided for in the approved helicopter flight manual.

(3) The pilot-in-command must be responsible for ensuring all check procedures, including checklists, are managed in accordance with the procedures specified in the operator's operations manuals.

**Hazardous flight conditions and unlawful interference**

**127.08.3** (1) The pilot-in-command of any helicopter that encounters flight conditions considered to be hazardous to his or her, or another helicopter, must report such conditions to any appropriate aeronautical station as soon as possible, giving such details as may be pertinent to the safety of other helicopters.

- (2) Following an act of unlawful interference, the pilot-in-command must -
  - (a) where, in his or her opinion the safety of persons on board the helicopter would not be jeopardized, report the events to the nearest air traffic services authority by the most discrete method possible, by the means devised for such communications; and
  - (b) submit, without delay, a report of such act to the Executive Director in a form acceptable to the Executive Director.

**Competence of operations personnel**

**127.08.4** An operator must ensure that all personnel assigned to, or directly involved in, ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

**Use of air traffic services**

**127.08.5** An operator must ensure that air traffic services are used for all flights whenever available.

**Minimum flight altitudes**

**127.08.6** (1) An operator must establish minimum flight altitudes for all operations carried out in accordance with instrument flight rules and the methods to determine such minimum flight altitudes for all route segments to be flown which provide the required terrain clearance, taking into account the performance operating limitations referred to in Subpart 8 of this Part and the minimum levels specified in regulation 91.06.37.

- (2) An operator must take into account, when establishing minimum flight altitudes -
  - (a) the accuracy and reliability with which the position of the helicopter can be determined;
  - (b) the possible inaccuracies in the indications of the altimeters used;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;
- (d) the probability of encountering unfavourable meteorological conditions;
- (e) possible inaccuracies in aeronautical charts; and
- (f) airspace restrictions.

(3) An operator must specify in its operations manual the procedures used to determine the minimum flight altitudes to be flown in order to meet the obstacle clearance requirements specified in regulation 91.06.37 (3).

**Aerodrome operating minima**

**127.08.7** (1) For operations under instrument flight rules, the operator must establish aerodrome operating minima in accordance with subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome and aerodrome intended to be used either as destination or alternate aerodrome.

(2) An operator must establish aerodrome operating minima for each aerodrome planned to be used, which must not be lower than the values specified in regulation 91.07.5.

(3) The method of determining aerodrome operating minima must be approved by the Executive Director.

(4) The aerodrome operating minima established by the operator must not be lower than any aerodrome operating minima established by the appropriate authority of the State in which the aerodrome is located but if the appropriate authority approves such lower aerodrome operating minima established by the operator, the higher aerodrome operating minima applies.

[This subregulation seems illogical in its use of “lower” and “higher”. The similar subregulation in the previous Part 127, 127.08.11(4), read as follows: “The aerodrome operating minima established by the operator shall not be lower than any aerodrome operating minima established by the appropriate authority of the State in which the aerodrome concerned is located: Provided that if such appropriate authority approves such lower aerodrome operating minima established by the operator, the lower aerodrome operating minima shall apply.” It is not clear what was intended here.]

(5) In establishing the aerodrome operating minima which will apply to any particular operation, the operator must take full account of the factors specified in regulation 91.07.5(3).

(6) Category II and Category III instrument approach operations must not be authorised unless runway visual range information is provided.

(7) An operator must ensure that a flight must not be continued towards the aerodrome of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome or at least one destination alternate aerodrome, in compliance with the published operating minima.

(8) An operator must ensure compliance with the requirements for approach ban, required under regulation 91.07.26.

**Offshore operations**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.08.8** (1) The Executive Director must issue a specific approval for the operational use of offshore destination and offshore destination alternate heliports.

(2) To obtain approval referred to in subregulation (1) an operator must submit an application to the Executive Director and must demonstrate compliance with the requirements in NAM-CATS-OPS 127.

(3) An operator must ensure that, in the case of flights over water -

- (a) the shore base or other flight-monitoring station must maintain a means of flight monitoring with the helicopter as approved by the Executive Director;
- (b) a full complement of crew members to operate the helicopter and its safety equipment under normal, abnormal or emergency conditions is carried on board; and
- (c) the helicopter is equipped for flights over water in terms of these regulations.

(4) An operator must ensure that, in the case of a single-reciprocating-engine helicopter -

- (a) other than an amphibian helicopter or a helicopter with approved flotation gear flights must be limited to five nautical miles seaward from base; and
- (b) no flights must be undertaken except by day and under visual meteorological conditions and no flight must be commenced which cannot be completed at least one hour before night.

(5) An operator must ensure that, in the case of a single-turbine-engine helicopter -

- (a) other than an amphibian helicopter or a helicopter with approved flotation gear flights must be limited to 50 nautical miles seaward from base;
- (b) no flights must be undertaken except by day and under visual meteorological conditions;
- (c) for flights over water from five up to 15 nautical miles, sufficient survival dinghies are carried in such a manner that they will be instantly accessible at the time of ditching.

(6) An operator must ensure that, in the case of multi-engine helicopters, subregulation (2) is complied with and, in addition, if a flight is to be undertaken by night or under instrument meteorological conditions, that -

- (a) the helicopter is equipped for instrument flight rules operations; and
- (b) functioning area or on-board navigation aids are available.

(7) An operator may not, when planning flight for over-water operations, consider off-shore alternates when it is possible to carry enough fuel to plan for an on-shore alternate landing site but off-shore alternate landing sites may be considered in exceptional circumstances, where approved by the Executive Director, for purposes other than for landing and for the purpose of payload enhancement in adverse weather conditions.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The article “a” appears to have been omitted before the phrase “flight for over-water operations”.]

(8) A helideck may be specified as an offshore destination alternate heliport when the closest onshore destination alternate is not within achievable range of the helicopter and the specification is subject to the following conditions:

- (a) a helideck must only be used as an offshore destination alternate heliport after the point of no return and when an onshore aerodrome is not geographically available and prior to the point of no return, an onshore destination alternate aerodrome must be used;
- (b) the operator must have a risk assessment process detailed in the operations manual for the utilization of helidecks as offshore destination alternate heliports and conduct such an assessment prior to their selection and use;
- (c) the operator has established specific procedures and appropriate training programmes in the operations manual for offshore destination alternate heliport operations;
- (d) the operator must have pre-surveyed, and assessed for suitability, any helideck intended to be used as an offshore destination alternate heliport and with the information published in an appropriate form in the operations manual (including the orientation of the helideck);
- (e) the helicopter must have a one engine inoperative landing capability at the offshore alternate heliport; and
- (f) the minimum equipment list must contain specific provisions for this type of operation.

(9) The use of an offshore alternate heliport should be restricted to helicopters which can achieve one engine inoperative in ground effect hover at an appropriate power rating at the offshore alternate heliport.

(10) Where the surface of the helideck, or prevailing conditions, especially wind velocity, precludes a one engine inoperative in ground effect, one engine inoperative out of ground effect hover performance at an appropriate power rating should be used to compute the landing mass.

(11) The landing mass should be calculated from graphs provided in the operations manual and when calculating this landing mass, due account should be taken of helicopter configuration, environmental conditions and the operation of systems that have an adverse effect on performance.

(12) The planned landing mass of the helicopter, including crew, passengers, baggage, cargo and 30 minutes final reserve fuel, should not exceed the one engine inoperative landing mass at the time of approach to the offshore alternate heliport.

(13) The operator’s risk assessment process must take into consideration at least the following:

- (a) the type and circumstances of the operation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the area over which the operation is being conducted, including sea conditions, survivability and search and rescue facilities;
- (c) the availability and suitability of the helideck for use as an offshore destination alternate heliport including the physical characteristics, dimensions, configuration and obstacle clearance, the effect of wind direction, strength and turbulence;
- (d) the type of helicopter being used;
- (e) mechanical reliability of the helicopter engines and critical control systems and components;
- (f) the training and operational procedures, including mitigation of the consequences of helicopter technical failures;
- (g) specific mitigation measures;
- (h) helicopter equipment;
- (i) spare payload capacity for the carriage of additional fuel;
- (j) weather minima, taking into account the accuracy and reliability of meteorological information; and
- (k) communications and aircraft tracking facilities.

(14) Training programmes must ensure that the requirements in Document NAM-CATS-OPS 127 are complied with in relation to route qualification, flight preparation, concept of operations with offshore alternates and criteria for their use and that training programmes refer to the training for pilots and other relevant personnel, including as required meteorological observers and helideck personnel involved in such operations.

(15) When the use of an offshore alternate heliport is planned, the meteorological observations, both at the offshore destination and the offshore alternate heliport, should be taken by an observer acceptable to the designated meteorological authority.

(16) Offshore alternates should not be used for payload enhancement.

(17) To demonstrate the mechanical reliability of critical control systems and critical components of the helicopter, the operator should install and utilize a health and usage monitoring system with tailored criteria for this type of operation.

(18) The heliport operating minima for the offshore destination and offshore destination alternate heliport required under 127.08.7 must make do allowance for the availability and reliability of weather information and the geographic environment.

**[The word “due” is misspelt as “do” in the *Government Gazette*, as reproduced above.]**

(19) An operator must specify cloud ceiling and visibility criteria relevant to the helideck elevation and location.

(20) To use an offshore destination alternate helideck, it must be ensured that, within 60 nautical miles of the destination helideck and alternate helideck, fog is not present nor forecasted

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

during the period commencing one hour before and ending one hour after the expected time of arrival at the offshore destination or alternate helideck.

(21) An offshore alternate should be more than 30 nautical miles from the original destination to reduce the likelihood of a localized weather event precluding landings at both the destination and the alternate.

(22) An operator must ensure that, before passing the point of no return, the following actions have been completed:

- (a) confirmation that navigation to the destination and offshore alternate heliport is assured;
- (b) radio contact with the destination and offshore alternate heliport (or master station) is established;
- (c) the landing forecast at the destination and offshore alternate heliport are obtained and confirmed to be at or above the required minima;

[The singular word “forecast” should be plural, to accord with the verb “are” and also to fit the mention of two destinations.]

- (d) the requirements for one engine inoperative landing are verified against the latest reported weather conditions to ensure that they can be met; and
- (e) to the extent possible, having considered information on current and forecast use of the offshore destination alternate heliport, and on conditions prevailing, the availability of the offshore alternate heliport will be guaranteed by the helideck provider until the landing at the destination, or the offshore destination alternate heliport, is achieved.

(23) For the purposes of this regulation “shore base” means the site from which the flight over water is commenced or supported.

**Refueling and defueling with passengers on board**

**127.08.9** A person may not refuel or defuel a helicopter when passengers are embarking, disembarking or on board unless the fuelling is carried out in accordance with the procedures specified in Document NAM-CATS-OPS 127 and such procedures are included in the operator’s operations manual referred to in regulation 127.04.2.

**Fuel and oil policy**

**127.08.10** (1) An operator must establish a fuel and oil policy and procedures for the purpose of flight planning and in-flight re-planning and fuel management to ensure that every flight carries sufficient fuel and oil for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) An operator must ensure that the planning of a flight is only based upon -

- (a) procedures, tables or graphs which are contained in or derived from the operations manual referred to in regulation 127.04.2, or current helicopter-specific data; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the operating conditions under which the flight is to be conducted including -
  - (i) realistic helicopter fuel consumption data;
  - (ii) anticipated masses;
  - (iii) expected meteorological conditions;
  - (iv) air traffic service procedures and restrictions;
  - (v) for instrument flight rules flight, one instrument approach at the destination aerodrome, including a missed approach;
  - (vi) the procedures specified in the operations manual for failure of one power-unit while en-route; and
  - (vii) any other conditions that may delay the landing of the helicopter or increase fuel consumption.

(3) An operator must ensure that the calculation of usable fuel required by such helicopter for a flight meets the requirements specified in Document NAM-CATS-OPS 127.

(4) An operator must ensure that in-flight re-planning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination aerodrome other than originally planned includes -

[The verb “includes” should be “include” to accord with the subject “procedures”.]

- (a) trip fuel for the remainder of the flight;
- (b) reserve fuel consisting of -
  - (i) contingency fuel;
  - (ii) alternate fuel, if a destination alternate aerodrome is required, including selection of the departure aerodrome as the destination alternate aerodrome;
  - (iii) final reserve fuel; and
  - (iv) additional fuel, if required; and
- (c) extra fuel, if required by the pilot-in-command.

(5) The policies and procedures required by subregulation (1) must, as a minimum, include the requirement that -

- (a) in-flight fuel checks are to be performed at least hourly by or on behalf of the pilot-in-command to ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a landing site where a safe landing can be made with the planned final reserve fuel remaining; and
- (b) the pilot-in-command must request delay information from air traffic control when unanticipated circumstances may result in landing at the destination aerodrome with

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

less than the final reserve fuel plus any fuel required to proceed to an alternate aerodrome or the fuel required to operate to an isolated aerodrome.

[The full stop at the end of paragraph (b) should be a semicolon.]

- (c) the pilot-in-command must advise air traffic control of a minimum fuel state by declaring minimum fuel when, having committed to land at a specific landing site, the pilot calculates that any change to the existing clearance to that landing site, or other air traffic delays, may result in landing with less than the planned final reserve fuel.

[The full stop at the end of paragraph (c) should be a semicolon.]

- (d) the pilot-in-command must declare a situation of fuel emergency by broadcasting MAYDAY MAYDAY MAYDAY FUEL, when the calculated usable fuel predicted to be available upon landing at the nearest landing site where a safe landing can be made is less than the planned final reserve fuel.

**Instrument meteorological conditions or night flight without a second-in-command**

**127.08.11** An operator may not operate a helicopter without a second-in-command during flight in instrument meteorological conditions or at night unless -

- (a) the helicopter is -
  - (i) of a certificated maximum mass of less than or equal to 3 180 kilogrammes and
  - (ii) not certificated to carry more than nine passengers;
- (b) the operator is authorised to do so in his or her operations specifications; and
- (c) the operator meets the requirements in Document NAM-CATS-OPS 127.

**Instrument approach and departure procedures**

**127.08.12** An operator may implement instrument approach and departure procedures other than instrument approach and departure procedures referred to in regulation 91.07.15, if required but such instrument approach and departure procedures must have been approved by -

- (a) the appropriate authority of the State in which the aerodrome to be used, is located; and
- (b) the Executive Director.

**Noise abatement procedures**

**127.08.13** (1) An operator must establish take-off and landing procedures that take into account the need to minimise the effect of helicopter noise.

(2) Take-off and climb procedures for noise abatement specified by the operator for any one helicopter type must be the same for all aerodromes.

**Operation of helicopter in icing conditions**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.08.14** (1) A person may not conduct a take-off or continue a flight in a helicopter when icing conditions are reported to exist or are forecast to be encountered along the route to be flown unless the helicopter is equipped to be operated in such conditions and the helicopter type certificate authorises flight in such conditions.

(2) In no case must a flight be initiated or continued in icing conditions where in the opinion of the pilot-in-command, the conditions experienced may adversely affect the safety of the flight.

(3) A person may not operate a helicopter in icing conditions at night unless the helicopter is equipped with a means to illuminate a representative surface or otherwise detect the formation of ice.

**Surface contamination programme**

**127.08.15** (1) A person may not conduct or attempt to conduct a take-off in a helicopter that has frost, ice or snow adhering to any of its critical surfaces.

(2) Where conditions are such that frost, ice or snow may reasonably be expected to adhere to the helicopter, A person may not conduct or attempt to conduct a take-off in a helicopter unless the operator has established a helicopter inspection programme in accordance with a surface contamination programme approved by the Executive Director and the dispatch and take-off of the helicopter are in accordance with that programme.

[The word "A" before the word "person" should not be capitalised.]

- (3) The inspection referred to in subregulation (2) must be performed by -
- (a) the pilot-in-command;
  - (b) a qualified flight crew member of the helicopter who is designated by the pilot-in-command; or
  - (c) a person, other than a person referred to in paragraph (a) or (b), who -
    - (i) is designated by the operator of the helicopter; and
    - (ii) has successfully completed a helicopter surface contamination training programme approved for such operator.

(4) Where, before commencing take-off, a crew member of a helicopter observes that there is frost, ice or snow adhering to any critical part of the helicopter, the crew member must immediately report that observation to the pilot-in-command and the pilot-in-command, or a flight crew member designated by the pilot-in-command, must inspect the affected part of the helicopter before take-off.

(5) Before a helicopter is de-iced or anti-iced, the pilot-in-command of the helicopter must ensure that the crew members and passengers are informed of the decision to do so.

(6) An operator is not required to have a programme as required by subregulation (2) if it includes a statement in its operations manual that the operator will not dispatch its helicopters



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

into any region or country where it could be reasonably expected that surface contamination could at any time form or remain on the helicopter, while parked or operating on the ground.

**Mass and balance control**

**127.08.16** (1) A person may not operate a helicopter unless, during every phase of the flight, the load restrictions, mass and centre of gravity of the helicopter conform to the limitations specified in the aircraft flight manual.

(2) An operator must have a mass and balance programme that complies with regulation 91.07.11.

(3) An operator must specify in its operations manual its mass and balance programme and instructions to employees regarding the preparation and accuracy of mass and balance forms and the mass and balance sheet in accordance with regulation 127.04.9.

**Performance based navigation**

**121.08.17** An operator operating a helicopter in airspace where a navigation specification for performance-based navigation has been specified must comply with regulation 91.05.4.

**Operations with head-up displays, enhanced vision systems or night vision goggles**

**127.08.18** (1) An operator may not use a head-up display, enhanced vision system, synthetic vision system or combined vision system unless the operator -

- (a) is authorised to do so in its operations specifications;
- (b) has carried out a safety risk assessment of the operations in accordance with the safety management system; and
- (c) complies with the head-up display, enhanced vision system, synthetic vision system or combined vision system requirements, as applicable, specified in regulation 91.07.33.

(2) An operator may not use a night vision goggles system unless the operator -

- (a) is authorised to do so in its operations specifications;
- (b) has carried out a safety risk assessment of the operations in accordance with the safety management system; and
- (c) complies with the night vision goggle requirements in Document NAM-CATS-OPS 127.

(3) An operator must include the procedures for use of such equipment in the operations manual referred to in regulation 127.04.2.

**Operations with electronic flight bags**

**127.08.19** (1) An operator may not use an electronic flight bag unless the operator -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) is authorised to do so in its operations specifications; and
- (b) complies with the electronic flight bag requirements in NAM-CATS-OPS 91.

(2) An operator must include the procedures for use of such equipment in the operations manual referred to in regulation 127.04.2.

**Single-engine helicopter instrument meteorological conditions and night operations**

**127.08.20** (1) In the case of operations conducted in accordance with regulation 127.01.1, an operator may not operate a single-engine helicopter or performance class 3 helicopter with passengers or cargo on board in instrument meteorological conditions or night flight, except for special visual flight rules flights by day.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**In-flight simulation of emergency situations and instrument meteorological conditions conditions**

**127.08.21** An operator must ensure that when passengers or cargo are being carried, no emergency or abnormal situations, or instrument meteorological conditions must be simulated.

**DIVISION TWO: OPERATIONAL CONTROL**

**Operational control and supervision of flight operations**

**127.08.22** (1) An operator must establish and maintain an operational control system that meets the requirements in regulation 121.07.14, and which provides operational control services appropriate to the flights being operated.

(2) An operator who wishes to use flight operations officers in their operational control system must comply with the requirements of regulation 127.03.11.

(3) For the purposes of this regulation the term “helicopter” must be substituted for the term “aeroplane” where used in regulation 121.07.14.

**Contracted services for operational control system**

**127.08.23** An operator may use the operational control system of an agent whether domestic or foreign but the operator must comply with regulation 121.07.15.

**Operational flight plans**

**127.08.24** (1) An operator must prepare an operational flight plan for its flights as provided in Document NAM-CATS-OPS 127.

(2) The signatures or alternative means of signifying acceptance of the operational flight plan by the pilot-in-command and flight operations officer, if applicable, as required in Document NAM-CATS-OPS 127, must constitute a flight release and certifies that -

[The verb “certifies” should be “certify” to accord with the subject “means”.]

- (a) the operational flight plan has been prepared and accepted in accordance with the procedures specified in the operations manual; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the flight is safe to proceed.

**Familiarity with weather conditions and technical data**

**127.08.25** A flight operations officer may not release a flight unless he or she is thoroughly familiar with -

- (a) reported and forecast weather conditions on the route to be flown and at all planned destination and alternate aerodromes;
- (b) the navigational requirements for the planned routes and aerodromes; and
- (c) any other technical data relevant to the proposed flight including aerodrome operating minima, helicopter performance, maintenance status, notice transmissions, bulletins or operational directives issued by the operations manager,

and that nothing in such information indicates there is a threat to the safety of the flight.

**Retention of flight operations documents and reports**

**127.08.26** (1) Unless otherwise specified by the Executive Director, every operator must retain all flight documents made in terms of this Subpart, for a period of not less than three months.

(2) All flight documentation required by this Subpart to be prepared with respect to a flight and which was carried on board that flight must be returned to the company's main base specified in the air operator certificate and such documentation must include weather maps and printed information, notice to airmissions, cargo and fuel loading sheets and manifests and all paperwork used to record the flight's progress or diversion and irregular or emergency situations.

**Maintenance status**

**127.08.27** (1) A person may not dispatch or release a helicopter unless it is airworthy and all known defects have been rectified and appropriately certified by an helicopter maintenance engineer except where the dispatch of the helicopter is in accordance with an approved minimum equipment list issued in terms of regulation 127.08.29, a configuration deviation list approved by the State of Manufacture or as otherwise permitted in the aircraft flight manual referred to in regulation 91.03.2.

(2) Under a co-authority dispatch system the pre-flight briefing issued by the flight operations officer must include a full review of the helicopter maintenance status.

**Incidents and defects**

**127.08.28** (1) An operator must establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the pilot-in-command of the helicopter before take-off.

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

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Upon receipt of the reports referred to in subregulation (2), the operator must compile a report and submit such report on a monthly basis to the Executive Director.

**Minimum equipment list**

**127.08.29** (1) Except as provided in subregulations (2) and (5), a person may not conduct a take-off in a helicopter with instruments or equipment that are not serviceable or that have been removed, where such instruments or equipment are required by -

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

- (a) the standards of airworthiness that apply today or night visual flight rules or instrument flight rules flight, as applicable;
- (b) any equipment list published by the helicopter manufacturer respecting aeroplane equipment that is required for the intended flight;
- (c) an air operator certificate;
- (d) an airworthiness directive; or
- (e) these regulations.

(2) A person may conduct a take-off in a helicopter with instruments or equipment that are not serviceable or that have been removed but the helicopter must be operated in accordance with the conditions or limitations specified in a minimum equipment list, which has been approved by the Executive Director as provided for in Document NAM-CATS-OPS 127 and, in the opinion of the pilot-in-command, aviation safety will not be affected.

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

(3) An operator must establish a minimum equipment list for each type of helicopter for which a master minimum equipment list has been established by the organisation responsible for the aircraft type design in conjunction with the State of Design but the State of Design must be an ICAO Contracting State and the manufacturing standards used by such State must at least be equal to the ICAO standards for manufacturing.

(4) A person may not operate a helicopter in accordance with a minimum equipment list unless such minimum equipment list is carried on board the helicopter.

(5) A person may conduct a take-off in a helicopter that has instruments or equipment that are not serviceable or that have been removed where the helicopter is operated in accordance with the conditions of a flight permit that has been issued by the Executive Director or his or her delegate specifically for that purpose.

[The verbs “are” and “have” should be “is” and “has”  
to accord with the relevant subject “equipment”.]

(6) A person may not conduct a take-off in a helicopter for which a minimum equipment list has not been approved and the helicopter has instruments and equipment, other than the instruments and equipment specified in subregulation (1), that are not serviceable or that have been removed unless -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) where the unserviceable instrument or equipment is not removed from the helicopter, it is isolated or secured so as not to constitute a hazard to any other helicopter system or to any person on board the helicopter;
- (b) the appropriate placards are installed as required by the maintenance control manual; and
- (c) an entry recording the actions referred to in paragraphs (a) and (b) is made in the flight folio, as applicable.

**DIVISION THREE: CABIN SAFETY**

**Carriage of infants**

**127.08.30** (1) An operator must ensure that an infant is only carried when properly secured in the arms or on the lap of an adult passenger, or with a child restraint device or in a sky cot provided the sky cot is -

- (a) restrained so as to prevent it from moving under the maximum accelerations to be expected in flight; and
- (b) fitted with a restraining device so as to ensure that the infant will not be thrown from such sky cot under the maximum accelerations to be expected in flight.

(2) An operator must ensure that precautions are taken to ensure that, at the times seat belts are required to be worn in flight, the infant carried in the sky cot will not be thrown from such sky cot under the maximum accelerations to be expected in flight.

(3) A passenger may be responsible for the safety of more than one infant on board a helicopter.

(4) A infant may not be carried behind a bulkhead unless a child restraint device is used during critical phases of flight and during turbulence.

[The article "A" before the word "infant" should be "An".]

(5) Sky cots may not be used during critical phases of flight.

(6) Sky cots must be positioned in such a way that they do not prevent or hinder the movement of adjacent passengers or block exits.

(7) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, must be fastened around the passenger carrying or nursing the infant, but not around the infant.

(8) When an infant is carried in the arms or on the lap of a passenger, the name of the infant must be bracketed on the passenger list with the name of the person carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat where approved for use in a helicopter, which is secured to the helicopter seat, provided -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the infant's seat is secured to the helicopter seat in accordance with the instructions provided with the child seat;
- (b) the infant's seat is designed to be secured to a passenger seat by means of a single lap strap and face the same direction as the passenger seat;
- (c) the lower part of the shell does not unreasonably extend beyond the forward position of the passenger seat cushion on which it rests;
- (d) the infant's seat is secured to the passenger seat at all times during flight, even when it is unoccupied by the child;
- (e) only the infant must be removed from the aircraft in an emergency evacuation, not the infant's seat;
- (f) the infant's seat is positioned in such a way that it does not prevent or hinder the movement of adjacent passengers or block exits;
- (g) the infant's seat is not placed in an aisle seat, depending on cabin configuration;
- (h) the infant's seat is used in accordance with infant weight limitations specified for such device; and
- (i) the infant's seat is fitted with a single release harness, which secures the infant's lap, torso and shoulders, but designed that the child can easily be secured in or removed from it.

[The word "so" appears to have been omitted between the words "designed" and "that".]

(10) An infant or a car-type infant seat referred to in subregulation (9) may not be located in -

- (a) the same row or row directly forward or aft of an emergency exit; or
- (b) in the same row as any other exit unless such exit and row are separated by a bulkhead.

**Carriage of persons with a disability**

**127.08.31** (1) An operator must establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

- (2) An operator must ensure that -
  - (a) the pilot-in-command of the helicopter is notified when a passenger with a disability is to be carried on board;
  - (b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and
- (d) the person giving the briefing must enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to such passenger.
- (3) In the case of the carriage of a person on a stretcher in the helicopter -
  - (a) the stretcher must be secured in such helicopter so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting such as ditching;
  - (b) the person must be secured by an approved harness to the stretcher or helicopter structure; and
  - (c) an able-bodied assistant must accompany each person carried on a stretcher.
- (4) A person with a certified mental disability may not be carried in the helicopter unless -
  - (a) accompanied by an able-bodied assistant; and
  - (b) a medical certificate has been issued by a medical practitioner certifying that the person with the mental disability is suitable for carriage by air, and confirming that there is no risk of violence from such person.
- (5) An operator must undertake the carriage of a person with a mental disability who, according to his or her medical history, may become violent, only after special permission has been obtained from the Executive Director by such operator.
- (6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.
- (7) The affected limb or supporting aids of a passenger referred to in subregulation (6), must not obstruct an aisle or any emergency exit or equipment.
- (8) If a passenger with a splinted or artificial limb cannot assist himself or herself, the passenger must be accompanied by an able-bodied assistant.

**Limitations on carriage of infants, children and passengers with disability**

**127.08.32** (1) Unless otherwise authorised by the Executive Director, the maximum number of passengers with a disability, unaccompanied minors, or a combination of such passengers and minors, which may be carried by the operator, is limited to one per unit of 20 passengers capacity or part thereof.

(2) At least one able-bodied assistant must be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination of that group, and that assistant must be assigned with the responsibility for the safety of those passengers or minors except if the persons with a disability can assist themselves.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) In addition to subregulation (2), for each one passenger with a disability who cannot assist himself or herself, an able-bodied assistant must be assigned to solely assist such passenger.

(4) An operator may establish procedures instead of the provisions of subregulations (2) and (3), for the carriage of children and persons with a disability but -

- (a) those procedures must not jeopardise aviation safety; and
- (b) prior written approval must be obtained from the Executive Director.

**Carriage of inadmissible passengers, deportees or persons in custody**

**127.08.33** (1) An operator must establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the helicopter and its occupants.

(2) The pilot-in-command of the helicopter must be notified by the operator of such helicopter prior to departure, of the intended carriage and the reason for carriage, of any of the persons referred to in subregulation (1).

(3) For the purposes of this regulation, “inadmissible passenger” means any person who is not entitled to board the helicopter and includes those persons who are not in the possession of a valid passenger ticket, passport, or visa.

[The word “the” in the phrase “not in the possession of a valid passenger ticket” is superfluous.]

**Carry-on baggage**

**127.08.34** (1) An operator must establish adequate procedures to ensure that only such baggage is carried onto the helicopter and taken into the passenger cabin as can be adequately and securely stowed.

(2) The minimum requirements for the procedures referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 127.

**Securing of passenger cabin and galley**

**127.08.35** (1) Before take-off and landing and whenever considered necessary in the interests of aviation safety, the pilot-in-command must ensure that -

- (a) all equipment, baggage and loose articles in the cabin of the helicopter, including passenger service items and crew members’ and passengers’ personal effects, are properly secured and stowed so as to avoid the possibility of injury to persons or damage to such helicopter through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and
- (b) all aisles, passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles must be placed in approved stowage areas in the helicopter at all times whenever the seat belt signs are illuminated or when so directed by the pilot-in-command of such helicopter.

- (3) For the purposes of subregulation (2), “approved stowage area” means -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the area under a passenger seat; or
- (b) a locker, overhead or other, in accordance with the placarded mass limitation of the locker.

(4) A pilot-in-command of the helicopter may not commence a take-off or landing unless he or she has been informed of the safe condition of the cabin.

**Passenger services**

**127.08.36** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, must be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the helicopter.

(2) All items referred to in subregulation (1) must be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the helicopter.

(3) Any item which cannot be accommodated in the stowage referred to in subregulation (1) must not be permitted in the cabin of the helicopter.

(4) The cabin crew members must complete the securing of the cabin before the approach for landing of the helicopter is commenced, if cabin crew members are carried.

(5) If passenger services are provided while the helicopter is on the ground, no passenger service equipment must obstruct the aisles or exits of the helicopter.

**Briefing of passengers**

**127.08.37** (1) The pilot-in-command must ensure that passengers are given a safety briefing in accordance with Document NAM-CATS-OPS 127.

(2) Where the safety briefing referred to in subregulation (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because that passenger is responsible for another person on board the helicopter, the pilot-in-command must ensure that the passenger is given an individual safety briefing that is appropriate to the passenger's needs.

(3) The pilot-in-command must ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

**Safety features card**

**127.08.38** An operator must ensure that passengers are aware of the safety features on board the helicopter in pictographic form and any wording must be in English or as required by the Executive Director and must contain such information as provided for by Document NAM-CATS-OPS 127.

**Securing of passengers**

**127.08.39** An operator must ensure that, during take-off and landing and whenever considered necessary by reason of turbulence or any emergency occurring during flight, all

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

passengers on board a helicopter must be secured in their seats by means of the seat belts or harnesses provided.

**SUBPART 9**  
**HELICOPTER PERFORMANCE OPERATING LIMITATIONS**

**DIVISION ONE: GENERAL**

**Classification**

**127.09.1** (1) The classification of helicopters for performance limitations purposes is specified in regulation 91.08.3.

(2) An air operator must ensure that -

- (a) a Class 1 helicopter is operated in accordance with the performance operating limitations specified in Division One;
- (b) a Class 2 helicopter is operated in accordance with the performance operating limitations specified in Division Two; and
- (c) a Class 3 helicopter is operated in accordance with the performance operating limitations specified in Division Three.

(3) Where specific design characteristics of a helicopter prevent compliance with the regulations in Division two, Three or Four of this Subpart, the operator must, despite subregulation (2), ensure that the helicopter is operated in accordance with such standard that a level of safety equivalent to the level of safety specified in the appropriate Division in this Subpart is maintained.

[The word “Two” should be capitalised for consistency.]

**General provisions for all classes of helicopters**

**127.09.2** (1) An operator must ensure that -

- (a) the mass of the helicopter, at the start of the take-off, is not greater than the mass at which the requirements in the appropriate Division can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds; and
- (b) the approved performance data contained in the aircraft flight manual referred to in regulation 127.03.2, is used to determine compliance in the appropriate Division.

(2) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of the helicopter, as applicable to the phase of flight, must be taken into account and which must include as a minimum -

- (a) the mass of the helicopter;
- (b) the operating procedures employed by the operator;
- (c) the pressure altitude appropriate to the elevation of the aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the ambient temperature;
- (e) the wind;
- (f) the condition of the surface; and
- (g) any other factors that may be reasonably identified or anticipated by the operator.

(3) The factors specified in subregulation (2) must be taken into account either directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data or in the comprehensive and detailed code of performance in accordance with which the helicopter is being operated.

(4) An operator must ensure helicopter operations are conducted in a manner that gives appropriate consideration for achieving a safe forced landing in the event the safe continuation of flight is not assured following a critical power-unit failure.

(5) An operator of helicopters operating to or from aerodromes in a congested hostile environment must be approved by the Executive Director to do so and must publish procedures in the operations manual referred to in regulation 127.04.2 that ensure, to the extent possible, the safety of the helicopter, its occupants and persons and property on the ground and such operations must be performed only in Class 1 helicopters.

(6) A helicopter must be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(7) A flight may not be commenced unless the performance information provided in the flight manual, supplemented as necessary with other data acceptable to the Executive Director, indicates that the standards specified in this Subpart can be complied with for the flight to be undertaken.

(8) An operator must adopt obstacle data sufficient to make accurate and safe performance calculations to comply with the requirements in this Part for take-off, initial climb, approach and landing.

(9) In no case must the mass of the helicopter at the start of take-off, or at the expected time of landing at the destination and at any alternate, exceed the relevant maximum mass at which compliance has been demonstrated with the applicable noise certification standards, unless otherwise approved by the Executive Director in exceptional circumstances for a certain operating site where there is no noise disturbance problem.

(10) An operator must issue operating instructions and provide information on helicopter climb performance with all engines operating to enable the pilot-in-command to determine the climb gradient that can be achieved during the take-off and initial climb phase for the existing take-off conditions and intended take-off technique and this information must be based on the helicopter manufacturer's or other data, acceptable to Executive Director, and must be included in the operations manual referred to in regulation 127.04.2.

**DIVISION TWO: CLASS 1 HELICOPTER**

**Take-off**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.09.3** (1) An operator of a Class 1 helicopter must ensure that the take-off mass of the helicopter does not exceed the maximum permitted take-off mass for the pressure altitude and the ambient temperature at the place of departure.

(2) The take-off mass referred to in subregulation (1) must be such that in the event of the critical power-unit failing -

- (a) at or before the DPATO, the helicopter can discontinue the take-off and stop within the rejected take-off area available; or
- (b) at or past the DPATO, the helicopter can continue the take-off and the climb, clearing all obstacles along the flight path by a vertical margin of at least 35 feet until such helicopter can comply with regulation 127.09.4.

(3) For the purposes of subregulation (2)(a), “rejected take-off area” means an elevated aerodrome.

(4) For the purposes of complying with subregulation (2), account must be taken of -

- (a) the local pressure altitude;
- (b) the ambient temperature;
- (c) the take-off technique to be used; and
- (d) not more than 50 percent of the reported head-wind component or, if such data is provided, not less than 150 percent of the reported tail-wind component but if approved wind measuring equipment must be used, the head-wind component may be increased to 80 percent of the headwind reported.

(5) The part of the take-off prior to the DPATO must be so conducted in sight of the surface that a rejected take-off can be carried out.

(6) An operator must ensure that the take-off flight path clears all obstacles as specified in Document NAM-CATS-OPS 127.

**[The term “DPATO” used in this regulation is not defined,  
but appears to refer to “defined point after take-off”.]**

**En-route with one or more engines inoperative**

**127.09.4** (1) An operator of a Class 1 helicopter must ensure that, in the event of the critical power unit becoming inoperative at any point in the en-route flight path, appropriate to the meteorological conditions expected for the flight, the helicopter can comply with subregulation (2) or (3) at all points along the route.

(2) An operator must ensure that, when it is intended that the flight will be conducted at any time out of sight of the surface, the mass of the helicopter permits a rate of climb of at least 50 feet per minute with one engine inoperative at any point along the route at the obstacle clearance altitude computed in accordance with regulation 91.07.2.

(3) An operator must ensure that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the flight path permits the helicopter to continue flight from the cruising altitude to a height of 1 000 feet above the aerodrome where a landing can be made in accordance with regulation 127.09.5;
- (b) the flight path clears all obstacles vertically at the obstacle clearance margins referred to in regulation 91.07.2;
- (c) the engine is assumed to fail at the most critical point along the route:

but when it is intended that the flight will be conducted by day, visual meteorological conditions and in sight of the surface, only obstacles within 900 metres on either side of the route need to be considered.

- (4) Account must be taken of the effects of winds on the flight path.

(5) In the event of any two power units becoming inoperative in the case of a helicopter having three or more power units, the helicopter must be able to continue the flight to a suitable landing site and make a landing thereat.

**Approach and landing**

**127.09.5** (1) An operator of a Class 1 helicopter must ensure that the landing mass of the helicopter at the estimated time of landing does not exceed the maximum landing mass specified for the pressure altitude and the ambient temperature expected for the estimated time of landing at the aerodrome at which it is intended to land and, when required, at any alternate aerodrome.

(2) When determining the landing mass, in the event of the critical power-unit becoming inoperative at any point during the approach and landing phase -

- (a) before the landing decision point, the helicopter must, at the destination and at any alternate aerodrome, after clearing all obstacles in the approach path by a margin of 35 feet, be able to land and stop within the landing distance available or perform a bailed landing and clear all obstacles in the flight path by a margin of 35 feet until the helicopter has reached safe take-off speed with a positive rate of climb; or
- (b) at or after the landing decision point, the helicopter must, at the destination and at any alternate aerodrome, after clearing all obstacles in the approach path by a margin of 35 feet, be able to land and stop within the landing distance available;

**[The semicolon at the end of paragraph (b) should be a full stop;  
there are no additional paragraphs in the *Government Gazette*.]**

- (3) For the purposes of complying with this regulation, account must be taken of -
  - (a) the pressure altitude at the destination;
  - (b) the expected air temperature at the destination;
  - (c) the landing technique to be used;
  - (d) not more than 50 percent of the forecast head-wind component unless otherwise approved; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(e) any expected variation in the mass of the helicopter during flight.

(4) An operator must ensure that the part of the landing from the specified landing decision point to touchdown is conducted in sight of the surface.

### **DIVISION THREE: CLASS 2 HELICOPTER**

#### **General**

**127.09.6** (1) An operator of a Class 2 helicopter must ensure that the part of the take-off prior to the defined point after take-off and after the defined point before landing, is conducted only in conditions of weather and light and over such routes and diversions which permit a safe forced landing to be executed in the event of engine failure.

(2) A Class 2 helicopter must not be permitted to operate from elevated structures in built-up areas.

#### **Take-off**

**127.09.7** (1) An operator of a Class 2 helicopter must ensure that the take-off mass of the helicopter does not exceed the maximum permitted take-off mass specified for a rate of climb for the pressure altitude and ambient temperature at the aerodrome of departure which allows the helicopter, in the event of the critical power unit becoming inoperative at any time after reaching the defined point after take-off, to continue the take-off and initial climb and clear all obstacles along its flight path by a margin of 35 feet, until such helicopter can comply regulation 127.09.8.

(2) An operator must ensure that for an elevated aerodrome, the take-off mass is such that the helicopter is capable of -

- (a) rejecting the take-off and landing on the elevated aerodrome; or
- (b) continuing the take-off and clearing the elevated aerodrome until such helicopter can comply with regulation 127.09.8, or carry out a safe forced landing.
- (3) For the purposes of complying with subregulation (2), account must be taken of -
  - (a) the pressure altitude at the elevated aerodrome;
  - (b) the ambient temperature at the elevated aerodrome;
  - (c) the take-off technique to be used; and
  - (d) not more than 50 percent of the reported head-wind component or, if such data is provided, not less than 150 percent of the reported tail-wind component except that when approved wind measuring equipment is used, the headwind component may be increased to 80 percent of the headwind reported.

(4) An operator must ensure that the part of the take-off up to the commencement of the take-off flight path is conducted in sight of the surface.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) An operator must ensure that the take-off flight path clears all obstacles as specified in Document NAM-CATS-OPS 127.

**En-route with one or more engines inoperative**

**127.09.8** (1) An operator of a Class 2 helicopter must ensure that, in the event of one engine becoming inoperative at any point in the en-route flight path, appropriate to the meteorological conditions expected for the flight, the helicopter can comply with this regulation at all points along the route.

- (2) When it is intended that the flight must be conducted -
  - (a) at any time out of sight of the surface, the mass of the helicopter must permit a rate of climb of at least 50 feet per minute with one engine inoperative at any point along the route at the obstacle clearance altitude computed in accordance with regulation 91.07.2;
  - (b) when it is intended that the flight will be conducted by day, in visual meteorological conditions and in sight of the surface, only obstacles within 900 metres on either side of the route need to be considered.
- (3) An operator must ensure that -
  - (a) the flight path permits the helicopter to continue flight from the cruising altitude to a height of 1 000 feet above the aerodrome where a landing can be made in accordance with regulation 127.09.9;
  - (b) the flight path clears all obstacles vertically by at least the obstacle clearance margins specified in regulation 91.07.2; and
  - (c) the engine is assumed to fail at the most critical point along the route:

but when it is intended that the flight will be conducted by day, visual meteorological conditions and in sight of the surface, only obstacles within 900 metres on either side of the route need to be considered.

- (4) Account must be taken of the effects of winds on the flight path.

**Landing**

**127.09.9** (1) An operator of a Class 2 helicopter must ensure that the landing mass of the helicopter at the estimated time of landing does not exceed the maximum mass specified for the pressure altitude and ambient temperature expected for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome, which must allow the helicopter, in the event of the critical power unit becoming inoperative before the DPBL, after clearing all obstacles by a safe margin, to either land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by a margin of 35 feet.

(2) If the becoming inoperative of the critical power unit after the DPBL may cause the helicopter to force land, the helicopter must only be operated in conditions of weather and light and over such routes and diversions which permit a safe forced landing to be executed in the event of an engine failure.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) When determining the landing mass for elevated aerodromes, the landing mass must be such that the helicopter is capable of -

- (a) landing on the elevated aerodrome; or
- (b) rejected the landing and clearing the elevated aerodrome, thereafter continuing the flight or carrying out a safe forced landing.

**[The verb “rejected” should be “rejecting” to fit the introductory phrase of subregulation (3).]**

(4) For the purposes of complying with subregulation (3)(b), account must be taken of -

- (a) the pressure altitude of the elevated aerodrome;
- (b) the expected air temperature at the elevated aerodrome;
- (c) the landing technique to be used;
- (d) not more than 50 percent of the forecast headwind component unless otherwise approved; and
- (e) any expected variation in the mass of the helicopter expected during the flight.

## **DIVISION FOUR: CLASS 3 HELICOPTER**

### **General**

**127.09.10** (1) An operator of a Class 3 helicopter must ensure that operations are only conducted in conditions of weather and light, and from those aerodromes and over such routes and diversions therefrom, which will permit a safe forced landing to be executed in the event of a power unit failure.

(2) A Class 3 helicopter must not be permitted to operate from elevated aerodromes in built-up urban areas.

(3) An operator of a Class 3 helicopter may not operate such helicopter under instrument meteorological conditions, except for flights operated under special visual flight rules.

### **Take-off**

**127.09.11** (1) An operator of a Class 3 helicopter must ensure that the take-off mass of the helicopter does not exceed the maximum permitted take-off mass specified for a hover-inside-ground-effect with all power units operating at take-off power at the pressure altitude and ambient temperature at the take-off site.

(2) For the purposes of this regulation, hover-inside-ground-effect performance data must include consideration of loss of ground cushion as a result of strong winds.

(3) The helicopter must be able, with all engines operating, to clear all obstacles along its flight path by a margin of 35 feet until such helicopter can comply with regulation 127.09.12.

### **En-route**



**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**127.09.12** An operator of a Class 3 helicopter must ensure that the helicopter is able, with all power-units operating, to continue along its intended route or to a planned diversion without flying at any point below the appropriate minimum flight altitude.

**Landing**

**127.09.13** (1) An operator of a Class 3 helicopter must ensure that the landing mass of the helicopter at the estimated time of landing does not exceed the maximum landing mass specified for a hover inside ground effect or hover outside ground effect, whichever is the greater, with all power units operating at take-off power at the pressure altitude and ambient temperature expected for the estimated time of landing at a destination aerodrome and at any alternate aerodrome, if required.

(2) For the purposes of this regulation, hover inside ground effect performance data must include consideration of loss of ground cushion as a result of strong winds.

(3) With all engines operating, the helicopter must, at the destination aerodrome and at any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, be able to land and stop within the landing distance available or to perform a balked landing and clear all obstacles in the flight path by a margin of 35 feet.

**SUBPART 10  
MAINTENANCE****General**

**127.10.1** An operator of a commercial air transport helicopter may not operate the helicopter unless such helicopter is maintained in accordance with the regulations in Part 43.

**Helicopter maintenance programme**

**127.10.2** (1) An operator of a commercial air transport helicopter must ensure that the helicopter is maintained in accordance with a helicopter maintenance programme established by the operator.

(2) The programme must contain details, including frequency, of all maintenance required to be carried out on the helicopter and when applicable, a continuing structural integrity programme and Maintenance tasks and intervals that have been specified as mandatory in approval of the type design must be identified as such; and

[This subregulation is presented as it appears in the *Government Gazette*. The word "maintenance" should not be capitalised. Some words may have been omitted at the end of the subregulation.]

(3) The programme must include a reliability programme if the Executive Director determines that such a reliability programme is necessary; and

[This subregulation is presented as it appears in the *Government Gazette*. Some words may have been omitted at the end of the subregulation.]

(4) The helicopter maintenance programme referred to in subregulation (1) and any subsequent amendment of the helicopter maintenance programme must be approved by the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) An operator of a commercial air transport Class C helicopter, to be operated at night or in instrument meteorological conditions while carrying passengers, must include in the schedule, referred to in subregulation (1) -

- (a) either the manufacturer's recommended engine trend monitoring programme, which includes an oil analysis, if appropriate; or
- (b) an engine trend monitoring programme, approved by the Executive Director, that includes an oil analysis at each 100 hours interval or at the manufacturer's suggested interval, whichever is more frequent.

(6) The results of each test, observation, and inspection, required by the applicable engine trend monitoring programme specified by subregulation (5) must be recorded and maintained in the engine maintenance records.

(7) The programme must contain, in respect of any helicopter referred to in subregulation (5), written maintenance instructions containing the methods, techniques, and practices necessary to maintain the equipment specified in regulation 127.05.3.

(8) The maintenance programme must be based on maintenance programme information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable experience, where such information is available.

**Maintenance contracted to approved aircraft maintenance organisation**

**127.10.3** If maintenance on a commercial air transport helicopter is carried out by the holder of an aircraft maintenance organisation approval with the appropriate rating issued in terms of Part 145, the operator of the helicopter must ensure that all contracted maintenance is carried out in accordance with the regulations in Part 43.

**Operator's maintenance responsibilities**

**127.10.4** (1) An operator must establish procedures acceptable to the Executive Director that ensure -

- (a) each helicopter they operate is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight are serviceable; and
- (c) the Certificate of Airworthiness of each helicopter they operate, and any appropriate special conditions, remains valid.

[The verb "remains" should be "remain" to accord  
with the compound subject "Certificate" and "conditions".]

(2) An operator may not operate a helicopter unless it is maintained and released to service by an organisation approved in accordance with Part 145 in the manner referred to in regulation 127.09.3.

(3) An operator must be resourced sufficiently to ensure that all maintenance is carried out in accordance with the maintenance control manual referred to in regulation 127.09.5.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An operator must ensure that the maintenance of its helicopters is performed in accordance with the maintenance programme referred to in regulation 127.09.2.

**Operator's maintenance control manual**

**127.10.5** (1) An operator must provide a maintenance control manual that meets the requirements in Document NAM-CATS-OPS 43 for the use and guidance of maintenance and operational personnel concerned.

(2) The maintenance control manual referred to in subregulation (1) must incorporate relevant principles of human factors.

(3) An operator must provide two copies of its proposed maintenance control manual to the Executive Director and one copy of the approved maintenance control manual must remain in the custody of the Executive Director.

(4) An operator must amend its maintenance control manual as necessary in accordance with the amendment procedures contained in the maintenance control manual, in order to keep the information contained therein up-to-date and accurately reflect company policy with respect to the maintenance of its helicopters and the operator must forward two copies of all amendments to the maintenance control manual to the Executive Director for approval.

(5) Upon receipt of any approved amendments, each holder of an maintenance control manual must be furnished a copy of such amendment with clear instructions to insert the amended pages in a timely manner into the maintenance control manual.

(6) The Executive Director may require an operator to produce an amendment where he or she is of the opinion that the maintenance control manual requires updating.

**Maintenance records**

**127.10.6** (1) An operator must ensure that the following records are kept for the periods specified in subregulation (2) -

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the helicopter and all life limited components;
- (b) the current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the helicopter or its components subject to a mandatory overhaul life;
- (e) the current status of the helicopter's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) The records in subregulation (1)(a) to (e) must be kept for a minimum period of 6 months after the unit to which they refer has been permanently withdrawn from service and the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

records in subregulation (1)(f) for a minimum period of five years after the signing of the maintenance release.

(3) In the event of a temporary change of operator, the records must be made available to the new operator and in the event of any permanent change of operator, the records must be transferred to the new operator.

(4) The Executive Director must determine whether a transfer under subregulation (4) is to be considered temporary, in the light of the need to exercise control over the records, which will depend on access to them and the opportunity to update them.

**Continuing airworthiness information**

**127.10.7** (1) An operator must monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide such information as required by the Executive Director and must report said information to him or her using a reporting system the Executive Director has developed for that purpose.

(2) The Executive Director must transmit all mandatory continuing airworthiness information reported to him or her in accordance with subregulation (1) to the State of Design of any helicopter that has been issued a Namibian Certificate of Airworthiness and operated in terms of this Part.

(3) An operator must obtain and assess continuing airworthiness information and recommendations issued by a helicopter manufacturer, the organisation responsible for the helicopter type design or by the State of Design, or any additional requirements issued by the Executive Director for each type of helicopter operated under this Part and must implement resulting actions considered necessary in accordance with a procedure acceptable to the Executive Director.

**Modifications and repairs**

**127.10.8** (1) All modifications and repairs must comply with Part 43.

(2) Procedures must be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained.

**Maintenance release**

**127.10.9** (1) A maintenance release must be completed and signed to certify that the maintenance work has been completed satisfactorily and in accordance with approved data and the procedures described in the maintenance organisation's procedures manual.

(2) A maintenance release must contain a certification including -

- (a) basic details of the maintenance carried out including detailed reference of the approved data used;
- (b) date such maintenance was completed;
- (c) when applicable, the identity of the approved maintenance organisation; and
- (d) the identity of the person or persons signing the release.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Records**

**127.10.10** (1) An operator must ensure that the following records are kept -

- (a) in respect of the entire helicopter: the total time in service;
- (b) in respect of the major components of the helicopter -
  - (i) the total time in service;
  - (ii) the date of the last overhaul;
  - (iii) the date of the last inspection;
- (c) in respect of those instruments and equipment, the serviceability and operating life of which are determined by their time in service -
  - (i) such records of the time in service as are necessary to determine their serviceability or to compute their operating life; and
  - (ii) the date of the last inspection.

(2) These records must be kept for a period of 90 days after the end of the operating life of the unit to which they refer.

**SUBPART 11**  
**SAFETY AND QUALITY MANAGEMENT SYSTEMS**

**DIVISION ONE: SAFETY MANAGEMENT SYSTEM**

**Requirement for safety management system**

**127.11.1** (1) An operator must ensure that it maintains an acceptable level of safety by establishing and maintaining a safety management system that meets the requirements of this Subpart and is approved by the Executive Director.

(2) The size and complexity of an approved safety management system must be determined by the Executive Director and measured in terms of scope and size as well as the hazards and risks associated with the activities being carried out by the certificate holder.

(3) The holder of an air operator certificate issued in terms of this Part who is also the holder of an approved maintenance organisation certificate issued under Part 145, must adhere to the requirements referred to in Part 145 with regard to a safety management system when undertaking maintenance control activities.

(4) An operator's safety management system must include a safety management documents system.

(5) An operator's safety management system must comply with the requirements of Part 140 of these regulations.

**SUBPART 12**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SECURITY**

**Aviation security for domestic and international air transport operations**

**127.12.1** Despite the security requirements specified under this Part, an operator, owner or pilot-in-command, as the case may be, must ensure that the security requirements specified in Parts 108 to 114 in respect of all domestic and international air transport operations are complied with.

**SUBPART 13**  
**DANGEROUS GOODS**

**Transportation of dangerous goods**

**127.13.1** When transporting dangerous goods the operator, owner or pilot-in-command must comply with the requirements of Part 92.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 133**  
**CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS:**  
**HELICOPTER EXTERNAL-LOAD OPERATIONS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 133.01.1 Applicability
- 133.01.2 Requirements for commercial external-load operations

**SUBPART 2: OPERATING RULES AND RELATED REQUIREMENTS**

- 133.02.1 Operating rules
- 133.02.2 Carriage of persons
- 133.02.3 Crew member training, currency and testing requirements

**SUBPART 3: AIRWORTHINESS REQUIREMENTS**

- 133.03.1 Flight characteristics requirements
- 133.03.2 Structures and design
- 133.03.3 Operating limitations
- 133.03.4 Helicopter-load combination flight manual
- 133.03.5 Markings and placards
- 133.03.6 Equipment

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**133.01.1** (1) This Part shall apply to -

- (a) helicopters engaged in commercial and non-commercial external-load operations within Namibia;
- (b) helicopters registered in Namibia and engaged in commercial and non-commercial international external-load operations; and
- (c) persons acting as crew members of the helicopters operated in terms of the regulations in this Part.

(2) The certification rules of this Part shall not apply to -

- (a) helicopter manufacturers when developing external-load attaching means;
- (b) helicopter manufacturers demonstrating compliance of equipment utilised under the regulations in this Part or Part 21;
- (c) operations conducted by a person demonstrating compliance for the issue of any certificate or authorisation under the regulations in this Part; or
- (d) training flights conducted in preparation for the demonstration of compliance with the regulations in this Part.

(3) For the purposes of the regulations in this Part, any person other than a crew member or a person who is charged with duties essential to the helicopter external-load operation, may only be carried in a Class D helicopter-load combination.

(4) For the purposes of the regulations in this Part, external-load operations include underslung load operations, winching operations and any operation in which the helicopter is connected by means of a cable to another object, including towing.

(5) Unless the context otherwise indicates, external-load operations shall be conducted in accordance with the provisions of the regulations in this Part and in addition, the applicable regulations in Part 91 and Part 127.

**Requirements for commercial external-load operations**

**133.01.2** The operator of a helicopter engaged in a commercial external-load operation, shall not operate the helicopter unless such operator is the holder of a valid air operator certificate issued in terms of the regulations in Part 127.

**SUBPART 2**  
**OPERATING RULES AND RELATED REQUIREMENTS**

**Operating rules**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**133.02.1** (1) No owner, operator or pilot-in-command, as the case may be, of a helicopter engaged in an external-load operation, shall operate the helicopter without, or contrary to, the helicopter-load combination flight manual referred to in regulation 133.03.4.

(2) The owner, operator or pilot-in-command shall not operate the helicopter unless -

- (a) a standard category type certificate or a restricted category type certificate has been issued in respect of such helicopter;
- (b) a valid certificate of airworthiness has been issued in respect of such helicopter; and
- (c) such helicopter complies with the applicable certification requirements prescribed in Part 127 which apply to the helicopter-load combinations of the operation.

(3) The pilot-in-command of the helicopter shall, before such pilot-in-command operates such helicopter with an external-load configuration which differs substantially from any external-load configuration previously carried with such type of helicopter, irrespective of whether the helicopter-load combination is of the same class, conduct, in a manner that will not endanger persons or property on the surface, the following applicable flight-operational checks:

- (a) A determination that -
  - (i) the mass of the helicopter-load combination and the location of its centre of gravity are within approved limits;
  - (ii) the external-load is securely fastened; and
  - (iii) the external-load does not interfere with devices provided for its emergency release;
- (b) make an initial lift-off and verify that controllability is satisfactory;
- (c) while hovering, verify that directional control is adequate;
- (d) accelerate into forward flight to verify that no attitude of the helicopter or of the external-load is encountered, in which the helicopter is uncontrollable or which is otherwise hazardous;
- (e) in forward flight, check for hazardous oscillations of the external-load: Provided that if the external-load is not visible to such pilot-in-command, other crew members or ground personnel may make this check and signal the pilot-in-command; and
- (f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Notwithstanding the provisions of the regulations in Part 91, the owner, operator or pilot-in-command of a helicopter in respect of which a restricted category type certificate has been issued, may conduct an external-load operation over densely inhabited areas, if the operation is conducted without endangering persons, or cause a nuisance to property, animals or birds on the ground and complies with the following:

- (a) The owner, operator or pilot-in-command shall compile an approved plan for each complete operation, which shall include -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) an agreement with the appropriate local authority that local officials will exclude unauthorised persons from the area in which the operation will be conducted;
- (ii) coordination with the appropriate air traffic service unit, if necessary; and
- (iii) a detailed chart depicting the flight routes and altitudes; and
- (b) each flight shall be conducted at an altitude, and on a route, that will allow -
  - (i) an external-load which is capable of being jettisoned, to be released; and
  - (ii) the helicopter to land in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the regulations in Part 91 and except as prescribed in regulation 133.03.3(2)(d), the owner, operator or pilot-in-command of a helicopter engaged in an external-load operation, may conduct the operation, including an approach, departure, and load positioning manoeuvre necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles and structures, if such operation is conducted without endangering persons, or cause a nuisance to property, animals or birds on the ground.

(6) No owner, operator or pilot-in-command of a helicopter engaged in an external-load operation, shall conduct the operation under IFR, except with the prior approval of the Director: Provided that no person shall be carried as part of the external-load under IFR.

**Carriage of persons**

**133.02.2** (1) The owner, operator or pilot-in-command, as the case may be, of a helicopter engaged in an external-load operation, shall ensure that no person is carried during the external-load operation unless such person -

- (a) is a crew member;
- (b) is a crew member trainee;
- (c) is charged with duties essential to the helicopter external-load operation;
- (d) is necessary to accomplish the work activity directly associated with that operation; or
- (e) is being winched on board the helicopter during such external-load operation.

(2) The pilot-in-command shall ensure that all persons are briefed before take-off on all pertinent procedures to be followed, including normal, abnormal and emergency procedures, and equipment to be used during the external-load operation.

**Crew member training, currency and testing requirements**

**133.02.3** (1) The owner or operator of a helicopter engaged in an external-load operation, shall ensure that the pilot-in-command -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) is the holder of a valid external-load rating (helicopter) or winching rating (helicopter), as the case may be, issued in terms of the regulations in Part 61; and
- (b) has the knowledge in respect of the helicopter-load combination, including -
  - (i) the steps to be taken before starting operations, including a survey of the flight area;
  - (ii) the proper method of loading, rigging or attaching the external-load;
  - (iii) the performance capabilities, under approved operating procedures and limitations, of the helicopter to be used;
  - (iv) the proper instructions of crew and ground personnel; and
  - (v) the applicable helicopter-load combination flight manual;
- (c) has the skill in respect of the helicopter-load combination including -
  - (i) take-off and landing;
  - (ii) directional control while hovering;
  - (iii) acceleration from a hover;
  - (iv) flight at operational airspeeds;
  - (v) approaches to landing or working area;
  - (vi) manoeuvring the external-load into the release position; and
  - (vii) winch operation, if a winch is installed to hoist the external-load.

(2) The owner or operator of a helicopter engaged in a Class D helicopter external-load operation, shall ensure that each crew member or other operations personnel member, successfully completes the appropriate initial or recurrent training, as the case may be.

(3) Upon successful completion of the initial or recurrent training, the operator shall issue a certificate of competency to the crew member or other operations personnel member concerned, which certificate shall be valid for a period of 12 months calculated from the date on which such certificate was issued.

(4) Notwithstanding the provisions of subregulation (2), a crew member or other operations personnel who has performed a helicopter external-load operation of the same class and in a helicopter of the same type within the past 12 months, need not undergo recurrent training.

**SUBPART 3**  
**AIRWORTHINESS REQUIREMENTS**

**Flight characteristics requirements**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**133.03.1** (1) The owner or operator of a helicopter engaged in an external-load operation, shall demonstrate to the Director, by performing the operational flight checks prescribed in subregulation (3), (4) or (5), as the case may be, that the helicopter-load combination to be used in the operation, has satisfactory flight characteristics.

(2) For the purposes of the demonstration, the external-load mass, including the external-load attaching means, is the maximum mass for which authorisation is requested.

(3) In the case of a Class A helicopter-load combination, the operational flight check shall consist of at least the following manoeuvres:

- (a) Take-off and landing;
- (b) demonstration of adequate directional control while hovering;
- (c) acceleration from a hover; and
- (d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(4) In the case of a Class B and a Class D helicopter-load combination, the operational flight check shall consist of at least the following manoeuvres:

- (a) Pick up of the external-load;
- (b) demonstration of adequate directional control while hovering;
- (c) acceleration from a hover;
- (d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;
- (e) demonstrating appropriate lifting device operation; and
- (f) manoeuvring of the external-load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed in the helicopter.

(5) In the case of a Class C helicopter-load combination used in wire-stringing, cable-laying, or similar operations, the operational flight check shall consist of the appropriate manoeuvres prescribed in subregulation (4).

**Structures and design**

**133.03.2** (1) Each external-load attaching means and each quick-release device shall have been approved under Part 21.

(2) The total mass of the helicopter-load combination shall not exceed the total mass approved for the helicopter during its type certification.

(3) The location of the centre of gravity shall, for all loading conditions, be within the range established for the helicopter during its type certification.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) For a Class C helicopter-load combination, the magnitude and direction of the loading force shall be established at those values for which the effective location of the centre of gravity remains within its established range.

**Operating limitations**

**133.03.3** (1) In addition to the operating limitations contained in the aircraft flight manual referred to in regulation 91.03.2, and any other limitations which the Director may determine, the owner or operator of a helicopter engaged in an external-load operation, shall establish operating limitations and publish the operating limitations in the helicopter-load combination flight manual referred to in regulation 133.03.4, for helicopter-load combination operations.

- (2) The operating limitations established by the owner or operator shall include -
- (a) the mass and centre of gravity limitations established in accordance with regulation 133.03.2(2), within which the helicopter-load combination may be operated;
  - (b) the external-load mass of the helicopter-load combination which shall not exceed the external-load mass referred to in regulations 133.03.1 and 133.03.2;
  - (c) the airspeeds at which the helicopter-load combination may be operated, which airspeeds shall not be greater than the airspeeds established in accordance with regulation 133.03.1(3), (4) or (5);
  - (d) a prohibition on the conducting of an external-load operation in terms of the regulations in this Part, with a helicopter, type certificated in the restricted category in terms of the regulations in Part 21, over a densely inhabited area, in a congested airway, or near an aerodrome licensed in terms of the regulations in Part 139; and
  - (e) in the case of a Class D helicopter-load combination, such combination may only be conducted in accordance with the following:
    - (i) The helicopter to be used shall provide hover capability with one engine inoperative at that operating mass and altitude;
    - (ii) the helicopter shall be equipped to allow direct radio intercommunication among required crew members;
    - (iii) the personnel lifting device shall be of an approved type; and
    - (iv) the lifting device shall have an emergency release requiring two distinct actions.

**Helicopter-load combination flight manual**

**133.03.4** (1) The owner or operator of a helicopter to be used in an external-load operation, shall compile a helicopter-load combination flight manual and submit the helicopter-load combination flight manual for approval to the Director.

(2) The helicopter-load combination flight manual shall be prepared in accordance with the aircraft flight manual referred to in regulation 91.03.2.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (3) The helicopter-load combination flight manual shall include -
  - (a) the operating limitations, other than the limiting height-speed envelope data, normal, abnormal and emergency procedures, performance and any other information required in terms of this Subpart;
  - (b) the class of helicopter-load combinations for which the airworthiness of the helicopter has been demonstrated in accordance with regulations 133.03.1 and 133.03.2; and
  - (c) in the information section of the helicopter-load combination flight manual -
    - (i) information on any peculiarities discovered when operating particular helicopter-load combinations;
    - (ii) precautionary advice regarding static electricity discharges for Class B, Class C and Class D helicopter-load combinations; and
    - (iii) any other information essential for safe operation with external-loads.
- (4) The operator shall include the helicopter-load combination flight manual in the operations manual referred to in regulation 127.04.3.

**Markings and placards**

**133.03.5** The owner or operator of a helicopter engaged in an external-load operation, shall ensure that the markings and placards as prescribed in Document NAM-CATS-OPS 133, are displayed in a conspicuous place and cannot be easily erased, disfigured, or obscured.

**Equipment**

**133.03.6** When the pilot at the flight controls of a helicopter engaged in an external-load operation, is not verbally guided by a crew member on board the helicopter, or by a person on the ground using two-way radio communication or the appropriate hand signals, and such pilot is not able to monitor the external-load from his or her station, such helicopter shall be fitted with a mirror in such manner that such pilot is able to monitor the external-load from his or her station and conduct the operation without such guidance.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 135**  
**AIR TRANSPORT OPERATIONS - CARRIAGE OF**  
**LESS THAN 20 PASSENGERS OR CARGO**

[Part 135 is substituted by GN 11/2024.]

**LIST OF REGULATIONS**

[Note that the Division headings within the Subparts  
appear in upper case in the text below.]

**SUBPART 1: GENERAL**

- 135.01.1 Applicability
- 135.01.2 Admission to flight deck
- 135.01.3 Passenger intoxication and unruly behaviour
- 135.01.4 Compliance with foreign and domestic regulations  
[The heading of this regulation in the text below is  
"Compliance with laws, regulations and procedures".]
- 135.01.5 Regulatory infractions during emergency situations
- 135.01.6 Language proficiency  
[The heading of this regulation in the text below is  
"Language proficiency - other languages".]

**SUBPART 2: OPERATIONS PERSONNEL REQUIREMENTS**

**Division One: Minimum Flight crew requirements**

- 135.02.1 Composition of flight crew
- 135.02.2 Minimum requirements for assignment as pilot-in-command
- 135.02.3 Crew pairing and in-flight relief of flight crew members
- 135.02.4 Flight crew member emergency duties

**Division Two: Qualification requirements**

- 135.02.5 Flight crew member qualifications
- 135.02.6 Area, route and aerodrome qualifications
- 135.02.7 Requirement for flight followers
- 135.02.8 Flight operations officer or follower qualifications
- 135.02.9 Ground personnel qualifications

**Division Three: Flight time and duty limitations**

- 135.02.10 Flight time and duty scheme
- 135.02.11 Fatigue risk management system
- 135.02.12 Approval of a fatigue risk management system  
[The heading of this regulation in the text below is  
"Approval of fatigue risk management system" (without the word "a").]
- 135.02.13 Fatigue risk management system manual

**SUBPART 3: TRAINING AND CHECKING**

[In the text below, Subpart 3 has Division headings that are  
omitted from the LIST OF REGULATIONS, as indicated below.]

**Division One: General**

- 135.03.1 Operator approved training programme
- 135.03.2 Approval of training programme

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Division Two: Flight crew member training**

- 135.03.3 Flight crew member training
- 135.03.4 Advanced qualification programme

**Division Three: Training of persons other than flight and cabin crew members**

- 135.03.5 Employee and service agent training

**Division Four: Training, checking, certification and validity**

- 135.03.6 Checking of flight crew members
- 135.03.7 Training and pilot proficiency or competency check validity periods
- 135.03.8 Flight crew proficiency checks and initial type rating

**SUBPART 4: DOCUMENTATION AND RECORDS**

- 135.04.1 Documentary requirements
- 135.04.2 Operations manual
- 135.04.3 Standard operating procedures
- 135.04.4 Aeroplane flight manual
- 135.04.5 Operational flight plan
- 135.04.6 Flight time and duty period records
- 135.04.7 Records of emergency and survival equipment
- 135.04.8 Training records
- 135.04.9 Load and trim sheet
- 135.04.10 Aeroplane search procedure checklist
- 135.04.11 Preservation of documents
- 135.04.12 Air traffic services flight planning for a series of flights

**SUBPART 5: AEROPLANE INSTRUMENTS AND EQUIPMENT**

- 135.05.1 General
- 135.05.2 Approval of instruments and equipment
- 135.05.3 Flight, navigation and associated equipment for aeroplanes operated under visual flight rules
- 135.05.4 Flight, navigation and associated equipment for aeroplanes operated under instrument flight rules or at night
- 135.05.5 Altitude alerting system
- 135.05.6 Terrain awareness and warning system
- 135.05.7 Airborne weather radar equipment
- 135.05.8 Equipment to clear windshield
- 135.05.9 First aid kit
- 135.05.10 Airborne collision avoidance system
- 135.05.11 Passenger cabin signs and placards
- 135.05.12 Flight recorders
- 135.05.13 Flight data recorders
- 135.05.14 Cockpit voice recorders
- 135.05.15 Data link recorders
- 135.05.16 Lifesaving equipment during flight over open water
- 135.05.17 Equipment requirements for aeroplanes on long range over-water flights
- 135.05.18 Equipment requirements for seaplanes
- 135.05.19 Emergency locator transmitter
- 135.05.20 Microphones
- 135.05.21 Fire extinguisher



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

135.05.22 Turbo-jet aeroplanes - forward-looking wind shear warning system

**SUBPART 6: AIR OPERATOR CERTIFICATE**

- 135.06.1 Requirements to hold air operator certificate
- 135.06.2 Application for issue or amendment of air operator certificate and operations specifications
- 135.06.3 Application, assessment of and issue of air operator certificate or operations specifications

[The heading of this regulation in the text below is

“Application, **consideration** of and issue of air operator certificate or operations specifications”.]

- 135.06.4 Validity and status of air operator certificate
- 135.06.5 Safety and security inspections and audits
- 135.06.6 Administrative duties of air operator certificate holder
- 135.06.7 Register of air operator certificates
- 135.06.8 Operator notification
- 135.06.9 Demonstration flights

[The heading of this regulation in the text below is

“Demonstration flights **for initial application**”.]

**SUBPART 7: FOREIGN AIR OPERATOR PERMIT**

- 135.07.1 Requirement for foreign air operator permit
- 135.07.2 Application for foreign air operator permit or amendment of air operator permit
- 135.07.3 Assessment of application and issue of permit
- 135.07.4 Period of validity
- 135.07.5 Transferability
- 135.07.6 Duties of holder of permit
- 135.07.7 Renewal of permit
- 135.07.8 Safety inspections and audits
- 135.07.9 Suspension, revocation and variation of air operator certificate and foreign air operator permit
- 135.07.10 Register of permits

**SUBPART 8: FLIGHT OPERATIONS**

**Division One: General**

- 135.08.1 Routes and areas of operation and aerodrome facilities
- 135.08.2 Establishment of procedures
- 135.08.3 Competence of operations personnel
- 135.08.4 Use of air traffic services
- 135.08.5 Requirements for operations of single engine turbine and piston powered aeroplanes at night or in instrument meteorological conditions
- 135.08.6 Defect reporting
- 135.08.7 Instrument approach and departure procedures
- 135.08.8 Environmental protection
- 135.08.9 Additional requirements for single pilot operation under instrument flight rules or night visual flight rules flight
- 135.08.10 Reporting of hazardous flight conditions
- 135.08.11 Refuelling and defueling with passengers on board
- 135.08.12 Reporting acts of unlawful interference
- 135.08.13 In-flight simulation of emergencies
- 135.08.14 Security of flight crew compartment

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**Division Two: Dispatch and flight release rules**

- 135.08.15 Operational control and supervision of flight operations
- 135.08.16 Services for operational control system
- 135.08.17 Operational flight plan and flight release
- 135.08.18 Familiarity with technical information
- 135.08.19 Retention of flight operations documents and reports
- 135.08.20 Maintenance status
- 135.08.21 Requirements for minimum equipment lists
- 135.08.22 Aerodrome operating minima
- 135.08.23 Minimum flight altitudes
- 135.08.24 Ditching
- 135.08.25 Fuel policy
- 135.08.26 Fuel and oil supply and record keeping
- 135.08.27 Operation of aircraft in icing conditions
- 135.08.28 In-flight operational changes to flight plan conditions
- 135.08.29 Surface contamination programme
- 135.08.30 Mass and balance control
- 135.08.31 Low visibility operations
- 135.08.32 Operations with head-up displays or enhanced vision systems

[The heading of this regulation in the text below is

“Operations with head-up displays or vision systems” (without the word “enhanced”).]

- 135.08.33 Operations with electronic flight bags

**Division Three: Cabin Safety**

- 135.08.34 Carry-on baggage
- 135.08.35 Hold baggage screening
- 135.08.36 Securing of passenger cabin and galley
- 135.08.37 Passenger services
- 135.08.38 Briefing of passengers
- 135.08.39 Safety features card
- 135.08.40 Seats, seat safety belts, harnesses and child restraint devices and carriage of infants

[The heading of this regulation in the text below is

“Seats, seat safety belt, harness and child restraint device and carriage of infant”  
(with several singular nouns rather than plural nouns).]

- 135.08.41 Carriage of persons with disability
- 135.08.42 Limitations on carriage of children and passengers with disability
- 135.08.43 Carriage of persons without documentation, deportees or persons in custody
- 135.08.44 Portable electronic devices

**SUBPART 9: AEROPLANE PERFORMANCE OPERATING LIMITATIONS**

- 135.09.1 General requirements
- 135.09.2 Take-off mass limitations
- 135.09.3 Net take-off flight path
- 135.09.4 En route limitations with single-engine aeroplanes
- 135.09.5 En route limitations with one engine inoperative
- 135.09.6 En route limitations with more than one engine inoperative
- 135.09.7 Dispatch limitations: landing at destination and alternate aerodromes
- 135.09.8 Dispatch limitations: wet runway- turbojet- or turbofan-powered aeroplanes
- 135.09.9 Landing on dry runways
- 135.09.10 Landing on wet and contaminated runways

**SUBPART 10: MAINTENANCE CONTROL**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 135.10.1 General
- 135.10.2 Aeroplane maintenance programme
- 135.10.3 Maintenance contracted to approved aircraft maintenance organisation
- 135.10.4 Operator's maintenance responsibilities
- 135.10.5 Operator's maintenance control manual
- 135.10.6 Maintenance records
- 135.10.7 Continuing airworthiness information
- 135.10.8 Modifications and repairs

**SUBPART 11: SAFETY AND QUALITY MANAGEMENT SYSTEMS**

- 135.11.1 Requirements for quality management system

**SUBPART 12: SECURITY**

- 135.12.1 Aviation security for domestic and international air transport operations

**SUBPART 13: DANGEROUS GOODS**

- 135.13.1 Transportation of dangerous goods

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**135.01.1** (1) This Part applies to any Namibia operator engaged in a commercial air transport operation using -

- (a) aeroplanes registered in Namibia -
  - (i) having a maximum certificated passenger seating capacity of 19 or less as authorised in the initial type certificate issued to the aeroplane; or
  - (ii) operating in an all-cargo configuration having a maximum certificated take-off mass of 8 618 kilogrammes or less;
- (b) any aircraft that is authorised by the Executive Director to be operated under this Part;
- (c) persons employed, or otherwise engaged by the operator referred to in subregulation (1)(a), who perform functions essential to the operation of aeroplanes operated under this Part, and
- (d) persons, mail or cargo on board an aeroplane operated under this Part.

(2) For the purposes of this Part, an aeroplane registered in another State and operated by the holder of an operating certificate issued in Namibia, must be considered to be registered in Namibia.

**Admission to flight deck**

**135.01.2** (1) An operator and the pilot-in-command of any aeroplane with a flight deck door operated under this Part, must ensure that no person, other than the flight crew members assigned to the flight, is admitted to, or carried on the flight deck of the aeroplane unless the person is -

- (a) an authorised officer, inspector or authorised person; or
- (b) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 135.04.2.

(2) Despite subregulation (1), an operator of aeroplanes certificated or authorised for flight with one pilot may use the second seat on the flight deck as a passenger seat.

(3) Despite subregulation (1), the pilot-in-command may, in the interests of safety, deny a person admission or remove the person from the flight deck and any decision to deny admission or remove a person from the flight deck must be reported to the operator and must include the reasons for the decision.

(4) The pilot-in-command must ensure that any person carried on the flight deck is made familiar with the applicable safety equipment and pertinent operational procedures.

**Passenger intoxication and unruly behaviour**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.01.3** (1) An air operator may not permit a person to enter or be in the aeroplane while under the influence of alcohol or a drug having a narcotic effect, to the extent where it is reasonably foreseeable to the operator or pilot-in-command that the safety of the aeroplane or its occupants is or is likely to be endangered.

(2) An operator must establish procedures to ensure that any person referred to in subregulation (1) or one whose behaviour otherwise represents a threat to the safety of the aeroplane or its occupants or to the maintenance of good order and discipline on board the aeroplane is -

- (a) refused embarkation; or
- (b) if the person is on board, restrained or disembarked, if possible.

**Compliance with laws, regulations and procedures**

**135.01.4** (1) An operator must ensure that its flight crew is familiar with the laws, regulations, and procedures, pertinent to the performance of their flight duties and required for areas to be traversed, aerodromes to be used, and air navigation facilities relating thereto.

(2) An operator must ensure that all its employees, when performing their functions abroad, know that they must comply with the laws, regulations, and procedures of a concerned State.

(3) The Authority must immediately notify a foreign operator and if warranted, a State of the foreign operator and a State of Registry, as the case may be, if -

- (a) a non-compliance or suspected non-compliance with applicable laws of Namibia by a foreign operator is identified, or
- (b) a potential serious safety issue similar to one encountered by another operator is identified.

(4) The Authority must consult with a State of an operator and a State of Registry as applicable concerning safety standards maintained by a foreign operator if a notification as specified in subregulation (3) is issued and its resolution warrants it.

**Regulatory infractions during emergency situations**

**135.01.5** (1) If a pilot-in-command takes an action considered necessary to ensure the safety of an aeroplane which results in a violation of any regulation of a State in, or over which an aeroplane is being operated, the pilot-in-command must comply with the requirements of regulation 91.01.2 and, where possible, cause the event to be marked on a cockpit voice recorder.

(2) Despite any requirement to file a report in terms of regulation 91.01.2, a pilot-in-command must submit a full report of the event to a person responsible for operations within 48 hours after conclusion of the flight in the manner specified in a concerned air carrier's operations manual.

(3) A pilot-in-command must, within 48 hours following an act of unlawful interference whereby the pilot-in-command was incapacitated, report the act to the Authority and any other appropriate authority.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Language proficiency - other languages**

**135.01.6** (1) In addition to the English Language Proficiency referred to in Part 61, an operator may not assign a flight crew to duty unless at least one member of the flight crew has the ability to speak and understand the language used for radiotelephony communications over any route and at any aerodrome named in the operational flight plan for that flight.

(2) The level of language proficiency required to be demonstrated to the operator must be as provided for in Document NAM-CATS-OPS 135.

**SUBPART 2**  
**OPERATIONS PERSONNEL REQUIREMENTS**

**DIVISION ONE: FLIGHT CREW REQUIREMENTS**

**Composition of flight crew**

**135.02.1** (1) The minimum number and composition of the flight crew must not be less than the minimum number and composition specified in the aeroplane flight manual referred to in regulation 135.04.4.

(2) An operator must allocate additional flight crew members when it is required by the type of operation, and the number of the additional flight crew members must not be less than the number specified in the operations manual referred to in regulation 135.04.2.

(3) The flight crew must include at least one member who is proficient in navigating over the route to be flown using the equipment required for the navigation.

(4) An operator must designate for each flight a pilot-in-command and, where the aeroplane is required by this Part to be operated by two pilots, a second-in-command.

(5) A flight crew member may be relieved in flight of his or her flight deck duties by another flight crew member qualified in accordance with regulations 135.02.3 and 135.02.5.

(6) A co-pilot is required for instrument flight rules commercial air transport operations unless the Authority has issued an exemption, in accordance with the exemption process in Part 3 of these regulations, for the use of an autopilot in lieu of a co-pilot. This exemption must be for domestic operations only and for aeroplane with a maximum certificated take-off mass of 5 700 kilogrammes (12 566 lb) or less or helicopters with a maximum certificated take-off mass of 3 175 kilogrammes or less.

(7) When a separate flight engineer's station is incorporated in the design of an aeroplane and the flight engineer function cannot be accomplished from the pilot's station by a pilot who holds a flight engineer license without interference with regular duties, the flight crew must include at least one crew member who holds a flight engineer license especially assigned to that station.

**Minimum requirements for assignment as pilot-in-command**

**135.02.2** (1) An operator may not assign a flight crew member as a pilot-in-command, and a flight crew member may not accept any assignment to act as a pilot-in-command

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

of any aeroplane, unless the flight crew member meets the minimum flight time requirements for command and the operating experience requirements in Document NAM-CATS-OPS 135.

(2) The Executive Director may, in the interests of safety, require a pilot-in-command to have additional flight time experience prior to operating in that position.

(3) An operator must publish the minimum flight time for assignment and operating experience requirements for a pilot-in-command in its operations manual.

**Crew pairing and in-flight relief of flight crew members**

**135.02.3** (1) An operator must publish procedures in its operations manual to ensure flight crew members who do not meet the crew pairing standards specified in Document NAM-CATS-OPS 135 are not simultaneously assigned to flight duty.

(2) A flight deck crew member may be relieved in flight of his or her flight deck duties by another flight deck crew member qualified in accordance with regulation 135.02.5.

(3) A flight engineer may be relieved in flight by a flight crew member who is qualified in accordance with regulation 135.02.10 or by a suitably qualified flight crew member acceptable to the Executive Director.

(4) An operator may not assign to a person and a person may not accept, an assignment to provide in-flight relief for the purpose of extending any flight duty period, unless the relief pilot holds the minimum qualifications specified in regulation 135.02.9.

**Flight crew member emergency duties**

**135.02.4** (1) An operator and, where appropriate, the pilot-in-command of any aeroplane operated in terms of this Part, must assign to each flight crew member concerned, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation.

(2) The functions referred to in subregulation (1) must be the as to ensure that any reasonably anticipated emergency can be adequately dealt with and must take into consideration the possible incapacitation of individual flight crew members.

(3) A flight crew member may not accept an assignment of emergency functions unless the flight crew member has been instructed in the performance of the emergency functions in accordance with the requirements in Subpart 3 and must include instruction in the use of all emergency and lifesaving equipment required to be carried.

**DIVISION TWO: QUALIFICATION REQUIREMENTS****Flight crew member qualifications**

**135.02.5** (1) Subject to subregulation (5), an operator may not assign a person to act and a person may not act as the pilot-in-command or second-in-command of an aeroplane in a commercial air transport operation unless the person -

- (a) is the holder of valid licences, ratings and certificates appropriate to his or her assignment; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) has completed the training and checking requirements specified in Subpart 3 as appropriate to the intended flight.

(2) A pilot who does not meet the recency requirements of regulation 91.02.4 or whose training and checking validity periods have lapsed must regain competency as provided for in the regaining competency requirements specified in Subpart 3.

(3) Except as provided in subregulation (4), an operator may not assign a person to act and a person may not act as the pilot-in-command or second-in-command on more than three aeroplane types for which a separate licence endorsement is required, having a maximum certificated take-off mass greater than 5 700 kilogrammes and operated in terms of this Part.

(4) If a person acts as the pilot-in-command or second-in-command on one or more aircraft types with an maintenance control manual greater than 5 700 kilogrammes in terms of Part 93, 96, 121 or 127, the number of aeroplane types operated in terms of this Part must be reduced by an equal number.

[The article “an” before the phrase “maintenance control manual” should be “a”.]

(5) An operator may permit a person to act and a person may act as the pilot-in-command or second-in-command of an aeroplane where the person does not meet the requirements of subregulation (1), if -

- (a) the aeroplane is operated on a training, ferry or positioning flight; and
- (b) the operator -
  - (i) is authorised to do so in its operations manual; and
  - (ii) otherwise complies with the provisions of this Part.

**Area, route and aerodrome qualifications**

**135.02.6** (1) An operator may not assign a pilot to act, and a pilot may not act, as a pilot-in-command of an aeroplane engaged in passenger-carrying operations, unless the pilot-in-command has familiarised himself or herself with the area, route and aerodromes to be operated over or into prior to operating there, including consideration of -

- (a) the aerodrome operating minima, terrain and minimum safe altitudes;
- (b) the en-route and aerodrome meteorological conditions, in particular any localized adverse weather patterns;
- (c) the meteorological, communication and air traffic and search and rescue facilities, services and procedures, as appropriate;
- (d) the aerodrome obstructions, physical layout, approach aids and arrival, departure, holding and instrument approach procedures and weather minima;
- (e) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) with respect to the navigational capability associated with the route along which the flight is to take place -
  - (i) the use of the equipment needed to navigate the route; and
  - (ii) the navigational facilities and procedures, including any long-range or specialised navigation procedures or equipment, to be used.

(2) An operator must establish in its operations manual the means by which the pilot-in-command is to become familiar with the area, route and aerodromes over or into which he or she is to operate.

**Requirement for flight followers**

**135.02.7** An operator must employ sufficient flight followers to ensure adequate operational control is exercised over its flights.

**Flight operations officer or follower qualifications**

**135.02.8** (1) An owner or operator must ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of the duties to the operation as a whole.

(2) An operator may not permit a person to act and a person may not act as a flight follower, unless the person meets the training and checking requirements specified in Subpart 3.

**Ground personnel qualifications**

**135.02.9** Where an operator employs ground personnel to provide essential ground support services appropriate to the aeroplanes and type of service being operated, the operator must ensure -

- (a) persons assigned to the handling of dangerous goods are qualified to do so in accordance with Subpart 3; and
- (b) persons assigned to provide direct service to an operator's aeroplanes or any passenger, cargo or mail intended to be carried aboard the aeroplanes, are trained and qualified as appropriate to their assignments.

**DIVISION THREE: FLIGHT TIME AND DUTY LIMITATIONS**

**Flight time and duty scheme**

**135.02.10** (1) An operator must -

- (a) establish a scheme for the regulation of flight time and duty periods, rest periods and days free of duty as applicable, for each flight crew member and flight operations officer that -
  - (i) complies with the flight time and duty period limitations, rest periods and days free of duty, specified in Document NAM-CATS-OPS 135; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) is a system of flight time and duty period limitations, rest periods and days free of duty proposed by the operator where the Executive Director is of the opinion that an equivalent level of safety may be achieved by the operator's proposed scheme; and
  - (b) publish the scheme referred to in subregulation (1)(a) in the operations manual referred to in regulation 135.04.2.
- (2) The operator may not assign any assignment to a flight crew member and a flight crew member may not accept an assignment if the assignment is not in compliance with the provisions of the scheme referred to in subregulation (1)(a) or if -
- (a) the operator or flight crew member knows or has been made aware that the flight assignment will cause the flight crew member to exceed the flight time or duty periods referred to in subregulation (1)(a) while on duty; or
  - (b) the flight crew member is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from fatigue which may endanger the safety of the aeroplane or its flight crew members and passengers.
- (3) An operator may not schedule a flight crew member for flight time for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in subregulation (1)(a).
- (4) Where any flight crew member is aware of any reason, they would be in violation of the scheme referred to in subregulation (1)(a), that person must, without delay, inform the operator.

**[The comma between the words "reason" and "they" is superfluous.]**

- (5) For the purposes of this Regulation, the operator must be taken to mean -
  - (a) the appropriate management personnel if time permits;
  - (b) the duty crew scheduler of the operator; or
  - (c) the duty person responsible for operational control over the flight.
- (5) The provisions to be included in a flight time and duty scheme referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 135.

**Fatigue risk management system**

- 135.02.11** (1) An operator who establishes a scheme for the regulation of flight time and duty periods in accordance with regulation 135.02.10(1)(a)(ii) must establish a fatigue risk management system for the purpose of managing fatigue.
- (2) An operator's fatigue risk management system must contain, as a minimum -
    - (a) a fatigue risk management system policy;
    - (b) a fatigue risk management processes;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) a safety assurance processes; and
- (d) a fatigue risk management system promotion processes:

[The article “a” does not accord with the plural noun “processes” in paragraphs (b)-(d).]

specified in Document NAM-CATS-OPS 135.

(3) An operator must designate a person responsible for the fatigue risk management system who meets the qualifications and experience requirements and who will be responsible for the functions as provided for in Document NAM-CATS-OPS 135.

- (4) A fatigue risk management system established in terms of subregulation (1) must -
  - (a) be based upon scientific principles, knowledge and operational experience with the aim of ensuring that flight crew and cabin crew members are performing at an adequate level of alertness; and
  - (b) be integrated with the safety management system.

**Approval of fatigue risk management system**

**135.02.12** (1) An operator must submit to the Executive Director their proposed fatigue risk management system which complies with regulation 135.02.11(2).

(2) The Executive Director must approve the commencement of a trial phase for implementation of the proposed fatigue risk management system for a trial period of up to 36 months if the Executive Director is satisfied that the operator has complied with the provisions of regulation 135.02.11(2).

(3) At any time during the approved trial phase, the Executive Director may withdraw the approval if it becomes evident that the operator does not comply with the provisions of the system or these regulations.

(4) During the trial phase, an operator may implement the proposed maximum and minimum flight time and duty values, as determined by the operator and approved by the Executive Director.

(5) After a 24 months period an operator, approved under subregulation (2), may apply to the Executive Director for full approval by providing evidence that the fatigue risk management system is delivering the required safety outcomes.

[The phrase “24 months” should be “24-month”.]

(6) Where the Executive Director is satisfied that the evidence provided under subregulation (5) is acceptable, the Executive Director must issue a full approval to implement the fatigue risk management system.

**Fatigue risk management system manual**

**135.02.13** (1) An operator must draw up a fatigue risk management system containing all the information required under this Part and publish the content in their operations manual as provided for in Document NAM-CATS-OPS 135.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**SUBPART 3**  
**TRAINING AND CHECKING**

**DIVISION ONE: GENERAL**

**Operator approved training programme**

**135.03.1** (1) An operator must establish, implement and maintain a training and checking programme for all personnel referenced in this Subpart that will ensure that the personnel are adequately trained and qualified to perform their assigned duties and the personnel must undergo the training from that operator, except as provided in Document NAM-CATS-OPS 135.

(2) The training programme referred to in subregulation (1) must be conducted by an aviation training organisation approved in accordance with Part 141 or by the operator if approved by the Executive Director as provided in regulation 135.03.2 but if approved to be conducted by the operator -

- (a) the programme must be conducted for the operator’s employees only;
- (b) with respect to any licence, rating or validation under Part 61 or 64, the training must be restricted to -
  - (i) training for an instrument rating revalidation;
  - (ii) initial type rating, familiarisation and differences training; and
  - (iii) training for licence renewals and proficiency checks; and
- (c) the training must be for any other qualification or certification required under this Part.

(3) An operator who has been approved to conduct its own training programme as provided for in subregulation (2), may contract the training either in whole or in part to another organisation in accordance with the provisions specified in Document NAM-CATS-OPS 135.

- (4) An operator must ensure that -
  - (a) prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full time or part time basis, receive training as appropriate to his or her duties in accordance with the provisions in Document NAM-CATS-OPS 135;
  - (b) each person required to receive the training referred to in paragraph (a), must pass a written examination or other comprehension assessment acceptable to the Executive Director and where applicable, complete a skills test as specified in this Subpart; and
  - (c) the training facilities, equipment and personnel must meet the requirements specified in Document NAM-CATS-OPS 135.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The training and checking programme referred to in subregulation (1) must comply with Document NAM-CATS-OPS 135.

(6) The training programme referred to in subregulation (1) must include a system of record keeping referred to in regulation 135.04.8.

(7) The training records referred to in subregulation (6) must be retained as provided in regulation 135.04.8.

(8) An operator must publish the training programme referred to in regulation 135.03.1(1) in the operations manual referred to in regulation 135.04.2.

**Approval of training programme**

**135.03.2** (1) An operator must submit its ground and flight training programme and any amendments to its ground and flight training programme to the Executive Director for approval.

(2) The initial and final approval process must be as provided for in Document NAM-CATS-OPS 135.

(3) The Executive Director may approve an operator to have its training programme either in whole or in part contracted to another organisation in accordance with Document NAM-CATS-OPS 135.

**DIVISION TWO: FLIGHT CREW MEMBER TRAINING**

**Flight crew member training**

**135.03.3** (1) An operator must provide ground and flight training to its flight crew members that includes at least the following training components -

- (a) company induction training;
- (b) crew resource management training including human factors, risk analysis and error management training;
- (c) cabin safety procedures, emergency equipment procedures and security training;
- (d) initial and recurrent aeroplane type ground and flight training; and
- (e) regaining recency or qualification training when required.

(2) An operator must provide ground and flight training to its flight crew members that includes at least the following training components as appropriate to its operation and the type of aeroplane operated -

- (a) line induction training on aeroplanes with a maximum take-off mass of greater than 5 700 kilogrammes following initial training or upgrade training;
- (b) differences and familiarisation training where the operator intends to assign a flight crew member to variant types, in accordance with regulation 135.02.5(1)(b);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) initial upgrade training for aeroplanes required to be crewed by two pilots;
- (d) for aeroplanes with dual controls, pilot training to operate in either pilot seat for pilots required to operate in either seat;
- (e) area, route and airport familiarization training on initial conversion or upgrade training, as applicable;
- (f) airborne collision avoidance system training;
- (g) reduced vertical separation minima training;
- (h) training for low visibility take-off;
- (i) single-engine instrument flight rules and night visual flight rules training;
- (j) single pilot instrument flight rules and night visual flight rules training;
- (k) dangerous goods training;
- (l) upset prevention and recovery training; and
- (m) any other course of studies required by the Executive Director as provided for in Document NAM-CATS-OPS 135 to ensure full competency of personnel on new or special equipment installed in the operator's aeroplane or other operations requiring specialised training.

(3) The training required by subregulation (1) and (2) must be as provided for in Document NAM-CATS-OPS 135.

(4) The validity period for any training required under this subpart must be as provided for in regulation 135.03.6.

**Advanced qualification programme**

**135.03.4** (1) The Executive Director may, upon application by an operator, approve the incorporation of an advanced qualification programme into the operator's approved training programme but the advanced qualification programme must meet the conditions specified in Document NAM-CATS-OPS 135.

(2) The advanced qualification programme must ensure a level of proficiency is maintained at least to the standards required by Division four of this Subpart.

**DIVISION THREE: TRAINING OF PERSONS OTHER THAN FLIGHT  
AND CABIN CREW MEMBERS**

**Employee and service agent training**

**135.03.5** An operator must provide initial, recurrent and refresher training and checking as provided for in Document NAM-CATS-OPS 135 for any person whose function is essential to safe operations in terms of this Part and the training must be given to at least -

- (a) flight followers;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) ground service personnel as identified in regulation 135.02.8, as applicable; and
- (c) any other person the Executive Director determines is required to receive training.

**DIVISION FOUR: TRAINING, CHECKING, CERTIFICATION AND VALIDITY**

**Checking of flight crew members**

**135.03.6** (1) An operator may not assign any assignment to operate an aeroplane under this part to a pilot-in-command or a second-in-command and a pilot-in-command or second-in-command may not accept an assignment to operate an aeroplane under this Part unless he or she has completed the check requirements specified in Document NAM-CATS-OPS 135.

(2) The conduct of the checks required in terms of this subpart must be as provided for in Document NAM-CATS-OPS 135.

(3) An initial and recurrent flight training, and proficiency and competency checks for a flight crew member conducting single pilot operation, must be performed -

- (a) in a single pilot role on the same class of aeroplane; and
- (b) in an environment representative of an operation.

**Training and pilot proficiency or competency check validity periods**

**135.03.7** (1) The validity periods of the training required by this Subpart for flight crew members are as follows:

- (a) company induction training must be indefinite while employed with that operator except that significant changes in policies or procedures are required to be conveyed to the employee as required;
- (b) crew resource management training is valid to the first day of the thirteenth month following the last training;
- (c) cabin safety, emergency equipment and security training -
  - (i) cabin safety, emergency equipment and security theoretical training is valid indefinitely provided new equipment or procedures are not introduced, whereupon employees must receive training in the equipment or procedures; and
  - (ii) practical training in the use of emergency equipment is valid until the first day of the thirty-seventh month following the last training;
- (d) aeroplane ground and flight training is valid to the first day of the thirteenth month following the last training;
- (e) regaining competency training is valid indefinitely unless a provision of the Regulation is not met;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) line induction training is valid indefinitely unless the pilot is required to undergo initial or upgrade training;
- (g) differences and familiarisation training is valid indefinitely provided recurrent ground and flight training is completed as provided in the approved training programme;
- (h) upgrade training is valid indefinitely on that aeroplane type;
- (i) pilot qualification to operate in either pilot seat is valid to the first day of the thirteenth month following the last training;
- (j) airborne collision avoidance system training is valid to the first day of the thirteenth month following the last training;
- (k) reduced vertical separation minima training is valid indefinitely provided the pilot has operated in airspace in the preceding 12 months;
- (l) low visibility take-off training is valid to the first day of the thirteenth month following the last training;
- (m) single-engine instrument flight rules or night training is valid to the first day of the thirteenth month following the last training.

[The full stop at the end of paragraph (m) should be a semicolon.]

- (n) single-pilot instrument flight rules or night operations training is valid to the first day of the thirteenth month following the last training;
- (o) dangerous goods training and dangerous goods awareness training are valid to the first day of the twenty-fifth month following the last training; and
- (p) the validity periods of training in other areas must be as determined by the Executive Director. Training with respect to flight operations involving the use of specialised equipment or procedures must be accomplished as part of the annual recurrent training programme.

(2) The validity period of the training required by this Subpart for employees and agents must be as specified in the approved training programme.

(3) Except as provided in Document NAM-CATS-OPS 135, the following checking validity periods must apply -

- (a) for flight crew members -
  - (i) except as provided in subparagraph (ii), a pilot proficiency check or competency check is valid to the first day of the seventh month following the month the pilot proficiency check or competency check took place;
  - (ii) where an operator is approved for aeroplane grouping on specific aeroplane types, as provided in in Document NAM-CATS-OPS 135.03.6, the approval allows for the pilot proficiency check completed on one aeroplane of the grouped types to be valid to the first day of the seventh month following the



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

month in which the pilot proficiency check took place for all the aeroplanes in that grouping; and

(iii) a line check is valid until the first day of the thirteenth month following the month the line check took place; and

(b) for other than flight crew members, checks are valid until the first day of the twenty-fifth month following the month the check took place.

(4) Where any required training or check is renewed within the last 90 days of its validity period, its validity period is extended by 12, 24 or 36 months, as appropriate.

(5) The Executive Director may extend the validity period of any training or check by up to 30 days where the Executive Director is satisfied that the application is justified and that aviation safety is not likely to be compromised but the request for extension must be submitted prior to the expiration of the check or training.

(6) Completion of a training or check requirement at any time during the periods specified in paragraphs (4) or (5) must be considered as completed in the month due for calculation of the next due date.

**Flight crew proficiency checks and initial type rating**

**135.03.8** (1) A flight crew member must undergo a proficiency check, referred to in this Part, in respect of an aeroplane with a turbo fan which includes a light jet, at least once every six months in a flight simulator, approved for the purpose.

(2) If a flight crew member undergoes an initial type rating for a turbo fan aeroplane on an actual aircraft, an approved simulator course must be completed within six months of initial type rating.

(3) An operator may be granted permission to deviate from a proficiency check requirement for a particular type of aeroplane for a period not exceeding six months but the operator must demonstrate a satisfactory equivalent of the requirement.

(4) The Executive Director may, on application, exempt an operator from the requirements of subregulations (1) and (2) where the operator submits proof that -

- (a) a flight simulator is not available;
- (b) a flight simulator does not exist for a particular aeroplane in which the contemplated abnormal and emergency procedures may be simulated; or
- (c) the relevant abnormal or emergency procedures can be safely carried out in the particular concerned aircraft, or in a similar aircraft.

(5) A permission referred to in subregulation (3) and an exemption granted in terms of subregulation (4) must be issued on a case by case basis upon consideration of a safety case and risk assessment, and must be withdrawn when a suitable device becomes available.

(6) When an operator is granted a permission to deviate from a current proficiency check requirement, a subsequent proficiency check must be performed on a simulator unless it is proven that a simulator does not exist.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 4**  
**DOCUMENTATION AND RECORDS**

**Documentary requirements**

**135.04.1** (1) An operator must ensure that, in addition to the requirements in regulation 91.03.1, the following documents or electronic equivalents are carried on board an aeroplane during flight -

- (a) a copy of the operational flight plan;
- (b) a special loads notification (notification to captain), if applicable;
- (c) an insurance certificate or proof of insurance;
- (d) a certified copy of the latest updated air operator certificate and operations specifications;
- (e) a load and trim sheet referred to in regulation 135.04.9;
- (f) a copy of the standard operating procedures or an aircraft operating manual, as applicable;
- (g) a copy of the operations manual referred to in regulation 135.04.2 or the portions of it required to be carried;
- (h) a copy of dangerous goods report as specified in Part 92, if applicable; and

[The article “the” or “a” appears to have been omitted before the phrase “dangerous goods report”.]

- (i) copies of documents required to be carried on board in terms of regulation 91.03.1.

(2) An operator must ensure that the following documents are retained in a safe place at the first point of departure in respect of each flight undertaken by the aeroplane:

- (a) a copy of the operational flight plan;
- (b) copies of the relevant parts of the flight folio or technical log;
- (c) the load and trim sheet referred to in regulation 121.04.9;
- (d) the passenger list or cargo manifest;
- (e) the notification to captain, if applicable; and
- (f) a general declaration in the case of an aeroplane engaged in international flights.

(3) Except when otherwise instructed by the Executive Director, the documents referred to in subregulation (2) must be retained at the operator’s main base of operations, or other location if approved by the Executive Director, for a period of at least 90 days.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Operations manual**

**135.04.2** (1) An operator must prepare an operations manual containing all the information required under this Part and setting out the manner in which the operator will operate the air service for which the operator is licensed in terms of the Air Services Act.

(2) The operator must ensure that -

- (a) all parts of the operations manual are consistent and compatible in form and content and must not contravene the conditions contained in the air operator certificate or operations specifications issued to the operator in terms of regulation 135.06.3;
- (b) the operations manual can be readily amended;
- (c) the operations manual contains an amendment control page and a list of effective pages that are in effect showing the effective date for each page in the operations manual; and
- (d) the operations manual has the date of the last amendment to each page specified on that page that agrees with the list of effective pages.

(3) An operator must submit the operations manual in duplicate to the Executive Director for approval.

(4) If the Executive Director is satisfied that the operator -

- (a) will comply with the provisions of regulation 135.06.7; and
- (b) will not operate the air service concerned contrary to any provision of the Act, or the Air Services Act,

the Executive Director must certify in writing on both copies of the operations manual that the operations manual has been approved and must return one copy of the approved operations manual to the operator.

(5) An operator must amend its operations manual -

- (a) where there is a change in any aspect of the operator's operation;
- (b) where the operations manual no longer meets the requirements of these regulations or associated technical standards; or
- (c) when so required by the Executive Director.

(6) An operator must submit an amendment to its operations manual in duplicate to the Executive Director for approval and if the Executive Director is satisfied that the operator will comply with the provisions of subregulation (4), the Executive Director must certify in writing on both copies of the amendment to the operations manual that the amendment has been approved and must return one copy of the approved amendment to the operator.

(7) An operator must at all times operate its aeroplanes in accordance with the approved operations manual or an approved amendment to its approved operations manual.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (8) An operator must -
- (a) ensure that all operations personnel are able to understand the technical language used and that the information provided will ensure that the personnel are properly instructed in their particular duties and responsibilities and the relationship of the duties to the operation as a whole;
  - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight are easily accessible to the crew members on board during flight time;
  - (c) make the operations manual available for the use and guidance of operations personnel;
  - (d) provide the crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them and designating such crew members as operations manual holders;
  - (e) provide each operations manual holder with copies of all amendments after approval by the Executive Director and ensure that the operations manual holders do insert the amendments issued to them prior to their next flight assignment; and
  - (f) keep the operations manual in a safe place.

(9) The structure and contents of the operations manual referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 135.

**Standard operating procedures**

**135.04.3** (1) An operator must compile standard operating procedures for each aeroplane type being operated and make them available during flight time to all flight crew members assigned to the aeroplane and each flight crew member must operate the aeroplane in accordance with the procedures.

(2) The operator must provide the portions of the standard operating procedures to the operator's employees or agents if required in the performance of their duties.

[Some word appears to have been omitted from subregulation (2). It may be that this subregulation was intended to refer to the "relevant" or "applicable" portions of the "standard operating procedures".]

(3) The standard operating procedures must meet the requirements of, and contain the information specified in Document NAM-CATS-OPS 135.

[There should be a comma after the phrase "and contain the information specified in" to offset that phrase properly.]

(4) The operator must ensure each flight crew member has access to the standard operating procedures during flight time and that the standard operating procedures are current.

(5) The operator must publish the standard operating procedures as a stand-alone document as part of the manual system or include them in an aircraft operating manual that meets the requirements of Document NAM-CATS-OPS 135.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) The operator may provide the standard operating procedures or aircraft operating manual in an electronic format provided a means of accessing the information during flight time has also been made available to any crew member who may have need to access the information therein.

**Aeroplane flight manual**

**135.04.4** (1) An operator must maintain and operate its aeroplanes in accordance with the approved aircraft flight manual required by regulation 91.03.2.

(2) An operator must maintain a system that ensures timely receipt and insertion of all aircraft flight manual revisions as published by the aeroplane manufacturer or as required by the Executive Director.

(3) Where an operator provides an aircraft operating manual that meets the requirements of subregulation (2) an aircraft flight manual referred to in regulation 91.03.2 is not required to be carried on board the aeroplane.

**Operational flight plan**

**135.04.5** (1) An operator must ensure that an operational flight plan that meets the requirements specified in Document NAM-CATS-OPS 135 is completed for each flight undertaken by its aeroplanes in terms of this Part.

(2) The procedures for the use of the operational flight plan and a copy of it must be contained in the operations manual referred to in regulation 135.04.2.

(3) All entries in the operational flight plan must be current and permanent in nature.

(4) The operational flight plan must be retained by the operator for a period of at least 90 days.

**Flight time and duty period records**

**135.04.6** (1) An operator must -

- (a) maintain current flight time and duty period records of all flight crew members in the operator's employ; and
- (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each flight crew member.

(2) A flight crew member who is employed by more than one operator or otherwise accumulates flight time outside of his or her employment, must maintain an accurate record of flight time and duty periods and must provide copies of the record to all operators by whom the flight crew member is employed.

(3) While a flight crew member is responsible to report all flight activity, each employer is responsible to ensure the flight crew member concerned does not exceed the limits specified in the flight time and duty scheme of the operator referred to in regulation 135.02.10.

[The phrases "responsible to report" and "responsible to ensure" should be  
"responsible for reporting" and "responsible for ensuring".]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Records of emergency and survival equipment**

**135.04.7** (1) An operator must compile a list of all the survival and emergency equipment to be carried in the aeroplane and must have the list available at all times for immediate communication to rescue coordination centres.

(2) The survival and emergency equipment list must be included in the operations manual referred to in regulation 135.04.2.

(3) The format and minimum information to be included in the survival and emergency equipment list must be as specified in Document NAM-CATS-OPS 91.

**Training records**

**135.04.8** (1) An operator must establish a training file for each person required to receive training and retain on the file a record of all training and checking required in terms of Subpart 3 and the records of training and checking must contain at least the information specified, and be retained for the period of time specified, in Document NAM-CATS-OPS 135.

(2) An operator must establish procedures to make an employee's training file available for supervised review by the employee but all training files must remain in the custody of the operator.

**Load and trim sheet**

**135.04.9** (1) An operator must ensure that no flight is undertaken by the aeroplane unless the person superintending the loading of the aeroplane has completed and certified a load and trim sheet.

(2) A pilot-in-command may not conduct a take-off unless he or she has accepted the load and trim sheet as provided in Document NAM-CATS-OPS 135.

(3) A load and trim sheet must be completed in duplicate and one copy must be carried in the aeroplane and one copy must be retained in accordance with the provisions of regulation 135.04.1.

(4) The minimum contents of a load and trim sheet must be as provided for in Document NAM-CATS-OPS 135.

**Aeroplane search procedure checklist**

**135.04.10** (1) An operator must ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aeroplanes for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aeroplane may be the object of an act of unlawful interference.

(2) The checklist referred to in subregulation (1) must be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aeroplane where the information is available from the manufacturer, including where appropriate, any means of attenuating and directing the blast for use at the least-risk bomb location.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Preservation of documents**

**135.04.11** (1) An operator must retain any document required in terms of this Subpart for the period of time specified in this Subpart even where, prior to the expiry of the retention period, the operator ceases to maintain ownership or possession of the aeroplane or employ the personnel concerned.

(2) Completed flight preparation forms must be kept by the operator for a period of three months.

**Air traffic services flight planning for a series of flights**

**135.04.12** (1) An operator must ensure that an air traffic services flight plan is completed for each flight operated under this Part unless the flight is operated on a series of flights as provided in subregulation (2) and for each sector, alerting service has not been requested and the aeroplane does not -

- (a) depart or arrive at a controlled aerodrome;
- (b) operate within or transit through any controlled or advisory airspace; or
- (c) operate within an airway or advisory route unless crossing at the right angles.

(2) For the purposes of subregulation (1), a series of flights is considered to occur as long as the following criteria are met -

- (a) the series of flights must not result in flight time longer than 90 minutes in total;
- (b) no individual sector must be longer than 30 minutes; and
- (c) the time spent on the ground at each en-route stop must not exceed 30 minutes.

**SUBPART 5**  
**AEROPLANE INSTRUMENTS AND EQUIPMENT**

**General**

**135.05.1** (1) In addition to the minimum equipment necessary for the issue of a certificate of airworthiness, the instruments and equipment specified in the following paragraphs must be installed in an aeroplane according to the aeroplane used and to the circumstances under which the flight is to be conducted.

(2) The instruments and equipment required under this Subpart, including their installation, must be approved or accepted by the Executive Director.

**Approval of instruments and equipment**

**135.05.2** (1) For the purposes of this Subpart, any reference to the initial date of a type certificate or certificate of airworthiness means the first time that type certificate or certificate of airworthiness was issued for that aircraft type.

(2) An operator must ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed on an aircraft are such that they will

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

enable a flight crew to control the flight path of the aircraft, carry out any required procedural manoeuvres and observe the operating limitations of the aircraft in the expected operating conditions and are -

- (a) approved and installed in accordance with the requirements, including operational and airworthiness requirements, applicable to the instruments and equipment; and
- (b) in a condition for safe operation of a kind being conducted, except as provided for in minimum equipment list.

article “a” or “the” appears to have been omitted  
before the phrase “minimum equipment list”.]

- (3) An operator must not be required to obtain approval for -
  - (a) fuses referred to in regulation 91.04.2;
  - (b) an independent portable light for each required crew member, readily accessible to the crew member when seated at his or her designated station referred to in regulation 91.04.3(1)(d);
  - (c) accurate time piece referred to in regulations 91.04.4 and 91.04.5;

[The article “the” appears to have been omitted before the phrase “accurate time piece”.]

- (d) first aid equipment referred to in regulation 91.04.13;
- (e) megaphones referred to in regulation 91.04.21;
- (f) survival equipment referred to in regulations 91.04.24 and 91.04.25; and
- (g) medical equipment referred to in regulation 135.05.9.

(4) An agent used in a built-in fire extinguisher for each lavatory disposal receptacle for towels, paper or waste in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2011, and an extinguishing agent used in a portable fire extinguisher in an aeroplane which was first issued with a certificate of airworthiness on or after 31 December 2016 must -

- (a) meet the applicable specified minimum performance requirements; and
- (b) not be of a type listed in the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer.

(5) Information regarding extinguishing agents to be used in an aeroplane is contained in Document NAM-CATS-OPS 135.

(6) A person must not conduct a take-off in an aeroplane with an instrument or equipment that is unserviceable or that has been removed, where the instrument or equipment is required by -

- (a) the standards of airworthiness that apply to a type of flight being operated;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) any equipment list published by an aeroplane manufacturer indicating aeroplane equipment that is required for an intended flight;
- (c) an air operator certificate;
- (d) an airworthiness directive; or
- (e) this Part.

**Flight, navigation and associated equipment for aeroplanes operated under visual flight rules**

**135.05.3** (1) An operator may not operate the aeroplane in accordance with visual flight rules, unless the aeroplane is equipped with -

- (a) a magnetic compass;
  - (b) an accurate time-piece showing the time in hours, minutes and seconds;
  - (c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
  - (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
  - (e) a vertical-speed indicator;
  - (f) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;
  - (g) an attitude indicator;
  - (h) a stabilised direction indicator; and
  - (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius.
- (2) The second pilot's station must be equipped with -
- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
  - (b) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing;
  - (c) a vertical-speed indicator;
  - (d) a turn-and-slip indicator or a turn coordinator, incorporating a slip indicator;
  - (e) an attitude indicator; and
  - (f) a stabilised direction indicator.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) For flights, the duration of which does not exceed 60 minutes, which commence and end at the same aerodrome, and which remain within 25 nautical miles of the aerodrome, the instruments specified in subregulation (1)(f), (g) and (h), and subregulation (2)(d), (e) and (f), may be replaced by a turn-and-slip indicator, or a turn co-ordinator incorporating a slip indicator, or both an attitude indicator and a slip indicator.

**Flight, navigation and associated equipment for aeroplanes operated under instrument flight rules or at night**

**135.05.4** (1) An operator may not operate the aeroplane in accordance with instrument flight rules or at night, unless the aeroplane is equipped with -

- (a) a magnetic compass;
- (b) an accurate time-piece showing the time in hours, minutes and seconds;
- (c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight and altimeters must have counter drum-pointer or equivalent presentation;
- (d) an airspeed indicator system with heated pitot tube or equivalent means for preventing malfunctioning due to either condensation or icing, including a warning indicator of pitot heater failure;
- (e) a vertical-speed indicator;
- (f) a turn-and-slip indicator or a turn co-ordinator, incorporating a slip indicator;
- (g) an attitude indicator;
- (h) a stabilised direction indicator;
- (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius;
- (j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators;
- (k) a chart holder in an easily readable position which can be illuminated, if to be operated at night;
- (l) a power-failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source; and
- (m) a pressure altitude reporting transponder with a capability of providing pressure-altitude information with a resolution of 25 feet or better -
  - (i) for all aeroplanes for which the individual certificate of airworthiness is first issued after 1 January 2009; and
  - (ii) for all large turbine-engine aeroplanes after 1 January 2014.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- (n) communication, navigation and surveillance equipment as provided for in Subpart 5 of Part 91.

(2) An operator may not operate an aeroplane in instrument meteorological conditions, unless the aeroplane is equipped with -

- (a) in the case of a single-engine aeroplane, as provided in regulation 135.08.5;
- (b) in the case of a multi-engine aeroplane, at least two independent electrical generating systems, each operated by separate engines and individually capable of powering all required instruments and equipment necessary for safe emergency operation of the aeroplane; and
- (c) for all aeroplanes, at least two independent sources of energy, with means of selecting either, of which at least one is an engine-driven pump or generator, which are both able to drive all required gyroscopic instruments powered by, or to be powered by, that particular source, and installed in such a manner that failure of one instrument or source does not interfere with the energy supply, to the remaining instruments or the other energy source except where the rate-of-turn indicator of a single-engine aeroplane involved in all-cargo operations only, has a source of energy separate from the bank and pitch and direction indicators and for the purpose of this subregulation, each engine-driven source of energy of a multi-engine aeroplane must be on a different engine;

**[The semicolon at the end of paragraph (c) should be a full stop;  
there are no additional paragraphs in the Government Gazette.]**

(3) An operator may not operate aeroplanes required by these regulations or the type certificate of the aeroplane to be operated by two pilots unless the aeroplanes are equipped as provided in regulation 135.05.2(2).

(4) In addition to the flight and navigation equipment referred to in subregulations (1), (2) and (3), a large aeroplane must be equipped with a single standby altitude indicator, capable of being used from either pilot's station which -

- (a) is powered continuously during normal operation and, after a total failure of the normal electrical generating system is powered from a source independent of the normal electrical generating system;
- (b) provides reliable operation for a minimum of 30 minutes after total failure of the normal electrical generating system, taking into account other loads on the emergency power supply and operational procedures;
- (c) operates independently of any other attitude indicating system;
- (d) is operative automatically after total failure of the normal electrical generating system and provides a clear indication on the instrument panel that the attitude indicator is being operated by emergency power; and
- (e) is appropriately illuminated during all phases of operation:

but if the standby altitude instrument system is capable of being used through flight altitudes of 360 degrees of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) Where the standby altitude indicator referred to in subregulation (4) has its own dedicated power supply, there must be an associated indicator, either on the instrument or instrument panel, when the power supply is in use.

(6) Instruments that are used by any pilot must be so arranged as to permit the pilot to see their indications readily from his or her station with the minimum practicable deviation from the position and line of vision normally assumed when looking forward along the flight path.

**Altitude alerting system**

**135.05.5** An operator of a large turbine-engine aeroplane may not operate the aeroplane unless the aeroplane is equipped with an altitude alerting system capable of -

- (a) alerting the flight deck crew members upon approaching preselected altitude in either ascent or descent in sufficient time to establish level flight at the preselected altitude; and
- (b) alerting the flight deck crew members when deviating above or below a preselected altitude by at least an aural signal.

**Terrain awareness and warning system**

**135.05.6** (1) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 15 000 kilogrammes, for which the individual certificate of airworthiness is first issued on or after 1 July 1979, must be equipped with a terrain awareness and warning system.

(2) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kilogrammes or certified to carry more than nine passengers, for which the individual certificate of airworthiness is first issued on or after 1 January 2010 must be equipped with terrain awareness and warning system which has predictive terrain avoidance function.

(3) All turbine-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers, must be equipped with a terrain awareness and warning system which has a predictive terrain avoidance function.

(4) As from 1 January 2013 all piston-engine aeroplanes of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers must be equipped with a terrain awareness and warning system which provides the warnings contemplated subregulation (6)(a) and (c), warning of unsafe terrain clearance and a predictive terrain avoidance function.

(5) A terrain awareness and warning system must automatically provide a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the earth's surface.

(6) A terrain awareness and warning system must provide, unless otherwise specified in this regulations, warnings of the following circumstances -

- (a) excessive descent rate;
- (b) excessive terrain closure rate;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in the landing configuration as follows -
  - (i) gear not locked down; or
  - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.

(7) The terrain awareness and warning system equipment required by this regulation must meet the requirements specified in Document NAM-CATS-OPS 91.

(8) A person may not inhibit or otherwise render inoperative any required terrain awareness and warning system during flight time except in accordance with the approved aeroplane flight manual.

(9) An operator must implement database management procedures that ensure timely distribution and update of current terrain and obstacle data to terrain awareness and warning system.

(10) A turbine-engine aeroplane with a maximum certificated take-off mass of less than 5 700 kilogrammes and authorised to carry between five and nine passengers may be equipped with terrain awareness and warning system that provides -

- (a) warning stipulated in subregulation (6);
- (b) a warning of unsafe terrain clearance; and

a predictive terrain avoidance function.

**Airborne weather radar equipment**

**135.05.7** (1) Subject to the provisions of subregulation (2), an operator may not operate an aeroplane at night or in instrument meteorological conditions in an area where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radars, may be expected to exist along the route unless the aeroplane is equipped with airborne weather radar equipment.

(2) In the case of a non-pressurized aeroplane, the airborne weather radar equipment may, however, be substituted by other approved equipment, which is capable of detecting thunderstorms and other potentially hazardous weather conditions, and of providing the flight crew with bearing and distance of the detected conditions.

**Equipment to clear windshield**

**135.05.8** An aeroplane with a maximum certificated take-off mass of more than 5 700 kilogrammes must be equipped at each pilot station with a means to maintain a clear portion of the windshield during precipitation.

**First aid kit**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.05.9** (1) An operator may not operate an aircraft unless the aircraft is equipped with a first aid kit consisting of the medical supplies as provided for in Document NAM-CATS-OPS 135.

(2) An operator must carry out periodical inspections of the first aid kit specified in subregulation (1) to ensure that, as far as practicable, the contents of the first aid kit are in a condition necessary for their intended use.

(3) The contents of the first aid kit specified in subregulation (1) must be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

(4) The first aid kit specified in subregulation (1) must be readily accessible to the crew or passengers.

**Airborne collision avoidance system**

**135.05.10** (1) An operator of a large turbine-engine aeroplane may not operate the aeroplane unless -

- (a) the aeroplane is equipped with a serviceable airborne collision avoidance system II meeting airborne collision avoidance system II specifications, as provided for in Document NAM-CATS-OPS 91; and
  - (b) the flight crew members have been trained in the use of airborne collision avoidance system as provided for in Document NAM-CATS-OPS 135.
- (2) Despite the provisions of subregulation (1), the aeroplane may be flown -
- (a) for the purpose of moving the aeroplane to a place to have an approved but unserviceable airborne collision avoidance system that is fitted to the aeroplane repaired, removed, substituted or overhauled; or
  - (b) if the aeroplane is fitted with an approved airborne collision avoidance system that is unserviceable at the beginning of the flight -
    - (i) for aeroplanes with an approved minimum equipment list, the aeroplane is operated in accordance with that minimum equipment list; or
    - (ii) for aeroplanes without an approved minimum equipment list -
      - (aa) if not more than 10 days have passed since the airborne collision avoidance system became unserviceable, excluding the day of discovery, or for the shorter duration as provided for by the authority responsible for a particular airspace; or
      - (bb) if the traffic advisories and resolution advisories are inoperative on the non-flying pilot side, the traffic advisories and resolution advisories elements and audio functions are operative on the flying pilot side, and on intercontinental flights the traffic advisories and resolution advisories functions are visible to the non-flying pilot.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The pilot-in-command of an aeroplane that is fitted with a serviceable airborne collision avoidance system must take all reasonable steps to ensure that the system is activated at all times during flight, and that its use is consistent with the conditions required for the area of operation.

**Passenger cabin signs and placards**

**135.05.11** (1) An operator must ensure the following information is conveyed to the passengers by means of signs or placards suitably conspicuous that will ensure each passenger on board the aeroplane is aware -

- (a) of when and how seat belts must be fastened;
- (b) of when and how oxygen equipment is to be used if the carriage of oxygen is required;
- (c) that smoking is not permitted;
- (d) of the location and use of life jackets or equivalent individual flotation devices where their carriage is required; and
- (e) of the location and method of opening emergency exits.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Flight recorders**

**135.05.12** (1) An operator must ensure that the aeroplanes required to be equipped with the flight recorders as provided in this Subpart are installed as specified in Document NAM-CATS-OPS 135 and meet the crashworthiness and fire protection specifications as provided therein.

(2) Flight recorders must be checked and inspected daily and on an annual basis as specified in Document NAM-CATS-OPS 135.

(3) Flight recorders must be deactivated upon completion of flight time following an accident or incident and the flight recorders must not be reactivated before their disposition to the accident or incident investigation team.

(4) An operator must ensure, to the extent possible, in the event the aeroplane becomes involved in an accident or a serious incident in which the aeroplane is not able to continue on its intended itinerary, the preservation of all related flight recorder records and, if necessary, the associated flight recorders and their retention in safe custody pending their disposition as determined in accordance with regulations related to aircraft accident and incident investigation.

(5) The flight recorder must not be switched off during flight time.

(6) An operator may not allow the use of recordings or transcripts of cockpit voice recorder, cockpit audio recording system, Class A airborne image recorder, and Class A airborne image recording system for purposes other than an investigation of an accident or incident, unless the recordings or transcripts are -

[The article “a” appears to have been omitted before the phrase “cockpit voice recorder”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) related to a safety event identified in a safety management system;
- (b) restricted to the relevant portions of a de-identified transcript of the recording, and are subject to the protections accorded by Part 140;
- (c) sought for use in criminal proceedings not involving an accident or incident investigation, and are subject to the protections stipulated in Part 140; or
- (d) used for inspections of flight recorder systems as provided in Part 135 and its associated Document NAM-CATS-OPS 135.

(7) An operator may not allow the use of recordings or transcripts of flight data recorder, aircraft data recording system, Class B and Class C airborne image recorders, and airborne image recording systems for purposes other than the investigation of an accident or incident in terms of Regulations related to aircraft accident and incident investigation, unless the recordings or transcripts are subject to the protections stipulated in Part 140 and are -

[The list of recording items mixes singular and plural nouns. The word “accident” is misspelt in the *Government Gazette*, as reproduced above.]

- (a) used by an operator for airworthiness or maintenance purposes;
- (b) used by an operator in an operation of a flight data analysis programme required in terms of this Part;
- (c) sought for use in proceedings not related to an event involving an accident or incident investigation;
- (d) de-identified; or
- (e) disclosed under secure procedures.

**Flight data recorders**

**135.05.13** (1) An operator must ensure that the aeroplane specified in Document NAM-CATS-OPS 135 is equipped and operated with the flight data recorder specified therein.

(2) An operator must ensure that the flight data recorder required by subregulation (1) complies with the specifications provided for in Document NAM-CATS-OPS 135.

(3) The parameters of the flight data recorder must be determined to be within the ranges, accuracies and recording intervals as provided for in Document NAM-CATS-OPS 135 and, where required by subregulation (1), must comply with the requirements of -

- (a) a Type I/IA flight data recorder capable of recording the parameters that accurately determine the aeroplane flight path, speed, altitude, engine power, configuration and operation; or
- (b) a Type II/IIA flight data recorder capable of recording the parameters that accurately determine the aeroplane flight path, speed, altitude, engine power and configuration of lift and drag devices.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An operator may not operate an aeroplane equipped with a flight data recorder using -

- (a) metal foil;
- (b) photographic film technology; or
- (c) from 1 January 2016, magnetic tape.

(5) The flight data recorder required by subregulation (1) must be capable of retaining the data recorded during at least the last 25 hours of its operation except for the Type IIA flight data recorder which must be capable of retaining the information recorded during at least the last 30 minutes of its operation.

(6) The data obtained from a flight data recorder must be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(7) The flight data recorder must start automatically to record the data prior to the aeroplane being capable of moving under its own power and must stop automatically after the aeroplane is incapable of moving under its own power.

- (8) An aeroplane may commence a flight with the flight data recorder inoperative but -
  - (a) for aeroplanes with an approved minimum equipment list, the aeroplane must be operated in accordance with that minimum equipment list and the minimum equipment list must incorporate the provisions of paragraph (b); or
  - (b) for aeroplanes without an approved minimum equipment list -
    - (i) the aeroplane must not depart from an aerodrome where repairs or replacements to the flight data recorder can be made;
    - (ii) the aeroplane must not exceed six further consecutive flights with the flight data recorder unserviceable;
    - (iii) not more than 48 hours must have elapsed since the flight data recorder became unserviceable; and
    - (iv) the flight data recorder must not be a cockpit voice recorder combined with the flight data recorder and the cockpit voice recorder must be serviceable and functioning in accordance with the requirements of regulation 135.05.13.

**Cockpit voice recorders**

**135.05.14** (1) An operator must ensure each aeroplane operated under this Part is equipped with a cockpit voice recorder as specified in Document NAM-CATS-OPS 135.

(2) The operator must ensure that the cockpit voice recorder required by this Subpart complies with the specifications set out in Document NAM-CATS-OPS 135.

- (3) The cockpit voice recorder must record, with reference to a time scale -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) voice communications transmitted from or received on the flight deck or in the cockpit by radio;
  - (b) the aural environment of the flight deck or cockpit, including without interruption, the audio signals received from each microphone in use;
  - (c) voice communications of flight crew members on the flight deck or in the cockpit using the interphone system of the aeroplane, if installed;
  - (d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker; and
  - (e) voice communications of flight crew members on the flight deck or crew members in the cockpit using the public address system of the aeroplane, if installed.
- (4) The cockpit voice recorder must -
- (a) be capable of retaining information recorded during at least the period of time specified in Document NAM-CATS-OPS 135;
  - (b) start automatically to record the aeroplane moving under its own power and continue to record, until the termination of the flight when the aeroplane is no longer capable of moving under its own power; and
  - (c) if possible, start to record the cockpit checks prior to engine start at the beginning of the flight, until the cockpit checks immediately following engine shutdown at the end of the flight.
- (5) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 135.05.13.
- (6) A person may not operate an aeroplane equipped with a cockpit voice recorder or cockpit audio recording system using magnetic tape or wire.
- (7) An aeroplane may commence a flight with the cockpit voice recorder inoperative but -
- (a) for aeroplanes with an approved minimum equipment list, the aeroplane must be operated in accordance with that minimum equipment list and the approved minimum equipment list must incorporate the provisions of paragraph (b); or
  - (b) for aeroplanes without an approved minimum equipment list -
    - (i) the aeroplane must not take-off from an aerodrome where repairs or replacements to the cockpit voice recorder can be made;
    - (ii) the aeroplane must not exceed six further consecutive flights with the cockpit voice recorder unserviceable;
    - (iii) not more than 48 hours must have elapsed since the cockpit voice recorder became unserviceable; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iv) any flight data recorder required to be carried must be operative, unless the flight data recorder is combined with a cockpit voice recorder.

**Data link recorders**

**135.05.15** (1) All aeroplanes for which the individual certificate of airworthiness was first issued after 1 January 2016, which utilise any of the data link communications applications listed in Document NAM-CATS-OPS 135 and are required to carry a cockpit voice recorder must record on a flight recorder, all data link communications messages.

(2) All aeroplanes which are modified on or after 1 January 2016 to install and utilise any of the data link communications applications listed in Document NAM-CATS-OPS 135 and are required to carry a cockpit voice recorder must record on a flight recorder the data link communications messages.

(3) Sufficient information to derive the content of the data link communications message and, whenever practical, the time the message was displayed to or generated by the crew, must be recorded.

**Lifesaving equipment during flight over open water**

**135.05.16** (1) An operator may not operate an aeroplane over water at a distance of more than 50 nautical miles from shore, in any operation described in subregulation (2) unless there is carried on board one life jacket or equivalent individual flotation device for each person on board, stowed in a position easily accessible from each seat or berth occupied by the person.

- (2) The equipment specified in subregulation (1) applies to -
  - (a) landplanes having two or more power-units, where in the event of the failure of one power-unit for aeroplanes having two power-units or two power-units for aeroplanes having three or more power-units, a ditching would be required;
  - (b) for single-engine landplanes, when operating over water beyond gliding distance from the shore; or
  - (c) when taking off or landing at an aerodrome where the aeroplane flight path is over water and in the opinion of the Executive Director, should any mishap occur, there would be a likelihood of the aeroplane ditching into the water.

**Equipment requirements for aeroplanes on long range over-water flights**

**135.05.17** (1) An aeroplane used on a route where it may be flown over water must be installed with life-saving equipment under the following circumstances:

- (a) if the aircraft may operate at a distance corresponding to at least 120 minutes or at cruising speed or 400 nautical miles, whichever is the lesser, away from land suitable for making an emergency landing; and
- (b) in the case of a twin-engine aircraft with one engine inoperative or a 3 or more engine aircraft with two engines inoperative, if it may be required to operate at a distance corresponding to at least 30 minutes or 100 nautical miles, whichever is lesser, for emergency landing.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) Life-saving equipment referred to in subregulation (1) must include -
  - (a) life-saving rafts in sufficient numbers to carry all persons on board, stowed so as to facilitate their ready use in an emergency, and must include means of sustaining life as is appropriate to the flight to be undertaken;
  - (b) equipment for making pyrotechnical distress signals as provided for in Document NAM-CATS-OPS 91; and
  - (c) for an aeroplane of a maximum certificated take-off weight of over 27 000 kilogrammes, a securely attached underwater locating device operating at a frequency of 8.8 kilohertz which has the capability to operate for a minimum of 30 days.

(3) An underwater locating device referred to in subregulation (2)(c) must not be installed in wings or empennage of an aeroplane.

[The word “the” appears to have been omitted before the phrase “wings or empennage”.]

(4) A life jacket or equivalent individual flotation device provided in an aeroplane must be equipped with a means of electric illumination for purpose of facilitating the location of persons.

[The word “the” appears to have been omitted before the word “purpose”.]

(5) Life raft survival radio equipment and information requirements for extended over water flights must be as provided for in Document NAM-CATS-OPS 91.

**Equipment requirements for seaplanes**

**135.05.18** All seaplanes, including amphibian aeroplanes operated as seaplanes, for all flights must be equipped with -

- (a) one life jacket, or equivalent individual flotation device, for each person on board, stowed in a position easily accessible from the seat or berth of the person for whose use it is provided;
- (b) equipment for making the sound signals specified in the International Regulations for Preventing Collisions at Sea, where applicable; and
- (c) one sea anchor (drogue).

**Emergency locator transmitter**

**135.05.19** (1) An operator may not operate an aeroplane under this Part unless the aeroplane is equipped with -

- (a) at least one automatic emergency locator transmitter or two emergency locator transmitters of any type as provided for in Document NAM-CATS-OPS 91;
- (b) where the aeroplane is of a type for which the individual certificate of airworthiness was first issued after 1 July 2008 -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) at least two emergency locator transmitters, one of which must be automatic; or
  - (ii) at least one emergency locator transmitter of any type as provided for in Document NAM-CATS-OPS 91 but the aeroplane must have the capability to autonomously transmit information regarding its position at least once every minute when in distress as provided for in Document NAM-CATS-OPS 135.
- (2) Emergency locator transmitter equipment carried in terms of subregulation (1) must operate and be installed as provided for in NAM-CATS-OPS 91.
- (3) Emergency locator transmitters required to be fitted in terms of this regulation, must be capable of transmitting on the frequencies 121,5 megahertz and 406 megahertz simultaneously.
- (4) Despite subregulations (1) and (2), an aeroplane may be operated without a serviceable emergency locator transmitter where -
- (a) it is operated in accordance with a minimum equipment list approved by the Executive Director; or
  - (b) where a minimum equipment list has not been approved by the Executive Director in respect of the aeroplane, the operator -
    - (i) repairs or removes the emergency locator transmitter at the first aerodrome at which repairs or removal can be accomplished;
    - (ii) on removal of the emergency locator transmitter from the aeroplane, sends the emergency locator transmitter to a maintenance facility;
    - (iii) displays on a readily visible placard within the aeroplane cockpit, for the period of removal of the emergency locator transmitter from the aeroplane, a notice stating that the emergency locator transmitter has been removed and setting out the date of removal; and
    - (iv) installs a serviceable emergency locator transmitter within five days after the date of removal.

### **Microphones**

**135.05.20** All flight crew members required to be on flight deck duty must communicate through boom or throat microphones below the transition level or altitude.

### **Fire extinguisher**

**135.05.21** (1) An agent used in a built-in fire extinguisher for a lavatory disposal receptacle for towels, paper or waste in an aeroplane for which the individual certificate of airworthiness was first issued on or after 31 December 2011 and an extinguishing agent used in a portable fire extinguisher in an aeroplane for which the individual certificate of airworthiness is first issued on or after 31 December 2018 must -

- (a) meet the applicable minimum performance requirements as provided for in Document NAM-CATS-OPS 135; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) not be of a type mentioned in Document NAM-CATS-OPS 135.

(2) The requirements regarding the extinguishing agents to be used in fire extinguishers is specified in Document NAM-CATS-OPS 135.

[The verb “is” should be “are” to accord with the subject “requirements”.]

**Turbo-jet aeroplanes - forward-looking wind shear warning system**

**135.05.22** (1) A turbo-jet aeroplane of a maximum certificated take-off mass in excess of 5 700 kilogrammes or authorised to carry more than nine passengers should be equipped with a forward-looking wind shear warning system.

(2) A forward-looking wind shear warning system referred to in subregulation (1) should be capable of providing a pilot with -

- (a) a timely aural and visual warning of wind shear ahead of an aircraft;
- (b) information on whether to execute a missed approach, go-around, or an escape manoeuvre, if necessary;
- (c) an indication on when limits on automatic landing equipment are being approached, when the equipment is in use.

[The phrase “an indication on...” should be “an indication of...”.]

**SUBPART 6**  
**AIR OPERATOR CERTIFICATE**

**Requirements to hold air operator certificate**

**135.06.1** (1) An operator may not operate an aeroplane unless the operator is the holder of and complies with the conditions of a valid air operator certificate including the operations specifications attached to that certificate, issued in terms of this Part and an air services licence issued in terms of the Air Services Act.

(2) The holder of an air operator certificate must not wet lease in more than 50 percent of its entire fleet nor more than 50 percent of the aeroplane type in the fleet having the greatest maximum certificated take-off mass.

[The term “lease-in” is hyphenated elsewhere in the regulations.]

(3) The operations specifications of an air operator certificate must contain a record of at least the type, model or series, and registration of each aeroplane approved for use by an operator.

**Application for issue or amendment of air operator certificate and operations specifications**

**135.06.2** (1) An application for the issue or amendment of an air operator certificate or associated operations specifications must be made to the Executive Director in the form and manner specified in Document NAM-CATS-OPS 135 and must be accompanied by the applicable fee specified in Part 187.

(2) The applicant must demonstrate in the application that the applicant -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) has adequate equipment, facilities and personnel to operate the proposed commercial air transport operation; and
- (b) is able to conduct the commercial air transport service in a safe and proper manner and in full compliance with all applicable rules and regulations.

(3) The submission of an application under this Subpart does not place any obligation upon the Executive Director to issue an air operator certificate or operations specifications until he or she has been given reasonable time to review the application and the application has been assessed in terms of regulation 135.06.3.

(4) The holder of an air operator certificate may add to its air operator certificate an aeroplane registered on another air operator certificate but -

- (a) the aeroplane must not be registered on more than three air operator certificates;
- (b) the aeroplane must be maintained by only one aircraft maintenance organisation;
- (c) the manual of procedures or maintenance control manual, as applicable, for all operators and the operations specifications for each operator, must specify the aircraft maintenance organisation responsible for the maintenance of each shared aeroplane, by aeroplane registration number;
- (d) the aeroplane flight folio used must be the same for all operators, such that there is but one continuous record of the aeroplane's activities, and the flight crew members must be trained in the procedures for completion of the flight folio;
- (e) there must be one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members must be trained in those procedures;
- (f) the flight crew members must use the minimum equipment list approved for the aeroplane and must be trained in the minimum equipment list procedures for that particular aeroplane, if applicable, and the operations manual must specify the procedures the flight crew are to follow in the event contact with maintenance personnel is needed; and
- (g) the flight crew members must receive ground and flight training covering any differences between the models operated by the operator and that being added to the air operator certificate, including at least -
  - (i) safety equipment contained on board;
  - (ii) ancillary equipment inclusive of navigational aids, auto flight system, flight director or flight management system, airborne collision avoidance system, terrain awareness and warning system and weather radar; and
  - (iii) systems differences, engine or airframe limitations, performance considerations and operating characteristics, and the results of the training recorded on the flight crew member's training file.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) The personnel referred to in subregulation (2)(a) must be comprised of the following positions, as applicable to the type of operation proposed, the incumbents of which must be approved by the Executive Director -

- (a) chief executive officer;
- (b) person responsible for flight operations;
- (c) person responsible for aircraft;
- (d) air safety officer;
- (e) quality manager; and
- (f) security manager.

(6) The nominated post-holders required by subregulation (5), must meet the qualifications and are responsible for the functions specified in Document NAM-CATS-OPS 135.

(7) Any person who held any of the positions listed in subregulation (5) prior to the commencement of these regulations is considered to meet the qualifications required by Document NAM-CATS-OPS 135 but -

- (a) for a nominated post-holder, the person must be satisfactory to the Executive Director;
- (b) for an incumbent, that incumbent must have discharged his or her responsibilities to the satisfaction of the Executive Director; and
- (c) for a nominated or incumbent post-holder, the person must meet the qualifications specified in Document NAM-CATS-OPS 135 within six months from the commencement of these regulations.

(8) When, after consideration of the scope and size of an operator, the Executive Director is of the opinion that it would be appropriate, he or she may approve the assignment of more than one position to one person or approve different positions and the scope and size of the operator's operations for consideration by the Executive Director are in NAM-CATS-OPS 135.

(9) A person who has been approved for one or more management positions in terms of subregulation (5)(a) to (d) may not hold a management position at another operator.

(10) Despite any provision to the contrary in these regulations, the Executive Director may withdraw any approval where any manager no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position.

(11) The Executive Director may amend an air operator certificate if -

- (a) he or she determines that safety in commercial air transport and the public interest requires the amendment; or
- (b) the holder of the air operator certificate applies for an amendment, and the Executive Director determines that safety in commercial air transport and the public interest requires the amendment.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(12) If the Executive Director stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, the an amendment becomes effective on the date the holder of an air operator certificate receives the notice.

[The word “an” in the phrase “the an amendment” is superfluous.]

(13) A holder of an air operator certificate may make representations to the Executive Director against the amendment contemplated in regulation (11)(a) or (12), but must continue to operate in accordance with the amendment, unless it is subsequently varied or withdrawn.

(14) Amendments approved by the Executive Director, other than emergency amendments referred to in subregulation (12), become effective 30 days after notice to the holder of an air operator certificate, unless the holder of the air operator certificate makes representations against the proposal as contemplated in subregulation (13) prior to the effective date.

(15) Amendments proposed by the holder of an air operator certificate must be made at least 30 days prior to the intended date of any operation under the proposed amendment.

(16) A person may not perform a commercial air transport operation for which an air operator certificate amendment is required, unless that person has received notice of the approval from the Executive Director.

**Application, consideration of and issue of air operator certificate or operations specifications**

**135.06.3** (1) In considering an application referred to in regulation 135.06.2 the Executive Director may conduct any investigation he or she considers necessary to determine the applicant’s ability to meet the requirements specified in this Part.

(2) An application must be granted and the appropriate aviation document issued, containing the conditions as the Executive Director determines, if the Executive Director is satisfied that -

- (a) the applicant will comply with the provisions of its operator certificate and operations specifications; and
- (b) the applicant will not operate the air service concerned contrary to any provision of the Act, or the Air Services Act.

(3) Where in the opinion of the Executive Director an applicant has failed to provide satisfactory evidence of qualification for the document being sought, the applicant will be informed by the Executive Director as to the deficiencies and will be given a reasonable opportunity to rectify the deficiencies after which time the Executive Director must grant or refuse the application concerned.

(4) An air operator certificate and associated operations specifications must be issued in a form specified, and contain at least the information in Document NAM-CATS-OPS 135.

**Validity and status of air operator certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.06.4** (1) Unless otherwise specified by the Executive Director, an air operator certificate remains valid and in force until suspended or cancelled but -

- (a) the operator must submit 30 days prior to the anniversary date of initial issue, the appropriate application form and annual fee as provided for in Part 187;
- (b) the operator successfully completes the audits and inspections carried out by the Executive Director, including the satisfactory resolution of any findings reported to the operator by the Executive Director;
- (c) the operator continues to meet the requirements for issue of an air operator certificate; and
- (d) the air operator certificate is not voluntarily returned to the Executive Director.

(2) An air operator certificate is not transferable to any other entity.

(3) Where an operator is notified by the Executive Director that its air operator certificate has been suspended or cancelled, the operator must return the air operator certificate to the Executive Director within seven days of the notification.

(4) A contracting state to the Chicago Convention must recognise as valid an air operator certificate issued by another contracting state to that Convention, but the requirements under which the certificate was issued must at least be equal to the applicable standards specified in this Part.

**Safety and security inspections and audits**

**135.06.5** (1) An applicant for the issue of an air operator certificate must grant access to an authorised officer, inspector or authorised person to carry out the safety and security inspections and audits which may be necessary for consideration of the application.

(2) A non-compliance or finding made as a result of an inspection or audit conducted in terms of this Part must be categorised as provided for in Document NAM-CATS-OPS 135.

**Administrative duties of air operator certificate holder**

**135.06.6** (1) The holder of an air operator certificate must keep the air operator certificate in a safe place and produce the air operator certificate to an authorised officer or inspector for inspection if so requested by the officer or inspector.

(2) An operator must advise the Executive Director of any changes in the personnel occupying the management positions specified in regulation 135.06.2(5) and must submit the names and qualifications of a replacement person for the Executive Director's approval before effecting the change but in the case of a sudden departure of an incumbent, an operator must notify the Executive Director of its plan to ensure safety of operations while replacing the person.

(3) An operator must notify the Executive Director in the event of any change in the ownership of the operator, including the names and contact details of the new owners.

**Register of air operator certificates**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.06.7** (1) The Executive Director must maintain a register of all air operator certificates issued in terms of these Regulations.

(2) The register must contain the following particulars:

- (a) the full name and, if any, the business name of the holder of the air operator certificate;
- (b) the postal address of the holder of the air operator certificate;
- (c) the number of the air operator certificate issued to the holder;
- (d) particulars of the type of air service for which the air operator certificate was issued, including a list of operations specification issued;

[The singular word "specification" should be plural.]

- (e) particulars of the category of aeroplane for which the air operator certificate was issued; and
- (f) the date on which the air operator certificate was issued.

(3) The particulars referred to in subregulation (2) must be recorded in the register within 30 days from the date on which the air operator certificate is issued.

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

(5) A copy of the register must be furnished, on payment of the applicable fee specified in Part 187, to any person who requests the copy.

**Operator notification**

**135.06.8** If an operator has an operating base in a State other than Namibia, the operator must notify the Executive Director as well as the State in which the operating base is located.

**Demonstration flights for initial application**

**135.06.9** (1) A person may not operate a large aeroplane in commercial air transport unless he or she first conducts satisfactory demonstration flights as required by the Executive Director in that aircraft type and as specified in Document NAM-CATS-OPS 135.

(2) A person may not operate an aeroplane in a specifically designated area, or use a specialised navigation system, or use a specific approval unless he or she conducts a satisfactory demonstration flight as required by the Executive Director and as specified in Document NAM-CATS-OPS 135.

(3) The Executive Director may authorise deviations from this Regulation if he or she finds that special circumstances make full compliance with the provisions of this Regulation unnecessary.

**SUBPART 7**  
**FOREIGN AIR OPERATOR PERMIT**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Requirement for foreign air operator permit**

**135.07.1** (1) A foreign operator may not operate a foreign registered aeroplane engaged in international commercial air transport operations to, from or within Namibia, except under the authority of, and in accordance with the conditions of, a foreign air operator permit issued under this Subpart.

(2) Transportation of passengers, cargo or mail within Namibia by a foreign operator may only be undertaken as provided for in NAM-CATS- 121.

**Application for foreign air operator permit or amendment of air operator permit**

**135.07.2** (1) An application for the issue of a foreign air operator permit must be -

- (a) made to the Executive Director in the appropriate form provided for in Document NAM-CATS-OPS 135; and
- (b) accompanied by -
  - (i) a declaration of competency issued in respect of each aeroplane concerned;
  - (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
  - (iii) the applicable fee specified in Part 187; and
  - (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(2) Subject to the provisions of subregulation (5), an application for the issue of a foreign air operator permit must be submitted to the Executive Director at least 90 days before the date of commencement of the intended operation.

[The cross-reference above was probably intended to refer to subregulation (6) rather than subregulation (5).]

- (3) If the holder of a foreign air operator permit wishes to amend -
  - (a) its name or principal place of business;
  - (b) the description of the type of operation;
  - (c) the type of aeroplane;
  - (d) the nationality and registration marks of the aeroplanes;
  - (e) the area of operation; or
  - (f) any condition,

specified on the permit, the operator must apply to the Executive Director for the amendment.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (4) An application for the amendment of a foreign air operator permit must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-OPS 135; and
  - (b) accompanied by -
    - (i) a declaration of competency issued in respect of each aeroplane concerned;
    - (ii) a copy of the valid air operator certificate or equivalent authorisation held by the applicant, which pertains to the operation covered by the application;
    - (iii) the applicable fee specified in Part 187; and
    - (iv) a statement certifying the availability of insurance in respect of the obligations and liabilities of the applicant which may arise from the operation covered by the application.

(5) Subject to the provisions of subregulation (5), an application for the amendment of a foreign air operator permit must be submitted to the Executive Director at least 30 days before the date of commencement of the intended amended operation.

[The cross-reference above was probably intended  
to refer to subregulation (6) rather than subregulation (5).]

(6) The Executive Director may condone a shorter period within which an application referred to in subregulation (1) or (3), as the case may be, is received, if the Executive Director is satisfied that the object of the operation or amended operation will be defeated if the application is not adjudicated within a shorter period.

**Assessment of application and issue of permit**

**135.07.3** (1) In considering the application for the issue of a foreign air operator permit, or an amendment of the foreign air operator permit, the Executive Director may conduct the investigation which he or she considers necessary.

(2) The application must be granted and the permit issued if the Executive Director is satisfied that -

- (a) the applicant has the financial capability of conducting a safe operation within Namibia; and
  - (b) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Act, 2016.
- (3) For the purpose of subregulation (2), if the Executive Director is not satisfied, he or she must -
- (a) notify the applicant and state in the notification the reasons why he or she is not satisfied; and
  - (b) grant the applicant the opportunity to rectify or supplement the defect within the period determined by the Executive Director, after which period the Executive Director must grant or refuse the application concerned.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) A foreign air operator permit must be issued in the manner specified in Document NAM-CATS-OPS 135, under the conditions which the Executive Director may determine.

(5) A foreign air operator permit must specify -

- (a) the name, nationality and principal place of business of the operator;
- (b) the date on which the permit was issued and its period of validity;
- (c) a description of the type of operation authorised;
- (d) the type of aeroplane authorised for operation;
- (e) the nationality and registration marks of each aeroplane authorised for operation;
- (f) the authorised area of operation; and
- (g) the conditions of the permit.

**Period of validity**

**135.07.4** (1) A foreign air operator permit is valid -

- (a) for the period determined by the Executive Director, which period must not exceed 12 months, calculated from the date of issue of the permit;
- (b) for the number of flights determined by the Executive Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Executive Director.

(2) Despite subregulation (1), if the holder of a foreign air operator permit applies for its renewal at least 30 days prior to the expiry the permit, the permit remains valid until the holder is notified by the Executive Director of the result of the application for the renewal of the permit.

[The word “of” appears to have been omitted between “the expiry” and “the permit”.]

(3) The permit remains in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director, in terms of regulation 135.07.9.

(4) The holder of a permit which expires must surrender the permit to the Executive Director.

(5) The holder of a permit which is suspended, must produce the permit upon suspension to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, must, within 30 days from the date on which the permit is cancelled, surrender the permit to the Executive Director.

**Transferability**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.07.5** A foreign air operator permit is not transferable.

**Duties of holder of permit**

**135.07.6** (1) The holder of a foreign air operator permit must -

- (a) at all times during the operation within Namibia -
  - (i) comply with -
    - (aa) the appropriate requirements under this Part; and
    - (bb) the conditions of the permit;
  - (ii) hold a valid air operator certificate or equivalent authorisation; and
- (b) produce the permit to an authorised officer, inspector or authorised person for inspection, if so requested by the officer, inspector or person.

[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]

**Renewal of permit**

**135.07.7** (1) The holder of a foreign air operator permit must at least 30 days immediately preceding the date on which the permit expires, apply for the renewal of the permit.

(2) The provisions of regulations 135.07.2(1) and 135.07.3 must apply with the necessary changes to an application made in terms of this regulation.

**Safety inspections and audits**

**135.07.8** The holder of a foreign air operator permit must permit an authorised officer, inspector or authorised person to carry out the safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements under this Part.

**Suspension, revocation and variation of air operator certificate and foreign air operator permit**

**135.07.9** An air operator certificate or a foreign air operator permit may in accordance with regulation 13.01.4 be suspended, revoked or varied if the Executive Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations..

**Register of permits**

**135.07.10** (1) The Executive Director must maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

- (2) The register must contain the following particulars:
  - (a) The full name of the holder of the permit;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

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

(3) The particulars referred to in subregulation (2) must be recorded by the Executive Director in the register within seven days from the date on which the permit was issued, amended, renewed or cancelled, as the case may be.

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

(5) A copy of the register must be furnished by the Executive Director, on payment of the applicable fee specified in Part 187, to any person who requests the copy.

**SUBPART 8**  
**FLIGHT OPERATIONS**

**DIVISION ONE: GENERAL**

**Routes and areas of operation and aerodrome facilities**

**135.08.1** (1) A person may not operate an aeroplane over any route or airway in instrument meteorological conditions unless -

- (a) in case of a single-engine aeroplane, the cloud ceiling at any point along a route of flight is not lower than that which would permit descent in visual meteorological conditions below a minimum en-route altitude published or established by an operator for the route or airway;

[The word “the” appears to have been omitted between “in” and “case”.]

- (b) in case of a twin-engine aeroplane and in the event of failure of a critical engine -

[The word “the” appears to have been omitted between “in” and “case”.]

- (i) the aeroplane is capable of maintaining a minimum en-route altitude published or established by an operator for the route or airway; or
- (ii) if the aeroplane is not capable of maintaining a minimum en-route altitude published or established by an operator for the route or airway and -
  - (aa) the aeroplane is able to maintain flight to a suitable landing area, a cloud base at any point along the route of flight is not lower than that which would permit descent in visual meteorological conditions below the minimum en-route altitude published or established by an operator for



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

the route or airway and flight in visual meteorological conditions to a suitable landing area; or

- (bb) the aeroplane is unable to maintain flight to a suitable landing area, a cloud base at any point along the route of flight is not lower than that which would permit descent in visual meteorological conditions below a minimum en-route altitude published or established by an operator for the route or airway;
- (c) in a case of an aeroplane having three or more engines, and in an event of failure of any two engines, the aeroplane is capable of maintaining a minimum en-route altitude published or established by an operator for the route or airway; and
- (d) in addition to the requirements specified in paragraphs (b)(i), (b)(ii)(aa) and (c), an aeroplane must be capable of landing at intended destination or alternate aerodrome in accordance with related landing performance criteria for the aeroplane.

**[The article “the” or “an” appears to have been omitted before the phrase “intended destination or alternate aerodrome”.]**

(2) An operator of an aeroplane must select at least one destination alternate aerodrome for each instrument flight rules flight unless -

- (a) for an aerodrome other than an isolated aerodrome -
  - (i) two separate runways, arranged such that a closure of one cannot affect the operations of the other and each with an operational straight-in approach procedure, are available and usable by a flight crew at a destination aerodrome; and
  - (ii) the duration of a flight from the departure aerodrome, or from a point of in-flight re-planning, to a destination aerodrome is such that, taking into account all operational information relevant to a flight, for a period of at least one hour before and one hour after the estimated time of arrival, a reasonable certainty exists that an approach and landing may be made under visual meteorological conditions; or
- (b) for a destination aerodrome that is isolated and for which no adequate destination alternate aerodrome exists -
  - (i) a standard instrument approach procedure is provided for for an aerodrome of intended landing and the associated navigation aids will be functional from two hours before time of arrival; and

**[The word “for” is repeated in the Government Gazette as reproduced above.]**

- (ii) available current meteorological information indicates that the following meteorological conditions will exist from two hours before time of arrival -
  - (aa) a cloud base of at least 1 000 feet above the minimum associated with the instrument approach procedure; and
  - (bb) visibility of at least 5.5 kilometres or of 4 kilometres more than the minimum associated with the procedure, whichever is greater.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An operator of an aeroplane must select at least two destination alternate aerodromes for each instrument flight rules flight when -

- (a) appropriate weather reports or forecasts for a destination aerodrome, or any combination of the reports and forecasts, indicate that during a period commencing one hour before and ending one hour after an estimated time of arrival, the weather conditions will be below the applicable planning minima; or
- (b) meteorological information is not available at a destination aerodrome.

(4) An operator may not permit, and a pilot-in-command may not operate, a flight that is to be conducted in accordance with instrument flight rules, for which one or more destination alternate aerodromes are required, to be commenced unless an aerodrome meteorological forecast indicates that conditions for a period of at least one hour before until one hour after an estimated time of arrival at a destination alternate aerodrome will meet or exceed those specified in Document NAM-CATS-OPS 135.

(5) An operator of an aeroplane must operate all flights in accordance with the route, aerodrome or other approvals and conditions pertaining to flight operations as are contained in the operator's air operator certificate.

(6) An operator of an aeroplane must specify in its operations manual the procedures used to determine the minimum altitudes to be flown in order to meet the obstacle clearance requirements specified in regulation 135.07.24 and, for an operation in an uncontrolled airspace, the means for ensuring a navigational capability is maintained while operating on any route used therein.

(7) An operator must ensure that -

- (a) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation;
- (b) unless an operation has been specifically approved by the Executive Director as provided for in Document NAM-CATS-OPS 135, an aeroplane may not be operated on a route where diversion from any point on a route, calculated in international standard atmosphere and still air conditions, to an adequate en-route alternate aerodrome that exceeds 180 minutes -
  - (i) for an aeroplane with two turbine engines, at a one-engine inoperative cruise speed; and
  - (ii) for an aeroplane with more than two turbine engines, at an all-engine operating cruise speed; and
- (c) a written submission is made to the Executive Director in terms of Document NAM-CATS-OPS 135 when intending to operate beyond 120 minutes up to 180 minutes to an adequate enroute alternate aerodrome.

(8) An operator of an aeroplane may not commence a flight unless it has been ascertained by every reasonable means available that the ground facilities and services, including meteorological and rescue firefighting services are -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) available as required for a safe operation of an aeroplane and protection of the passengers;
- (b) adequate for a type of operation being conducted; and
- (c) functioning normally for their intended purpose.

(9) An operator of an aeroplane must establish procedures in its operations manual that will ensure an operation can be safely conducted in the event that the rescue firefighting services at an aerodrome that may be used are or may be below that for which the aerodrome is certified, and the procedures must include a risk assessment.

(10) An operator of an aeroplane must report without delay to a responsible authority any observed operational inadequacy of facilities referred to in subregulation (8).

**Establishment of procedures**

**135.08.2** (1) An operator must -

- (a) establish for each aeroplane type, procedures, and instructions for ground personnel and crew members pertaining to duties for all types of operations on the ground and in flight;
- (b) establish a checklist system to be used by flight crew members for all phases of operation under normal, abnormal, and emergency conditions, to ensure that operating procedures in its operations manual referred to in regulation 135.04.2 are followed;
- (c) ensure that a flight crew member does not perform any activities during critical phases of a flight other than those required for the safe operation of an aeroplane;
- (d) ensure specific procedures are developed to instruct pilots with respect to rates of climb and descent in various stages of flight; and
- (e) unless otherwise specified in an air traffic control instruction, specify procedures by which -
  - (i) an aeroplane climbing or descending to an assigned altitude or flight level may do so at a rate less than 1 500 feet per minute throughout the last 1 000 feet of climb or descent to the assigned level; and
  - (ii) a pilot-in-command is made aware of another aircraft at or approaching an adjacent altitude or flight level.

**[The word “flight” is misspelt in the Government Gazette, as reproduced above.]**

- (2) The approved checklist system referred to in subregulation (1)(b) must include -
  - (a) an easy-to-use checklist for normal phases of flight operations;
  - (b) a quick reference-type checklist dealing with all malfunctions requiring the use of abnormal or emergency procedures;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) an amplified checklist that ensures all referenced check items are dealt with in accordance with the recommended procedures of the aeroplane manufacturer;
- (d) an easy to locate and employ system of supplementary checks and procedures, if applicable; and
- (e) any other check items relating to the use of equipment not installed at the time of aeroplane manufacture or not included in the check system provided for in the approved aeroplane flight manual.

(3) The pilot-in-command is responsible for ensuring all check procedures, including checklists, are managed in accordance with the procedures specified in the operations manuals of the operator.

**Competence of operations personnel**

**135.08.3** An operator must ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of the duties to the operation as a whole.

**Use of air traffic services**

**135.08.4** An operator must ensure that air traffic services are used for all flights whenever available.

**Additional requirements for operations of single engine turbine and piston powered aeroplanes at night or in instrument meteorological conditions**

**135.08.5** (1) Except as provided in subregulation (2) an operator may not operate a single-engine turbine powered aeroplane with passengers, cargo or combination of passengers and cargo on board in instrument meteorological conditions or night flight.

[The word “a” appears to have been omitted before the word “combination”.]

(2) An operator may only operate a single engine turbine powered aeroplane with passengers, cargo or combination of passengers and cargo on board in instrument meteorological conditions or night flight if the operator -

[The word “a” appears to have been omitted before the word “combination”.]

- (a) is authorised to do so in its operation specifications; and
- (b) complies with the applicable provisions in Document NAM-CATS-OPS 135.

(3) An operator may operate a single-engine aeroplane with cargo only on board in instrument meteorological conditions or night flight provided the operator -

- (a) meets the requirements of subregulation (2); or
- (b) is authorised to do so in its operation specifications; and
- (c) complies with the provisions prescribed in Document NAM-CATS-OPS 135.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

### **Defect reporting**

**135.08.6** (1) An operator must establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the pilot-in-command of the aeroplane before take-off and where a defect is observed during flight, the pilot-in-command must be responsible to ensure the defect is recorded and reported in the manner established in the operator's operations manual.

[The phrase "responsible to ensure" should be "responsible for ensuring".]

(2) The procedures referred to in subregulation (1) must be extended to include the reporting to the operator of all incidents of exceeding engine or airframe limitations that may occur while the flight crew are embarked on the aeroplane.

(3) If any report of an incident, as specified in subregulation (2), has been received, the operator must compile and submit a report to the Executive Director within a month of having received the report.

### **Instrument approach and departure procedures**

**135.08.7** An operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in regulation 91.07.15 but the instrument approach and departure procedures must be approved by -

- (a) the appropriate authority of the State in which the aerodrome is located; or
- (b) the Executive Director.

### **Environmental protection**

**135.08.8** (1) An operator must establish operating procedures for noise abatement as provided for in Part 139.

(2) Take-off and climb procedures for noise abatement specified by an operator for any one aeroplane type may vary for different aerodromes.

(3) An operator engaged in international operations must comply with the requirements relating to the monitoring, reporting and verification of annual carbon dioxide emissions as provided for in Part 91.

### **Additional requirements for single pilot operation under instrument flight rules or night visual flight rules flight**

**135.08.9** An operator may not operate an aeroplane under instrument flight rules or night visual flight rules flight by a single pilot unless -

- (a) the aeroplane is -
  - (i) of maximum take-off weight of less than or equal to 5 700 kilogrammes;
  - (ii) not certificated to carry more than nine passengers;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) certified, and a flight manual does not require a flight crew of more than one pilot; and
- (iv) a propeller or jet engine driven;

[The word “a” at the beginning of subparagraph (iv) is superfluous.]

- (b) an operator is authorised to do so in his or her operation specifications; and
- (c) an operator meets the requirements in Document NAM-CATS-OPS 135.

#### **Reporting of hazardous flight conditions**

**135.08.10** The pilot-in-command of any aeroplane that encounters flight conditions considered to be hazardous to his or her, or another aeroplane, must report the conditions to any appropriate air traffic services unit as soon as possible, giving the details as may be pertinent to the safety of other aeroplanes.

#### **Refuelling and defueling with passengers on board**

**135.08.11** A person may not refuel or defuel any aeroplane when passengers are embarking, disembarking or on board unless the fuelling is carried out in accordance with the procedures specified in Document NAM-CATS-OPS 135 and the procedures are included in the operator’s operations manual.

#### **Reporting acts of unlawful interference**

**135.08.12** Following an act of unlawful interference, the pilot-in-command must where, in his opinion the safety of persons on board the aeroplane would not be jeopardized, report the events to the nearest air traffic services authority by the most discrete method possible, by the means devised for the communications.

#### **In-flight simulation of emergencies**

**135.08.13** A person may not simulate any emergency or abnormal condition during flight that would effectively alter the flight characteristics of the aeroplane or otherwise induce a potentially unsafe safety condition when passengers are on board the aeroplane.

#### **Security of flight crew compartment**

**135.08.14** (1) An operator must ensure that all aeroplanes which are equipped with a flight crew compartment door, this door must be capable of being locked.

[There is a problem with the sentence structure in subregulation (1); perhaps it was intended to read: “An operator must ensure that in all aeroplanes which are equipped with a flight crew compartment door, this door must be capable of being locked.”]

(2) If cabin crew are required or carried, means or procedures must be established by which cabin crew can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(3) In all aeroplanes which are equipped with a flight crew compartment door in accordance with subregulation (1)(b) -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) this door must be closed and locked from the time all external doors are closed following embarkation until any the door is opened for disembarkation, except when necessary to permit access and egress by authorised persons; and
- (ii) means must be provided for monitoring from the flight deck the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

[The paragraphs in subregulation (3) should be labelled “(a)” and “(b)” instead of “(i)” and “(ii)” for consistency with the format used throughout the regulations.]

**DIVISION TWO: DISPATCH AND FLIGHT RELEASE RULES****Operational control and supervision of flight operations**

**135.08.15** (1) An operator must establish and maintain an operational control system that meets the requirements in Document NAM-CATS-OPS 135 and which provides operational control services appropriate to the flights being operated.

(2) An operator who wishes to use flight operations officers in their operational control system or who wishes to operate under a Type A operational control system as provided in regulation 135.07.13, must meet the appropriate provisions of Part 135 as follows -

- (a) for the use of flight operations officers, regulations 135.02.14 and 135.02.15 and Subpart 3, Divisions Four and Five; and
- (b) for a Type A operational control system, Subpart 7, Division Two.

**Services for operational control system**

**135.08.16** An operator may use the operational control system of an agent whether domestic or foreign but the service agreement must be approved by the Executive Director and the methods, procedures and policies for effecting operational control are described in the operator's operations manual.

**Operational flight plan and flight release**

**135.08.17** (1) An operator must prepare an operational flight plan for its flights as provided in Document NAM-CATS-OPS 135.

(2) The signatures or alternative means of signifying acceptance of the operational flight plan by the pilot-in-command and flight operations officer, if applicable, as required in Document NAM-CATS-OPS 135, must constitute a flight release and certifies that -

[The verb “certifies” should be “certify” to accord with the subject “means”.]

- (a) the operational flight plan has been prepared and accepted in accordance with the procedures specified in the operations manual; and
- (b) the flight is safe to proceed.

[The word “flight” is misspelt in the *Government Gazette*, as reproduced above.]

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Familiarity with technical information**

**135.08.18** An operator may not permit a flight to be released unless the pilot-in-command is thoroughly familiar with any technical information relevant to the proposed flight including aeroplane performance, maintenance status, bulletins or operational directives issued by the person responsible for flight operations and that nothing in the information indicates there is a threat to the safety of the flight.

[The word “that” before the word “nothing” is superfluous.]

**Retention of flight operations documents and reports**

**135.08.19** (1) Unless otherwise specified by the Executive Director, every operator must retain all flight documents made in terms of this Subpart, for a period of not less than 90 days.

(2) All flight documentation required by this Subpart to be prepared with respect to a flight and which was carried on-board that flight must -

- (a) be returned to the company’s main base specified in the air operator certificate; and
- (b) include weather maps and printed information, notice to airmen, cargo and fuel loading sheets and manifests and all paperwork used to record the progress or diversion and irregular or emergency situations of the flight.

**Maintenance status**

**135.08.20** A person may not dispatch or release an aeroplane unless it is airworthy and all known defects have been rectified and appropriately certified by an aeroplane maintenance engineer except where the dispatch of the aeroplane is in accordance with an approved minimum equipment list issued in terms of regulation 135.07.22, a configuration deviation list approved by the State of Manufacture or as otherwise permitted in the aeroplane flight manual.

**Requirements for minimum equipment lists**

**135.08.21** (1) A person may not conduct a take-off in an aeroplane with instruments or equipment that are not serviceable or that have been removed unless the aeroplane is operated in accordance with a configuration deviation list, the provisions specified in the aeroplane flight manual or the conditions or limitations specified in a minimum equipment list, which has been approved by the Executive Director and, in the opinion of the pilot-in-command, aviation safety will not be compromised.

[The verbs “are” and “have” should be “is” and “has” to accord with the relevant subject “equipment”.]

(2) An operator must establish a minimum equipment list for each type of aeroplane for which a master minimum equipment list has been approved by a State of Design of the aeroplane but the State must be a contracting state to the Chicago Convention.

(3) An operator may not operate an aeroplane in accordance with a minimum equipment list unless the minimum equipment list is carried on board the aeroplane.

**Aerodrome operating minima**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.08.22** (1) An operator must establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) in a manner approved by the Executive Director.

(2) An operator must establish aerodrome operating minima for each aerodrome planned to be used, which must not be lower than the values specified in Document NAM-CATS-OPS 91, except as provided in regulation 135.07.28.

(3) An operator must ensure that all instrument approaches and departures are conducted in accordance with the procedures approved for the operator in its operations specifications.

(4) Where an operator is operating at an aerodrome other than a Namibian aerodrome, the aerodrome operating minima established by the operator may be lower than the minima established by the appropriate authority of the State in which the aerodrome is located, but -

- (a) the State in which the aerodrome is located must approve the lower operating minima; and
- (b) the operator must be authorised in its operations specifications to operate to the lower minima.

**Minimum flight altitudes**

**135.08.23** (1) An operator must establish minimum flight altitudes and the methods to determine the minimum flight altitudes for all route segments to be flown which provide the required terrain clearance, taking into account the operating limitations referred to in Subpart 8 of this Part and the minimum flight altitudes referred to in regulation 91.06.32.

(2) An operator must take into account the following factors when establishing minimum flight altitudes -

- (a) the accuracy with which the position of the aeroplane can be determined;
- (b) the probable inaccuracies in the indications of the altimeters used;
- (c) the characteristics of the terrain along the routes or in the areas where operations are to be conducted;
- (d) the probability of encountering unfavourable meteorological conditions; and
- (e) possible inaccuracies in aeronautical charts.

(3) In complying with the provisions of subregulation (2), the operator must give due consideration to -

- (a) corrections for temperature and pressure variations from standard values;
- (b) the air traffic control requirements; and
- (c) any contingencies which may occur along the planned route.

**Ditching**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.08.24** An operator may not operate an aeroplane with an approved passenger seating configuration of more than 30 seats over routes on which the aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 400 nautical miles, whichever is the lesser, away from land suitable for making an emergency landing, unless the aeroplane has been certified as having adequate characteristics for ditching or has been approved as adequate for ditching.

**Fuel policy**

**135.08.25** (1) An operator must establish a fuel policy that meets the standards specified in Document NAM-CATS-OPS 135 for the purpose of flight planning and in-flight re-planning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

- (2) An operator must ensure that the planning of a flight is based upon -
- (a) procedures, tables or graphs which are contained in or derived from current aeroplane-specific data or the operations manual referred to in regulation 135.04.2;
  - (b) the operating conditions under which the flight is to be conducted, including -
    - (i) realistic aeroplane fuel consumption data;
    - (ii) anticipated masses;
    - (iii) expected meteorological conditions;
    - (iv) the effects of loss of facilities or services as identified in NOTAMs; and
    - (v) air traffic services procedures, restrictions and anticipated delays.

(3) An operator must establish policies and procedures with respect to fuel management and publish the policies and procedures in the operations manual referred to in regulation 135.04.2.

(4) The policies and procedures required by subregulation (3) must, as a minimum, include the requirement that -

- (a) in-flight fuel checks are to be performed at least hourly by or on behalf of the pilot-in-command to ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a suitable aerodrome where a safe landing can be made with the planned final reserve fuel remaining; and
- (b) the pilot-in-command must declare a situation of urgency when the calculated usable fuel predicted to be available upon landing at the nearest suitable aerodrome where a safe landing can be made is less than the planned final reserve fuel.

**Fuel and oil supply and record keeping**

**135.08.26** An operator must establish policies and procedures, approved by the Executive Director, to ensure that in-flight fuel checks and fuel management are performed.

**Operation of aircraft in icing conditions**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.08.27** (1) A person may not conduct a take-off or continue a flight in an aeroplane when icing conditions are reported to exist or are forecast to be encountered along the route to be flown unless the aeroplane is equipped and the type certificate or the AFM authorises flight in the conditions.

(2) In no case must a flight be initiated or continued in icing conditions where in the opinion of the pilot-in-command, the conditions experienced may adversely affect the safety of the flight.

(3) A person may not operate an aeroplane in icing conditions at night unless the aeroplane is equipped with a means to illuminate a representative surface or otherwise detect the formation of ice.

**In-flight operational changes to flight plan**

**135.08.28** (1) An operator must, when practicable, coordinate with the appropriate air traffic services unit any in-flight operational changes to a current air traffic services flight plan before the operator communicates the changes to the aeroplane.

(2) When the coordination required by subregulation (1) is not practicable, the pilot must be responsible for obtaining an appropriate approval and clearance from an air traffic services unit, if applicable, before making a change in the flight plan.

[The word “an” should not appear before the phrase “approval and clearance” unless this compound term refers to a single outcome.]

**Surface contamination programme**

**135.08.29** (1) A person may not conduct or attempt to conduct a take-off in an aeroplane that has frost, ice or snow adhering to any of its critical surfaces.

(2) Despite subregulation (1), a person may conduct a take-off in an aeroplane that has frost adhering to the underside of its wings that is caused by cold-soaked fuel, if the take-off is conducted in accordance with the aeroplane manufacturer’s instructions for take-off under the conditions.

(3) Where conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, a person may not conduct or attempt to conduct a take-off in an aeroplane unless the operator has established an aeroplane inspection programme in accordance with a critical surface contamination programme approved by the Executive Director and the dispatch and take-off of the aircraft are in accordance with that programme.

(4) The inspection referred to in subregulation (3) must be performed by -

- (a) the pilot-in-command;
- (b) a flight crew member of the aircraft who is designated by the pilot-in-command; or
- (c) a person, other than a person referred to in paragraph (a) or (b), who -
  - (i) is designated by the operator of the aeroplane; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) has successfully completed a critical surface contamination training programme approved for the the operator.

(5) Where, before commencing take-off, a crew member of an aeroplane observes that there is frost, ice or snow adhering to the wings of the aeroplane, the crew member must immediately report that observation to the pilot-in-command and the pilot-in-command, or a flight crew member designated by the pilot-in-command, must inspect the wings of the aeroplane before take-off.

(6) Before an aeroplane is de-iced or anti-iced, the pilot-in-command of the aeroplane must ensure that the crew members and passengers are informed of the decision to do so.

(7) An operator is not required to have the programme specified in subregulation (3) if it includes a statement in its operations manual that the operator will not dispatch its aeroplane into any region or country where it could be reasonably expected that surface contamination could at any time form on the aeroplane, while parked or operating on the ground.

#### **Mass and balance control**

**135.08.30** (1) A person may not operate an aeroplane unless, during every phase of the flight, the load restrictions, mass and centre of gravity of the aeroplane conform to the limitations specified in the aeroplane flight manual.

(2) An operator must have a mass and balance programme that complies with regulation 91.07.11.

(3) An operator must specify in its operations manual its mass and balance programme and instructions to employees regarding the preparation and accuracy of mass and balance forms and the load and trim sheet in accordance with regulation 135.04.9.

#### **Low visibility operations**

**135.08.31** An operator may not assign, and a person may not conduct, a low visibility take-off or Category II or III approach unless -

- (a) the operator meets the conditions specified in Document NAM-CATS-OPS 135;
- (b) the operator is authorised to do so in its operations specifications; and
- (c) the low visibility take-off are conducted in accordance with the procedures approved for the operator in its operations manual.

[The verb “are” should be “is” to accord with the subject “take-off”.]

#### **Operations with head-up displays or vision systems**

[The heading of this regulation in the LIST OF REGULATIONS is  
“Operations with head-up displays or enhanced vision systems”.]

**135.08.32** (1) An operator may only prescribe the use of automatic landing systems, head-up displays or equivalent display, enhanced vision system, synthetic vision system, combined vision system or any combination of those systems into a hybrid system for the safe operation of an aeroplane, if -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The list of items in subregulation (1) mixes singular and plural items.]

- (a) the operator is authorised to do so in its operation specifications;
- (b) the operator complies with the applicable automatic landing systems, head-up displays or equivalent display, enhanced vision system, synthetic vision system, or combined vision system, as provided for in Document NAM-CATS-OPS 135;
- (c) the equipment meets an appropriate airworthiness certification requirements;
- (d) the operator has carried out a safety risk assessment of the operations supported by automatic landing systems, head-up displays or equivalent display, enhanced vision system, synthetic vision system, or combined vision system;

[The list of items in subregulation (1) mixes singular and plural items.]

- (e) the Executive Director has authorised an operational credit for the operation with an aeroplane equipped with automatic landing systems, head-up displays or equivalent displays, enhanced vision system, synthetic vision system, or combined vision system;

[The list of items in subregulation (1) mixes singular and plural items.]

- (f) the operator has applied for a specific approval where an operational credit relates to low visibility operations, but the specific approval must not affect the classification of instrument approach procedure.

(2) An operator must include suitable operational procedures for use of, and training requirements for the equipment in the operations manual referred to in regulation 135.04.2, which must cover at least the following -

[There should be a comma after the phrase  
“and training requirements for” to offset that phrase properly.]

- (a) limitations;
- (b) operational credits as specified in Document NAM-CATS-OPS 135;
- (c) flight planning;
- (d) ground and airborne operations;
- (e) crew resource management;
- (f) standard operating procedures; and
- (g) air traffic services flight plans and communication.

**Operations with electronic flight bags**

**135.08.33** (1) An operator may not use an electronic flight bag unless the operator -

- (a) is authorised to do so in its operations specifications; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) complies with the electronic flight bag requirements in Document NAM-CATS-OPS 135.

(2) Where electronic flight bags are used on board aircraft, an operator must -

- (a) assess the safety risk associated with each electronic flight bag function;
- (b) establish and document the procedures for the use of, and training requirements for, an electronic device and each electronic flight bag function in an operations manual referred to in regulation 135.04.2;
- (c) ensure that, in the event of an electronic flight bag failure, sufficient information is readily available to a flight crew for a flight to be conducted safely;
- (d) ensure requirements are established for redundancy of information, if appropriate, contained and displayed by electronic flight bag function;
- (e) ensure that an electronic flight bag equipment and its associated installation hardware, including interaction with aircraft systems if applicable, meet appropriate airworthiness certification requirements; and
- (f) must establish and document procedures for the management of electronic flight bag function including any database it may use.

(3) Where portable electronic flight bags are used on board an aircraft, an operator of the aircraft must ensure that they do not affect the performance of aircraft systems, equipment or the ability to operate the aircraft.

### **DIVISION THREE: CABIN SAFETY**

#### **Carry-on baggage**

**135.08.34** (1) An operator must establish adequate procedures to ensure that only the baggage is carried onto the aeroplane and taken into the passenger cabin as can be adequately and securely stowed.

(2) For aeroplanes operated under this Part having a maximum certificated take-off mass of greater than 5 700 kilogrammes, the minimum requirements for the procedures referred to in subregulation (1) must be as provided for in Document NAM-CATS-OPS 135.

#### **Hold baggage screening**

**135.08.35** An operator engaged in scheduled domestic or international operations may not carry any originating hold baggage unless the baggage has been screened prior to being loaded into the aircraft in a manner acceptable to the Executive Director.

#### **Securing of passenger cabin and galley**

**135.08.36** (1) Before take-off and landing and whenever considered necessary in the interests of aviation safety, the pilot-in-command must ensure that -

- (a) all equipment, baggage and loose articles in the cabin of the aeroplane, including passenger service items and crew members' and passengers' personal effects, are

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

properly secured and stowed so as to avoid the possibility of injury to persons or damage to the aeroplane through the movement of the articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and

(b) all aisles, passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles must be placed in approved stowage areas in the aeroplane, at all times whenever the seat belt lights are illuminated or when so directed by the pilot-in-command of the aeroplane.

(3) For the purposes of subregulation (2), “approved stowage area” means -

(a) the area under a passenger seat; or

(b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) Where service galleys are made available to the passengers on a self-service basis, the cabin briefing must include a demonstration and safety instructions in the use and stowage procedures of the galley area containing the services.

(5) The pilot-in-command of an aeroplane may not commence any take-off or landing, unless he or she has completed the cabin checks necessary to ensure the safe condition of the cabin.

**Passenger services**

**135.08.37** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, must be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the aeroplane.

(2) All items referred to in subregulation (1) must be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the aeroplane.

(3) Any item which cannot be accommodated in the stowage, referred to in subregulation (1), must not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin must be completed by the cabin crew members before the approach for landing of the aeroplane is commenced.

**Briefing of passengers**

**135.08.38** (1) The pilot-in-command must ensure that passengers are given a safety briefing in accordance with Document NAM-CATS-OPS 135.

(2) Where the safety briefing referred to in subregulation (1) is insufficient for a passenger because of that passenger’s physical, sensory or comprehension limitations or because that passenger is responsible for another person on board the aeroplane, the pilot-in-command must ensure that the passenger is given an individual safety briefing that is appropriate to the passenger’s needs.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The pilot-in-command must ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the Document NAM-CATS-OPS 135.

(4) The pilot-in-command must ensure that each passenger who is seated next to an emergency exit is made aware of how to operate that exit.

**Safety features card**

**135.08.39** An operator must provide each passenger, at the passenger's seat, with a safety features card containing, in pilot-in-command tographic form, and any wording must be in English or as required by the Executive Director and must contain the information as provided for by Document NAM-CATS-OPS 135.

[The phrase "pilot-in-command tographic form" was probably intended to read "pictographic form" as in regulations 121.08.44 and 127.08.38.]

**Seats, seat safety belt, harness and child restraint device and carriage of infant**

[The heading of this regulation in the LIST OF REGULATIONS is "Seats, seat safety belts, harnesses and child restraint devices and carriage of infants".]

**135.08.40** (1) A person may not operate an aircraft unless the aircraft is equipped with -

- (a) a seat or berth for each person who is aged two years or older;
- (b) a safety belt with or without a diagonal shoulder strap, or a safety harness, for use in each passenger seat for each passenger who is two years or older;
- (c) a safety belt for use in each passenger berth;
- (d) a child restraint device for the carriage of each child and infant as provided for in Document NAM-CATS-OPS 135;
- (e) a safety harness for each flight crew member seat, incorporating a device which must automatically restrain an occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat but a safety belt with one diagonal shoulder strap must be permitted if the fitting of a safety harness is not practical.

(2) A seat for any cabin crew member must, where possible, be located near floor-level emergency exit and any additional cabin crew member seat required must be located such that a cabin crew member may best be able to assist any passenger in the event of an emergency evacuation but such a seat must be forward or rearward facing within 15° of the longitudinal axis of an aircraft.

(3) If a pilot-in-command cannot see all the passenger seats in an aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts must be fastened, must be installed.

(4) A safety harness and safety belt fitted in an aircraft must have a single point release.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) A passenger must not be responsible for the safety of more than one infant on board an aircraft.

**Carriage of persons with disability**

**135.08.41** (1) An operator must establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) An operator must ensure that -

- (a) the pilot-in-command of the aeroplane is notified when a passenger with a disability is to be carried on board;
- (b) a passenger with a disability is not seated in the same row or a row directly forward or aft of an emergency exit;
- (c) individual briefings on emergency procedures are given to a passenger with a disability and his able-bodied assistant, appropriate to the needs of the passenger; and
- (d) the person giving the briefing must enquire as to the most appropriate manner of assisting the person with a disability so as to prevent pain or injury to that person.

(3) In the case of the carriage of a stretcher patient in the aeroplane -

- (a) the stretcher must be secured in the aeroplane so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting the as a ditching;
- (b) the patient must be secured by an approved harness to the stretcher or aeroplane structure; and
- (c) an able-bodied assistant must accompany each stretcher patient.

(4) A person with a mental disability may not be carried in the aeroplane unless -

- (a) he or she is accompanied by an able-bodied assistant; and
- (b) a medical certificate has been issued by a medical practitioner certifying that the person with the mental disability is suitable for carriage by air and confirming that there is no risk of violence from the person.

(5) An operator must undertake the carriage of a person with a mental disability who, according to his medical history, may become violent, only after special permission has been obtained from the Executive Director by the operator.

(6) A passenger with a splinted or artificial limb may travel unaccompanied provided he or she is able to assist himself or herself.

(7) The affected limb or supporting aids of a passenger referred to in subregulation (6) must not obstruct an aisle or any emergency exit or equipment.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) If a passenger with a splinted or artificial limb cannot assist himself or herself then he or she must be accompanied by an able-bodied assistant.

**Limitations on carriage of children and passengers with disability**

**135.08.42** (1) Unless otherwise authorised by the Executive Director, the maximum number of passengers with a disability, unaccompanied minors, or a combination of the passengers and minors, which may be carried by an air operator, is limited to one per unit of 20 passenger capacity or part of the capacity to a maximum of 10 the passengers and minors.

(2) At least one able-bodied assistant must be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination of that group, and the assistant must be assigned with the responsibility for the safety of the passengers or minors unless the passengers with a disability can assist themselves.

(3) In addition to the provisions of subregulation (2), for each one passenger with a disability who cannot assist himself or herself, an able-bodied assistant must be assigned to solely assist the passenger.

(4) An operator may establish procedures instead of the provisions of subregulations (2) and (3) for the carriage of children and passengers with a disability but -

- (a) the procedures must not jeopardise aviation safety; and
- (b) prior written approval must be obtained from the Executive Director.

**Carriage of persons without documentation, deportees or persons in custody**

**135.08.43** (1) An air operator must establish procedures for the carriage of persons without documentation, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane must be notified by the operator prior to departure, of the intended carriage and the reason for carriage, of any of the persons referred to in subregulation (1).

**Portable electronic devices**

**135.08.44** An operator of an aircraft must ensure that a passenger and crew do not operate any portable electronic device on an aircraft, except with a permission of a pilot-in-command of aircraft.

[The word “a” before “permission” is superfluous. The word “the” appears to have been omitted before the word “aircraft” at the end of the regulation.]

**SUBPART 9**  
**AEROPLANE PERFORMANCE OPERATING LIMITATIONS**

**General requirements**

**135.09.1** (1) Any determination made for the purposes of this Subpart must be based on approved performance data set out in the aeroplane flight manual for the aeroplane concerned.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A person may operate an aeroplane without complying with the requirements of this Division if the person -

- (a) is authorised to do so in the operator's operations specifications; and
- (b) complies with the requirements as provided for in NAM-CATS-OPS 135.

(3) Where an operator uses charts or graphs published in the approved aeroplane flight manual, allowance must be made to ensure any extract errors will be on the side of safety.

(4) An operator must adopt obstacle data sufficient to make accurate and safe performance calculations.

(5) Except as authorised by the Executive Director or as provided in regulation 135.07.5, single-engine aeroplanes must only be operated in conditions of weather and light, and over the routes and diversions there from, that permit a forced landing to be executed in the event of engine failure.

(6) An aeroplane must be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.

(7) A flight may not be commenced unless the performance information provided in the flight manual, supplemented as necessary with other data acceptable to the Executive Director, indicates that the standards in this Subpart can be complied with for the flight to be undertaken.

(8) In complying with any of the provisions in this Subpart, all factors that significantly affect the performance of an aeroplane, as applicable to a phase of flight, must be taken into account and which must include as a minimum -

- (a) the mass of an aeroplane;
- (b) the operating procedures employed by an operator;
- (c) the pressure-altitude appropriate to the elevation of an aerodrome;
- (d) the ambient temperature;
- (e) the wind;
- (f) the runway slope; and
- (g) the surface conditions of the runway at the expected time of use.

(9) The factors specified in subregulation (6) must be taken into account either directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data or in the comprehensive and detailed code of performance in accordance with which the aeroplane is being operated.

**Take-off mass limitations**

**135.09.2** (1) A person may not conduct a take-off in an aeroplane if the aeroplane's mass -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) exceeds an maximum take-off mass specified in an aeroplane flight manual for the pressure altitude and the ambient temperature at an aerodrome where a take-off is to be made; or

[The word “an” before the term “maximum take-off mass” should be “a”.]

- (b) exceeds a landing mass specified in the an aeroplane’s flight manual for pressure altitude and ambient temperature at a destination aerodrome or alternate aerodrome after allowing for planned fuel consumption during a flight.

[The word “the” or the word “an” should be deleted before the term “aeroplane’s flight manual”.]

- (2) In the determination of maximum take-off mass referred to in subregulation (1) -
  - (a) the required accelerate-stop distance must not exceed the accelerate-stop distance available;
  - (b) a required take-off run must not exceed a take-off run available; and
  - (c) a required take-off distance must not exceed a take-off distance available.
- (3) For the purposes of subregulation (2), the factors to be taken into account are -
  - (a) maximum take-off weight of an aircraft;
  - (b) specific operating procedures;
  - (c) pressure altitude at an aerodrome;
  - (d) ambient temperature;
  - (e) runway slope in the direction of take-off;
  - (f) not more than 50 percent of a reported headwind component or not less than 150% of a reported tailwind component;
  - (g) loss of effective take off run available during runway alignment except where rolling take-offs are approved;
  - (h) where a runway condition is other than bare and dry, an appropriate penalty based upon a runway condition or contaminants the as slope, ice, snow, slush, standing water or water surfaces for seaplanes, must be factored into the performance calculation; and
  - (i) any other factor that may significantly affect aeroplane performance.

(4) A person may not conduct a take-off in an aeroplane unless the aeroplane is able, in the event of a critical engine failure or for any other reason, at any point in a take-off, either to discontinue the take-off and stop within an accelerate-stop distance available or to continue a take-off and clear all obstacles along a flight path by an adequate vertical or horizontal distance.

(5) For the purposes of determining an accelerated stop distance, a pilot-in-command must take into account a loss, if any, of runway length due to alignment of an aeroplane prior to take-off.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The term “accelerated stop distance” may have been intended to be “accelerate stop distance” as in regulation 121.09.2(3). See also the definition of “accelerate-stop distance available” in regulation 1.00.1.]

(6) For the purpose of determining a resulting take-off obstacle accountability area, a pilot-in-command must take into account the crosswind component and navigation accuracy.

**Net take-off flight path**

**135.09.3** (1) A person may not conduct a take-off in an aeroplane if the mass of the aeroplane is greater than the mass specified in the aeroplane flight manual as allowing a net take-off flight path that clears all obstacles by at least 35 feet vertically or at least 62 meters horizontally within the aerodrome boundaries and by at least 95 meters horizontally outside those boundaries.

(2) In the determination of the maximum mass, minimum distances and flight path referred to in subregulation (1) -

- (a) corrections must be made for -
  - (i) the runway to be used;
  - (ii) the runway slope in the direction of take-off;
  - (iii) the pressure-altitude at the aerodrome;
  - (iv) the ambient temperature; and
  - (v) the wind component at the time of take-off, where not more than 50 percent of the reported headwind component or not less than 150 percent of the reported tailwind component may be considered; and
- (b) calculations must be based on the pilot -
  - (i) not banking the aeroplane before reaching an altitude of 50 feet;
  - (ii) subject to subregulation (3), using 15 degrees or less of bank at or below 400 feet; and
  - (iii) using not more than 25 degrees of bank thereafter, aeroplane speed and configuration permitting.

(3) A bank angle greater than the 15 degrees referred to in subregulation (2)(b)(ii) may be used if it is authorised by the Executive Director.

**En route limitations with single-engine aeroplanes**

**135.09.4** An operator may not operate a single-engine aeroplane in instrument meteorological conditions over any route unless it is capable of meeting the requirements of regulation 135.08.1(1)(a) in the event of an engine failure.

**En route limitations with one engine inoperative**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**135.09.5** (1) An operator may not operate a twin-engine aeroplane in instrument meteorological conditions over any route if the weight of the aeroplane is greater than the weight that will allow the aeroplane to meet the requirements of regulation 135.08.1(1)(b) in the event of an engine failure.

(2) An operator may not operate a twin-engine aeroplane in visual meteorological conditions over any route if the weight of the aeroplane is greater than the weight that will allow the aeroplane when operating in visual flight rules flight, to maintain at least 500 feet above the surface in the event of an engine failure.

**En route limitations with more than one engine inoperative**

**135.09.6** An operator may not operate an aeroplane equipped with more than two engines in instrument meteorological conditions over any route if the weight of the aeroplane is greater than the weight that will allow the aeroplane to meet the requirements of regulation 135.07.1(3)(c) in the event of the failure of two engines.

**Dispatch limitations: landing at destination and alternate aerodromes**

**135.09.7** (1) Subject to subregulation (3), a person may not dispatch or conduct a take-off in an aeroplane unless -

- (a) the mass of the aeroplane on landing at the destination aerodrome will allow a full-stop landing -
  - (i) in the case of any turbojet- or turbofan-powered aeroplane, within 60 percent of the landing distance available, or
  - (ii) in the case of a large propeller-driven aeroplane, within 70 percent of the landing distance available; and
- (b) the mass of the aeroplane on landing at any alternate aerodrome will allow a full-stop landing -
  - (i) in the case of a turbojet- or turbofan-powered aeroplane, within 60 percent of the landing distance available, and
  - (ii) in the case of a propeller-driven aeroplane, within 70 percent of the landing distance available.

(2) In determining whether an aeroplane can be dispatched or a take-off can be conducted in accordance with subregulation (1), the following must be taken into account -

- (a) the pressure altitude at the destination aerodrome and at the alternate aerodrome, if the pressure altitude can be determined;
- (b) not more than 50 percent of the reported headwind component or not less than 150 percent of the reported tailwind component may be used in computing distances for take-off or landing; and
- (c) that the aeroplane must be landed on a suitable runway, considering the wind speed and direction, the ground handling characteristics of the aeroplane and other conditions the as landing aids and terrain.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[It appears that the phrase “the as landing aids and terrain”  
may have been intended to be “such as landing aids and terrain”.]

(3) Where conditions at the destination aerodrome at the time of take-off do not permit compliance with subregulation (2)(c), an aeroplane may be dispatched and a take-off conducted if the alternate aerodrome designated in the operational flight plan permits, at the time of take-off, compliance with subregulations (1)(b) and (2).

(4) Where the aerodrome of intended landing has in place noise criteria that may require a landing mass reduction, the take-off mass must be adjusted to comply with the limitations.

**Dispatch limitations: wet runway- turbojet- or turbofan-powered aeroplanes**

**135.09.8** (1) Subject to subregulation (2), when weather reports or forecasts indicate that the runway may be wet at the estimated time of arrival, an operator may not dispatch, and a pilot-in-command may not conduct a take-off in a turbojet- or turbofan-powered aeroplane, unless the landing distance available at the destination aerodrome is at least 115 percent of the landing distance required in terms of regulation 135.09.7(1)(a).

[There should be a comma after the phrase “and a pilot-in-command  
may not conduct a take-off in” to offset that phrase properly.]

(2) The landing distance available on a wet runway may be shorter than that required by subregulation (1) but not shorter than that required by regulation 135.09.7, if the aeroplane flight manual includes specific information about landing distances on wet runways.

**Landing on dry runways**

**135.09.9** (1) An operator must ensure that the landing mass of the aeroplane for the estimated time of landing, allows a full stop landing from 50 feet above the threshold within 70 percent of the landing distance available at the destination aerodrome and at any alternate aerodrome but the Executive Director may permit the use of a screen height of less than 50 feet, but not less than 35 feet, for steep-approach and short-landing procedures.

(2) When complying with the provisions of subregulation (1), the operator must take account of -

- (a) the pressure altitude at the aerodrome; and
- (b) not more than 50 percent of the reported head-wind component or not less than 150 percent of the reported tail-wind component.

**Landing on wet and contaminated runways**

**135.09.10** (1) An operator must ensure that, when the appropriate weather reports or forecasts, or a combination of the reports and forecasts, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 percent of the required landing distance determined in accordance with the provisions of regulation 135.09.9.

(2) An operator must ensure that, when the appropriate weather reports or forecasts, or a combination of the report and forecasts, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available must be at least the landing distance determined in accordance with the provisions of subregulation (1) or at least 115 percent of the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

landing distance determined in accordance with approved contaminated landing distance data or an equivalent contaminated landing distance data, whichever is the greater.

(3) A landing distance on a wet runway shorter than the landing distance required by the provisions of subregulation (1), but not less than the landing distance required by the provisions of regulation 135.09.9(1), may be used if the aeroplane flight manual referred to in regulation 135.04.4 includes specific additional information on landing distances on wet runways.

**SUBPART 10**  
**MAINTENANCE CONTROL**

**General**

**135.10.1** (1) An operator may not operate any aeroplane under this Part unless the aeroplane is maintained in accordance with Part 43.

(2) An operator must ensure that the aeroplane is maintained in accordance with an approved aeroplane maintenance programme.

(3) An operator may contract its maintenance out as provided in regulation 135.10.3.

(4) The maintenance programme referred to in subregulation (2) must contain the information required by regulation 135.10.2(1) and be provided to the maintenance personnel concerned and the other personnel as may be required.

**Aeroplane maintenance programme**

**135.10.2** (1) The maintenance programme referred to in regulation 135.09.1(2) must be developed for each aeroplane and must contain the following information -

- (a) maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the aeroplane;
- (b) when applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b); and
- (d) when applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and powerplants.

(2) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design must be identified as the.

[It appears that the word “the” at the end of subregulation (2) in the *Government Gazette* may have been intended to be “such”. Compare regulation 127.10.2(2) which reads in part:  
“Maintenance tasks and intervals that have been specified as mandatory in approval of the type design must be identified as such.”]

(3) The maintenance programme must be based on information made available by the State of Design or by the organisation responsible for the type design, and any applicable operational, maintenance and regulatory requirements issued by the Executive Director.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Any amendment to the approved programme must be formulated by the operator, to reflect changes in the type certificate holder's recommendations, modifications, reliability programme, service experience, or as required by the Executive Director.

(5) The design and application of the maintenance programme must observe human factors principles.

(6) Upon approval of the Executive Director, copies of all amendments to the maintenance programme must be furnished promptly to all organisations or persons to whom the maintenance programme has been issued.

**Maintenance contracted to approved aircraft maintenance organisation**

**135.10.3** (1) An operator contracting its maintenance out as provided in regulation 135.10.1(3) must ensure the contract is with a holder of an aircraft maintenance organisation approval with the appropriate rating issued in terms of Part 145.

(2) An operator must implement a system of quality assurance to ensure that all maintenance is carried out by the contracted organisation as provided in the contract.

**Operator's maintenance responsibilities**

**135.10.4** (1) An operator must establish procedures acceptable to the Executive Director that ensure -

- (a) each aeroplane they operate is maintained in an airworthy condition;
- (b) the operational and emergency equipment necessary for an intended flight are serviceable; and
- (c) the Certificate of Airworthiness of each aeroplane they operate, including any appropriate special conditions, remains valid.

(2) An operator may not operate an aeroplane unless it is maintained and released to service by an organisation designated in accordance with Part 145 in the manner referred to in regulation 135.10.3.

(3) An operator must be resourced sufficiently to ensure that all maintenance is carried out in accordance with the maintenance control manual referred to in regulation 135.10.5.

(4) An operator must ensure that the maintenance of its aeroplanes is performed in accordance with the maintenance programme.

(5) When the Executive Director accepts an equivalent maintenance programme, the person signing the maintenance release, has to sign the release in accordance with Part 66.

**Operator's maintenance control manual**

**135.10.5** (1) An operator must provide a maintenance control manual that meets the requirements in Document NAM-CATS-OPS 43 for the use and guidance of the maintenance and operational personnel concerned.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The maintenance control manual referred to in subregulation (1) must incorporate relevant principles of human factors.

(3) If an operator develops a separate maintenance control manual as part of the operations manual system, two copies of the proposed maintenance control manual must be provided to the Executive Director.

(4) An operator must amend its maintenance control manual as necessary in accordance with the amendment procedures contained in the maintenance control manual, in order to keep the information contained therein up-to-date and accurately reflect company policy with respect to the maintenance of its aeroplanes and the operator must forward two copies of all amendments to the maintenance control manual to the Executive Director for approval.

(5) Upon receipt of any approved amendments, each holder of a maintenance control manual must be furnished a copy of the amendment with clear instructions to insert the amended pages in a timely manner into the maintenance control manual.

(6) The Executive Director may require an operator to produce an amendment where he or she is of the opinion that the maintenance control manual requires updating.

**Maintenance records**

**135.10.6** (1) The following records must be kept for each aeroplane for the periods specified in subregulation (3) -

- (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aeroplane and all life limited components;
- (b) the current status of compliance with all mandatory continuing airworthiness information;
- (c) appropriate details of modifications and repairs;
- (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aeroplane or its components subject to a mandatory overhaul life;
- (e) the current status of the aeroplane's compliance with the maintenance programme; and
- (f) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.

(2) An operator must describe in its maintenance control manual who is responsible for the retention of the records required by subregulation (1) and where they will be kept.

(3) The records referred to -

- (a) in subregulation (1)(a) to (e) must be kept for a minimum period of 90 days after a unit to which they refer has been permanently withdrawn from service;
- (b) in subregulation (1)(f) must be kept for a minimum period of five years after a signing of a maintenance release; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) in paragraph (a) and (b) must be kept, transferred and maintained in a form and format that ensures readability, security and integrity of records at all times.

(4) At the discretion of the Executive Director, in the event of a temporary change of operator, the records must be made available to the new operator and in the event of any permanent change of operator, the records must be transferred to the new operator.

**Continuing airworthiness information**

**135.10.7** (1) An operator operating aeroplane in excess of 5 700 kilogrammes maintenance control manual must, describe in its maintenance control manual -

[There is a problem with the structure of the introductory phrase. It may have been intended to say:  
"An operator operating an aeroplane in excess of 5 700 kilogrammes must describe  
in its maintenance control manual –".]

- (a) who is responsible to monitor and assess maintenance and operational experience with respect to continuing airworthiness and obtain the other information that the Executive Director prescribes; and

[The phrase "responsible to monitor and assess" should be "responsible for monitoring and assessing", and "obtain" should be "obtaining".]

- (b) who must report the information to the Executive Director using a reporting system developed for that purpose.

(2) The Executive Director must transmit all mandatory continuing airworthiness information reported to him or her in accordance with subregulation (1) to the State of Design of any aeroplane that has been issued a Namibia Certificate of Airworthiness and operated in terms of this Part.

(3) An operator must describe in its maintenance control manual who is responsible to obtain and assess continuing airworthiness information and recommendations issued by an aeroplane manufacturer, the organisation responsible for the aeroplane type design or by the State of Design, or any additional requirements issued by the Executive Director for each type of aeroplane operated under this Part and must implement resulting actions considered necessary in accordance with a procedure acceptable to the Executive Director.

[The phrase "responsible to obtain and assess" should be  
"responsible for obtaining and assessing".]

(4) An operator of an aeroplane must monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide reports to the Executive Director through the system specified by the State of Registry.

(5) An operator of an aeroplane must obtain and assess continuing airworthiness information and recommendations available from the organization responsible for the type design and must implement resulting actions considered necessary by the operator in accordance with a procedure acceptable to the Executive Director.

**Modifications and repairs**

**135.10.8** (1) All modifications and repairs must comply with airworthiness requirements in Parts 43 and 44 acceptable to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Records of the modifications and repairs substantiating data, approved design data, supporting compliance with the airworthiness requirements must be retained in accordance with regulation 43.03.3.

**SUBPART 11**  
**SAFETY AND QUALITY MANAGEMENT SYSTEMS**

**Requirements for quality management system**

**135.11.1** (1) An operator must establish a quality management system that meets the requirements in Document NAM-CATS-OPS 135.

(2) The quality management system must -

- (a) include a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures; and
- (b) be described in relevant documentation as provided for in Document NAM-CATS-OPS 135.

(3) An operator must designate a person responsible for the quality management system who meets the qualifications and experience requirements and who will be responsible for the functions as provided for in Document NAM-CATS-OPS 135.

(4) The operator must prepare a quality management manual that meets the requirements in Document NAM-CATS-OPS 135.

(5) Despite subregulation (3), the operator may appoint two quality managers, one for flight operations and one for maintenance but the operator must designate one single quality management unit to ensure that the quality system is applied uniformly throughout the entire operation.

**SUBPART 12**  
**SECURITY**

**Aviation security for domestic and international air transport operations**

**135.12.1** Despite the security requirements in this Part, an operator, owner or pilot-in-command, as the case may be, must ensure that the security requirements specified in Parts 108 to 114 in respect of all domestic and international air transport operations are complied with.

**SUBPART 13**  
**DANGEROUS GOODS**

**Transportation of dangerous goods**

**135.13.1** When transporting dangerous goods the operator, owner or pilot-in-command must comply with the requirements of Part 92.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 137**  
**CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS:**  
**AGRICULTURAL OPERATIONS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 137.01.1 Applicability
- 137.01.2 Requirements for ratings
- 137.01.3 Requirements for commercial agricultural operations
- 137.01.4 Aircraft equipment
- 137.01.5 Airworthiness certification

**SUBPART 2: FLIGHT RULES**

- 137.02.1 Dispensing agricultural chemicals
- 137.02.2 Direction of turns at aerodromes
- 137.02.3 Heights of turns at aerodromes  
[The heading of this regulation in the text below is  
“Height of turns at aerodromes” (with “Height” being singular).]
- 137.02.4 Operation without position lights
- 137.02.5 Operation over densely inhabited areas
- 137.02.6 Operation over areas not densely inhabited
- 137.02.7 Fuel reserves

**SUBPART 3: SPECIAL FLIGHT RULES**

- 137.03.1 General
- 137.03.2 Take-off distance and flight path
- 137.03.3 Take-off flight path

**SUBPART 4: COMMERCIAL OPERATIONS**

- 137.04.1 Records
- 137.04.2 Remote base operations
- 137.04.3 Operations over densely inhabited areas

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**137.01.1** (1) This Part shall apply to -

- (a) aircraft engaged in commercial or non-commercial agricultural operations within Namibia;
- (b) aircraft registered in Namibia and engaged in commercial or non-commercial international agricultural operations; and
- (c) persons acting as crew members of the aircraft operated in terms of the regulations in this Part.

(2) Unless the context otherwise indicates, agricultural operations shall be conducted in accordance with the provisions of the regulations in this Part and in addition, the provisions of the regulations in Part 91 and Part 121, Part 127 or Part 135, as the case may be.

**Requirements for ratings**

**137.01.2** The pilot of an aircraft engaged in an agricultural operation, shall hold -

- (a) a valid agricultural pilot rating issued in terms of Part 61 for the category of aircraft used; and
- (b) a pest control operator's certificate issued in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

**Requirements for commercial agricultural operations**

**137.01.3** The operator of an aircraft engaged in commercial agricultural operations, shall not operate the aircraft unless such operator is the holder of a valid air operator certificate issued in terms of the regulations in Part 121, Part 127 or Part 135, as the case may be.

**Aircraft equipment**

**137.01.4** The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has, in addition to the equipment prescribed in Part 91, an approved and properly installed shoulder harness for each person on board.

**Airworthiness certification**

**137.01.5** The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft is appropriately certificated in terms of the regulations in Part 21 for the purposes of the agricultural operation.

**SUBPART 2**  
**FLIGHT RULES**

**Dispensing agricultural chemicals**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**137.02.1** (1) The pilot of an aircraft dispensing an agricultural chemical in an agricultural operation, shall dispense the agricultural chemical -

- (a) for its registered use; and
- (b) in accordance with the safety instructions or use limitations on its label.

(2) Notwithstanding the provisions of subregulation (1), the pilot may, if the operation is for experimental purposes -

- (a) under the supervision of a Government department conducting research in the field; or
- (b) in terms of a permit from the applicable authority controlling such chemicals,

dispense the agricultural chemical as necessary for the particular experiment.

**Direction of turns at aerodromes**

**137.02.2** The pilot of an aircraft engaged in an agricultural operation, may turn in a direction other than that prescribed in Part 91, when approaching for a landing at, or after take-off from, an aerodrome if -

- (a) the aerodrome is used solely for aircraft engaged in agricultural operations;
- (b) in the case of an unmanned aerodrome, two-way radio communication is maintained with other air traffic; or
- (c) in any other case, the aerodrome displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

**Height of turns at aerodromes**

**137.02.3** The pilot of an aircraft engaged in an agricultural operation, may commence a turn after take-off from an aerodrome at an altitude other than that prescribed in Part 91, if -

- (a) the turn does not cause the aircraft to fly over inhabited area; and
- (b) the aerodrome -
  - (i) is used solely for aircraft engaged in agricultural operations;
  - (ii) has an aerodrome control service in operation and the turn is performed in accordance with an air traffic control clearance;
  - (iii) is an unmanned aerodrome and such pilot maintains two-way radio communication with other air traffic; or
  - (iv) in any other case, displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

**Operation without navigation lights**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**137.02.4** Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may operate at night without aircraft navigation lights, if -

- (a) it is in the interests of aviation safety to turn the lights off due to operating conditions;
- (b) prominent unlighted objects are visible for not less than one nautical mile;
- (c) take-offs and landings at aerodromes with an aerodrome control service are performed in accordance with an air traffic control clearance;
- (d) take-offs and landings at other aerodromes are not made while other aircraft operations requiring navigation lights, are in progress at that aerodrome; and
- (e) it is required for operational purposes.

**Operation over densely inhabited areas**

**137.02.5** The pilot of an aircraft engaged in an agricultural operation over densely inhabited areas, may, for the proper completion of the operation, fly below the minimum height prescribed in Part 91, if -

- (a) prior approval is obtained from the Director and the operation is conducted in accordance with conditions and limitations determined by the Director;
- (b) the operation is conducted under the authority of an air operator certificate as contemplated in regulation 137.01.3; and
- (c) the holder of the air operator certificate has complied with regulation 137.04.3.

**Operation over areas not densely inhabited**

**137.02.6** Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may during, or for the purposes of, the operation, fly at any altitude and at any distance from an obstruction, if -

- (a) the operation is not conducted over a densely inhabited area;
- (b) the operation is conducted without creating a hazard to persons or property on the ground; and
- (c) the altitude and distance for all approaches, turns and departures are necessary for the operation.

**Fuel reserves**

**137.02.7** Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has the following minimum fuel reserves:

- (a) For aeroplanes, 30 minutes of flight time; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) for helicopters, 3 times the anticipated flight time or 30 minutes of flight time, whichever is the lesser.

**SUBPART 3**  
**SPECIAL FLIGHT RULES**

**General**

**137.03.1** This Subpart prescribes exceptions to the general operating and flight rules in Part 91, for the pilot of an aeroplane engaged in an agricultural operation,

**Take-off distance and flight path**

**137.03.2** (1) Where there is a third party risk as specified in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall, notwithstanding the provisions of the regulations in Part 91, and subject to the provisions of subregulation (2), ensure that the take-off distance available is greater than the take-off distance specified in the aeroplane flight manual, multiplied by a factor of 1.2.

(2) When calculating the take-off distance, the pilot shall take the following factors into account:

- (a) The mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude of the aerodrome;
- (c) the ambient temperature at the aerodrome;
- (d) the runway surface type and condition;
- (e) the runway slope in the direction of take-off; and
- (f) not more than 50 per cent of the headwind component or not less than 150 per cent of the tailwind component

(3) Where there is no third party risk as specified in Document NAM-CATS-OPS 137, the pilot is not required, notwithstanding the provisions of the regulations in Part 91, to comply with -

- (a) the take-off distance specified in the aeroplane flight manual; and
- (b) where applicable, the take-off flight path gradient specified in the aeroplane flight manual.

**Take-off flight path**

**137.03.3** (1) Where there is a third party risk as defined in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall ensure that, notwithstanding the provisions of the regulations in Part 91, the take-off flight path clears all obstacles by -

- (a) a vertical distance of at least 50 feet plus 0,025D; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a lateral distance of at least 30 metres plus  $0,1D$ ,

where  $D$  is the horizontal distance travelled by the aeroplane from the end of the take-off distance available.

(2) When calculating compliance with subregulation (1), the pilot shall take the following factors into account:

- (a) The take-off flight path shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance required in terms of regulation 137.03.2(1) and (2), and end at a height of 500 feet above the take-off surface;
- (b) the aeroplane shall not be banked at an angle exceeding 20 degrees; and
- (c) obstacles which have a lateral distance greater than 150 metres from the planned flight path, may be disregarded,

**SUBPART 4**  
**COMMERCIAL OPERATIONS**

**Records**

**137.04.1** (1) The holder of an air operator certificate shall maintain the following records at the principal place of operation:

- (a) The name and address of each client;
- (b) the date of each agricultural operation;
- (c) the name and quantity of the material dispensed during each agricultural operation;
- (d) the name, address, licence number, and rating details of the pilot concerned; and
- (e) the date on which an agricultural pilot rating was issued to the pilot concerned.

(2) The records shall be retained for a period of not less than 12 months calculated from the date on which the operation was completed.

**Remote base operations**

**137.04.2** The holder of an air operator certificate who operates an aircraft engaged in an agricultural operation, from a base other than the principal place of operation and for a period of 14 or more consecutive nights, shall appoint a base pilot who -

- (a) holds a valid agricultural pilot rating;
- (b) is responsible for the operations from that remote base; and
- (c) may be responsible for arranging work rosters and maintaining records.

**Operations over densely inhabited areas**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**137.04.3** The holder of an air operator certificate who wishes to operate an aircraft in an agricultural operation over a densely inhabited area, shall -

- (a) prepare a plan of the operation, in conjunction with, and for the briefing of, all personnel and organisations involved in the operation, containing -
  - (i) consideration of obstructions to flight;
  - (ii) the emergency landing capabilities of the aircraft used; and
  - (iii) any co-ordination necessary with the air traffic service unit concerned;
- (b) give prior written notification to the local authority of the area in whose jurisdiction the operation is to be performed;
- (c) give notice of the operation to the public by an effective means;
- (d) ensure maximum safety to persons and property on the ground, consistent with the operation; and
- (e) ensure that the aircraft has, within the preceding 100 hours of time in service -
  - (i) had a mandatory periodic inspection; or
  - (ii) been inspected under a progressive inspection programme, in accordance with the regulations in Part 43.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**AERODROMES AND HELIPORTS**

**PART 139**  
**AERODROMES**

**[Part 139 is substituted by GN 293/2018.]**

**GN 293/2018 as amended provides that the new Part 139 comes into effect as follows:**

- “(i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, come into operation on **31 March 2023**;
- (ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the interim period regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and
- (iii) all the other provisions of Part 139 come into effect on **1 May 2020**.”

**Note that Subpart 5 is substituted in its entirety by GN 55/2023.**  
**This substitution took effect 18 months after the publication date of GN 55/2023,**  
**with that publication date being 31 March 2023.]**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL REQUIREMENTS**

- 139.01.1 Applicability
- 139.01.2 Definitions for this Part
- 139.01.3 Applicable technical standards
- 139.01.4 Use of common reference systems
- 139.01.5 Categories of aerodromes
- 139.01.6 Aerodrome reference code
- 139.01.6A Allocation of aerodrome location indicators  
**[Regulation 139.01.6A is inserted by GN 55/2023.]**
- 139.01.7 Notifying and reporting of aerodrome data and information
- 139.01.8 Restrictions and prohibitions on use of aerodromes
- 139.01.9 Deviations
- 139.01.10 Publication of restrictions, deviations, exemptions and status of aerodromes
- 139.01.11 Storage of inflammable goods
- 139.01.12 Safety measures against fire
- 139.01.13 Lights which endanger safety of aircraft
- 139.01.14 Use of runways and taxiways
- 139.01.15 Points of entry into or exit from restricted areas of aerodrome
- 139.01.16 Movement of aircraft or vehicles in restricted area on direction of aerodrome operator
- 139.01.17 Access to apron
- 139.01.18 Points of access to or egress from apron
- 139.01.19 Movement of aircraft or vehicles on apron
- 139.01.20 Movement of aircraft on apron under direction of aerodrome operator
- 139.01.21 Movement of vehicles on apron under direction of aerodrome operator
- 139.01.22 Parking of aircraft on apron
- 139.01.23 Securing of parked aircraft
- 139.01.24 Embarkation or disembarkation of persons into, or from, aircraft
- 139.01.25 Loading or unloading cargo and dangerous goods into, or from, aircraft
- 139.01.26 Supply of fuel to aircraft
- 139.01.27 Boarding or tampering with aircraft

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 139.01.28 Test-running of aircraft engines
- 139.01.29 Regulation of vehicular or other traffic at aerodrome
- 139.01.30 Entering or leaving aerodrome
- 139.01.31 Animals in restricted area of aerodrome
- 139.01.32 Acts prohibited on aerodromes and in terminal buildings
- 139.01.33 Lead-in lights
- 139.01.34 Safeguarding of aerodrome surroundings
- [Regulation 139.01.34, including the heading, is substituted by GN 55/2023.]
- 139.01.35 Aeronautical studies
- 139.01.36 Safety inspections and audits
- 139.01.37 Testing of aerodrome facilities, equipment and procedures
- 139.01.38 Register of aerodrome certificates and licences
- 139.01.39 Use of military aerodromes
- 139.01.40 Specific procedures for aerodrome operations
- 139.01.41 Security measures
- 139.01.42 Low visibility operations
- 139.01.43 Exemptions
- 139.01.44 Compensation payable for spilling substances on certain areas
- 139.01.45 Firing of rockets, missiles, flares or other objects in vicinity of aerodromes

**SUBPART 2: AERODROMES DESIGN AND CONSTRUCTION REQUIREMENTS**

- 139.02.1 Applicability of Subpart
- 139.02.2 Construction of aerodrome
- 139.02.3 Requirements for aerodrome design
- 139.02.4 Issuance of certificate of intent

**SUBPART 3: CERTIFICATION OF AERODROMES**

- 139.03.1 Applicability of Subpart
- 139.03.2 Requirement for aerodrome certificate
- 139.03.3 Application for aerodrome certificate
- 139.03.4 Issuance of aerodrome certificate
- 139.03.5 Aerodrome certificate
- 139.03.6 Validity of aerodrome certificate
- 139.03.7 Renewal of aerodrome certificate
- 139.03.8 Amendment of aerodrome certificate
- 139.03.9 Suspension and revocation of aerodrome certificate
- 139.03.10 Surrender of aerodrome certificate
- 139.03.11 Transferability of aerodrome certificate
- 139.03.12 Breach of conditions for issuance of aerodrome certificate and non-conformance with certificate requirements
- 139.03.13 Charges at certified aerodromes
- 139.03.14 Changes to certificate holder's manual and organisation
- 139.03.15 Notification of availability of certified aerodrome
- 139.03.16 Issuance of interim aerodrome certificate

**SUBPART 4: LICENSING OF AERODROMES IN CATEGORIES B, C AND D**

- 139.04.1 Applicability of Subpart
- 139.04.2 Requirements for aerodrome licence
- 139.04.3 Application for aerodrome licence
- 139.04.4 Issuance of aerodrome licence

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 139.04.5 Aerodrome licence
- 139.04.6 Validity of aerodrome licence
- 139.04.7 Renewal of aerodrome licence
- 139.04.8 Amendment of aerodrome licence
- 139.04.9 Suspension and revocation of aerodrome licence
- 139.04.10 Surrender of aerodrome licence
- 139.04.11 Transferability of aerodrome licence
- 139.04.12 Breach of conditions for issuance of aerodrome licence and non-conformance with licence requirements
- 139.04.13 Charges at licensed aerodromes
- 139.04.14 Changes to licence holder's manual and organisation
- 139.04.15 Notification of availability of licensed aerodrome
- 139.04.16 Issuance of interim aerodrome licence

**SUBPART 5: AERODROME DESIGN AND CONSTRUCTION OF CATEGORY D AERODROMES**

[Subpart 5 is substituted in its entirety by GN 55/2023. GN 55/2023 contains no direction regarding the LIST OF REGULATIONS, but it has been adjusted here to list the regulation numbers and headings in the substituted Subpart 5.]

- 139.05.1 Applicability of Subpart
- 139.05.2 Aerodrome design and construction of category D aerodromes
- 139.05.3 Registration of category D aerodrome
- 139.05.4 Acknowledgment of registration to operate category D aerodromes
- 139.05.5 Transferability of change of aerodrome ownership
- 139.05.6 General duties of category D aerodrome operator
- 139.05.7 Operating standards for category D aerodromes with heightened safety and security measures
- 139.05.8 Reporting officer at category D aerodromes
- 139.05.9 Charges at category D aerodromes
- 139.05.10 Deregistration of category D aerodromes

**SUBPART 6: NON-LICENSED HELICOPTER AND EMERGENCY LANDING SITES**

- 139.06.1 Operation of non-licensed helicopter sites
- 139.06.2 Emergency landing sites

**SUBPART 7: AERODROME MANUAL**

- 139.07.1 Applicability of Subpart
- 139.07.2 Requirements for aerodrome manual
- 139.07.3 Contents of aerodrome manual
- 139.07.4 Amendment of aerodrome manual

**SUBPART 8: OBLIGATIONS OF AERODROME OPERATORS**

- 139.08.1 Applicability of Subpart
- 139.08.2 Aerodrome operations, maintenance and compliance with conditions
- 139.08.3 Personnel requirements: accountable manager and key personnel
- 139.08.4 Quality management system  
[Regulation 139.08.4, including the heading, is substituted by GN 55/2023.]
- 139.08.5 Changes in quality management system  
[Regulation 139.08.5, including the heading, is substituted by GN 55/2023.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 139.08.6 Safety management system
- 139.08.7 Runway safety programme
- 139.08.8 Demarcation of restricted areas
- 139.08.9 Control of entry into restricted areas
- 139.08.10 Demarcation of routes on apron
- 139.08.11 Aerodrome inspection programme
- 139.08.12 **[Regulation 139.08.12 is deleted by GN 55/2023.]**
- 139.08.13 **[Regulation 139.08.13 is deleted by GN 55/2023.]**
- 139.08.14 Aerodrome special inspections
- 139.08.15 Aerodrome environmental management programme
- 139.08.16 Aerodromes works safety
- 139.08.17 Protection of navigation aids
- 139.08.18 Notification of aerodrome condition
- 139.08.19 Unsafe conditions
- 139.08.20 Discontinuation of certified or licensed aerodrome operations  
**[The word "licenced" is omitted in the heading of this regulation in the text below.]**
- 139.08.21 General duties of aerodrome operator
- 139.08.22 Removal of obstructions from aerodrome surface
- 139.08.23 Warning notices

**SUBPART 9: AERODROME DATA**

- 139.09.1 Applicability of Subpart
- 139.09.2 Aeronautical data
- 139.09.3 Aerodrome reference point
- 139.09.4 Aerodrome and runway elevation
- 139.09.5 Aerodrome reference temperature
- 139.09.6 Aerodrome dimensions and related information
- 139.09.7 Strength of pavements
- 139.09.8 Pre-flight altimeter check point
- 139.09.9 Declared distances
- 139.09.10 Condition of movement area and related facilities
- 139.09.11 Information on disabled aircraft removal
- 139.09.12 Information on rescue and fire fighting level of protection
- 139.09.13 Information concerning visual approach slope indicator systems
- 139.09.14 Coordination between aeronautical information services and aerodrome authorities

**SUBPART 10: AERODROME PHYSICAL CHARACTERISTICS**

- 139.10.1 Applicability of Subpart
- 139.10.2 Runways
- 139.10.3 Runway shoulders
- 139.10.4 Runway turn pads
- 139.10.5 Runway strips
- 139.10.6 Runway end safety areas
- 139.10.7 Clearways
- 139.10.8 Stopways
- 139.10.9 Radio altimeter operating area
- 139.10.10 Taxiways
- 139.10.11 Taxiway shoulders
- 139.10.12 Taxiway strips
- 139.10.13 Holding bays, runway-holding positions, intermediate holding positions and road-holding positions

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 139.10.14 Aprons
- 139.10.15 Isolated aircraft parking position

**SUBPART 11: OBSTACLE RESTRICTION AND REMOVAL**

- 139.11.1 Applicability of Subpart
- 139.11.2 Erection of obstacles
- 139.11.3 Establishment of obstacle limitation surfaces
- 139.11.4 Obstacle limitation surfaces
- 139.11.5 Obstacle limitation requirements
- 139.11.6 Objects outside obstacle limitation surfaces
- 139.11.7 Removal of obstacles and other objects

**SUBPART 12: VISUAL AIDS FOR NAVIGATION**

- 139.12.1 Applicability of Subpart
- 139.12.2 Wind direction indicator
- 139.12.3 Landing direction indicator
- 139.12.4 Signaling lamp
- 139.12.5 Signal panels and signal areas
- 139.12.6 Markings
- 139.12.7 Lights
- 139.12.8 Signs
- 139.12.9 Markers

**SUBPART 13: VISUAL AIDS FOR DENOTING OBSTACLES**

- 139.13.1 Applicability of Subpart
- 139.13.2 Objects to be marked or lighted
- 139.13.3 Marking and lighting of objects

**SUBPART 14: VISUAL AIDS FOR DENOTING RESTRICTED USE AREAS**

- 139.14.1 Applicability of Subpart
- 139.14.2 Closed runways and taxiways or parts thereof
- 139.14.3 Non-load-bearing surface
- 139.14.4 Pre-threshold area
- 139.14.5 Unserviceable areas

**SUBPART 15: ELECTRICAL SYSTEMS**

- 139.15.1 Applicability of Subpart
- 139.15.2 Electrical power supply systems for air navigation facilities
- 139.15.3 Systems design
- 139.15.4 Monitoring

**SUBPART 16: AERODROME OPERATIONAL SERVICES, EQUIPMENT AND INSTALLATIONS**

- 139.16.1 Applicability of Subpart
- 139.16.2 Aerodrome emergency planning
- 139.16.3 Rescue and firefighting services
- 139.16.4 Disabled aircraft removal



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 139.16.5 Wildlife hazard management
- 139.16.6 Apron management service
- 139.16.7 Ground servicing of aircraft
- 139.16.8 Aerodrome vehicle operations
- 139.16.9 Surface movement guidance and control systems
- 139.16.10 Siting of equipment and installations on operational areas
- 139.16.11 Fencing
- 139.16.12 Security lighting
- 139.16.13 Autonomous runway incursion warning system

**SUBPART 17: AERODROME MAINTENANCE**

- 139.17.1 Applicability of Subpart
- 139.17.2 Maintenance programme
- 139.17.3 Maintenance of pavements and friction measurement
- 139.17.4 Removal of contaminants
- 139.17.5 Runway pavement overlays
- 139.17.6 Maintenance of visual aids for navigation

**SUBPART 18: REQUIREMENTS SPECIFIC TO HELIPORTS**

- 139.18.1 Applicability of Subpart
- 139.18.2 Definitions for this Subpart
- 139.18.3 Heliport reference point
- 139.18.4 Heliport elevations
- 139.18.5 Heliport dimensions and related information
- 139.18.6 Declared distances
- 139.18.7 Physical characteristics of surface-level heliports
- 139.18.8 Physical characteristics of elevated heliports
- 139.18.9 Physical characteristics of helidecks
- 139.18.10 Physical characteristics of shipboard heliports
- 139.18.11 Obstacle limitation surfaces and sectors
- 139.18.12 Obstacle limitation requirements
- 139.18.13 Visual Aids

[In the heading of this regulation in the text below, the word “aids” is not capitalised.]

- 139.18.14 Wind direction indicator
- 139.18.15 Markings and markers
- 139.18.16 Lights
- 139.18.17 Heliport emergency planning
- 139.18.18 Rescue and firefighting

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL REQUIREMENTS**

**Applicability**

**139.01.1** (1) This Part applies to aerodromes and includes applicable requirements and standards relating to -

- (a) certification of aerodromes and operation of certified aerodromes;
- (b) licensing of aerodromes and operation of licensed aerodromes;
- (c) issuance of acknowledgement of registration to, and operation of, category D aerodromes;

**[Paragraph (c) is substituted by GN 55/2023.]**

- (d) approval of non-licensed helicopter sites and their operation;
- (e) design and construction of aerodromes;
- (f) maintenance of aerodromes and associated facilities;
- (g) obligations of aerodrome operators; and
- (h) other matters relating to safety of aerodromes.

(2) This Part also sets out certain -

- (a) administrative requirements applying to the Executive Director; and
- (b) aviation security requirements applicable to aerodromes.

(3) A person may not use any place in Namibia as a place for the landing or departure of an aircraft operated in terms of Part 121 or 135 and an aircraft used during *ab initio* flying training, unless that place has been -

- (a) certified in accordance with Subpart 3;
- (b) licensed in accordance with Subpart 4;
- (c) issued with an acknowledgement of registration in accordance with Subpart 5; or
- (d) approved in accordance with Subpart 6; and operated in accordance with this Part.

**[Subregulation (3) is substituted by GN 55/2023. The punctuation of this subregulation and the previous version of it both suggest that the final phrase should apply to all of the paragraphs rather than just to paragraph (d); it was probably intended to read as follows:**

(3) A person may not use any place in Namibia as a place for the landing or departure of an aircraft operated in terms of Part 121 or 135 and an aircraft used during *ab initio* flying training, unless that place has been -

- (a) certified in accordance with Subpart 3;
- (b) licensed in accordance with Subpart 4;
- (c) issued with an acknowledgement of registration in accordance with Subpart 5; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) approved in accordance with Subpart 6;  
and operated in accordance with this Part.]

(3A) A person may not use a place in any urban area in Namibia as a place for the landing or take-off of helicopters operated in terms of Part 127 unless that person has obtained the prior approval of the Executive Director to use the place for the landing or take-off of helicopters operated in terms of Part 127.

[Subregulation (3A) is inserted by GN 55/2023.]

(4) A person may not use any area on any land, water or building for the landing or take-off of aircraft, if the air traffic in such area will in any way interfere with existing established procedures regarding controlled airspace.

**Definitions for this Part**

**139.01.2** (1) In this Part, unless the context indicates otherwise -

“aerodrome charge” means an amount levied -

- (a) on an operator of an aircraft in connection with the arrival, parking or departure of such aircraft at an aerodrome; and
- (b) on aircraft passengers in connection with their arrival at or departure from the aerodrome by means of an aircraft;

[The definition of “aerodrome charge” is inserted by GN 55/2023.]

“aerodrome operator” means a person who is -

- (a) certified to operate an aerodrome;
- (b) licensed to operate an aerodrome;
- (c) issued with an acknowledgement of registration to operate an aerodrome;

[Paragraph (c) is substituted by GN 55/2023.]

- (d) approved to operate a non-licensed helicopter site;

“commercial aerodrome operator” means the use of an aerodrome by any aerodrome operator that levies aerodrome usage charge for public or private use;

[The definition of “commercial aerodrome operator” is inserted by GN 55/2023.]

“critical aeroplane” means the most demanding type of aeroplane for which the aerodrome is intended as defined in Document NAM-CATS-AH;

“Environmental Management Act” means the Environmental Management Act, 2007 (Act No. 7 of 2007); and

“local authority council” means the entity that administers the affairs of a municipality, town or village referred to in section 1 of the Local Authority Act, 1992 (Act No. 23 of 1992), and includes

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

a regional council that administers the affairs of a settlement area referred to in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992).

“non-commercial aerodrome operator” means the use of an aerodrome by any aerodrome operator that does not levy an aerodrome usage charge for public or private use;

[The definition of “non-commercial aerodrome operator” is inserted by GN 55/2023.]

“private use” means the use of an aerodrome that is not open or available for use by the public but may be made available by invitation of the owner or operator; and

[The definition of “private use” is inserted by GN 55/2023.]

“public use” means the use of an aerodrome by the public or the right of access by the public.

[The definition of “public use” is inserted by GN 55/2023.]

(2) In this Part, the term aerodrome whenever used includes aerodromes and heliports in terms of Annex 14 to the Chicago Convention, Volumes I and II.

### **Applicable technical standards**

**139.01.3** (1) The technical standards for this Part are contained in Document NAM-CATS-AH which provides for the following matters:

- (a) standards, including procedures, systems and documents used for the operation of an aerodrome;
- (b) standards for facilities and equipment used in the operation of an aerodrome;
- (c) standards for the training and checking of aerodrome personnel; and
- (d) any other standards as may be included in the technical standards by the Executive Director.

(2) Where a particular regulation in this Part makes reference to a standard in Document NAM-CATS-AH, that standard is construed to form part of the regulation.

(3) The Executive Director may approve a variation in the standards contained in Document NAM-CATS-AH where the aerodrome operator can demonstrate an equivalent level of aviation safety.

### **Use of common reference systems**

**139.01.4** (1) At any aerodromes -

- (a) the World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system;
- (b) the Mean Sea Level (MSL) datum must be used as the vertical reference system (elevation) at aerodromes; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) except where notified in the Aeronautical Information Publication (AIP) or the Aeronautical Information Circular (AIC) of Namibia, the Gregorian calendar and Coordinated Universal Time must be used as the temporal reference system.

(2) The use of common reference systems must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Categories of aerodromes**

**139.01.5** Aerodromes must be categorised as follows:

- (a) category A: comprising any aerodrome which -
  - (i) is available for use for both international and domestic aircraft operations;
  - (ii) is available for use for commercial and non-commercial, scheduled and non-scheduled aircraft operations;
  - (iii) is designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and
  - (iv) provides aerodrome facilitation;
- (b) category B: comprising any aerodrome which -
  - (i) is available for use for both commercial and non-commercial and non-scheduled international aircraft operations;
  - (ii) is available for use for both commercial and non-commercial scheduled and non-scheduled domestic aircraft operations;

[A comma appears to have been omitted after the word “non-commercial” in subparagraph (ii); compare subparagraph (a)(ii) above.]

  - (iii) is designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and
  - (iv) provides aerodrome facilitation.
- (c) category C: comprising any aerodrome which -
  - (i) is available for use for both commercial and non-commercial operations;
  - (ii) is available for use for both scheduled and non-scheduled domestic aircraft operations; and
  - (iii) may be designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) Category D: comprising any other aerodrome including a private and government owned aerodrome which is available for use for both scheduled and non-scheduled domestic aircraft operations.

[Regulation 139.01.5 is substituted by GN 55/2023. The word “category” should not be capitalised.]

**Aerodrome reference code**

**139.01.6** (1) An aerodrome reference code consisting of a code number and letter must be used for aerodrome planning purposes.

(2) The aerodrome reference code must be determined in accordance with the characteristics of the critical aeroplane for which the aerodrome facility is intended.

(3) The aerodrome reference code numbers and code letters required under subregulation (1) must be determined in accordance with the standards prescribed in Document NAM-CATS-AH.

**Allocation of aerodrome location indicators**

**139.01.6A** (1) The operator or owner of an aerodrome must apply to the Executive Director for the allocation of an aerodrome location indicator in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) An applicant for the allocation of an aerodrome location indicator must pay the appropriate application fee as prescribed in Part 187.

[Regulation 139.01.6A is inserted by GN 55/2023.]

**Notifying and reporting of aerodrome data and information**

**139.01.7** (1) An aerodrome operator of a certified or licensed aerodrome must notify and report to the Executive Director, air traffic service units concerned and the aeronautical information services any information which may affect the operation of aircraft.

[Subregulation (1) is substituted by GN 55/2023.]

(2) The information to be notified as required by subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Restrictions and prohibitions on use of aerodromes**

**139.01.8** (1) The Executive Director may impose restrictions as to the use of an aerodrome and may limit or totally prohibit the operation of any aircraft -

- (a) not equipped with radio equipment; or
- (b) the radio equipment of which is not complementary to the radio equipment installed for the control of air traffic at such aerodrome, if the Executive Director is satisfied that such restriction, limitation or prohibition is necessary in the interests of aviation safety.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An operator of a certified or licensed aerodrome may not allow the use of the aerodrome at night where such aerodrome lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operation of aircraft used in night flights.

(3) Without prejudice to the obligations of the pilot-in-command to determine the suitability of conditions for the landing and take-off of an aircraft at any time and place, the Executive Director may prohibit flights by night to, or from, any aerodrome that in the opinion of the Executive Director lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operators of aircraft using such aerodromes for night flights.

**Deviations**

**139.01.9** (1) Any deviations must be approved by the Executive Director where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising safety and security.

[The verb “indicates” should be “indicate” to accord with the subject “results”.]

(2) An aerodrome operator must publish in the aerodrome manual or standard operating procedures, whichever is applicable, any deviation from the requirements stipulated in this Part.

(3) An aerodrome operator must publish information related to deviations in the Aeronautical Information Publication.

[Regulation 139.01.9 is substituted by GN 55/2023.]

**Publication of restrictions, deviations and exemptions and status of aerodromes**

**139.01.10** The Executive Director must, upon the -

- (a) imposition of any restriction, limitation or prohibition;
- (b) endorsement of deviations in the aerodrome operations manual;
- (c) approval of exemptions;
- (d) issuing or renewal of an aerodrome certificate in terms of Subpart 3;
- (e) issuing or renewal of an aerodrome licence in terms of Subpart 4;
- (f) issuing of an aerodrome registration in terms of Subpart 5; or
- (g) approval of a non-licensed helicopter site in terms of Subpart 6,

publish in the AIP, according to the provisions of Part 175 -

- (i) particulars of the restriction, exemption, limitation or prohibition;
- (ii) the category for which the aerodrome is certified, licensed or permitted;
- (iii) the restrictions, if any, relating to non-compliance with, or deviations from -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or
- (bb) the appropriate airspace classification requirements prescribed in Parts 71 and 172;
- (iv) limitations on size of aircraft commensurate with the level of aerodrome rescue and firefighting services provided.

**Storage of inflammable goods**

**139.01.11** (1) Fuel, pyrotechnic stores and all highly inflammable matter at an aerodrome must be stored only in buildings or receptacles which comply with the appropriate standards provided for in any applicable law that regulates the storage of inflammable goods in Namibia.

(2) Fuel storage facility in and around aircraft hangars or any building must comply with the -

**[The singular phrase “Fuel storage facility” should be plural.]**

- (a) applicable technical standards set out in subregulation (1);
- (b) applicable local authority council regulations or by-laws, if any; and
- (c) requirements of any other law that regulates the storage of inflammable goods in Namibia.

**Safety measures against fire**

**139.01.12** (1) An aerodrome operator must establish preventive measures against possible fires on the aerodrome and identify a person or group of persons to maintain a fire prevention programme for the aerodrome and aerodrome buildings.

- (2) A person may not -
  - (a) smoke in or bring an open flame into -
    - (i) any place where such an act is prohibited by a notice displayed;
    - (ii) any place within 30 metres of an aircraft or any aircraft fuelling or fuel delivery vehicle, storage area, or dump for liquid fuel or explosives;
  - (b) wilfully give a false fire alarm;
  - (c) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided for fire-fighting purposes;
  - (d) keep, store, discard or discharge any inflammable liquid, gas, signal flares or other like material in an aircraft except in the receptacle appropriate for the purpose or in a place on the aerodrome specifically approved by the aerodrome operator for the purpose; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) store, stack or use any material or equipment in a manner which constitutes or is likely to constitute a fire hazard.

- (3) An aerodrome operator must -

- (a) display in conspicuous places appropriate signage in respect of the acts prohibited under subregulation (2); and

- (b) ensure that no unsafe practice is performed on the aerodrome or within its vicinity.

(4) If unsafe practices have to be performed during any day-to-day maintenance of, or on, the aerodrome, the aerodrome operator must alert the rescue and firefighting service concerned to be on standby for the duration of such practices.

**[Regulation 139.01.12 is substituted by GN 55/2023.]**

**Lights which endanger safety of aircraft**

**139.01.13** (1) The operator of an aerodrome must extinguish, screen or otherwise modify so as to eliminate the source of danger or cause to be extinguished, screened or otherwise modified any non-aeronautical ground light near an aerodrome which might endanger the safety of aircraft.

- (2) Whenever any light or pattern of lights is exhibited -

- (a) in the vicinity of an aeronautical light or system of aeronautical lights which by reason of the possibility of it being mistaken for such aeronautical light or lights, is likely to endanger the safety of aircraft; or

- (b) which, being in the vicinity of a certified or licensed aerodromes, is liable by its glare to endanger the safety of aircraft arriving at or departing from such aerodrome,

**[The phrase “a certified or licensed aerodromes” should be “a certified or licensed aerodrome”.]**

the Executive Director may serve a notice on the owner of the place where the light is exhibited or on the person having charge of the light or on the person owning or having charge of the pattern of lights or any portion of such pattern, directing such owner or person within the period specified in such notice to extinguish or screen effectively the light or lights under his, her or its control and in the future to prevent the exhibition of any light or particular type of light either at all or when ineffectively screened.

**Use of runways and taxiways**

**139.01.14** Except in an emergency or on the direction of the aerodrome operator a person may not -

- (a) move an aircraft in the restricted area except on a runway or taxiway;

- (b) move or operate an aircraft or vehicle onto a runway or a taxiway -

- (i) without the permission or instruction of the air traffic service unit operating at the aerodrome, whether or not the air traffic service unit is manned at the time;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) except in accordance with written instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;
- (iii) where no written instructions have been issued by such air traffic service unit as contemplated in subparagraph (ii), and the air traffic service unit is not manned at the time, except -

**[The word “subparagraph” is misspelt in the *Government Gazette*, as reproduced above.]**

- (aa) in a manner that will not endanger aircraft; or
- (bb) with the approval of the aerodrome operator;
- (c) use a portion of an aerodrome other than a runway for landing an aircraft or for taking off; and
- (d) land, take-off or operate on a runway, an aircraft fitted with a tailskid.

**Points of entry into or exit from restricted areas of aerodrome**

**139.01.15** (1) A person, other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome except at points of entry or exit established by the aerodrome operator for that purpose.

(2) A person may not cause or allow an aircraft or a vehicle travelling on the surface of an aerodrome to enter or leave a restricted area of an aerodrome, except at points of entry or exit established by the aerodrome operator for that purpose.

- (3) Except in an emergency, a person -
  - (a) other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome; or
  - (b) may not move an aircraft or a vehicle travelling on the surface of an aerodrome into or from the restricted area,

except at an appropriate point of entry or exit stipulated in terms of subregulation (1) or (2).

**Movement of aircraft or vehicles in restricted area on direction of aerodrome operator**

**139.01.16** (1) An operator of an aircraft or a vehicle operating within the restricted area of an aerodrome but outside the runway or taxiway must adhere to any direction given by the aerodrome operator.

(2) Where an operator or a person refuses or fails to comply with any direction given in accordance with subregulation (1), the aerodrome operator may relocate or remove the said aircraft or vehicle and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved and any such action by the aerodrome operator does not exempt that operator or person from a prosecution in respect of such refusal or failure.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) Any direction given by the aerodrome operator in terms of subregulation (1) does not authorise any person to move the aircraft or a vehicle onto a runway or a taxiway -

- (a) without the permission of the air traffic service unit operating at the aerodrome, if the air traffic service unit is manned at the time;
- (b) except in accordance with instructions issued by the air traffic service unit operating at that aerodrome, if the air traffic service unit is not manned at the time; or
- (c) except in a manner that does not endanger other aircraft, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit.

**Access to apron**

**139.01.17** (1) Except with the approval of the aerodrome operator and in accordance with approved procedures, a person may not have access to the apron of a certified or licensed aerodrome, unless -

- (a) that person is being carried in an aircraft or in or on a vehicle travelling on the surface of an aerodrome;
- (b) that person is about to embark in an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from the terminal building to that aircraft;
- (c) that person has disembarked from an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from that aircraft to the terminal building;
- (d) that person is the operator of an aircraft parked on or moving on the surface of the apron or the operator's employee only during the performance of that employee's duties or the course of his or her employment requires his or her presence on the apron; or
- (e) that person is the holder of the aerodrome certificate or licence or an employee of the holder in the performance of their duties.

(2) Except with the approval of the aerodrome operator, a person may not move an aircraft or a vehicle travelling on the surface of a certified or licensed aerodrome onto the apron.

(3) The aerodrome operator must determine procedures according to which permission to have access to the apron may be granted.

**Points of access to or egress from apron**

**139.01.18** Except in an emergency, a person, other than a person carried in an aircraft or in or on a vehicle travelling on the surface of a certified or licensed aerodrome, may not access or depart the apron or move a vehicle or aircraft onto or from an apron, except at appropriate points of access or egress established by the operator for such purpose.

**Movement of aircraft or vehicles on apron**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.01.19** (1) A person may not move an aircraft or any vehicle on the apron of an aerodrome -

- (a) if there is any reasonably foreseeable danger of a collision with a person or object on the aerodrome; and
- (b) unless a speed is maintained which is safe and reasonable under the circumstances, but which does not in any case exceed 25 km per hour, but -
  - (i) any signals given by hand or otherwise by an official on duty at the aerodrome by instruction of the aerodrome operator to a pilot in control of an aircraft which is being moved on the aerodrome or to a driver or other person in control of any vehicle which is being moved on the apron; or
  - (ii) any mark or light on the aerodrome having the purpose of serving as an aid to a pilot-in-command of an aircraft or driver or person in control of any vehicle to indicate a specific route or parking bay on the aerodrome,

may not, in any circumstances, excuse or exempt that pilot, driver or other person from his, her or its obligation to stop such aircraft or vehicle or to take any other steps which might under the specific circumstances be imperative in order to avoid such collision or damage to property or loss of life.

(2) A person may not move an aircraft travelling under its own power on the surface of an aerodrome on the apron, unless that person is the holder of an appropriate licence which entitles that person to pilot that aircraft, except that a student pilot who holds a student pilot licence may move an aircraft on the apron while undergoing training, if the student is accompanied in the aircraft by the holder of a flight instructor rating.

**Movement of aircraft on apron under direction of aerodrome operator**

**139.01.20** The operator of an aircraft which is on the apron must, on being directed to do so by the aerodrome operator, move that aircraft -

- (a) from the position in which it was placed to another position in the same parking place;
- (b) from the parking place in which it was parked to any other parking place on the apron; or
- (c) the apron,

and if the operator of such aircraft refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the aircraft moved to comply with the direction and may recover the costs incurred in having the aircraft so moved from the operator of the aircraft and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of the refusal or failure.

**Movement of vehicles on apron under direction of aerodrome operator**

**139.01.21** The person in lawful charge of a vehicle on the apron must, on being directed to do so by the aerodrome operator, move that vehicle -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) to another place on the apron indicated by the aerodrome operator; or
- (b) from the apron,

and if that person refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the vehicle moved to comply with the direction and may recover from that person the costs incurred in having the vehicle so moved and any such action by the aerodrome operator does not exempt that person from prosecution in respect of the refusal or failure.

**Parking of aircraft on apron**

**139.01.22** (1) An operator of a certified or licensed aerodrome must -

- (a) provide suitable parking stands based on the size and types of aircraft operating at the aerodrome; and
- (b) provide procedures to safely guide aircraft in to the parking bay where the docking system is not in place or is unserviceable.

[The term “in to” should be one word: “into”.]

(2) The operator of an aircraft must ensure that an aircraft is parked in the place on the apron allocated to it by the aerodrome operator and in the position required by the aerodrome operator.

(3) Where the aircraft operator refuses or fails to comply with the requirement of subregulation (2), the aerodrome operator may have that aircraft parked or positioned so as to comply with the terms of such allocation or positioning.

(4) An aerodrome operator may pursuant to subregulation (3), recover the costs incurred in so parking or positioning of that aircraft, from the operator of that aircraft and any such action by the aerodrome operator may not exempt that operator from prosecution in respect of the refusal or failure.

(5) Save in an emergency, a person may not move an aircraft from the parking place allocated to it or from the position in which it was placed in terms of these regulations except with the approval of the aerodrome operator.

**Securing of parked aircraft**

**139.01.23** (1) The operator of an aircraft must properly secure an aircraft parked on the apron and unattended.

(2) An aircraft operator must ensure that appropriate chocks or mooring equipment are used to secure the aircraft.

(3) An aerodrome operator must -

- (a) make available facilities to enable aircraft operators to safely secure their aircraft.
- (b) ensure that the operator of an aircraft complies with the requirements of subregulations (1) and (2).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Embarkation or disembarkation of persons into, or from, aircraft**

**139.01.24** (1) An operator of an aircraft in which persons are to be embarked or from which persons are to be disembarked on the apron must -

- (a) supervise the embarking or disembarking of persons from such aircraft; and
- (b) where the aircraft requires the use of passenger stairs for embarking or disembarking persons in or from such aircraft, ensure that such stairs are correctly and securely placed at each aircraft door in accordance with operator's instructions prior to use.

[The word "the" appears to have been omitted before the phrase "operator's instructions".]

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not embark in or disembark from an aircraft except on the apron.

(3) An operator of an aircraft must ensure that authorised aircraft operator personnel are on standby with appropriate fire extinguishers during the loading or unloading of passengers, and when aircraft fuelling operations are taking place.

(4) The pilot-in-command of an aircraft that is being refuelled with passengers on board must ensure that the 'no smoking sign' is activated within the cabin and that passengers are advised of extra safety information.

(5) If required by the aerodrome operator or aerodrome rescue and firefighting services (ARFFS), personnel must be placed on standby when refuelling of an aircraft is being performed with passengers on board.

**Loading or unloading cargo and dangerous goods into, or from, aircraft**

**139.01.25** (1) An authorised officer, inspector or authorised person authorised to supervise loading or unloading cargo in or from aircraft on the apron must ensure that -

- (a) all working aircraft holds and doors are open to permit the efficient loading or unloading;
- (b) all proper labels are affixed to all items of cargo to be carried in such aircraft;
- (c) each item of cargo is placed in its appropriate place and without damage to the aircraft; and
- (d) any damage during loading or unloading of cargo is reported to the operator of the aircraft prior to the departure of the aircraft.

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not load or unload cargo from an aircraft, unless the loading or unloading takes place on the apron.

(3) The operator of an aircraft in which dangerous goods are to be loaded or from which dangerous goods are to be unloaded, as the case may be, on the apron must, before loading or unloading such dangerous goods, inform the aerodrome operator of the nature of the dangerous goods and the proposed time and method of the loading or unloading.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) If the operator of an aircraft has in terms of subregulation (3), informed the aerodrome operator of the proposed loading or unloading and the aerodrome operator considers that persons or property on the aerodrome will be endangered by the proposed loading or unloading, the aerodrome operator may -

- (a) permit such loading or unloading subject to such conditions which the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome;
- (b) prohibit such loading or unloading; or
- (c) direct that such loading or unloading be undertaken at another time or by another method or both at another time and by another method, and the aerodrome operator may, in addition, impose any condition which the aerodrome operator may consider necessary for the purpose of safeguarding persons or property on the aerodrome.

(5) If dangerous goods have been loaded in or unloaded from an aircraft without the knowledge of the aerodrome operator, the aerodrome operator may direct that such dangerous goods be unloaded from or reloaded in such aircraft or give such other directions or impose such conditions which the aerodrome operator may consider necessary with a view to safeguarding persons or property at the aerodrome.

(6) The operator of an aircraft which is conveying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep that aircraft in that place until the aerodrome operator grants permission for that aircraft to be moved.

- (7) If the operator of an aircraft in which dangerous goods are conveyed -
  - (a) refuses or fails or is not present to comply forthwith with -
    - (i) any prohibitions made by the aerodrome operator in terms of subregulation (4); or
    - (ii) any direction given by the aerodrome operator in terms of subregulations (4), (5) or (6); or
  - (b) refuses or fails or is not present to comply forthwith with a condition imposed by the aerodrome operator in terms of subregulation (4) or (5),

the aerodrome operator may take all steps necessary to ensure that any such prohibition, direction or condition is complied with as expeditiously and as safely as possible and may recover from the operator of such aircraft the cost incurred in ensuring compliance with such prohibition, direction or condition and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of such refusal or failure.

**Supply of fuel to aircraft**

**139.01.26** (1) A person may not supply any fuel to an aircraft except at a place and in a manner approved by the aerodrome operator.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The aerodrome operator may require a person approved to supply fuel at an aerodrome in terms of subregulation (1) to comply with such conditions as the aerodrome operator may consider necessary for the purpose of safety.

(3) The aerodrome operator must -

- (a) develop procedures to be used for refuelling of aircraft at the aerodrome;
- (b) institute measures to periodically monitor the refuelling processes to ensure compliance with the procedures developed in terms of paragraph (a) are maintained;
- (c) institute measures to record, address and resolve any identified non-conformance with procedures for the supply of fuel to an aircraft;
- (d) ensure that arrangements are in place to summon and facilitate emergency services as may be required during refuelling of aircraft.

(4) The operator of an aerodrome must ensure that fixed installation refuelling facilities are provided with emergency cut-off switches that are clearly marked and situated in an accessible place without causing danger to persons or property in the event of an emergency.

**Boarding or tampering with aircraft**

**139.01.27** Except with the permission of the aircraft operator or the person in lawful charge of an aircraft, a person may not on an aerodrome -

- (a) board the aircraft other than doing so under the direction of the aircraft operator; or
- (b) tamper or interfere in any way whatsoever with the aircraft or its associated equipment or anything used in connection with the aircraft.

**Test-running of aircraft engines**

**139.01.28** A person may not test-run an aircraft engine at an aerodrome except at the approved aircraft maintenance facility of the aerodrome or a place designated for that purpose by the aerodrome operator.

**Regulation of vehicular or other traffic at aerodrome**

**139.01.29** All vehicular traffic or other traffic when operated on an aerodrome must, where applicable, at all times comply with the Road Traffic and Transport, 1999 (Act No. 22 of 1999), and the related regulations or any other applicable laws.

**Entering or leaving aerodrome**

**139.01.30** (1) A person, other than a person entering or leaving an aerodrome by means of an aircraft landing at, or taking off from, that aerodrome, may not enter or leave that aerodrome otherwise than through a gate or entrance provided by the aerodrome operator for the entry and exit of persons and vehicles.

(2) A person who is directed by an authorised person to leave the aerodrome or any part thereof, must do so forthwith and refusal or failure to comply with such direction constitutes the commission of an offence.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Animals in restricted area of aerodrome**

**139.01.31** (1) A person may not cause or permit any animal to graze or feed in the restricted area of an aerodrome unless such animal is in that area for the purpose of transportation on a flight.

(2) A person who brings an animal into the restricted area of an aerodrome or who receives an animal in the restricted area of an aerodrome must ensure that such animal is at all times under proper control while it remains in the restricted area of the aerodrome.

**Acts prohibited on aerodromes and in terminal buildings**

**139.01.32** (1) A person may not -

- (a) obstruct or interfere with the use of an aerodrome;
  - (b) obstruct any person in the employment of the aerodrome operator acting in the execution of that person's duty in relation to the aerodrome;
  - (c) remove any notice board erected by the aerodrome operator or with the permission of the aerodrome operator or any writing or document displayed on that notice board or deface any writing or document or any marking on that notice board or document;
  - (d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;
  - (e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome operator;
  - (f) commit any act which amounts to nuisance or commit a disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or make use of offensive language;
  - (g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or on property on the aerodrome;
  - (h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome operator;
  - (i) provide false information that results or could result in the deployment of the aerodrome emergency services; or
  - (j) misuse the fire crash alarm for any other purposes than for deployment of the emergency services for an actual emergency, unless a request from an authorised person is received for the purposes of determining compliance with licensing audit requirements.
- (2) Except with the written permission of the aerodrome operator, a person may not -
- (a) bring a vehicle into or drive a vehicle in or into a terminal building on an aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) obstruct an entrance to, or a passage in, a terminal building in such a manner as to inconvenience other users of the entrance or passage concerned; or
- (c) walk or drive a vehicle or other conveyance machine or device across any taxiway or runway.

(3) Except with the written permission of an aerodrome operator, a person may not on an aerodrome or on any public road or parking area adjacent to that aerodrome -

- (a) damage, interfere or tamper with any part of the aerodrome, public road or parking area or any equipment associated with the operation of the aerodrome;
- (b) climb any wall, fence, barrier, railing, gate or post;
- (c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome operator;
- (d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;
- (e) go on to, or damage, any flower-bed or anything growing therein;
- (f) remove, pick or otherwise damage any tree, shrub, plant or flower;
- (g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;
- (h) display or post advertisements, posters, banners or anything similar;
- (i) handle any baggage or confront passengers to carry their baggage;
- (j) tout for any services, including public transport, taxi, car valet, accommodation, parking and car-wash services; or
- (k) solicit for funds.

**[The word “for” after the word “solicit” is superfluous.]**

(4) An operator of an aerodrome reserves the right of admission to terminal buildings of the aerodrome, and signs to this effect must be erected in a conspicuous place near all entrances to those terminal buildings.

(5) The operator of an aerodrome or an authorised person may request any person on the aerodrome property to provide valid reasons for being there, and if an acceptable reason cannot be furnished, order that person to leave the aerodrome and its premises.

(6) Any person ordered by a duly authorised person to vacate or leave an aerodrome and its premises must do so forthwith and refusal or failure to comply with such order constitutes the commission of an offence.

(7) The operator of a certified or licensed aerodrome or an authorised person may carry out a search of any article, parcel or baggage in possession of, or under the control of, any person at an aerodrome.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(8) A person may not, on a certified or licensed aerodrome, carry out any trade or business unless that person is the holder of a valid permit, licence or concession, issued by or on behalf of the aerodrome operator, which entitles the holder thereof to carry out the trade or business specified on that particular aerodrome.

(9) A person may not provide false information that will or is likely to necessitate the deployment of the emergency services or might result in the sounding or activation of fire or any other safety or security alarm system.

### **Lead-in lights**

**139.01.33** Where the Executive Director so requires, an operator of a certified or licensed aerodrome must ensure that such aerodrome has a runway lead in light system which -

[The term “lead in” should be hyphenated as “lead-in”, as in the heading.]

- (a) provides visual guidance along a specific approach path;
- (b) assists in the avoidance of hazardous terrain; and
- (c) assists in noise abatement.

### **Safeguarding of aerodrome surroundings**

**139.01.34** (1) The aerodrome operator must protect and safeguard land use activities within a vicinity of an aerodrome to limit the impact of illegal occupation affecting aircraft safety and for future expansion of the aerodrome, to ensure that air transport develops in a safe and orderly manner.

(2) A person who intends to carry out land use activities in the vicinity of aerodromes must, during the planning for such land use activities, conduct consultations with the Executive Director and owner or operator of the aerodrome with regard to safety impacts of constructions proposed to be built within the limits of the obstacle limitation surfaces as well as other surfaces associated with the aerodrome, human or surrounding communities activities, and land use such as -

- (a) any development or change in land use in the aerodrome area;
- (b) any development which may create obstacle-induced turbulence that could be hazardous to aircraft operations;
- (c) the use of hazardous, confusing and misleading lights;
- (d) the use of highly reflective surfaces or glint and glare effects that may affect a pilot’s interpretation of visual aids or air traffic control tower personnel’s ability to monitor aircraft;
- (e) the altering of existing habitat or creation of areas that may encourage wildlife activity, which may be harmful to aircraft operations; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) sources of electrical interference or non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation aids and surveillance systems.

(3) All land use practices and activities in the vicinity of an aerodrome must conform to the standards prescribed in Document NAM-CATS-AH.

(4) The aerodrome owner or operator of a certified or licensed aerodrome must develop an aerodrome master plan which supports a layout designed to yield the optimum airport capacity consistent with the available land, within the vicinity of the aerodrome and take into account, where appropriate, land use control measures.

(5) The aerodrome master plan must conform to the standards prescribed in Document NAM-CATS-AH.

[Regulation 139.01.34 is substituted by GN 55/2023.]

**Aeronautical studies**

**139.01.35** (1) An operator of an aerodrome must monitor the aerodrome's operations for any significant change or changes that may affect the safety of aerodrome operations.

(2) Despite subregulation (1), the Executive Director may require an operator of an aerodrome to conduct an aeronautical study for any significant change or changes that may affect the safety of aerodrome operations.

(3) An aeronautical study pursuant to subregulation (2) must be conducted in accordance with standards prescribed in Document NAM-CATS-AH.

**Safety inspections and audits**

**139.01.36** (1) An applicant for the issuing of an aerodrome certificate or licence must permit a person authorised by the Executive Director to carry out such safety inspections and audits which may be necessary to verify the validity of the application concerned.

(2) A holder of an aerodrome certificate or licence must permit a person authorised by the Executive Director access to carry out safety inspections and audits of such holder's aerodrome, documents, equipment, records and personnel as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Testing of aerodrome facilities, equipment and procedures**

**139.01.37** (1) The operator of an aerodrome must allow a person or persons authorised by the Executive Director to conduct tests of aerodrome facilities, equipment or operating procedures at the aerodrome for the purpose of ensuring aviation safety.

(2) The operator must allow a person or persons authorised by the Executive Director access to any part of the aerodrome or any aerodrome facilities, equipment or records for the purposes of carrying out such tests.

(3) The person or persons authorised by the Executive Director must give reasonable notice of any tests to be conducted in terms of subregulation (1) or (2), to the operator and carry out the tests at a reasonable time as agreed with the operator.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Register of aerodrome certificates and licences**

**139.01.38** (1) The Executive Director must maintain a register of all aerodrome certificates and licences issued in terms of this Part in accordance with section 52 of the Act.

(2) The register for certified and licensed aerodromes must be identified as the “Register of Certified Aerodromes” and “Register of Licensed Aerodromes” respectively and each register must contain the following particulars:

- (a) the full name and, if any, the trade name of the holder of the certificate or licence;
- (b) the postal, electronic mail and physical address of the holder of the certificate or licence;
- (c) the telephone, cell phone and telefax numbers of the holder of the certificate or licence;
- (d) the name and the location of the aerodrome for which the certificate or licence was issued;
- (e) the category of the aerodrome;
- (f) the number of the certificate or licence issued to the holder;
- (g) the date on which the certificate or licence was issued;
- (h) the file reference numbers of initial and subsequent safety inspection records and audit reports in respect of all aerodromes certified or licensed; and
- (i) the nationality of the holder of the certificate or licence.

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

(4) The register must be kept in a safe place at the office of the Executive Director as part of the Civil Aviation Registry established in terms of section 52(1) of the Act and be accessible to the public in terms of section 52(3) of the Act.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fees prescribed in Part 187.

**Use of military aerodromes**

**139.01.39** (1) Subject to the approval of the Minister responsible for defence, the Executive Director may, upon application by any operator of an aircraft who desires to use a military aerodrome for civil aviation purposes, authorise the use of the military aerodrome for civil aviation purposes.

(2) An authorisation to use the military aerodrome must be granted in writing and may include such conditions as the Executive Director may determine, if the Executive Director is

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

satisfied that the use of that military aerodrome by the operator will not jeopardise aviation safety or security.

(3) The application and the grant of an authorisation to use a military aerodrome must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Specific procedures for aerodrome operations**

**139.01.40** (1) An operator of a certified or licensed aerodrome must ensure that when the aerodrome accommodates an aircraft that exceeds the certificated characteristics of the aerodrome, the compatibility between the operation of the aeroplane and aerodrome infrastructure and operations are assessed and appropriate measures developed and implemented in order to maintain an acceptable level of safety during operations.

(2) The assessment of the compatibility of the operation of a new aeroplane with an existing aerodrome in accordance with subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Security measures**

**139.01.41** (1) An aerodrome operator must ensure that the security requirements are determined during the design and construction of an aerodrome.

(2) The security measures at an aerodrome must take into account the provisions of Part 111, and the related standards, procedures and practices.

(3) Despite the requirements of subregulation (1) and (2), the operator of any aerodrome that has been designated as a security designated aerodrome in accordance with section 130 of the Act, must ensure compliance with the relevant aviation security provisions of the Act and the applicable requirements in Part 111.

**Low visibility operations**

**139.01.42** An operator of a certified or licensed aerodrome, must have procedures in place for operations during conditions of low visibility in accordance with standards prescribed in Document NAM-CATS-AH.

**Exemptions**

**139.01.43** (1) The Executive Director may in accordance with section 46 of the Act grant an aerodrome operator an exemption from specific provisions of these regulations taking into account all aviation safety-related aspects of the aerodrome.

(2) The Executive Director may approve an exemption under subregulation (1) where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising aviation safety.

(3) Where an exemption is granted in accordance with subregulation (1), the Executive Director may determine the conditions necessary to ensure an equivalent level of safety referred to in subregulation (2), and such conditions must be set out in an endorsement on the aerodrome certificate or licence.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An aerodrome operator must comply with any conditions specified by the Executive Director in the endorsement on the aerodrome certificate or licence.

(5) An aerodrome operator must publish in the aerodrome manual, any exemptions granted by the Executive Director under this regulation.

**Compensation payable for spilling substances on certain areas**

**139.01.44** (1) Where fuel, hydraulic liquid or any other substance which causes damage to, or defaces, the apron or manoeuvring area or poses a safety hazard is spilled from or by any aircraft, vehicle or any other technical equipment on the apron or manoeuvring area of an aerodrome, the owner or operator of such aircraft, vehicle or technical equipment, as the case may be, must compensate the aerodrome operator for the cleaning of the apron or manoeuvring area as a result of such spilling.

(2) The compensation payable under subregulation (1) must be determined on a cost recovery basis.

**Firing of rockets, missiles, flares or other objects in vicinity of aerodromes**

**139.01.45** (1) A person may not fire a rocket, missile, flares or any other object other than those used for aeronautical distress within the vicinity of an aerodrome, unless that person has been granted permission to do so by the Executive Director.

(2) Despite subregulation (1), the firing of rockets, missiles, flares or any other objects may not take place at or within 15 kilometres from the aerodrome reference point of a certified or licensed aerodrome.

**SUBPART 2**

**AERODROME DESIGN AND CONSTRUCTION REQUIREMENTS**

**Applicability of Subpart**

**139.02.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Regulation 139.02.1 is substituted by GN 55/2023.]**

**Construction of aerodrome**

**139.02.2** (1) A person may not construct an aerodrome unless that person has obtained the necessary authorisation issued by the Executive Director.

(2) An application to construct an aerodrome must be submitted to the Executive Director in the form and manner determined by the Executive Director and must be accompanied by -

- (a) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;
- (b) a detailed design of the proposed construction including related architectural requirements approved, where possible, by the relevant local authority council;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) written approval from the following institutions for the intended aerodrome development:
    - (i) for private aerodromes, approval from the relevant local authority council;
    - (ii) for commercial aerodromes intended for domestic operations, approval from the relevant local authority council; and
    - (iii) for international aerodromes, approval from the relevant local authority council and the Ministry responsible for works and transport; and
  - (d) aerodrome data in accordance with the characteristics of the critical aeroplane for which the aerodrome is intended;
  - (e) a topographical map of the proposed aerodrome site;
  - (f) an environmental clearance certificate issued under the Environmental Management Act; and
  - (g) the applicable fees as prescribed under Part 187.
- (3) On receipt of the application, the Executive Director must assess the suitability of the place proposed for construction taking into consideration -
- (a) the proximity of the place to other aerodromes and landing areas including military aerodromes;
  - (b) the obstacles, terrain and existing airspace restrictions; and
  - (c) that it is not against public interest that the place where the aerodrome is to be constructed should be used as such.
- (4) The Executive Director must make arrangements for the inspection of the proposed site of the aerodrome prior to commencement of construction to ascertain compliance with the applicable technical standards.
- (5) The Executive Director may grant the application, if he or she is satisfied that the requirements of subregulations (2) and (3) have been met and the results of the inspection required under subregulation (4) indicate that the construction of the aerodrome will not jeopardise aviation safety.
- (6) The Executive Director must make arrangements for the inspection of the proposed aerodrome during construction to ascertain compliance with the applicable technical standards and any conditions specified in the authorisation.
- (7) A person authorised to construct an aerodrome must ensure that the design and construction of the aerodromes -
- (a) is undertaken by a person registered with, or approved by, the relevant professional body; and
  - (b) takes into account, as appropriate, land-use and environmental control measures.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Requirements for aerodrome design**

**139.02.3** (1) An applicant for the construction of an aerodrome must ensure that the aerodrome design required under regulation 139.02.2(2)(b) is appropriate to the critical aeroplane for which the aerodrome is intended.

(2) An applicant for the construction of an aerodrome must integrate architectural and infrastructure-related requirements for the optimum implementation of international civil aviation security measures referred to in regulation 139.01.41 into the design and construction of new facilities and alterations to existing facilities at an aerodrome.

(3) An aerodrome design must -

- (a) indicate the physical characteristics of the aerodrome appropriate to the characteristics of the critical aeroplane for which the aerodrome is intended to serve;
- (b) indicate the obstacle limitation surfaces;
- (c) indicate visual aids for -
  - (i) navigation;
  - (ii) denoting obstacles; and
  - (iii) restricted areas; and
- (cA) indicate the electrical systems;

[Paragraph (cA) is inserted by GN 55/2023.]

- (d) indicate aerodrome data including the appropriate equipment and installations;
- (e) indicate an airspace classification referred to in Parts 71 and 172;
- (f) indicate an appropriate level of firefighting services appropriate to the characteristics of the critical aeroplane it intends to serve in accordance with regulation 139.16.3;
- (g) indicate the lowest meteorological minima for each runway;
- (h) be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Issuance of certificate of intent**

**139.02.4** (1) Where an application to construct an aerodrome has been granted by the Executive Director, a proposed holder of an aerodrome certificate or licence may submit an application to the Executive Director for the grant of a certificate of intent.

(2) An application for the issuing of a certificate of intent must be made to the Executive Director in the form and manner determined by the Executive Director.

(3) The application for a certificate of intent must be accompanied by -

- (a) the documents listed under 139.02.2(2); and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) written comments from the air navigation service provider regarding the impact on the existing airspace structure and the feasibility of accommodating the intended aerodrome development in the airspace structure.

(4) The Executive Director must, as soon as practicable after the receipt of an application for certificate of intent, publish a notice in the *Gazette* the following particulars in respect of the application concerned:

[The word “a” appears to have been omitted before the phrase “certificate of intent”.  
A word such as “containing” or “with” appears to have been omitted before the phrase  
“the following particulars in respect of the application concerned”.]

- (a) the full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), submit in writing representations to the Executive Director against or in favour of the application concerned.

(6) The Executive Director may grant the application if he or she is satisfied that the application complies with the requirements prescribed in these regulations.

(7) A certificate of intent must be issued on the form as determined by the Executive Director.

(8) The certificate of intent must specify the conditions and the restrictions which the Executive Director considers necessary in the interests of aviation safety.

- (9) A certificate of intent -
  - (a) is not transferable; and
  - (b) must remain valid for the period determined by the Executive Director, which period must not exceed five years, calculated from the date on which the certificate is issued.

**SUBPART 3**  
**CERTIFICATION OF AERODROMES**

**Applicability of Subpart**

**139.03.1** (1) This Subpart applies to category A aerodromes.

(2) This Subpart also applies to aerodromes in category B that have to be certified as considered necessary by the Executive Director.

(3) Despite subregulations (1) and (2), an aerodrome operator may apply for certification of that operator’s aerodrome in accordance with the provisions of this Subpart.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Requirement for aerodrome certificate**

**139.03.2** (1) A person may not operate an aerodrome used for international operations unless that person holds a certificate issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome certificate is subject to the aerodrome complying with these regulations and the standards prescribed in Document NAM-CATS-AH.

[The verb “is” should be “are” to accord with the subject “issuance and renewal”.]

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding certificate period or before the issuing of a new certificate, determine compliance with these regulations and standards for the purposes of issuing or renewal of a certificate.

(4) The Authority must charge fees on the aerodrome certificate holder, upon issuance or renewal of an aerodrome certificate, in accordance with fees as prescribed in Part 187.

**Application for aerodrome certificate**

**139.03.3** (1) An applicant for the issuing of an aerodrome certificate must -

- (a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and
  - (b) pay the appropriate application fee as prescribed in Part 187.
- (2) An application under subregulation (1) must include -
- (a) a completed application form;
  - (b) the aerodrome manual prepared in accordance with Subpart 7;
  - (c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;
  - (d) evidence of lawful entitlement to use the place as an aerodrome;
  - (e) an aerodrome environmental management programme referred to in regulation 139.08.15;
  - (f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;
  - (g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;
  - (h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) particulars of non-compliance with or deviations from -
  - (i) the appropriate aerodrome design, operation or equipment standards;
  - (ii) the appropriate airspace classification in terms of Parts 71 and 172;
- (j) the appropriate fee as prescribed in Part 187.

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the certificate is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome certificate or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

- (a) the full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

**Issuance of aerodrome certificate**

**139.03.4** (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.03.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.03.3(4).

(2) The Executive Director must issue a certificate in the form and manner by him or her, if the Executive Director is satisfied that -

- (a) the applicant has complied with the application requirements in regulation 139.03.3;
- (b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;
- (c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;
- (d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;
- (e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;
- (f) the safety management system in terms of regulation 139.08.6 is in place;
- (g) a quality management system in terms of regulation 139.08.4 is in place; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[Paragraph (g) is substituted by GN 55/2023.]

- (h) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome certificate subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a certificate to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

(5) After the issuance of an aerodrome certificate, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the certificate and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

(6) The Executive Director may endorse on a certificate the conditions for use of an aerodrome and any other details as may be considered necessary.

**Aerodrome certificate**

**139.03.5** (1) An aerodrome certificate must be issued on the appropriate form as determined by the Executive Director.

- (2) The certificate must specify -
  - (a) the category of the aerodrome for which the aerodrome is certified;
  - (b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;
  - (c) the period of validity of the certificate; and
  - (d) the appropriate airspace classification in accordance with Parts 71 and 172.

**Validity of aerodrome certificate**

**139.03.6** (1) An aerodrome certificate is valid for a period of two years from the date on which the certificate is issued or renewed.

(2) The certificate remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(3) The holder of a certificate which has expired, must within five days after the expiry, surrender the licence to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Failure to surrender a certificate in accordance with this subregulation (3) is subject to enforcement action under Parts 13 and 185.

**Renewal of aerodrome certificate**

**139.03.7** (1) An application for the renewal of an aerodrome certificate must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

- (a) the updated copy of the aerodrome manual if significant changes have been made following the initial certification;
- (b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and
- (c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current certificate.

**Amendment of aerodrome certificate**

**139.03.8** (1) An application for amendment of an aerodrome certificate pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.03.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

- (a) a change in the ownership of the aerodrome;
- (b) a change in the use or operation of the aerodrome;
- (c) a change in the boundaries of the aerodrome;
- (d) if the holder of the certificate requests an amendment; or
- (e) if the Executive Director considers it necessary.

**[Subregulation (2) is substituted by GN 55/2023.]**

**Suspension and revocation of aerodrome certificate**

**139.03.9** (1) The Executive Director may, by written notice given to the holder of an aerodrome certificate, suspend or revoke the certificate in accordance with section 42, 43 or 64 of the Act.

**[Subregulation (1) is substituted by GN 55/2023.]**

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome certificate if -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the certificate does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out a safety inspection and audit in terms of regulation 139.01.36; or
- (c) the suspension is necessary in the interest of aviation safety.

(3) A holder of a certificate that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a certificate which is suspended, must within 48 hours after the suspension, produce the certificate thereof to the Executive Director for the appropriate endorsement.

(5) The holder of a certificate which is revoked must, within seven days from the date on which the certificate is revoked, surrender that certificate to the Executive Director.

(6) Failure to surrender a certificate in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

**Surrender of aerodrome certificate**

**139.03.10** (1) Subject to subregulation (2), a holder of an aerodrome certificate may surrender the certificate to the Executive Director at any time.

(2) A holder of an aerodrome certificate who wishes to surrender the certificate must give the Executive Director not less than 60 days' notice in writing, before the date on which the certificate is to be surrendered.

(3) The Executive Director must revoke the aerodrome certificate on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the certificate, the holder of the certificate must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a certificate pursuant to subregulation (3), regulation 139.03.9(1) or 139.03.9(2), the Executive Director must arrange for -

- (a) the revocation to be notified through NOTAM; and
- (b) details of the certificate and any other information about the aerodrome to be removed from the AIP.

**Transferability of aerodrome certificate**

**139.03.11** (1) An aerodrome certificate issued under these regulations is not transferable.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A change in ownership of the holder of a certificate is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the certificate was originally issued.

**Breach of conditions for issuance of aerodrome certificate and non-conformance with certificate requirements**

**139.03.12** (1) The breach of any conditions subject to which a certificate is issued including any approval, permission or exemption may lead to the suspension or revocation of the certificate.

(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a certified aerodrome in the event of non-conformance with the certification requirements or any unresolved safety concerns.

**Charges at certified aerodromes**

**139.03.13** (1) A holder of an aerodrome certificate may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a certificate to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

**Changes to certificate holder's manual and organisation**

**139.03.14** (1) A holder of an aerodrome certificate must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The certificate holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The certificate holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a certificate holder changes any of the following, prior approval by the Executive Director is required:

- (a) the senior accountable manager;
- (b) the key safety personnel; or
- (c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a certificate holder must operate during or following any of the changes specified in subregulation (4).



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) The certificate holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator certificate, the certificate holder must, within five days after the change, forward the certificate to the Executive Director for endorsement of the change.

(8) The certificate holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

**Notification of availability of certified aerodrome**

**139.03.15** An aerodrome operator must -

- (a) in the case of a certificate to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and
- (b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the certificate.

**Issuance of interim aerodrome certificate**

**139.03.16** (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome certificate to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

- (a) an aerodrome certificate in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome certificate has been completed; and
  - (b) the grant of the interim certificate is in the public interest and is not detrimental to aviation safety.
- (2) An interim aerodrome certificate issued pursuant to subregulation (1) expires on -
- (a) the date on which the aerodrome certificate is issued; or
  - (b) the expiry date specified by the Executive Director in the interim aerodrome certificate,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome certificate apply, subject to necessary changes required by the context, to an interim aerodrome certificate issued by the Executive Director.

**SUBPART 4**  
**LICENSING OF AERODROMES IN CATEGORIES B, C AND D**

**Applicability of Subpart**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.04.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Regulation 139.04.1 is substituted by GN 55/2023.]**

**Requirements for aerodrome licence**

**139.04.2** (1) A person may not operate an aerodrome to which this Subpart applies unless that person holds a licence issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome licence is subject to the aerodrome complying with these regulations and the applicable standards prescribed in Document NAM-CATS-AH.

**[The verb “is” should be “are” to accord with the subject “issuance and renewal”.]**

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding licence period or before the issuing of a new licence, determine compliance with these regulations and standards for the purposes of issuing or renewal of a licence.

(4) The Authority must levy fees from aerodrome licence holders, upon renewal or issuing of an aerodrome licence, in accordance with the fees as prescribed in Part 187.

**Application for aerodrome licence**

**139.04.3** (1) An applicant for the issuing of an aerodrome licence must -

- (a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and
  - (b) pay the appropriate application fee as prescribed in Part 187.
- (2) An application under subregulation (1) must include -
- (a) a completed application form;
  - (b) the aerodrome manual prepared in accordance with Subpart 7;
  - (c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;
  - (d) evidence of lawful entitlement to use the place as an aerodrome;
  - (e) an aerodrome environmental management programme referred to in regulation 139.08.15;
  - (f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;
- (h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;
- (i) particulars of non-compliance with or deviations from -
  - (i) the appropriate aerodrome design, operation or equipment standards;
  - (ii) the appropriate airspace classification in terms of Parts 71 and 172;
- (j) the appropriate fee as prescribed in Part 187.

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the licence is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome licence or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

- (a) the full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

**Issuance of aerodrome licence**

**139.04.4** (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.04.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.04.3(4).

(2) The Executive Director must issue a licence in the form and manner by him or her, if the Executive Director is satisfied that -

- (a) the applicant has complied with the application requirements in regulation 139.04.3;
- (b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;
- (c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;
- (d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;
- (f) a quality management system in terms of regulation 139.08.4 is in place; and

**[Paragraph (f) is substituted by GN 55/2023.]**

- (g) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome licence subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a licence to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

(5) After the issuance of an aerodrome licence, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the licence and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

(6) The Executive Director may endorse on a licence the conditions for use of an aerodrome and any other details as may be considered necessary.

**Aerodrome licence**

**139.04.5** (1) An aerodrome licence must be issued on the appropriate form as determined by the Executive Director.

- (2) The licence must specify -
  - (a) the category of the aerodrome for which the aerodrome is licensed;
  - (b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;
  - (c) the period of validity of the licence; and
  - (d) the appropriate airspace classification in accordance with Parts 71 and 172.

**Validity of aerodrome licence**

**139.04.6** (1) An aerodrome licence is valid for a period of two years for aerodromes in category B, and three years for aerodromes in categories C, calculated from the date on which the licence is issued or renewed

**[Subregulation (1) is substituted by GN 55/2023.]**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The licence remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(3) The holder of a licence which has expired, must within five days after the expiry surrender the licence to the Executive Director.

(4) Failure to surrender a licence in accordance with this Subpart is subject to enforcement action under Parts 13 and 185.

**Renewal of aerodrome licence**

**139.04.7** (1) An application for the renewal of an aerodrome licence must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

- (a) the updated copy of the aerodrome manual if significant changes have been made following the initial licensing;
- (b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and
- (c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current licence.

**Amendment of aerodrome licence**

**139.04.8** (1) An application for amendment of an aerodrome licence pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.04.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

- (a) a change in the ownership of the aerodrome;
- (b) a change in the use or operation of the aerodrome;
- (c) a change in the boundaries of the aerodrome;
- (d) if the holder of the licence requests an amendment; or
- (e) if the Executive Director considers it necessary.

[Subregulation (2) is substituted by GN 55/2023.]

**Suspension and revocation of aerodrome licence**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.04.9** (1) The Executive Director may, by written notice given to the holder of an aerodrome licence, suspend or revoke the licence in accordance with section 42, 43 or 64 of the Act.

**[Subregulation (1) is substituted by GN 55/2023.]**

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome licence if -

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the licence does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out a safety inspection and audit in terms of regulation 139.01.36; or
- (c) the suspension is necessary in the interest of aviation safety.

(3) A holder of a licence that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a licence which is suspended, must within 48 hours after the suspension, produce the licence thereof, to the Executive Director for the appropriate endorsement.

(5) The holder of a licence which is revoked must, within seven days from the date on which the licence is revoked, surrender that licence to the Executive Director.

(6) Failure to surrender a licence in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

**Surrender of aerodrome licence**

**139.04.10** (1) Subject to subregulation (2), a holder of an aerodrome licence may surrender the licence to the Executive Director at any time.

(2) A holder of an aerodrome licence who wishes to surrender the licence must give the Executive Director not less than 60 days' notice in writing, before the date on which the licence is to be surrendered.

(3) The Executive Director must revoke the aerodrome licence on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the licence, the holder of the licence must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a licence pursuant to subregulation (3), regulation 139.04.9(1) or 139.04.9(2), the Executive Director must arrange for -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the revocation to be notified through NOTAM; and
- (b) details of the licence and any other information about the aerodrome to be removed from the AIP.

**Transferability of aerodrome licence**

**139.04.11** (1) An aerodrome licence issued under these regulations is not transferable.

(2) A change in ownership of the holder of a licence is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the licence was originally issued.

**Breach of conditions for issuance of aerodrome licence and non-conformance with licence requirements**

**139.04.12** (1) The breach of any conditions subject to which a licence is issued including any approval, permission or exemption may lead to the suspension or revocation of the licence.

(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a licensed aerodrome in the event of non-conformance with the licensing requirements or any unresolved safety concerns.

**Charges at licensed aerodromes**

**139.04.13** (1) A holder of an aerodrome licence may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a licence to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

**Changes to licence holder's manual and organisation**

**139.04.14** (1) A holder of an aerodrome licence must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The licence holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The licence holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a licence holder changes any of the following, prior approval by the Executive Director is required:

- (a) the senior accountable manager;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the key safety personnel; or
- (c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a licence holder must operate during or following any of the changes specified in subregulation (4).

(6) The licence holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator licence, the licence holder must, within five days after the change, forward the licence to the Executive Director for endorsement of the change.

(8) The licence holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

**Notification of availability of licensed aerodrome**

**139.04.15** An aerodrome operator must -

- (a) in the case of a licence to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and
- (b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the licence.

**Issuance of interim aerodrome licence**

**139.04.16** (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome licence to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

- (a) an aerodrome licence in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome licence has been completed; and
- (b) the grant of the interim licence is in the public interest and is not detrimental to aviation safety.

(2) An interim aerodrome licence issued pursuant to subregulation (1) expires on -

- (a) the date on which the aerodrome licence is issued; or
- (b) the expiry date specified by the Executive Director in the interim aerodrome licence,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome licence apply, subject to necessary changes required by the context, to an interim aerodrome licence issued by the Executive Director.



**REGULATIONS  
Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 5  
CATEGORY E AERODROMES**

**[Subpart 5 is substituted by GN 55/2023.]**

**Applicability of Subpart**

**139.05.1** This Subpart applies to aerodromes in category D.

**Aerodrome design and construction of category D aerodromes**

**139.05.2** (1) After the commencement of these regulation a person may not construct a category D aerodrome unless the design and construction has been approved by the Executive Director.

(2) An applicant for construction of a category D aerodrome must submit an application, accompanied by -

- (a) the design of the proposed construction;
- (b) aerodrome data commensurate with the type of aircraft the aerodrome is intended to serve;
- (c) a layout or a map of the proposed site that includes details of:
  - (i) the proximity of the aerodrome to other aerodromes and landing sites, including military aerodromes;
  - (ii) obstacles and terrain;
  - (iii) any excessive operational restriction requirements;
  - (iv) any existing restrictions and controlled airspace; and
  - (v) any existing instrument procedures;
- (d) written permission from the owner of the land or evidence of ownership of the land on which the aerodrome is to be constructed;
- (e) fees as prescribed in Part 187.

(3) The Executive Director must prior to the issuance of approval for construction of a category D aerodrome, assess the suitability of the place proposed for construction taking into consideration -

**[There should be a comma before the phrase “prior to the issuance of approval for construction of a category D aerodrome” to offset that phrase properly.]**

- (a) the proximity of the place to other aerodromes and landing areas including military aerodromes, obstacles, terrain and existing airspace restrictions;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) that it is not against public interest that the place where the aerodrome is to be constructed may be used as an aerodrome;
- (c) that the applicant holds a valid authorisation for use of the place as an aerodrome; and
- (d) that the applicant has complied with the requirements of the Environmental Management Act, 2007 (Act No. 7 of 2007).

(4) The Executive Director must within 30 days from the date of application, issue an approval or a rejection to construct a category D aerodrome.

[There should be a comma before the phrase “within 30 days from the date of application” to offset that phrase properly.]

**Registration of category D aerodrome**

**139.05.3** (1) The owner or operator or interested party in the operations of a category D aerodrome must provide the Executive Director with -

- (a) the general information of the aerodrome containing -
  - (i) the full name of the owner or operator;
  - (ii) the postal address of the owner or operator;
  - (iii) the telephone and mobile number of the owner or operator; and
  - (iv) email address of the owner or operator;
- (b) the aerodrome name and location information containing -
  - (i) its geographical coordinates to the closest minute;
  - (ii) its geographical description;
  - (iii) an indication whether the aerodrome is serviceable or unserviceable;
  - (iv) its runway length, width and magnetic orientation; and
  - (v) its runway surface type as to whether it is gravel, asphalt, sand or grass; and
- (c) the map of the aerodrome containing the following particulars -
  - (i) the layout of runways, their designations (runway numbers) and length in meters;
  - (ii) the layout of taxiways and aprons, where applicable;
  - (iii) the location of the aerodrome reference point;
  - (iv) the boundaries of the aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (v) the major aerodrome facilities and equipment;
- (vi) the aerodrome visual and non-visual aids;
- (vii) the location of all wind direction indicators;
- (viii) the elevation of the aerodrome at the highest point of the landing surface; and
- (vx) distance to the nearest city or town, and the name of that city or town.

(2) The information referred to in subregulation (1), must be registered in the approved form and accompanied by payment of applicable fee as prescribed in Part 187.

(3) The information referred to in subregulation (1), must be re-submitted every five years from the date of initial submission.

**Acknowledgment of registration to operate category D aerodromes**

**139.05.4** The Executive Director must acknowledge registration of a category D aerodrome within 30 days from date of submission of information as referred to under regulation 139.05.3.

**Transferability of change of aerodrome ownership**

**139.05.5** The registration of aerodromes under these regulations is transferable subject to subregulation 139.05.3 if the holder of such registration provides the Executive Director with written notice of the change in ownership of the aerodrome.

**General duties of category D aerodrome operator**

**139.05.6** An aerodrome operator must, where practical -

- (a) maintain the aerodrome and its facilities in a serviceable condition;
- (b) keep the aerodrome free of unauthorised persons or vehicles or animals which are not under proper control or any other obstructions;
- (c) mark all obstructions;
- (d) inform the Executive Director in writing any alterations to obstruction or works on the aerodrome;

[The word “of” appears to have been omitted before the phrase “any alterations”.]

- (e) install an apparatus to show the surface direction of the wind speed and direction, and ensure that the apparatus is installed and functions satisfactorily;
- (f) maintain any markings in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground; and
- (g) notify the Executive Director as soon as practical on any changes in the information submitted under subregulation 139.05.3.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “on” in paragraph (g) should be “of”.]

**Operating standards for category D aerodromes with heightened safety and security measures**

**139.05.7** (1) The aerodrome operator of category D aerodrome must establish operating standards, where scheduled air services or charter aircraft with a maximum take-off weight of more than 5700kg or where more than 500 passengers arrive and depart from the aerodrome during the busiest three consecutive months of a calendar year.

[The word “a” appears to have been omitted before the phrase “category D aerodrome”.]

(2) The operating standards referred to in subregulation (1) must address matters relating to -

- (a) aerodrome reporting;
- (b) aerodrome maintenance;
- (c) control of obstacles;
- (d) coordination of emergency management;
- (e) risk assessment of aerodrome rescue and fire-fighting services; and
- (f) notification of changes on information published in the Aeronautical Information Publication (AIP).

[The word “on” in paragraph (f) should be “of”, “in”, or “to”; it is not clear which was intended.]

(3) The aerodrome operator of category D that is open for scheduled air services may establish operating standards as set out in subregulation (1).

**Reporting officer at category D aerodromes**

**139.05.8** (1) This subregulation applies to aerodromes operated under regulation 139.05.7.

(2) The operator of a category D aerodrome must designate, one or more reporting officers for the aerodrome, to be responsible for -

- (a) monitoring and reporting the serviceability of the aerodrome in accordance with procedures developed by the operator; and
- (b) notifying the Aeronautical Information Services (AIS) of the Authority and where applicable, air traffic control services, of any changes in conditions, or any other occurrences, at the aerodrome.

**Charges at category D aerodromes**

**139.05.9** (1) An operator of a registered category D aerodrome who intends to levy aerodrome charges or to amend existing aerodrome charges for the use of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation must when

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

determining or amending such charges, not discriminate between or against various users of such aerodrome.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director may require an operator of a registered category D aerodrome to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

**Deregistration of category D aerodromes**

**139.05.10** (1) In order to ensure that adequate warning has been given to the users of an aerodrome, an operator of a category D aerodrome must give the Executive Director at least 60 days' written notice of the aerodrome operator's intention to deregister the aerodrome or cease its operations.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is deregistered or is abandoned or is not being maintained in accordance with the conditions of registration, the aerodrome operator must remove, obliterate, or modify all aerodrome markings as the Executive Director may direct.

(3) On completion of the task referred to in subregulation (2), the Executive Director must remove the aerodrome from the aerodrome register.

**SUBPART 6****NON-LICENSED HELICOPTER AND EMERGENCY LANDING SITES****Operation of non-licensed helicopter sites**

**139.06.1** (1) A pilot-in-command of a helicopter may not land at, or take off from, any place unless the place is situated so as to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

(2) Subject to subregulation (3), a pilot-in-command of a helicopter may not land on or take-off from any building, structure or place situated within 100 metres of any other building or structure, unless such building, structure or place has been approved for that purpose by the Executive Director and upon payment of the applicable fees prescribed under Part 187.

**[Subregulation (2) is substituted by GN 55/2023.]**

(3) The provisions of subregulation (2) do not apply to a helicopter -

- (a) landing on, or taking off from any place with the written permission of the Executive Director, in conjunction with the local authority council concerned;
- (b) engaged in an approved air ambulance operation, a fire service or undertaking a flight for the exercising of any power in terms of any law.

(4) A local authority council may after consultation with the Executive Director, extend the scope of the provisions of subregulation (3)(a) to include other places in its area of jurisdiction.

(5) The Executive Director may, in the interest of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

helicopters or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Executive Director may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

- (6) Nothing in this regulation is to be construed as -
  - (a) conferring any right to land at any building, structure or place against the will of the owner of or any other person who has an interest in the building, structure or place; or
  - (b) prejudicing the rights or remedies of any person in respect of an injury to persons or damage to property caused by the helicopter or its occupants.

**Emergency landing sites**

**139.06.2** (1) The Executive Director may in accordance with sections 59 and 60 of the Act, designate an emergency landing site or sites to be used in case of an emergency or for alleviating or minimising the effects of an emergency.

(2) Where an emergency landing site is designated in accordance with subregulation (1), the Executive Director may impose such conditions for the operation of such site as may be necessary for the safety and security of aircraft operations.

(3) The Executive Director may, in accordance with section 59(3) Act, revoke at any time as he or she may determine, any designation of a landing site or sites made under subregulation (1).

**SUBPART 7  
AERODROME MANUAL****Applicability of Subpart**

**139.07.1** This Subpart applies to -

- (a) all aerodromes in category A;
- (b) all other aerodromes that are certified in accordance with Subpart 3;
- (c) all aerodromes that are licensed in accordance with Subpart 4.

**Requirements for aerodrome manual**

**139.07.2** (1) The operator of a certified or licensed aerodrome (hereafter “the operator”) must have an aerodrome manual for the aerodrome, which is prepared in accordance with regulation 139.07.3 and the standards prescribed in Document NAM-CATS-AH.

(2) The operator must submit to the Executive Director, two copies of the aerodrome manual for approval.

- (3) The operator must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) keep a copy of the approved aerodrome manual at the operator's principal place of business or at the aerodrome;
  - (b) make the copy of the manual kept at the operator's principal place of business or at the aerodrome available to an authorised officer, inspector or authorised person during normal business hours; and
  - (c) keep the copies of the aerodrome manual for the aerodrome in a printed form.
- (4) Despite subregulation (3)(c), the operator may keep copies of the manual in an electronic form.
- (5) The aerodrome manual may consist of more than one document where the operator prepares stand-alone documents to supplement the aerodrome manual.
- (6) The operator must keep the manual in a way that makes is clear to a person reading the manual -

[The word "is" should be "it": "makes it clear...".]

- (a) when changes have been made to the information in the manual; and
  - (b) whether the manual is up-to-date.
- (7) The operator of a certified or licensed aerodrome must appoint a person to be responsible for the preparation and maintenance of the aerodrome manual for the aerodrome.
- (8) The functions of the person appointed under subregulation (7) are to ensure that -
- (a) a record is kept of the persons who hold copies of the whole or a part of the aerodrome manual; and
  - (b) updates of information for the manual are distributed to those persons.

**Contents of aerodrome manual**

**139.07.3** (1) The aerodrome manual required under these regulations must include the following information as described in Document NAM-CATS-AH:

- (a) general information;
- (b) particulars of the aerodrome site;
- (c) particulars of the aerodrome to be reported to AIS;
- (d) particulars of the aerodrome operating procedures;
- (e) the aerodrome administration, and safety and quality management systems; and
- (f) particulars of any condition to which the operator's aerodrome certificate or licence is subject and any direction given to the aerodrome operator by the Executive Director under regulation 139.07.4.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) If particular information referred to in subregulation (1) is not included in the aerodrome manual because it is not applicable to the aerodrome, the following information must be included:

- (a) a statement to the effect that the information is not applicable; and
- (b) the reasons why it is not applicable.

(3) If the Executive Director grants the operator an exemption in relation to the aerodrome, the following must be included in the manual:

- (a) any identifying number given to the exemption by the Executive Director;
- (b) the date on which the exemption came into effect; and
- (c) any condition subject to which the exemption is granted.

**Amendment of aerodrome manual**

**139.07.4** (1) The operator of a certified or licensed aerodrome must amend the aerodrome manual for the aerodrome, whenever it is necessary to do so, to maintain the accuracy of the manual and in accordance with standards prescribed in Document NAM-CATS-AH.

(2) To maintain the accuracy of the aerodrome manual, the Executive Director may give written directions to the operator requiring the operator to amend the manual in accordance with the direction.

- (3) An operator must -
  - (a) comply with a direction given by the Executive Director under subregulation (2); and
  - (b) inform the Executive Director, in writing, of any amendment that the operator makes to the aerodrome manual for the aerodrome within 30 days after the amendment is made.

**SUBPART 8**  
**OBLIGATIONS OF AERODROME OPERATORS****Applicability of Subpart**

**139.08.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[Regulation 139.08.1 is substituted by GN 55/2023.]

**Aerodrome operations, maintenance and compliance with conditions**

**139.08.2** (1) An aerodrome operator must comply with any directives that the Executive Director may issue and conditions that may be endorsed on a certificate, licence or permit granted under these regulations.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) Subject to any directives that the Executive Director may issue, an operator of a certified or licensed aerodrome must operate and maintain an aerodrome in accordance with the procedures set out in the operator's aerodrome manual.

(3) An aerodrome operator must ensure proper and efficient maintenance of the aerodrome facilities and such maintenance must be in accordance with the requirements specified in Subpart 17.

(4) The aerodrome certificate or licence holder must coordinate with the air traffic service (ATS) provider in order to be satisfied that appropriate air traffic services are available to ensure the safety of aircraft in the airspace associated with the aerodrome.

(5) The coordination pursuant to subregulation (4) must cover other areas related to safety such as aeronautical information service, air traffic services, designated meteorological services and security.

**Personnel requirements: accountable manager and key personnel**

**139.08.3** (1) The operator or owner of an aerodrome must designate a suitable natural person as an accountable manager and other suitable key personnel as may be necessary for the proper functioning and operation of the aerodrome.

(2) If the operator or owner fails to designate an accountable manager as required by subregulation (1) -

- (a) the Authority may order the operator or owner to pay the administrative fine prescribed in Part 185 for as long as the non-compliance exists; and
- (b) the certificate, licence or permit may be suspended or revoked or be endorsed by the imposition of a condition in the manner contemplated by sections 42 or 43 of the Act, respectively.

(3) Despite the provisions of subregulation (2), an operator or owner who fails to comply with a directive issued by the Executive Director, commits an offence and may be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act.

(4) Where the Executive Director or any other relevant authority requires certification of competence for the personnel of an aerodrome, the operator must employ only those persons with the required certification.

(5) The operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, establish a procedure for initially assessing, and a procedure for maintaining the competence of those personnel involved in operating and maintaining the aerodrome and its services and facilities.

(6) An operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, have in place a training programme for its technical staff that includes initial, currency, recurrent and specialised training for those personnel involved in operating and maintaining the aerodrome and its services and facilities.

**Quality management system**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.08.4** (1) An operator of a certified or licensed aerodrome must establish a quality management system for the control and supervision of its services and facilities to ensure the aerodrome's compliance with, and the adequacy of procedures required to meet the requirements of this Part.

[There should be a comma after the phrase "and the adequacy of procedures required to meet" to offset that phrase properly.]

- (2) The quality management system must -
- (a) ensure the correct operation and maintenance of the aerodrome and its facilities;
  - (b) ensure that the operator's activities are conducted in a planned and systematic manner and identifies and addresses identified deficiencies;

[The verbs "identifies and addresses" should be "identify and address" to accord with the subject "activities". Alternatively, the provision may have been intended to read: "ensure that the operator's activities are conducted in a planned and systematic manner that identifies and addresses identified deficiencies".]

- (c) be integrated with the safety management system established in terms of regulation 139.08.6 and Part 140;
- (d) be implemented in accordance with standards prescribed in Document NAM-CATS-AH.

(3) The aerodrome operator must appoint a person who has the responsibility for internal quality management who has direct access to the accountable manager on matters affecting the safety of aircraft operations and the performance of the aerodrome services and facilities.

[Regulation 139.08.4 is substituted by GN 55/2023.]

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

**139.08.5** (1) A holder of an aerodrome certificate or licence who wishes to make any change in the quality management system established in terms of regulation 139.08.4 which has a significant impact or effect on the holder's capacity to comply with the appropriate requirements prescribed in this Part must apply to the Executive Director in writing for the approval of that change.

(2) An application for changes to the aerodrome operator's quality management system must be accompanied by a copy of the aerodrome manual and a copy of the quality management manual, as appropriate, indicating the proposed changes.

(3) The Executive Director may grant an approval of a change in the quality management system if the applicant satisfies the Executive Director, upon submission of appropriate proposed changes to the aerodrome manual that the applicant will, after the implementation of such approved change, continue to comply with the aerodrome certification requirements and any conditions under which the certificate or licence was granted.

[Regulation 139.08.5 is substituted by GN 55/2023.]

### **Safety management system**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.08.6** (1) This regulation applies to -

- (a) all category A aerodromes;
- (b) category B aerodromes which are certified in accordance with Subpart 3; and
- (c) any other aerodrome that is certified in accordance with Subpart 3.

(2) An operator of a certified aerodrome must establish, implement, and maintain a system for safety management that is acceptable to the Executive Director and that, as a minimum -

- (a) identifies safety hazards;
- (b) ensures that remedial action necessary to maintain safety is implemented;
- (c) provides for continuous monitoring and regular assessment of the achieved level of safety; and
- (d) aims to make continuous improvement to the overall safety of the aerodrome.
- (e) provides safety performance standards annually; and

[Paragraph (e) is inserted by GN 55/2023.]

- (f) aims to make continuous improvement to the overall safety of the aerodrome.

[Paragraph (f) is inserted by GN 55/2023.]

(3) The safety management system must -

- (a) comply with the requirements of Part 140;
- (b) be implemented in accordance with the framework for implementation and maintenance of a safety management system by an aerodrome operator described in Document NAM-CATS-AH; and
- (c) be commensurate with the size and complexity of the aerodrome.

**Runway safety programme**

**139.08.7** An operator of a certified aerodrome must establish at the aerodrome a runway safety programme for the prevention of runway incursion in accordance with the standards prescribed in Document NAM-CATS-AH.

**Demarcation of restricted areas**

**139.08.8** (1) The holder of an aerodrome certificate or licence must, on the aerodrome, demarcate a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of that aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) obstructions or notices erected along the boundaries of the restricted area or a fence; or
- (c) a combination of such markings, fences, obstructions or notices to achieve the desired level of control.

(2) Subject to the provisions of subregulation (1) relating to the manner in which a boundary must be indicated, the holder of the certificate or licence may alter any boundary or any portion of a boundary of the restricted area.

(3) Fences or obstructions or notices erected along the boundaries of a restricted area must have emergency access gates in line or as close as possible to the threshold of all available runways to ensure an acceptable response times can be met.

[The phrase “an acceptable response times” should be either  
“an acceptable response time” or “acceptable response times”.]

(4) The emergency access gates referred to in subregulation (3), may not be used for gaining access to the aerodrome but must be used solely for emergencies inside or outside the aerodrome perimeter and the control of these emergency gates is the responsibility of the fire fighting service established in terms of Subpart 16.

**Control of entry into restricted areas**

**139.08.9** (1) The holder of an aerodrome certificate or licence must exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) must be exercised according to the procedures and criteria approved by the holder of the certificate or licence.

- (3) An aerodrome operator must make arrangements to -
  - (a) prohibit unauthorised persons from entering a restricted area; and
  - (b) order any person to leave a restricted area immediately, when it is considered necessary, whether that person has been granted permission to be within a restricted area or not.

**Demarcation of routes on apron**

**139.08.10** (1) The holder of an aerodrome certificate or licence must by means of markings on the surface of an aerodrome or by notices or by means of both those markings and notices demarcate routes on the apron for use by -

- (a) persons other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of an aerodrome; or
- (c) vehicles and equipment.

(2) The aerodrome operator may restrict the use of routes on an apron to be used by any person or aircraft or vehicle for the purpose of movement in one direction only.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (3) Except in case of an emergency a person -
  - (a) other than a person carried in an aircraft or in or on a vehicle, may not proceed on foot on the apron; or
  - (b) may not move, an aircraft or a vehicle travelling on the surface of an aerodrome, on the apron,

except along an appropriate route demarcated in terms of subregulation (1).

(4) An aerodrome operator must ensure that in the event of an accident on or in the vicinity of the apron, the emergency services are exempted from any restrictions on the use of demarcated routes as may be necessary for the purpose of attending to such emergency in the shortest period of time.

- (5) The operator of an aerodrome must provide the minimum clearance between -
  - (a) an aircraft using an aircraft stand and any adjacent building; and
  - (b) an aircraft parked on an aircraft stand and any other objects on the apron.

**Aerodrome inspection programme**

**139.08.11** (1) A holder of an aerodrome certificate or licence must -

- (a) establish and maintain an aerodrome inspection programme which includes -
  - (i) procedures to ensure that job specific competent aerodrome personnel execute the relevant programme effectively; and
  - (ii) a reporting system for ensuring prompt correction of an unsafe aerodrome condition that is noted during an aerodrome inspection;
- (b) provide appropriate equipment for use in conducting the aerodrome inspections;
- (c) establish procedures for ensuring that personnel performing aerodrome inspections are appropriately trained.

(2) The operator of a certified or licensed aerodrome must have in place an audit and inspection programme for evaluating providers of services at the aerodrome, including fixed-base operators, ground handling agencies and other organisations working at the aerodrome.

\*\*\*

**139.08.12**

[Regulation 139.08.12 is deleted by GN 55/2023.]

\*\*\*

**139.08.13**

[Regulation 139.08.13 is deleted by GN 55/2023.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Aerodrome special inspections**

**139.08.14** (1) An aerodrome operator must conduct a special inspection of an aerodrome -

- (a) as soon as practicable after any accident or incident;
- (b) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety of aircraft operation; and
- (c) at any other time when there are conditions at the aerodrome that may affect aviation safety.

(2) The operator must notify and report to the Executive Director within the specified time limits, information on any special inspection conducted referred to in subregulation (1).

**[Regulation 139.08.14 is substituted by GN 55/2023.]**

**Aerodrome environmental management programme**

**139.08.15** (1) A holder of an aerodrome certificate or licence must establish an aerodrome environment management programme to minimise the effects of hazards or potential hazards caused by -

- (a) foreign object debris;
- (b) oil and fuel spillages; or
- (c) birds and animals.

(2) The environment management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

**Aerodromes works safety**

**139.08.16** (1) The operator of a certified or licensed aerodrome must -

- (a) establish procedures for ensuring that any works carried out on the aerodrome, do not endanger aircraft operations;
- (b) take precautions to ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft or confusion to pilots; and
- (c) submit to the Executive Director a design report of any intended works to be carried out on the aerodrome.

**[Subregulation (1) is substituted by GN 55/2023.]**

(2) The aerodrome operator must comply with the standards prescribed in Document NAM-CATS-AH in relation to the works safety plan and notice requirements that must be satisfied before aerodrome works may be carried out.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) A person may not perform hot work or work with an open flame on the airside of the aerodrome before notifying the fire-fighting services and all other affected parties of -

- (a) the type of work to be performed;
- (b) the location where the work will be performed; and
- (c) the expected duration of the work to be performed.

(4) If considered necessary by the aerodrome operator or where the type of work can have an impact on aviation safety, the fire services must perform standby duties during such hot work or work with an open flame until the work is completed.

**Protection of navigation aids**

**139.08.17** An aerodrome operator must -

- (a) prevent any construction or activity on the aerodrome or surrounding area that the aerodrome operator has authority over, that could have an adverse effect on the operation of any electronic or visual navigation aid or air traffic service facility for the aerodrome; and
- (b) prevent, as far as it is within the operator's authority, any interruption of electronic or visual navigation aid or air traffic service facility for the aerodrome.

**Notification of aerodrome condition**

**139.08.18** An aerodrome operator must, as soon as practicable, notify the aeronautical information service provider of any aerodrome operational condition at the aerodrome that may affect the safe operation of aircraft, for the purpose of issuance of a NOTAM.

**Unsafe conditions**

**139.08.19** A holder of an aerodrome certificate or licence must establish procedures for ensuring that aircraft operations are restricted or if necessary, prohibited, on any part of the aerodrome where an unsafe condition may exist.

**Discontinuation of certified or aerodrome operations**

**[The heading of this regulation in the LIST OF REGULATIONS is  
"Discontinuation of certified or licensed aerodrome operations".]**

**139.08.20** (1) In order that adequate warning may be given to the users of an aerodrome, the holder of an aerodrome certificate or licence must give the Executive Director at least 60 days written notice of the holder's intention to discontinue the maintenance of the aerodrome or to abandon the aerodrome.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is abandoned or is not being maintained in accordance with the conditions of the certificate or licence, the holder of the certificate or licence must remove, obliterate or modify all aerodrome markings as the Executive Director may direct.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) On completion of the task referred to in subregulation (2), the holder must surrender the certificate or licence to the Executive Director.

**General duties of aerodrome operator**

**139.08.21** (1) An aerodrome operator must -

- (a) maintain the aerodrome in a serviceable condition;
- (b) keep the aerodrome free of unauthorised persons, vehicles and animals which are not under proper control or any other obstructions;
- (c) mark all obstructions in accordance with any guidelines provided for in these regulations;
- (d) inform the Executive Director of any design, alterations to obstruction or works on the aerodrome;

**[Paragraph (d) is substituted by GN 55/2023.]**

- (e) install an apparatus to show the surface direction of the wind and ensure that the apparatus is installed and functions satisfactorily;
  - (f) maintain any markings provided for in these regulations in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground;
  - (g) ensure the facilities offered to the public are available and in a serviceable condition;
  - (h) ensure that all apparatus installed by that holder to promote safety in flight, is functioning efficiently;
  - (i) appropriately mark the unserviceable areas on the landing terrain;
  - (j) inform the Executive Director whenever the aerodrome becomes unserviceable through any cause or where any portion of the surface of the landing area deteriorates to such an extent that the safe operation of aircraft may be endangered and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;
  - (k) submit to the Executive Director reports on the condition of the aerodrome as may be required from time to time; and
  - (l) ensure that personnel operating on the airside wear high visibility clothing at all times while on the airside.
- (2) A holder of an aerodrome certificate or licence must -
- (a) hold at least one complete and current copy of the aerodrome manual referred to in Subpart 7 at the aerodrome;
  - (b) comply with all procedures detailed in approved manuals;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) make each applicable part of the approved manuals 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.
- (3) A holder of an aerodrome certificate or licence must ensure that -
  - (a) organisations performing activities at the aerodrome comply with safety procedures specified by the aerodrome operator;
  - (b) very high frequency (VHF) direction finding (VDF) equipment, when installed on an aerodrome where an air traffic service unit is present, functions in accordance with standards and specifications provided for in these regulations, except that this requirement may be omitted if the air traffic service unit is serviced by surveillance;
  - (c) the facilities offered to the public are available and in a serviceable condition;
  - (d) carry out a survey after every five years on the aerodrome for the purpose of the approval of let-down procedures by the Executive Director.

**[Paragraph (d) is substituted by GN 55/2023.]**

- (4) The holder of an aerodrome certificate or licence must ensure that -
  - (a) where -
    - (i) an air traffic service unit is present on the aerodrome;
    - (ii) scheduled commercial operations are conducted; or
    - (iii) unscheduled commercial operations exceeding six movements a week are conducted and the maximum certified mass of the aircraft involved exceeds 5 700 kilograms,

sensing equipment are installed to provide data to the air traffic services unit, and the specifications of such sensing equipment are in accordance with the standards provided for in these regulations.

**[The verb “are” should be “is” to accord with the subject “equipment”.]**

- (b) data provided in terms of paragraph (a) is displayed in the aerodrome control tower or air traffic service unit and at the aeronautical meteorological station, where applicable;
- (c) where an air traffic service unit is not in operation and where scheduled commercial operations occur, data provided in terms of paragraph (a) is transmitted automatically to a minimum range of five nautical miles from the aerodrome reference point;
- (d) where pilot training operations are being undertaken at the aerodrome, wind direction, speed, surface air temperature and barometric pressure data are made available at a location accessible to pilots prior to take off; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) where the aerodrome is used for flights coming from outside Namibia or for flights departing to a destination outside Namibia, satisfactory office facilities are available for an aeronautical meteorological station.
- (5) The holder of an aerodrome certificate or licence must -
  - (a) furnish the Executive Director with the most current audited year of aerodrome financial data and the aerodrome traffic statistics for each certification or licence period;
  - (b) in the case of security designated aerodromes establish an airport facilitation committee and compile a facilitation programme in accordance with the provisions of Part 111;

**[Paragraph (b) is substituted by GN 55/2023.]**

- (c) monitor aircraft noise on and in the vicinity of an aerodrome, and report any deviations from the technical standards to the Executive Director;
- (d) when the air traffic service unit at the aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, that aerodrome;
- (e) furnish in writing to the Executive Director, as soon as practicably possible, but within 30 days from the day of engagement, employment or contracting, full particulars of the accountable manager and key personnel referred to in regulation 139.08.3; and

**[Paragraph (e) is substituted by GN 55/2023.]**

- (f) furnish the Executive Director on monthly basis with the statistical data of incidents and accidents occurring on the airside of the aerodrome.

**[The word “a” appears to have been omitted before the phrase “monthly basis”.]**

(6) The holder of an aerodrome certificate or licence must ensure that in accordance with the national civil aviation security programme referred to in section 118 of the Act -

- (a) all originating hold baggage to be carried on a commercial air transport aircraft engaged in civil aviation operations are screened prior to being loaded onto the aircraft; and
- (b) the operator of a commercial air transport aircraft engaged in a scheduled commercial air service does not carry any originating hold baggage, unless such baggage has been screened prior to being loaded into the aircraft.

**Removal of obstructions from aerodrome surface**

**139.08.22** An aerodrome operator must remove from the aerodrome surface any vehicle or other obstruction that is likely to be hazardous to aircraft operations.

**Warning notices**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.08.23** When low flying aircraft, at or near an aerodrome or taxiing aircraft are likely to be hazardous to people or vehicular traffic, the aerodrome operator must -

- (a) post hazard warning notices on any public road that is adjacent to the manoeuvring area; or
- (b) if such a public road is not controlled by the aerodrome operator, inform the authority responsible for posting the notices on the public way that there is a hazard.

**SUBPART 9**  
**AERODROME DATA**

**Applicability of Subpart**

**139.09.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[Regulation 139.09.1 is substituted by GN 55/2023.]

**Aeronautical data**

**139.09.2** An aerodrome operator must make arrangements for the determination, validation, verification and reporting of aerodrome-related aeronautical data in accordance with standards prescribed in Document NAM-CATS-AH.

[Regulation 139.09.2 is substituted by GN 55/2023.]

**Aerodrome reference point**

**139.09.3** (1) An aerodrome operator must establish an aerodrome reference point for an aerodrome.

(2) The aerodrome reference point must be located near the initial or planned geometric centre of the aerodrome and must remain where first established.

(3) The position of the aerodrome reference point must be measured and reported to the aeronautical information services in WGS-84 format.

**Aerodrome and runway elevation**

**139.09.4** An aerodrome operator must measure and report to the aeronautical information services, the aerodrome and runway elevations in accordance with standards prescribed in Document NAM-CATS-AH.

**Aerodrome reference temperature**

**139.09.5** An aerodrome operator must determine and notify an aerodrome reference temperature for the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

**Aerodrome dimensions and related information**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.09.6** An aerodrome operator must measure or describe, as appropriate, and publish the dimensions and related information for each facility provided for use at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

**Strength of pavements**

**139.09.7** (1) An aerodrome operator must determine and report the bearing strength of pavements at the aerodrome.

(2) The bearing strength of pavements must be determined and reported in accordance with the standards prescribed in Document NAM-CATS-AH.

**Pre-flight altimeter check point**

**139.09.8** An aerodrome operator must establish for the aerodrome, one or more pre-flight altimeter check locations and report such information in accordance with the standards prescribed in Document NAM-CATS-AH.

**Declared distances**

**139.09.9** (1) An operator of a certified or licensed aerodrome must calculate and publish the following distances for the runway or runways at the aerodrome -

- (a) take-off run available;
- (b) take-off distance available;
- (c) accelerate-stop distance available; and
- (d) landing distance available.

(2) The declared distances must be calculated in accordance with standards prescribed in Document NAM-CATS-AH.

**Condition of movement area and related facilities**

**139.09.10** (1) An aerodrome operator must -

- (a) provide to the aeronautical information services, information on the condition of the movement area and the operational status of related facilities;
- (b) provide to the air traffic services units, information of operational significance regarding the condition of the movement area and the operational status of related facilities; and
- (c) monitor the condition of the movement area and the operational status of related facilities and provide a report on matters of operational significance affecting aircraft and aerodrome operations.

(2) The aerodrome conditions must be provided and monitored in accordance with standards prescribed in Document NAM-CATS-AH.

**Information on disabled aircraft removal**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.09.11** An aerodrome operator must make available in accordance with standards prescribed in Document NAM-CATS-AH, information concerning the capability of the aerodrome to remove an aircraft disabled on or adjacent to the movement area.

**Information on rescue and fire fighting level of protection**

**139.09.12** (1) An aerodrome operator must make available information concerning the level of protection provided at an aerodrome for aircraft rescue and firefighting purposes.

(2) The level of protection available at an aerodrome and any changes in the level of protection must be notified in accordance with the standards prescribed in Document NAM-CATS-AH.

**Information concerning visual approach slope indicator systems**

**139.09.13** An aerodrome operator must make available information concerning the visual approach slope indicator system installed at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

**Coordination between aeronautical information services and aerodrome authorities**

**139.09.14** (1) An operator of a certified or licensed aerodrome must -

- (a) make arrangements to provide to aeronautical information services, information regarding the status and condition of the aerodrome and its associated facilities and services;
- (b) before introducing changes to the air navigation system, carry out close coordination of such changes with aeronautical information services;
- (c) provide raw aeronautical information or data to the aeronautical information services to meet the needs of users.

(2) Coordination between the aerodrome operator and aeronautical information services must be carried out in accordance with standards prescribed in Document NAM-CATS-AH.

**SUBPART 10**  
**AERODROME PHYSICAL CHARACTERISTICS****Applicability of Subpart**

**139.10.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[Regulation 139.10.1 is substituted by GN 55/2023.]

**Runways**

**139.10.2** An aerodrome operator must ensure that the physical characteristics of the runway or runways at the aerodrome, including the number of runways and orientation, location of the threshold, actual length of the runways, width, slopes on runways, strength and surfaces of

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

runways and the minimum distance between parallel runways, are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Runway shoulders**

**139.10.3** An aerodrome operator must ensure that the physical characteristics of the runway or runways shoulders at an aerodrome including the widths, slopes and strength of the runway shoulders are in accordance with the standards prescribed in Document NAM-CATS-AH.

[The phrase “runways shoulders” should be “runway shoulders”,  
as it appears the second time in the regulation.]

**Runway turn pads**

**139.10.4** An aerodrome operator must ensure that, where a runway turn pad is required, the physical characteristics and the design of such runway turn pad is in accordance with the standards prescribed in Document NAM-CATS-AH.

[The second use of the verb “is” in this regulation should be “are”  
to accord with the compound subject: “characteristics and... design... are...”.]

**Runway strips**

**139.10.5** An aerodrome operator must ensure that a runway at an aerodrome and any associated stopway is included in a strip and that the physical characteristics of that runway strip is in accordance with the standards prescribed in Document NAM-CATS-AH.

[Both uses of the verb “is” in this regulation should be “are” to accord with the plural subjects:  
“runway... and... stopway are...”; “characteristics... are...”.]

**Runway end safety areas**

**139.10.6** An aerodrome operator must ensure that a runway end safety area is provided at each end of a runway strip where required in accordance with the standards prescribed in Document NAM-CATS-AH, and that the physical characteristics of that runway end safety area is in accordance with the specified standards.

[The verb “is” should be “are” after the phrase “the physical characteristics of that  
runway end safety area” to accord with the plural subject “characteristics”.]

**Clearways**

**139.10.7** An aerodrome operator must ensure that where a clearway is provided for a particular runway at an aerodrome, that clearway is established in accordance with standards prescribed in Document NAM-CATS-AH.

**Stopways**

**139.10.8** An aerodrome operator must ensure that where a stopway is provided for a particular runway at an aerodrome, that stopway is established in accordance with standards prescribed in Document NAM-CATS-AH.

**Radio altimeter operating area**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.10.9** An aerodrome operator must ensure that where a radio altimeter operating area is provided at an aerodrome, that radio altimeter operating area is established in accordance with standards prescribed in Document NAM-CATS-AH.

**Taxiways**

**139.10.10** An aerodrome operator must ensure that the design and the physical characteristics of a taxiway provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Taxiway shoulders**

**139.10.11** An aerodrome operator must ensure that the physical characteristics of a taxiway shoulders at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

[The phrase “a taxiway shoulders” should be “a taxiway shoulder” or “taxiway shoulders”.]

**Taxiway strips**

**139.10.12** An aerodrome operator must ensure that the physical characteristics of taxiway strips are established in accordance with the standards prescribed in Document NAM-CATS-AH.

**Holding bays, runway-holding positions, intermediate holding positions and road-holding positions**

**139.10.13** An aerodrome operator must ensure that when provided, holding bays, a runway-holding position, intermediate holding position and road-holding positions are established in accordance with the standards prescribed in Document NAM-CATS-AH.

**Aprons**

**139.10.14** An aerodrome operator must ensure that the physical characteristics of an apron provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Isolated aircraft parking position**

**139.10.15** (1) An operator of a certified or licensed aerodrome must designate an isolated aircraft parking position at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) Where an isolated aircraft parking position has not been designated in accordance with subregulation (1), the aerodrome control tower must be advised of an area or areas suitable for the parking of an aircraft which is known or believed to be the subject of an act of unlawful interference or which for other reasons needs isolation from normal aerodrome activities.

**SUBPART 11**  
**OBSTACLE RESTRICTION AND REMOVAL****Applicability of Subpart**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.11.1** (1) This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Subregulation (1) is substituted by GN 55/2023.]**

(2) This Subpart does not apply to aerodromes used solely as heliports.

**Erection of obstacles**

**139.11.2** (1) A person may not cause or permit the erection or growth of an obstacle at, or in the vicinity of, an aerodrome, where the obstacle may prevent an aircraft operation from being conducted safely or the aerodrome from being usable.

(2) The erection of buildings or other objects in the navigable airspace or in the vicinity of an aerodrome or navigation aid must be in accordance with standards prescribed in Document NAM-CATS-AH.

(3) A person may not cause or permit any object, including new or extension of existing objects to penetrate the obstacle limitation surface, established in accordance with regulation 139.11.3, without the written permission of the Executive Director.

(4) An applicant for the erection of obstacles must -

- (a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and
- (b) pay the appropriate application fee as prescribed in Part 187.

**[Subregulation (4) is inserted by GN 55/2023.]**

**Establishment of obstacle limitation surfaces**

**139.11.3** (1) An aerodrome operator must -

- (a) establish obstacle limitation surfaces for the aerodrome;
- (b) monitor the established obstacle limitation surfaces around the aerodrome for infringement by objects, buildings or other structures;
- (c) establish a systematic means of surveying and monitoring any object that penetrates the obstacle limitation surfaces around the aerodrome and report any penetration immediately to the Executive Director; and
- (d) notify, through the aeronautical information services, any object that penetrates obstacle limitation surfaces around the aerodrome.

(2) The operator of an aerodrome must work jointly with the Executive Director to plan and determine the allowable height limits for new developments in the vicinity of, and outside of, the aerodrome and the type of instrument or visual flight operations that may be permitted, taking the obstacle survey plan into account.

**Obstacle limitation surfaces**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.11.4** (1) The obstacle limitation surfaces established for an aerodrome must consist of the following:

- (a) outer horizontal surface;
- (b) conical surface;
- (c) inner horizontal surface;
- (d) approach surface;
- (e) inner approach surface;
- (f) transitional surface;
- (g) inner transitional surface;
- (h) balked landing surface; and
- (i) take-off climb surface.

(2) The obstacle limitation surfaces referred to in subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

**Obstacle limitation requirements**

**139.11.5** (1) An aerodrome operator must establish obstacle limitation surfaces for non-instrument runways, non-precision approach runways and precision approach runways and for runways meant for take-off.

(2) The obstacle limitation surfaces established in terms of subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH, and must be clear of any penetration of obstacles temporary or otherwise.

**Objects outside obstacle limitation surfaces**

**139.11.6** (1) A person may not construct any building, structure or other objects beyond the limits of the obstacle limitation surfaces of an aerodrome that extend above a height of 45 metres above the mean level of the aerodrome landing areas unless -

- (a) that person has had prior consultation with the Executive Director; and
- (b) the construction is in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The Executive Director must whenever necessary, permit an aeronautical study to be conducted on the effect of the construction referred to in subregulation (1) on the operation of aircraft.

**Removal of obstacles and other objects**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.11.7** (1) A person must remove any object that will adversely affect the optimum siting or performance of visual or non-visual aids or constitute a hazard to aircraft operation as prescribed in Document NAM-CATS-AH.

(2) The Executive Director may direct the removal of any obstacle which, in the opinion of the Executive Director, constitutes a hazard to aircraft operations, and the cost of such removal must be borne by the owner of the obstacle or the person who placed the obstacle at the place where it is removed from.

**SUBPART 12**  
**VISUAL AIDS FOR NAVIGATION**

**Applicability of Subpart**

**139.12.1** (1) This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Subregulation (1) is substituted by GN 55/2023.]**

(2) This Subpart does not apply to aerodromes used solely as heliports.

**Wind direction indicator**

**139.12.2** (1) An aerodrome operator must ensure that an aerodrome is equipped with at least one wind direction indicator.

(2) A wind direction indicator required by subregulation (1) must be located so as to be visible from aircraft in flight or on the movement area and in such a way as to be free from the effects of air disturbances caused by nearby objects.

(3) The characteristics of the wind direction indicator must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Landing direction indicator**

**139.12.3** An aerodrome operator must ensure that, where a landing direction indicator is provided at an aerodrome, it is located in a conspicuous place on the aerodrome and the characteristics of such landing direction indicator are in accordance with standards prescribed in Document NAM-CATS-AH.

**Signaling lamp**

**139.12.4** (1) An aerodrome operator must ensure that a signaling lamp is provided in the aerodrome control tower at an aerodrome where air traffic control service is provided to aerodrome traffic.

(2) The characteristics of the signalling lamp must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Signal panels and signal areas**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.12.5** Where provided at an aerodrome, the location and characteristics of a signal panel and signal area must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Markings**

**139.12.6** An aerodrome operator must ensure that markings displayed at an aerodrome are conspicuous and such markings are displayed in accordance with standards prescribed in Document NAM-CATS-AH.

**Lights**

**139.12.7** (1) An aerodrome operator must ensure that any lights or emissions that may endanger the safety of aircraft or cause confusion to aircraft operating at an aerodrome are extinguished, screened or otherwise modified so as to eliminate the source of the danger or confusion.

(2) An aerodrome operator must ensure that -

- (a) elevated approach, runway, stopway and taxiway lights and their supporting structures, are frangible and are designed in accordance with standards prescribed in Document NAM-CATS-AH;
- (b) light fixtures inserted in the surface of runways, stopways, taxiways and aprons are designed and fitted in accordance with standards prescribed in Document NAM-CATS-AH; and
- (c) the intensity of the runway lighting at the aerodrome is adequate and compatible with that of the approach lighting system and that suitable intensity control system that allows for the adjustment of the light intensity is provided.

(3) Aerodrome lighting systems provided at an aerodrome must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Signs**

**139.12.8** (1) An aerodrome operator must provide at an aerodrome, signs to convey a mandatory instruction, information on a specific location or destination on a movement area or to provide other information.

(2) An aerodrome operator must ensure that signs provided at an aerodrome are frangible and that their locations and specifications are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Markers**

**139.12.9** (1) An aerodrome operator must ensure that markers provided at an aerodrome are frangible, and when located near a runway or taxiway must be sufficiently low to preserve clearance for propellers and for the engine pods of jet aircraft.

(2) An aerodrome operator must ensure that location and specifications of markers provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 13**  
**VISUAL AIDS FOR DENOTING OBSTACLES**

**Applicability of Subpart**

**139.13.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Regulation 139.13.1 is substituted by GN 55/2023.]**

**Objects to be marked or lighted**

**139.13.2** (1) An aerodrome operator must ensure that objects within the lateral boundaries of the obstacle limitation surfaces are marked, as appropriate, and if used at night or in conditions of low visibility, lighted, in accordance with standards prescribed in Document NAM-CATS-AH, except that aircraft servicing equipment and vehicles used only on aprons may be exempted from this requirement.

(2) An aerodrome operator must ensure that obstacles outside the lateral boundaries of the obstacle limitation surfaces are marked and lighted in accordance with standards prescribed in Document NAM-CATS-AH.

**Marking and lighting of objects**

**139.13.3** (1) The presence of objects which must be lighted, as specified in regulation 139.13.2, must be indicated by low, medium or high intensity obstacle lights or a combination of such lights in accordance with specifications prescribed in Document NAM-CATS-AH.

(2) Mobile objects, fixed objects and wind turbines must be marked or lighted in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 14**  
**VISUAL AIDS FOR DENOTING RESTRICTED USE AREAS**

**Applicability of Subpart**

**139.14.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Regulation 139.14.1 is substituted by GN 55/2023.]**

**Closed runways and taxiways or parts thereof**

**139.14.2** (1) An aerodrome operator must ensure that a closed marking is displayed on a runway or taxiway or portion thereof which is permanently closed to the use of all aircraft.

(2) The location and characteristics of a closed marking required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Non-load-bearing surface**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.14.3** An aerodrome operator must ensure that the boundaries between non-load-bearing surfaces and the load-bearing surfaces are marked in accordance with the standards prescribed in Document NAM-CATS-AH.

**Pre-threshold area**

**139.14.4** Where provided at an aerodrome, the paved surface of a pre-threshold area must be marked in accordance with the standards prescribed in Document NAM-CATS-AH.

**Unserviceable areas**

**139.14.5** (1) An aerodrome operator must -

- (a) display conspicuous unserviceability markers on unserviceable areas; and
- (b) ensure that unserviceability lights are used on a movement area used at night or in conditions of low visibility.

(2) The location and characteristics of unserviceability markers and lights required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 15**  
**ELECTRICAL SYSTEMS**

**Applicability of Subpart**

**139.15.1** (1) This Subpart applies to certified aerodromes.

(2) This Subpart also applies to licensed aerodromes where electrical systems are provided for use at the aerodrome.

**Electrical power supply systems for air navigation facilities**

**139.15.2** (1) An operator of an aerodrome must make available, adequate power supply at the aerodromes for the safe functioning of air navigation facilities.

(2) The provision, design and installation of the electrical systems, required under these regulations including power supply connections, the time interval between failure of the primary source of power and the complete restoration of the services and the switch-over times must be in accordance with the standards prescribed in Document NAM-CATS-AH.

(3) An operator of an aerodrome must provide adequate secondary power to ensure essential facilities are automatically connected to power supply upon failure of the primary source of power.

(4) The secondary power provided in accordance with subregulation (3) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Systems design**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.15.3** (1) An aerodrome operator must ensure that the electrical systems for the power supply, lighting and control of the lighting systems are so designed that an equipment failure will not leave the pilot with inadequate visual guidance or misleading information.

(2) The systems design must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**Monitoring**

**139.15.4** (1) An operator of an aerodrome must have in place, a system for monitoring the operational status of lighting systems at the aerodrome.

(2) The system for monitoring required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 16**

**AERODROME OPERATIONAL SERVICES, EQUIPMENT AND INSTALLATIONS**

**Applicability of Subpart**

**139.16.1** (1) This Subpart applies to certified aerodromes.

(2) This Subpart may apply to licensed aerodromes where considered necessary by the Executive Director.

**Aerodrome emergency planning**

**139.16.2** (1) An operator of an aerodrome must establish an aerodrome emergency plan at the aerodrome that -

- (a) is commensurate with the aircraft operations and other activities conducted at the aerodrome;
- (b) provides for the coordination of the actions to be taken in an emergency occurring at the aerodrome or in its vicinity including -
  - (i) aircraft emergencies;
  - (ii) sabotage including bomb threats;
  - (iii) unlawfully seized aircraft;
  - (iv) dangerous goods occurrences;
  - (v) building fires;
  - (vi) natural disaster; and
  - (v) public health emergencies such as -
    - (aa) increased risk of travellers or cargo spreading a serious communicable disease internationally through air transport;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (bb) severe outbreak of a communicable disease potentially affecting a large proportion of aerodrome staff;
- (c) coordinates the response or participation of all existing agencies which, in the opinion of the aerodrome operator, could be of assistance in responding to an emergency;
- (d) provides for cooperation and coordination with the rescue coordination centre, as necessary;
- (e) includes at least the following -
  - (i) types of emergencies planned for;
  - (ii) agencies involved in the plan;
  - (iii) responsibility and role of each agency, the emergency operations centre and the command post for each type of emergency;
  - (iv) information on names and telephone numbers of offices or people to be contacted in the case of a particular emergency; and
  - (v) a grid map of the aerodrome and its immediate vicinity;
- (f) observes human factor principles;
- (g) provides for the establishment of an emergency operations centre and command post;
- (h) provides for adequate communication systems;
- (i) contains procedures for periodic testing of the adequacy of the plan and the reviewing of the results of such tests;
- (j) provides for the testing of the plan through -
  - (i) full-scale aerodrome emergency exercise; or
  - (ii) a series of modular tests;
- (k) provides for the reviewing of the plan after the testing or after an actual emergency; and
- (l) provides for the handling of emergencies in difficult environments.

(2) An aerodrome emergency plan must be established in accordance with standards prescribed in Document NAM-CATS-AH.

**Rescue and firefighting services**

**139.16.3** (1) An operator of an aerodrome must -

- (a) provide rescue and firefighting equipment and services at the aerodrome;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) designate suitably located and equipped public and private organisations to provide the rescue and firefighting service; and
- (c) where the aerodrome is located close to water or swampy areas or difficult terrain, make available, specialist rescue services and firefighting equipment appropriate to the hazard and risk.

(2) An operator of an aerodrome must -

- (a) ensure that the established rescue and firefighting services at the aerodrome is capable of providing the required level of protection appropriate to the aerodrome fire services category of the aerodrome;
- (b) ensure that the rescue and firefighting services level of protection, extinguishing agents and rescue equipment are determined and established;
- (c) ensure that the rescue and firefighting services is capable of meeting the required response times;

[The verb “is” should be “are” to accord with the subject “services”.]

- (d) ensure that emergency access roads, fire stations, communication and alerting systems are provided;
- (e) ensure that the number of firefighting vehicles are commensurate with the established aerodrome category;

[The verb “are” should be “is” to accord with the subject “number”.]

- (f) ensure the availability of sufficient trained and competent personnel commensurate with the aerodrome firefighting category;
- (g) have in place a rescue and firefighting personnel training programme which includes training in human performance and team coordination; and
- (h) ensure that all responding rescue and firefighting personnel are provided with protective clothing and respiratory equipment.

(3) The aerodrome rescue and firefighting services established in accordance with subregulations (1) and (2) must be in accordance with standards prescribed in Document NAM-CATS-AH.

#### **Disabled aircraft removal**

**139.16.4** An operator of a certified or licensed aerodrome must establish a plan for coordinating the removal of an aircraft disabled on, or adjacent to, the movement area of the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

#### **Wildlife hazard management**

**139.16.5** (1) An operator of a certified or licensed aerodrome must have in place a wildlife management programme that includes -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) assessment of the wildlife strike hazard on, or in the vicinity of, an aerodrome; and
- (b) monitoring, recording and reporting the presence of wildlife on, or in the vicinity of, an aerodrome.

(2) The wildlife management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

- (3) The operator of a certified or licensed aerodrome must -
  - (a) ensure that wildlife strike reports are collected and forwarded to the Executive Director;
  - (b) adopt measures to minimise the likelihood of collisions between wildlife and aircraft;
  - (c) take action to eliminate or to prevent the establishment of garbage disposal dumps or any other source which may attract wildlife to the aerodrome or its vicinity, unless an appropriate wildlife assessment indicates that they are unlikely to create conditions conducive to a wildlife hazard problem;
  - (d) where the elimination of existing sites is not possible, ensure that any risk to aircraft posed by these sites is assessed and reduced to as low as reasonably practicable; and
  - (e) give due consideration to aviation safety concerns related to land developments in the vicinity of the aerodrome that may attract wildlife.

**Apron management service**

**139.16.6** (1) An operator of a certified or licensed aerodrome may, when warranted by the volume of traffic and operating conditions, provide an appropriate apron management service at the aerodrome.

(2) The apron management service established in terms of subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

**Ground servicing of aircraft**

**139.16.7** An aerodrome operator must establish procedures for ground servicing of an aircraft in accordance with standards prescribed in Document NAM-CATS-AH.

**Aerodrome vehicle operations**

- 139.16.8** (1) A vehicle must be operated -
  - (a) on a manoeuvring area only as authorised by the aerodrome control tower; and
  - (b) on an apron only as authorised by the designated apron management service.
- (2) The driver of a vehicle operating on the movement area must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) comply with all mandatory instructions conveyed by markings and signs except where otherwise authorised by -
  - (i) the aerodrome control tower when on the manoeuvring area; or
  - (ii) the designated apron management service when on the apron;
- (b) comply with all mandatory instructions conveyed by lights;
- (c) be appropriately trained for the tasks to be performed;
- (d) comply with the instructions issued by -
  - (i) the aerodrome control tower when on the manoeuvring area; and
  - (ii) the designated apron management service, when on the apron;
- (e) when driving a radio-equipped vehicle, establish satisfactory two-way radio communication with the -
  - (i) aerodrome control tower before entering the manoeuvring area; and
  - (ii) designated apron management service before entering the apron;
- (f) when driving a radio-equipped vehicle, maintain a continuous listening watch on the assigned frequency when on the movement area.

(3) The aerodrome operator must have procedures in place to guide ground vehicle operations in accordance with standards prescribed in Document NAM-CATS-AH.

**Surface movement guidance and control systems**

**139.16.9** (1) An operator of a certified aerodrome must have surface movement guidance and control system (SMGCS) at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The characteristics of an surface movement guidance and control system including the design must be in accordance with standards prescribed in Document NAM-CATS-AH.

[The word “an” before “surface movement guidance and control system” should be “a”.]

**Siting of equipment and installations on operational areas**

**139.16.10** (1) A person may not place any equipment or installation on a runway strip, a runway end safety area, a taxiway strip or on a clearway if it may endanger an aircraft.

(2) Any equipment or installation required for air navigation or for safety of aircraft and which must be located on the areas specified in subregulation (1) must be frangible and must be located in accordance with the standards prescribed in Document NAM-CATS-AH.

**Fencing**

**139.16.11** (1) An operator of a certified or licensed aerodrome must provide a fence or other suitable barrier on an aerodrome to -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) prevent the entrance of animals to the movement area; and
- (b) to deter the inadvertent or premeditated access of an unauthorised person onto a non-public area of the aerodrome.

(2) The fence or barrier required under subregulation (1) must be provided in accordance with standards prescribed in Document NAM-CATS-AH.

**Security lighting**

**139.16.12** Where it is considered desirable, for security reasons, a fence or other barrier provided at an aerodrome for the protection of civil aviation must be illuminated in accordance with standards prescribed in Document NAM-CATS-AH.

**Autonomous runway incursion warning system**

**139.16.13** Where an autonomous runway incursion warning system (ARIWS) is installed at an aerodrome, the characteristics must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 17**  
**AERODROME MAINTENANCE**

**Applicability of Subpart**

**139.17.1** This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

**[Regulation 139.17.1 is substituted by GN 55/2023.]**

**Maintenance programme**

**139.17.2** (1) An operator of a certified or licensed aerodrome must establish a maintenance programme, including preventive maintenance, to maintain aerodrome facilities in a condition which does not impair the safety, regularity or efficiency of air navigation.

(2) The maintenance programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

**Maintenance of pavements and friction measurement**

**139.17.3** (1) An operator of a certified or licensed aerodrome must establish a maintenance programme for the maintenance of aerodrome facilities.

(2) The aerodrome maintenance programme required by subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

**Removal of contaminants**

**139.17.4** The operator of an aerodrome must remove standing water, mud, dust, sand, oil, rubber deposits and other contaminants from paved surfaces at an aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Runway pavement overlays**

**139.17.5** (1) An operator of an aerodrome must ensure that projects involving runway pavement overlays are undertaken in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) The aerodrome operator must ensure that the characteristics of a temporary ramp, when constructed for use by aircraft during runway pavement overlay, are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Maintenance of visual aids for navigation**

**139.17.6** (1) An operator of a certified or licensed aerodrome must establish and implement in accordance with the standards prescribed in Document NAM-CATS-AH, a programme for the maintenance of visual aids for navigation that are installed on the aerodrome.

(2) The maintenance programme required by subregulation (1) must include -

- (a) a system of preventive maintenance of visual aids;
- (b) procedures for ensuring that each visual aid for navigation continues to provide reliable and accurate guidance information to the user in accordance with the applicable standards;
- (c) details on the number of lights that may be allowed to be unserviceable in each lighting system to ensure continuity of guidance to the user; and
- (d) procedures for restoring any unserviceable or deteriorated item back into service without undue delay.

(3) An operator of a certified or licensed aerodrome must restrict construction or maintenance activities in the proximity of aerodrome electrical systems whenever low visibility procedures are in use.

**SUBPART 18**  
**REQUIREMENTS SPECIFIC TO HELIPORTS**

**Applicability of Subpart**

**139.18.1** (1) This Subpart applies to -

- (a) all heliports intended to be used by helicopters; and
  - (b) areas designated for the exclusive use of helicopters at an aerodrome that is primarily meant for the use of helicopters.
- (2) This Subpart covers aspects specific to heliport planning, design and operations.

**Definitions for this Subpart**

**139.18.2** In this Subpart, unless the context otherwise indicates -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

“heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects or parts thereof, that -

- (a) are located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation.

**Heliport reference point**

**139.18.3** (1) A heliport operator must establish a heliport reference point for a heliport or a landing location not collocated with an aerodrome and when the heliport or landing location is collocated with an aerodrome, the established aerodrome reference point serves both the aerodrome and heliport or landing location.

- (2) The heliport operator must ensure that -
  - (a) the heliport reference point is located near the initial or planned geometric centre of the heliport or landing location and must normally remain where first established; and
  - (b) the position of the heliport reference point is measured and reported to the aeronautical information services in degrees, minutes and seconds.

**Heliport elevations**

**139.18.4** A heliport operator must measure and report to the aeronautical information services, the heliport elevation and geoid undulation in accordance with the standards prescribed in Document NAM-CATS-AH.

**Heliport dimensions and related information**

**139.18.5** A heliport operator must measure and provide to aeronautical information services, the dimensions and relevant information on the landing and take-off facilities at the heliport in accordance with the standards prescribed in Document NAM-CATS-AH.

**Declared distances**

**139.18.6** A heliport operator must declare and report to aeronautical information services the following distances for the heliport -

- (a) take-off distance available;
- (b) rejected take-off distance available; and
- (c) landing distance available.

**Physical characteristics of surface-level heliports**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**139.18.7** (1) An operator of a surface-level heliport must ensure that the physical characteristics of a surface-level heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift-off areas, helicopter clearways, the safety areas, helicopter ground taxiways and taxi routes, helicopter air taxiways and air taxi routes and helicopter stands, are in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) An operator of a surface-level heliport must ensure that -

- (a) no fixed object is permitted above the surface of the ground on a helicopter ground taxi-route, except for frangible objects, which, because of their function, must be located thereon;
- (b) no mobile object is permitted on a ground taxi-route during helicopter movement; and
- (c) objects whose function requires them to be located on a helicopter ground taxi-route comply with the standards prescribed in Document NAM-CATS-AH.

**Physical characteristics of elevated heliports**

**139.18.8** An operator of an elevated heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift off areas, the clearways, the safety areas, taxiways and taxi routes and aprons, are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Physical characteristics of helidecks**

**139.18.9** An operator of helideck must ensure that the physical characteristics of the helideck, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

[The word “a” appears to have been omitted before the first use of the word “helideck”.]

**Physical characteristics of shipboard heliports**

**139.18.10** An operator of a shipboard heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

**Obstacle limitation surfaces and sectors**

**139.18.11** The obstacle limitation surfaces and sectors for heliports must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

**Obstacle limitation requirements**

**139.18.12** (1) An operator of a surface level heliport must establish the obstacle limitation surfaces in accordance with the standards prescribed in Document NAM-CATS-AH including -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) take-off climb surface;
- (b) approach surface; and
- (c) transitional surfaces.

(2) The surfaces listed in subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

(3) Obstacle limitation surfaces for elevated heliports must conform to the requirements for surface-level heliports specified in subregulations (1) and (2), and must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

(4) An operator of a helideck must ensure that -

- (a) the helideck has an obstacle-free sector;
- (b) there are no fixed obstacles within the obstacle-free sector above the obstacle-free surface;
- (c) obstacle protection are provided for helicopters in the immediate vicinity of the helideck below the helideck level and in accordance with the standards prescribed in Document NAM-CATS-AH; and

[The verb “are” should be “is” to accord with the subject “obstacle protection”.]

(d) objects within the TLOF comply with the standards prescribed in Document NAM-CATS-AH.

(5) When helicopter operating areas are provided in the bow or stern of a ship they must conform the obstacle criteria for helidecks.

[The word “to” appears to have been omitted after the word “conform”.]

(6) The obstacle limitation requirements for shipboard heliports including requirements for location of objects within the TLOF and for the winching area must be as prescribed in Document NAM-CATS-AH.

**Visual aids**

**139.18.13** (1) An operator of a heliport must provide visual aids at the heliport including -

- (a) wind direction indicators;
- (b) markings and markers; and
- (c) lights.

(2) The visual aids required by subregulation (1) must be in accordance with the requirements of regulations 139.18.14, 139.18.15 and 139.18.16 and the associated standards prescribed in Document NAM-CATS-AH.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Wind direction indicator**

**139.18.14** An operator of a heliport must ensure that -

- (a) at least one wind direction indicator is provided at the heliport;
- (b) the wind direction indicator is located and constructed in accordance with standards prescribed in Document NAM-CATS-AH; and
- (c) a wind direction indicator at a heliport intended for use at night is illuminated.

**Markings and markers**

**139.18.15** An operator of a heliport must ensure that markings and markers at the heliport comply with the standards prescribed in Document NAM-CATS-AH.

**Lights**

**139.18.16** An operator of a heliport must ensure that lighting systems at the heliport comply with standards prescribed in Document NAM-CATS-AH.

**Heliport emergency planning**

**139.18.17** (1) An operator of a certified heliport must establish a heliport emergency plan commensurate with the helicopter operations and other activities conducted at the heliport.

(2) The plan established in terms of subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

**Rescue and firefighting**

**139.18.18** An operator of a certified or licensed heliport must provide rescue and firefighting services in accordance with regulation 139.16.3 and the standards prescribed in Document NAM-CATS-AH.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**ORGANISATIONS**

**PART 140**  
**SAFETY MANAGEMENT SYSTEMS AND RELATED MATTERS**

[Part 140 is inserted by GN 293/2018. GN 293/2018 directs that Parts 2 and 3 should be inserted after the heading “ORGANISATIONS” in the regulations. There is no such heading in the body of the regulations, but the table of contents of the regulations suggests that the heading should appear as shown above in green type.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 140.01.1 Applicability
- 140.01.2 Definitions for this Part

**SUBPART 2: SMS FRAMEWORK**

- 140.02.1 Establishment of SMS
- 140.02.2 Requirements of SMS
- 140.02.3 Implementation of SMS

**SUBPART 3: SENIOR ACCOUNTABLE MANAGER AND KEY PERSONNEL**

- 140.03.1 Senior accountable managers  
[The heading of this regulation in the text below is  
“Senior accountable manager” (with “manager” being singular).]
- 140.03.2 Key safety personnel

**SUBPART 4: MISCELLANEOUS MATTERS**

- 140.04.1 Violations and offences
- 140.04.2 Safety charges
- 140.04.3 International general aviation operators of large or turbojet aeroplanes
- 140.04.4 Holder of more than one certificate

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**140.01.1** (1) This Part applies to a participant or holder of an aviation document who or that the Executive Director has, by way of an aviation directive, determined that the Part applies.

(2) The participant's or holder's organisation SMS must address the identification of hazards, assessment of risk and development of risk mitigation strategies where applicable.

(3) In this Part the abbreviation "SMS" is used for the expression safety management system within the meaning and context of Annex 19 of the Chicago Convention.

**Definitions for this Part**

**140.01.2** In this Part, unless the context indicates otherwise -

"acceptable level of safety performance (ALoSP)" means the minimum level of safety performance of civil aviation in Namibia, as defined in a participant's or holder's safety management system, expressed in terms of safety performance targets and safety performance indicators;

"change management" means a formal process to manage changes within a participant's or holder's organisation in a systematic manner, so that changes which may impact identified hazards and risk mitigation strategies, are accounted for, before the implementation of such changes;

"defences" means specific mitigating actions, preventive controls or recovery measures put in place to prevent the realisation of a hazard or its escalation into an undesirable consequence;

"large or turbojet aeroplane" means an aeroplane with all-up weight exceeding 5 700 kilograms;

"risk mitigation" means the process of incorporating defences or preventive controls to lower the severity or likelihood of a hazard's projected consequence;

"safety data collection and processing systems" (SDCPS) means processing and reporting systems, safety databases, schemes for exchange of information, and recorded information including but not be limited to -

- (a) data and information pertaining to accident or incident investigations;
- (b) mandatory safety reporting systems;
- (c) continuing airworthiness reporting;
- (d) operational performance monitoring;
- (e) inspections, audits, surveys; or
- (f) safety studies and reviews; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (g) voluntary safety reporting systems and self-disclosure reporting systems including automatic and manual data capturing;

“safety management system” (SMS) means a systematic approach to managing aviation safety, including the necessary organisational structures, accountability, responsibilities, policies and procedures;

“safety oversight” means a function performed by the Authority to ensure that individuals and organisations performing an aviation activity comply with the Act, regulations, technical standards and directives;

“safety performance” means the SSP or a participant’s or holder’s safety achievement as defined by its safety performance targets and safety performance indicators;

“safety performance indicator” means a data-based safety parameter used for monitoring and assessing safety performance;

“safety performance target” means the SSP or a participant’s or holder’s planned or intended target for a safety performance indicator over a given period that aligns with the safety objectives;

“safety risk” means the predicted probability and severity of the consequences or outcomes of a hazard;

“State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving aviation safety in Namibia; and

“surveillance” means activities through which the Authority proactively verifies through inspections, monitoring, reviews and audits that an aviation document participant or holder continues to meet the established civil aviation requirements and functions at the level of competency and safety required in Namibia.

**SUBPART 2**  
**SMS FRAMEWORK**

**Establishment of SMS**

**140.02.1** (1) A participant or holder must under the SSP, establish, implement, maintain and adhere to an SMS that is appropriate to the size, nature and complexity of the operations, activities or services authorised to be conducted in terms of the participant’s or holder’s aviation document and the hazards and risks related to the relevant operations, activities or services.

(2) The SMS of a participant or holder must include its acceptable level of safety performance (ALoSP), the safety oversight framework, safety performance indicators and targets that are acceptable to the Executive Director.

(3) The acceptance of a participant’s or holder’s SMS by the Executive Director is conditional on proof that it was developed effectively and progressively within the context of the participant’s or holder’s operational change management and other systems, and in accordance with requirements for SMS implementation specified in regulation 140.02.3.

(4) A participant or holder must comply with the SMS requirements issued under the SSP, liaise with the SSP Committee established under Part 11 when required, and support the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

SDCPS to facilitate safety information sharing and exchange and the protection to safety data captured and derived from mandatory and voluntary safety information systems authorised by the Executive Director.

**Requirements of SMS**

**140.02.2** (1) The SMS must follow the framework set out in the safety management manual and include -

- (a) safety policy, safety oversight, and objectives, including -
  - (i) management commitment;
  - (ii) safety accountability and responsibilities;
  - (iii) appointment of key safety personnel;
  - (iv) coordination of emergency response planning (ERP); and
  - (v) SMS documentation;
- (b) safety risk management, including -
  - (i) hazard identification; and
  - (ii) safety risk assessment and mitigation;
- (c) safety assurance, including -
  - (i) safety performance monitoring and measurement;
  - (ii) change management; and
  - (iii) continuous improvement of the SMS;
- (d) safety promotion, including -
  - (i) training and education; and
  - (ii) safety communication.

(2) A participant or holder must develop and implement the components and elements listed in subregulation (1) in accordance with the standards prescribed in Document NAM-CATS SMS 140.

**Implementation of SMS**

**140.02.3** (1) The senior accountable manager of a participant or holder must -

- (a) ensure that the SMS requirements specified in regulation 140.02.2 are implemented in a planned, structured and effective manner to ensure that the SMS is applied to maintain and improve aviation safety; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) implement the SMS phases in the manner as specified in Document NAM-CATS SMS 140 and in accordance with any other directives issued by the Executive Director.

(2) The time-scale for completion of SMS implementation, for a participant or holder whose aviation document is suspended or made subject to conditions on or after the date this Part comes into effect, must be determined by the Executive Director.

**SUBPART 3**  
**SENIOR ACCOUNTABLE MANAGER AND KEY PERSONNEL**

**Senior accountable manager**

**140.03.1** (1) The participant or holder by way of a written notice in the manner acceptable to the Executive Director, must nominate a suitably qualified natural person, to be the senior accountable manager who is to have or is likely to have control over the exercise of the privileges under the aviation document in the manner contemplated by sections 66 and 68 of the Act.

(2) On receipt of a nomination, the Executive Director must give due consideration, to the nominated persons, compliance with the qualifications and experience requirements and the conclusion of the fit and proper person test in the manner contemplated by sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(3) Where applicable, the nominee must meet the other relevant requirements as provided for in the approved operational manual or other documents of the participant or holder as authorised by the Executive Director when approving the application and grant, including any renewal or amendment, of the aviation document concerned.

(4) The Executive Director must, within 21 days of receiving the written notice referred to subregulation (1), inform the participant or holder of the proposed or final determination on whether or not the nominee is fit and proper for the purposes of control over the exercise of the privileges under the aviation document.

[The word “in” appears to have been omitted after the phrase “referred to”.]

- (5) If the Executive Director determines that the nominee -
  - (a) meets the fit and proper requirements, the Executive Director must in writing notify the participant or holder who must designate the person concerned as the senior accountable manager of the participant or holder to carry out the responsibilities under the aviation document irrespective of that person’s employment, contractual or other functions at the participant’s or holder’s organisation; or
  - (b) does not meet the fit and proper requirements, the Executive Director must in writing notify the participant or holder and the nominee of the determination, giving the reasons for that determination.

(6) Without derogating from the generality of subregulation (5), the senior accountable manager must undertake the participant’s or holder’s compliance and responsibilities as required under this Subpart, including but not limited to -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the participant or holder concerned;
- (b) full rights of consultation with any other person in respect of compliance required of that person;
- (c) powers to order cessation of any activity where such an activity endangers or is likely to endanger civil aviation safety;
- (d) a duty to establish liaison mechanisms in writing with the Executive Director with a view to ascertain correct ways of compliance with the safety oversight and performance, SMS requirements and interpretations of those requirements by the Executive Director, and to facilitate regular liaison between the Executive Director and the participant or holder; and
- (e) powers to report directly to the management of the participant or holder.

(7) The Executive Director may address any enquiry in relation to a matter connected with the participant's or holder's senior accountable manager, and the senior accountable manager must reply in writing not later than the date specified by the Executive Director.

(8) In the event that the senior accountable manager is replaced as a consequence of employment or other organisational changes, the participant or holder must ensure the nomination of a replacement by notification to the Executive Director within 14 days after the event.

(9) When a replacement in terms of subregulation (8), the procedures set out in subregulations (1) to (5) must be followed.

(10) If the senior accountable manager -

- (a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or
- (b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part,

the Executive Director may, after giving the participant or holder, and the senior accountable manager concerned, an opportunity to be heard, direct the removal of that person from office of senior accountable manager by a specified date and request the nomination for determination of suitability of another person in his or her place by the participant or holder within a specified period.

[The word "the" appears to have been omitted before the phrase "office of senior accountable manager".]

(11) The Executive Director may, upon the receipt of a written request made by a participant or holder, before the date determined in subregulation (10) and on good cause shown, in writing, grant an extension of time to such participant or holder, for the removal of that person from office as senior accountable manager, but subject to such conditions as the Executive Director may impose.

**Key safety personnel**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**140.03.2** (1) The senior accountable manager must proceed to nominate the key safety personnel identified for designation in the approved manual of the participant or holder issued in terms of technical standards and under an application for and grant of, inclusive of an amendment or renewal, of an aviation document.

(2) Where an approved manual provides for a safety manager as one of the key safety personnel, then the senior accountable manager must nominate a person in a similar manner prescribed in regulation 140.03.1(1) for the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(3) The Executive Director may require the name and particulars regarding the qualifications and experience of any other person nominated by the senior accountable manager as key safety personnel, to be submitted for purposes of the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act.

(4) The qualifications and experience requirements and the fit and proper testing of any key safety personnel nominee may, at the discretion of the Executive Director, include matters relevant to the standards prescribed in Document NAM-CATS SMS 140 applicable to the participant or holder to enable the Executive Director to determine the fit and proper status of the nominated key safety personnel.

(5) Whenever any one or more, of the key safety personnel -

- (a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or
- (b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part,

the Executive Director may, after giving the senior accountable manager concerned, or, in the absence of a senior accountable manager in the manner set out under regulation 140.03.6, the participant or holder, and the key safety personnel concerned, an opportunity to be heard, direct the removal of that person or persons by the senior accountable manager or participant or holder, as the case may be, from office of key safety personnel by a specified date and request the nomination for determination of suitability of another person or persons in his or her, or their, place by the senior accountable manager or participant or holder, as the case may be, within a specified period.

[The word “manager” in the second use of the phrase “senior accountable manager or participant or holder” is misspelt in the *Government Gazette*, as reproduced above.]

(6) The Executive Director may, upon the receipt of a written request made by the senior accountable manager, or participant or holder, as the case may be, before the date determined in subregulation (5), and on good cause shown, in writing grant an extension of time to such senior accountable manager, or participant or holder, as the case may be, for the removal of that person or persons from the establishment of the key safety personnel, but subject to such conditions as the Executive Director may impose.

**SUBPART 4  
MISCELLANEOUS MATTERS****Violations and offences**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**140.04.1** (1) If the participant or holder or the senior accountable manager, as the case may be, fails, without good cause or reason acceptable to the Executive Director obtained beforehand, to nominate a senior accountable manager, or safety manager, or key safety personnel, as required under this Part, or to comply with the directive by the Executive Director for the removal of the senior accountable manager, or the safety manager, or the key safety personnel, as the case may be, or within the extended period of time, if any, granted by the Executive Director in the manner stipulated in this Part -

[The word “manager” in the second use of the phrase “safety manager” is misspelt in the *Government Gazette*, as reproduced above.]

- (a) the participant or holder or senior accountable manager, as the case may be, is liable to pay the administrative fine upon assessment determined under Part 185, and in accordance with the daily fine provision provided for in that Part, for as long as the non-compliance exists; and
- (b) the aviation document may be suspended or revoked or be endorsed under the imposition of a condition in the manner contemplated by sections 42 or 43 of the Act, respectively.

(2) Despite the provisions of subregulation (1), any participant or holder or senior accountable manager, as the case may be, who fails to comply with a directive issued by the Executive Director, commits an offence and is liable to be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act.

**Safety charges**

**140.04.2** The Authority may impose safety charges, prescribed in Part 187, payable by participants, holders or users of both domestic and international civil aviation services, to ensure safety compliance levels or in relation to any application action required for participation in the civil aviation system.

**International general aviation operators of large or turbojet aeroplanes**

**140.04.3** An international general aviation operator of large or turbojet aeroplanes must establish and maintain an SMS that is appropriate to the size and complexity of the operation that must, as a minimum, include -

- (a) a process to identify actual and potential safety hazards and assess the associated risks;
- (b) a process to develop and implement remedial action necessary to maintain an acceptable level of safety;
- (c) provisions for continuous monitoring and regular assessment of the appropriateness and effectiveness of safety management activities; and
- (d) any other information as required by the Executive Director in relation to its operations in the Namibia civil aviation system.

**Holder of more than one certificate**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**140.04.4** Where the participant or holder is the holder of more than one aviation document, it, may with the approval of the Executive Director, integrate the requirements of this Part into a single SMS.

[The comma after the word “it” is misplaced; it should appear after the word “may”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**PART 141**  
**ORGANISATIONS: AVIATION TRAINING ORGANISATIONS**

[Part 141 is substituted by GN 178/2023.]

**SUBPART 1 GENERAL**

- 141.01.1 Applicability
- 141.01.2 Approval of an aviation training organisation
- 141.01.3 Display of aviation training organisation certificate
- 141.01.4 Advertisements
- 141.01.5 Safety inspections and audits
- 141.01.6 Register of certificates

**SUBPART 2 CERTIFICATION OF AVIATION TRAINING ORGANISATION**

- 141.02.1 Requirements for certificate
- 141.02.2 Training and procedures manual
- 141.02.3 Quality management system
- 141.02.4 Safety management system
- 141.02.5 Personnel requirements
- 141.02.6 Accommodation, facilities and equipment
- 141.02.7 Application for certificate to conduct aviation training and amendment of training programme

[The heading of this regulation in the text below is “Application for certification to conduct aviation training and amendment of training programme”.]

- 141.02.8 Issuing of aviation training certificate

[The heading of this regulation in the text below is “Issuing of aviation training organisation certificate”.]

- 141.02.9 Scope of certificate
- 141.02.10 Period of validity
- 141.02.11 Transferability
- 141.02.12 Changes in quality assurance system
- 141.02.13 Renewal of certificate
- 141.02.14 Duties of holder of certificate
- 141.02.15 Documents and records
- 141.02.16 Training programmes
- 141.02.17 Oversight
- 141.02.18 Evaluation and checking

**SUBPART 3 CERTIFICATION OF ORGANISATION (TEMPORARY AVIATION TRAINING)**

- 141.03.1 Requirements for certificate to conduct temporary aviation training
- 141.03.2 Application for certificate to conduct temporary aviation training
- 141.03.3 Issuing of certificate to conduct temporary aviation training
- 141.03.4 Scope of certificate to conduct temporary aviation training
- 141.03.5 Period of validity of certificate to conduct temporary aviation training
- 141.03.6 Transferability of certificate to conduct temporary aviation training
- 141.03.7 Duties of holder of certificate of certificate to conduct temporary aviation training

[The phrase “of certificate” is repeated after the word “holder” in the *Government Gazette*.  
This phrase is not repeated in the heading in the text below.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[There are multiple references in this Part to "Document NAM-CATS 141" and four references to "Document NAM-CATS-ATO 141". The definitions in regulation 1 do not list these documents.

These references may refer to "Document NAM-CATS-ATO"  
on "Aviation Training Organisations.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**141.01.1** (1) This Part prescribes the requirements relating to the certification of organisations conducting -

- (a) aviation training for the issuing, re-issuing, validation or revalidation of any personnel licence or approval or rating in terms of the Regulations;
- (b) temporary aviation training for the issuing, re-issuing, or validation or revalidation of any personnel licence, approval or rating in terms of the Regulations; and
- (c) competency-based training for flight operations officer or flight dispatcher personnel.

[The phrase “flight operations officer” should be plural to fit the sentence structure.]

(2) This Part does not apply to:

- (a) training for the renewal of type ratings for pilots and in-house training conducted in terms of Parts 121, 127, 135, 139, 145, 147, 148, 172, 173 and 174 of these regulations: Provided that such training is not conducted for the issuing, re-issuing, or validation or revalidation of any personnel licence or rating or for the training of flight operations officers or flight dispatch personnel, in terms of these regulations;
- (b) training conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issuing, reissuing, validation or revalidation of any personnel licence, approval or rating in terms of the Regulations; or
- (c) training conducted by an aviation security training organisation referred to in the provisions of Part 109 of the Regulations, which training is conducted in accordance with that Part.

(3) In this Part any requirements for the issuing, renewal and re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

**Approval of aviation training organisation**

**141.01.2** (1) The Executive Director may approve an applicant as an aviation training organisation, to:

- (a) conduct the aviation training for the issuing, re-issuing, validation or revalidation of any personnel licence or approval or associated rating in terms of these regulations;
- (b) implement standards for aviation training and for the training of persons conducting aviation training in terms of the Regulations;
- (c) keep all books or documents regarding to aviation training; and

[The word “to” after “regarding” is superfluous.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) liaise with the Executive Director on any matter connected with the aviation training.

(2) The holder of the aviation training organisation certificate issued in terms of this Part must perform its functions according to the requirements prescribed in Subparts 2 and 3 of this Part.

**Display of aviation training organisation certificate**

**141.01.3** The holder of an aviation training organisation certificate issued in terms of this Part must -

- (a) display the certificate in a prominent place, generally accessible to the public at the holder's principal place of business and if a copy of the certificate is displayed, a certified copy; and
- (b) produce the certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or the authorised person.

**Advertisements**

**141.01.4** (1) Any advertisement by an approved ATO indicating that it is an aviation training organisation, must -

- (a) indicate the aviation training organisation certificate number issued by the Executive Director; and
- (b) contain a reference to the aviation training for which the certificate referred to in paragraph (a) was issued.

(2) An approved ATO may not make any statement, either in writing or orally, about itself that is false or is intended to mislead any person or the general public.

**Safety inspections and audits**

**141.01.5** An applicant for the issuing of an aviation training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits -

- (a) which may be necessary to verify the validity of any application made in terms of this Part; or
- (b) to determine compliance with the appropriate requirements prescribed in this Part.

**Register of certificates**

**141.01.6** (1) The Executive Director must keep a register of all aviation training organisation certificates issued in terms of the Regulations in this Part.

(2) The register referred to in subregulation (1) forms part of the Civil Aviation Registry established under section 52 of the Act and must contain the following particulars:

- (a) the full name of the holder of the certificate;

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the postal address of the holder of the certificate;
- (c) the date on which the certificate was issued or re issued;

[The term “re issued” should appear either as one word (“reissued”) or with a hyphen (“re-issued”).]

- (d) particulars of the scope of the certificate issued to the holder of the certificate; and
- (e) the base location of the holder of the certificate.

(3) The Executive Director must record or ensure the recording of particulars referred to in subregulation (2) within seven days of issuing an aviation training organisation certificate to the applicant, in the aviation training organisation register.

(4) The Executive Director must keep the register referred to in subregulation (1) in the Civil Aviation Registry at the offices of the Authority.

(5) The Executive Director must provide access to the particulars referred to in subregulation (2) in accordance with the provisions of section 52 of the Act.

## **SUBPART 2: CERTIFICATION OF AVIATION TRAINING ORGANISATIONS**

### **Requirements for certificate**

**141.02.1** (1) Aviation training organisation certificates are aviation documents for the purpose of the Act.

(2) A person may not conduct aviation training specified in regulation 141.01.1 except with an aviation training organisation certificate issued in accordance with this Part.

### **Training and procedures manual**

**141.02.2** (1) The approved ATO must provide training and procedures manual for the use and guidance of its personnel and the manual must contain at least the following information:

[The word “a” appears to have been omitted before the term “training and procedures manual”.]

- (a) a general description of the scope of training authorised under the aviation training organisation’s terms of approval;
- (b) the contents of the training programmes and examination programmes offered, including the courses and equipment to be used;
- (c) a description of the organisation’s quality assurance system in accordance with regulation 141.02.3;
- (d) a description of the organisation’s facilities, including its principle base and any satellite bases;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

[The word “principal” (meaning primary) is misspelt as “principle” (meaning a guiding standard) in the *Government Gazette*, as reproduced above.]

- (e) the name, duties and qualifications of the person designated as responsible for compliance with the requirements of the certificate in paragraph (a) of subregulation (1) or regulation 141.02.5;
- (f) a description of the duties and qualifications of the personnel designated as responsible for planning, performing and supervising the aviation training;
- (g) a description of the procedures used to establish and maintain the competence of personnel;
- (h) a description of the method used for the completion and retention of the training records required by regulation 141.02.14;
- (i) a description, when applicable, of additional training needed to comply with an operator’s procedures and requirements;
- (j) a description of the selection, role and duties of the personnel; and
- (k) a description of the procedures for the testing centres, if the Executive Director has authorised an aviation training organisation to conduct the testing required for the issuing, reissuing, validation or revalidation of a personnel licence, approval or rating.
- (l) The holder of the aviation training organisation certificate must ensure that the training and procedures manual referred to in subregulation (1) is amended as necessary to keep the information contained in the training and procedures manual up to date.

[Based on the structure of subregulation (1), the punctuation of paragraph (k), and the wording of paragraph (l), it appears that paragraph (l) may have been intended to be subregulation (2).]

(2) The approved aviation training organisation must ensure that copies of all amendments to the training and procedures manual is provided to all persons to whom the manual has initially been issued to.

[The verb “is” should be “are” to accord with the subject “copies”.]

(3) The approved aviation training organisation must comply with the guidelines for the content of the training and procedures manual set out in Document NAM-CATS-ATO 141.

(4) The contents of the training and procedures manual must contain the elements set out in Document NAM-CATS-ATO 141, to the extent appropriate to the type of aviation training to be provided by the approved aviation training organisation.

**Quality management system**

**141.02.3** (1) The approved ATO must establish a quality management system, acceptable to the Executive Director which complies with all requirements set out in Document NAM-CATS-ATO 141.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The minimum standards for a quality management system are set out in Document NAM-CATS-ATO 141.

**Safety management system**

**141.02.4** An approved ATO that is exposed to safety risks during the exercise of its functions must establish a safety management system as prescribed by Part 140 of the Regulations.

**Personnel requirements**

**141.02.5** (1) The applicant for aviation training organisation certificate must employ or contract a senior person, to be identified as the chief executive office, to be the accountable manager and compliance officer of the organisation.

[The word “an” appears to have been omitted before the term “aviation training organisation certificate”.]

(2) The accountable manager and compliance officer must ensure that the approved aviation training organisation complies with the requirements of this Part and must:

- (a) be vested with contractual authority to ensure that every activity undertaken by the organisation is sufficiently financed, has sufficient human resources and is carried out in order to meet the applicable operational requirements;
- (b) be vested with the following powers and duties in respect of compliance with such requirements:
  - (i) and must have unrestricted access to work performed or activities undertaken by all other persons employed by, or contracted to, the organisation;
  - (ii) and must have full rights of consultation with any person referred to in subparagraph (i) in respect of such compliance by him or her;
  - (iii) and must have powers to order corrective action in respect of any activity or the cessation of any activity where such compliance has not been effected;

[The word “and” at the beginning of each of the subparagraphs above is superfluous.]

- (c) establish liaison mechanisms with the Executive Director with a view to ascertaining acceptable means of compliance with the requirements of this regulation, and interpretations of such requirements by the Executive Director and to facilitate liaison between the Executive Director and the organisation; and
- (d) have powers to report directly to the management of the organisation regarding his or her investigations and consultations generally, and in cases contemplated in subparagraph (b), and with regard to the results of the liaison contemplated in subparagraph (c).

(3) The applicant for an aviation training organisation certificate must nominate, employ or contract:



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) a competent person who is responsible for the quality management system and who has direct access to the accountable manager and compliance officer referred to in subregulation (1) on matters affecting airworthiness and quality;
- (b) a competent person who is responsible for the safety management system, and who has direct access to the accountable manager and compliance officer referred to in subregulation (1) on matters affecting aviation safety;
- (c) a competent person who is responsible for controlling maintenance activities of the organisation's aircraft, if applicable; and
- (d) adequate personnel to plan conduct and supervise the aviation training and examination covered by the application.

(4) The Executive Director must approve the personnel appointed in terms of the provisions of this regulation with regard to the requirements of section 68 and 69 of the Act.

[The singular word "section" should be plural.]

(5) The approved ATO must establish a procedure acceptable to the Executive Director for assessing and maintaining the competence of personnel involved in planning, conducting or supervising the aviation training covered by the application.

(6) The approved ATO must ensure that the personnel responsible for training or assessing students have a combination of competence and experience adequate for the level of competence required by the Executive Director for such training or assessment.

(7) The approved ATO must ensure that all instructional and examination personnel receive initial and recurrent training appropriate to their assigned tasks and responsibilities.

(8) The training programme established by the approved ATO must include training in knowledge and skills related to human performance.

**Accommodation, facilities and equipment**

**141.02.6** (1) The approved ATO must ensure that the facilities and working environment are appropriate for the aviation training to be performed and are acceptable to the Executive Director.

(2) The approved ATO must ensure that it has, or has access to, the necessary information, equipment, approved FSTD and material to conduct the aviation training for which certification is sought as set out in Document NAM-CATS 141.

(3) Where applicable, any FSTD must be qualified according to requirements established by the Executive Director as set out in Document NAM-CATS 141.

(4) The use of the FSTD must be approved by the Executive Director to ensure that it is appropriate and limited to the training to be provided by the approved ATO.

**Application for certification to conduct aviation training and amendment of training programme**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this regulation in the LIST OF REGULATIONS is  
“Application for **certificate** to conduct aviation training and amendment of training programme”.]

**141.02.7** The applicant for an aviation training organisation certificate or for the approval or amendment of a training programme, must:

- (a) follow the certification or amendment process set out in Document NAM-CATS 141 for aviation training organisations and training programme approval or both; and
- (b) ensure that the application is accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of aviation training organisation certificate**

**141.02.8** (1) The Executive Director must issue an aviation training organisation certificate to the applicant, if:

- (a) the applicant complies with the requirements prescribed in this Part;
- (b) the Executive Director determines that key personnel prescribed in regulation 141.02.5 are determined to be fit and proper persons, and
- (c) the granting of the certificate is not contrary to the interests of aviation safety.

(2) The Executive Director must issue the aviation training organisation certificate in the appropriate form determined by the Executive Director.

(3) The aviation training organisation certificate must contain at least the following:

- (a) the organisation’s name and location;
- (b) the date of issue and period of validity;
- (c) the terms of certification; and
- (d) the organisation’s certificate number.

**Scope of certificate**

**141.02.9** An aviation training organisation certificate must specify the aviation training which the holder of the certificate is entitled to conduct.

**Period of validity**

**141.02.10** (1) An aviation training organisation certificate is valid for the period determined by the Executive Director, which period not exceeding two years, calculated from the date of issuing.

(2) The aviation training organisation certificate remains in force until it expires or is suspended or revoked in terms of the Act.

(3) The holder of aviation training organisation certificate must at least 60 days prior to the expiry of the certificate apply to the Executive Director for the renewal of the certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “an” appears to have been omitted  
before the term “aviation training organisation certificate”.]

(4) If the holder of an aviation training organisation certificate applies in terms of subregulation (3) for the renewal of the certificate, the existing certificate remains valid until the Executive Director issues another certificate.

(5) The holder of an aviation training organisation certificate which expires or is revoked in terms of the Act, must immediately surrender the certificate to the Executive Director.

(6) The holder of an aviation training organisation certificate which is suspended in terms of the Act must immediately produce the certificate upon suspension to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

**Transferability**

**141.02.11** (1) An aviation training organisation certificate is not transferable.

(2) A change in ownership of the holder of a certificate to conduct aviation training is deemed to be a change of significance referred to in regulation 141.02.12.

**Changes in quality assurance system**

**141.02.12** (1) If the holder of an aviation training organisation certificate intends to make any significant change, in the quality assurance system referred to in regulation 141.02.3, including:

- (a) the name of the organisation;
- (b) the identity of the accountable manager, safety manager and compliance officer;
- (c) the identity of the person referred to in paragraph (b) of subregulation (1) of regulation 141.02.5; or
- (d) the scope of the certificate,

the holder must apply to the Executive Director for the approval of such change.

(2) The Executive Director may approve the application change in the quality assurance system in terms of subregulation (1), if the applicant satisfies the Executive Director that it will continue to comply with the provisions of regulations 141.02.1 to 141.02.6, after the implementation of such change.

**Renewal of certificate**

**141.02.13** (1) An application for the renewal of an aviation training organisation certificate must be:

- (a) made to the Executive Director in the appropriate form determined by the Executive Director; and
- (b) be accompanied by -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) the appropriate fee as prescribed in Part 187; and
- (ii) the training and procedures manual referred to in regulation 141.02.2.

(2) The holder of the approved aviation training certificate must at least 60 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

**Duties of holder of certificate**

**141.02.14** The holder of approved aviation training certificate must:

[The word “an” appears to have been omitted  
before the term “approved aviation training certificate”.]

- (a) keep at least one complete and current copy of its training and procedures manual referred to in regulation 141.02.2 at each training facility specified in the training and procedures manual;
- (b) comply with all procedures detailed in the training and procedures manual;
- (c) make each applicable part of the training and procedures manual available to the personnel who require those parts to perform their functions; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

**Documents and records**

**141.02.15** (1) The holder of aviation training organisation certificate must:

[The word “an” appears to have been omitted  
before the term “aviation training organisation certificate”.]

- (a) retain detailed student records to show that all requirements of all the training presented under the organisation’s certificate have been met as approved by the Executive Director; and
- (b) establish procedures to control the documents referred to in paragraph (a).

(2) The holder of the aviation training organisation certificate must establish procedures for control of all documents used by the organisation and must ensure that -

- (a) all documents are reviewed and authorised by the appropriate personnel before the issuing of the aviation training certificate by the Executive Director;
- (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation training undertaken by the holder of the certificate;
- (c) all obsolete documents are no longer used and are promptly removed from all points; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(d) changes to documents are reviewed and authorised by the appropriate personnel.

(3) The holder of the aviation training certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary:

- (a) for the specified aviation training conducted by such holder;
- (b) to determine compliance with the appropriate requirements prescribed in this Subpart.
- (4) The procedures referred to in subregulation (3) must be designed to ensure that:
  - (a) a record is kept of each quality assurance review of the holder of the approved aviation training certificate;
  - (b) a record is kept of each person who conducts the specified aviation training, including particulars of the competence assessments and experience of each such person;
  - (c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and any flight or similar practical sessions and assessments of each such student;
  - (d) all records are legible; and
  - (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

(5) The holder of the aviation training organisation certificate must establish and maintain a system for recording the qualifications and training of instructional and examining staff and records retained in terms of this system must be retained for at least five years after the instructor or examiner ceases to perform a function at the training organisation.

(6) An aviation training organisation conducting training on behalf of a holder of an operations certificate or other similar certificate issued in terms of the Regulations must ensure that all training documents used reflect, and are specific to, the current operating procedures, quality assurance and safety programme of such holder.

### **Training programmes**

**141.02.16** (1) The Executive Director may approve a training programme that allows an alternative means of compliance with the experience requirements determined in terms of Parts 61, 63, 64, 65 or 66 of the Regulations: Provided that the approved ATO demonstrates to the satisfaction of the Executive Director that the training provides a level of competency at least equivalent to that provided by the minimum experience requirements.

(2) Based on international best practice or other safety requirements, the Executive Director may in terms of the Regulations or technical standards issue additional requirements for training programmes referred to in subregulation (1) in addition to or higher than those set out in Document NAM-CATS 141 or in the applicable syllabi prescribed in Parts 61, 62, 63, 64, 65 or 66 of the Regulations.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) If the Executive Director establishes a criteria or a syllabus with associated requirements for any programme referred to in subregulation (2), the Executive Director may by written notice to the holder of the certificate, and after giving the holder an opportunity to be heard

[The word “a” should not appear before the plural term “criteria”.]

- (a) revoke the certificate; or
- (b) suspend the certificate for a specified time, until the holder complies with the specified requirements within the time specified in the notice.

**Oversight**

**141.02.17** The Executive Director must maintain an effective oversight of the programme referred to in regulation 141.02.16 to ensure continuing compliance with the requirements of the aviation training organisation certificate.

[The word “an” should not appear before the term “effective oversight”.]

**Evaluation and checking**

**141.02.18** If the Executive Director authorises an approved ATO to conduct the testing required for the issuing of a licence, approval or rating, the testing must be conducted by personnel authorised by the Executive Director or appointed by the approved ATO and designated by the Executive Director in accordance with the Subpart 32 of Part 61.

**SUBPART 3:****CERTIFICATION OF ORGANISATION (TEMPORARY AVIATION TRAINING)****Requirements for certificate to conduct temporary aviation training**

**141.03.1** (1) A person may not conduct temporary aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation certificate issued under this Subpart.

(2) An applicant for an aviation training organisation certificate to conduct temporary aviation training, must:

- (a) employ or contract adequate personnel to plan, conduct and supervise the temporary aviation training covered by the application;
- (b) ensure that the personnel responsible for conducting the temporary aviation training, have a combination of competence and experience adequate for the level of competence required for such training;
- (c) ensure that the facilities and resources are adequate to enable the personnel to conduct such temporary aviation training; and
- (d) have documented procedures for conducting such temporary aviation training.

**Application for certificate to conduct temporary aviation training**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**141.03.2** An application for the issuing of an aviation training organisation certificate to conduct temporary aviation training must be:

- (a) made to the Executive Director in the appropriate form determined the Executive Director; and
- (b) accompanied by:
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the requirements prescribed in regulation 141.03.1.

**Issuing of certificate to conduct temporary aviation training**

**141.03.3** (1) The Executive Director must issue an aviation training organisation certificate to conduct temporary aviation training, if:

- (a) the applicant complies with the requirements prescribed in regulation 141.03.1;
- (b) key personnel prescribed in regulation 141.02.5 is determined to be fit and proper persons; and

[The verb “is” should be “are” to accord with the subject “personnel”.]

- (c) the issue if the certificate is not contrary to the interests of aviation safety.

[The word “of” is misspelt is as “if” in the opening phrase of paragraph (c) in the *Government Gazette*, as reproduced above; it should read “the issue of the certificate...”.]

(2) The Executive Director must issue the aviation training organisation certificate to conduct temporary aviation training on the appropriate form determined by the Executive Director.

**Scope of certificate to conduct temporary aviation training**

**141.03.4** An aviation training organisation certificate to conduct temporary aviation training must specify the temporary aviation training and the conditions subject to which the holder of the certificate is entitled to conduct such training.

**Period of validity of certificate to conduct temporary aviation training**

**141.03.5** (1) An aviation training organisation certificate to conduct temporary aviation training is valid for the period required to conduct the specified temporary aviation training, which period may not exceed 6 months.

(2) The certificate referred to in subregulation (1) remains in force until it expires or is or is suspended or revoked in terms of the Act.

(3) The holder of a certificate to conduct temporary aviation training which expires or which is revoked must immediately surrender the certificate to the Executive Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The holder of a certificate referred to in subregulation (1) which is suspended must immediately produce the certificate upon suspension of the certificate to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

**Transferability of certificate to conduct temporary aviation training**

**141.03.6** An aviation training organisation certificate to conduct temporary aviation training is not transferable.

**Duties of holder of certificate to conduct temporary aviation training**

**141.03.7** The holder of an aviation training organisation certificate to conduct temporary aviation training must:

- (a) continue to comply with the appropriate requirements prescribed in this Part;
- (b) keep documents and records as set out in regulation 141.02.15 and Document NAM-CATS 141.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 145**  
**ORGANISATIONS: AIRCRAFT MAINTENANCE ORGANISATIONS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 145.01.1 Applicability
- 145.01.2 Requirement for approval
- 145.01.3 Display of aircraft maintenance organisation approval
- 145.01.4 Advertisements
- 145.01.5 Safety inspections and audits
- 145.01.6 Suspension and cancellation of aircraft maintenance organisation approval and appeal
- 145.01.7 Register of approvals
- 145.01.8 Designation of airworthiness representatives
- 145.01.9 Repeal of existing regulations

**SUBPART 2: APPROVAL OF AIRCRAFT MAINTENANCE ORGANISATION**

- 145.02.1 Manual of procedure
- 145.02.2 Quality assurance system
- 145.02.3 Accommodation and facilities
- 145.02.4 Personnel requirements
- 145.02.5 Equipment, tools and material
- 145.02.6 Application for approval or amendment thereof
- 145.02.7 Issuing of approval
- 145.02.8 Scope of approval
- 145.02.9 Privileges and limitations
- 145.02.10 Period of validity
- 145.02.11 Transferability
- 145.02.12 Renewal of approval
- 145.02.13 Changes in quality assurance system
- 145.02.14 Duties of holder of approval
- 145.02.15 Record of certifying personnel
- 145.02.16 Maintenance records
- 145.02.17 Reports on defects or non-airworthy conditions
- 145.02.18 Airworthiness data

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**145.01.1** This Part shall apply to the approval and operation of organisations for the maintenance of aircraft and aircraft components.

**Requirement for approval**

**145.01.2** (1) No organisation shall certify for release to service an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(2) No organisation shall carry out maintenance on an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(3) No organisation shall certify for release to service an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, except under the authority of, and in accordance with the provisions of, an aircraft maintenance organisation approval issued under this Part.

(4) No organisation shall carry out maintenance on an aircraft component fitted, or intended to be fitted, to an aircraft used, or intended to be used, in flight operations, unless the maintenance is carried out under the quality assurance system of an aircraft maintenance organisation appropriately approved under this Part.

(5) The provisions of subregulations (1) to (4) inclusive, shall not apply in respect of any amateur-built aircraft, gyroplane, glider, airship, remotely piloted aircraft, manned free balloon or production-built aircraft, unless it is used, or intended to be used, in commercial air transport operations.

**Display of aircraft maintenance organisation approval**

**145.01.3** The holder of an aircraft maintenance organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**145.01.4** Any advertisement by an organisation indicating that it is an aircraft maintenance organisation, shall reflect the number of the aircraft maintenance organisation approval issued by the Director.

**Safety inspections and audits**

**145.01.5** (1) An applicant for the issuing of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of this Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The holder of an aircraft maintenance organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Suspension and cancellation of aircraft maintenance organisation approval and appeal**

**145.01.6** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aircraft maintenance organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 145.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 145.01.5; or

**[The phrase “to carry out” should be “from carrying out”  
to fit the sentence structure: “prevented... from carrying out”.]**

- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

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

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

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

- (6) The Director shall acknowledge receipt of an appeal.

(7) After hearing the appeal, the Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

**Register of approvals**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**145.01.7** (1) The Director shall maintain a register of all aircraft maintenance organisation approvals issued or renewed in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the telephone and telefax numbers of the holder of the approval;
- (d) the date on which the approval was issued or renewed;
- (e) the number of the approval issued;
- (f) particulars of the scope of approval;
- (g) the nationality of the holder of the approval; and
- (h) the date on which the approval 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 approval was issued, 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 copy.

**Designation of airworthiness representatives**

**145.01.8** (1) The Director may designate an airworthiness representative to perform the functions as prescribed in Document NAM-CATS-AMO.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-AMO.

(3) The Director shall sign and issue to each designated airworthiness representative a document which shall state the full name of such airworthiness representative and contain a statement that -

- (a) such airworthiness representative has been designated in terms of subregulation (1); and
- (b) such airworthiness representative is empowered to perform the functions referred to in subregulation (1).

**Repeal of existing regulations**

**145.01.9** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 21 and 22 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 2**  
**APPROVAL OF AIRCRAFT MAINTENANCE ORGANISATION**

**Manual of procedure**

**145.02.1** An applicant for the issuing of an aircraft maintenance organisation approval shall provide the Director with its manual of procedure which shall -

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

**Quality assurance system**

**145.02.2** (1) The applicant shall establish a quality assurance system for the control and supervision of the maintenance of aircraft and aircraft components, covered by the application.

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

**Accommodation and facilities**

**145.02.3** The applicant shall satisfy the Director that -

- (a) it has adequate accommodation and facilities for all maintenance to be carried out by the aircraft maintenance organisation, ensuring in particular, protection from the weather;
- (b) specialised work areas are segregated as appropriate to ensure that environmental and work area contamination does not occur;
- (c) appropriate office accommodation is provided for the administration of the maintenance carried out and, in particular, for the administration of the organisation's quality, planning and technical records;
- (d) the working environment is appropriate for each task carried out and, in particular, complies with any special requirements specified in the applicable airworthiness data;
- (e) storage facilities are provided for parts, equipment, tools and materials required by the organisation;
- (f) the storage facilities referred to in paragraph (e) provide security for serviceable parts, segregation of serviceable from unserviceable parts, and control deterioration of, and damage to, stored items; and
- (g) it has established procedures to ensure compliance with the requirements prescribed in paragraphs (d), (e) and (f).

**Personnel requirements**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**145.02.4** (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation 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, and other persons rendering service under contract with, the organisation;
  - (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 organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise, inspect and certify all maintenance undertaken by such organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, carrying out, supervising, inspecting or certifying the maintenance undertaken by the organisation.

(3) The applicant shall ensure that -

- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
- (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

**Equipment, tools and material**

**145.02.5** The applicant shall satisfy the Director that it has -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable airworthiness data, its manual of procedure and the regulations in this Part; and
- (b) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard acceptable to the Director to ensure serviceability, accuracy and traceability.

**Application for approval or amendment thereof**

**145.02.6** An application for the issuing of an aircraft maintenance organisation approval, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 145.02.1.

**Issuing of approval**

**145.02.7** (1) The Director shall issue an aircraft maintenance organisation approval if the applicant complies with the requirements prescribed in regulations 145.02.1 to 145.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-AMO.

**Scope of approval**

**145.02.8** An aircraft maintenance organisation approval shall specify the maintenance activity, varying from that for an aircraft component to that for a complete aircraft, or any combination thereof, and the location for which the approval is held.

**Privileges and limitations**

- 145.02.9** (1) The holder of an aircraft maintenance organisation approval may -
- (a) maintain any aircraft or aircraft component for which the approval is held, at the location specified in the approval;
  - (b) arrange for maintenance of any aircraft or aircraft component for which the approval is held, at another organisation which is under its quality assurance system and listed in its manual of procedure;
  - (c) maintain any aircraft for which the approval is held at any location, if the need arises from -
    - (i) the unserviceability of the aircraft; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) the necessity of supporting occasional line maintenance, in which case the maintenance shall only be carried out in accordance with the conditions specified in a procedure included in its manual of procedure;
- (d) maintain any aircraft for which it is approved, at a location identified as a line maintenance location capable of supporting minor maintenance, if its manual of procedure both permits such activity and lists such location; and
- (e) issue certificates of release to service on completion of the maintenance referred to in paragraphs (a) to (d) inclusive, in accordance with the regulations in Part 43.

(2) The holder of the approval shall ensure that the privileges of the approval are not exercised unless the holder has the necessary facilities, current technical data, tools, equipment, materials and competent personnel to perform the work in accordance with all current requirements regarding the maintenance and airworthiness of the particular type of aircraft or aircraft component for which the approval is held.

(3) Notwithstanding anything to the contrary contained in this Part, the holder of the approval may, in circumstances where -

- (a) no appropriately licensed aircraft maintenance engineer; or
- (b) no other approved aircraft maintenance organisation,

is available, rectify any defect in a similar type of aircraft for which the approval is held.

(4) Where a defect referred to in subregulation (3) is rectified, the holder of the approval shall notify the Director in writing, within 48 hours from the moment the defect is rectified, of the reason for, and nature of, such rectification.

(5) Where a defect in an aircraft which is not similar to the type of aircraft for which the approval is held, is rectified, such holder shall obtain the prior approval of the Director to effect such rectification.

**Period of validity**

**145.02.10** (1) An aircraft maintenance organisation approval shall be valid for a period not exceeding 12 months, calculated from the date of issuing or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 145.01.5.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Transferability**

**145.02.11** (1) Subject to the provisions of subregulation (2), an aircraft maintenance organisation approval shall not be transferable.

(2) A change in ownership of the holder of the approval shall be deemed to be a change of significance referred to in regulation 145.02.13.

**Renewal of approval**

**145.02.12** (1) An application for the renewal of an aircraft maintenance organisation approval, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 145.02.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

**Changes in quality assurance system**

**145.02.13** (1) If the holder of an aircraft maintenance organisation approval desires to make any change in the quality assurance system referred to in regulation 145.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identity of the person referred to in regulation 145.02.4(1)(b); and
- (d) the scope of approval,

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

(2) The provisions of regulation 145.02.6 shall apply *mutatis mutandis* 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 procedure, that it will continue to comply with the provisions of regulations 145.02.1 to 145.02.5 inclusive, after the implementation of such approved change.

**Duties of holder of approval**

**145.02.14** (1) The holder of an aircraft maintenance organisation approval shall -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 145.02.1, at each workplace specified in the manual of procedure;
  - (b) comply with all procedures detailed in the manual of procedure;
  - (c) make each applicable 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.
- (2) The holder of the approval shall ensure that -
- (a) all persons who will be directly in charge of any maintenance or inspection carried out on behalf of the aircraft maintenance organisation;
  - (b) all personnel who are authorised to issue on behalf of the aircraft maintenance organisation certificates of release to service and certificates relating to the maintenance of an aircraft,

are appropriately licensed in terms of Part 66.

**Record of certifying personnel**

**145.02.15** (1) The holder of an aircraft maintenance organisation approval shall maintain a record of all certifying personnel, which record shall include particulars of the scope of their authorisation.

(2) The holder of the approval shall provide its certifying personnel with evidence of the scope of their authorisation.

(3) The record referred to in subregulation (1) shall be retained by the holder of the approval for a period of five years from the date on which the certifying personnel member ceases to be authorised by such holder.

**Maintenance records**

**145.02.16** (1) The holder of an aircraft maintenance organisation approval shall keep detailed maintenance records and any associated airworthiness data of all maintenance carried out by the aircraft maintenance organisation.

- (2) The records referred to in subregulation (1) shall -
- (a) indicate the name of each person who performed the work;
  - (b) indicate the name of each person who inspected the work;
  - (c) indicate the reference of the aircraft maintenance organisation and certifying person; and
  - (d) be retained for at least five years from the date on which the aircraft or aircraft component to which the work relates, was released to service.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The holder of the approval shall provide a copy of each certificate of release to service to the operator of the aircraft, together with a copy of any specific airworthiness data used for repairs or modifications carried out.

(4) The holder of the approval shall establish a procedure for recording maintenance details and for the retention of such maintenance records.

**Reports on defects or non-airworthy conditions**

**145.02.17** (1) The holder of an aircraft maintenance organisation approval shall report to the Director and the appropriate design organisation any defect or condition of an aircraft or aircraft component which may hazard the aircraft, within 48 hours from the moment the defect or condition to which the report relates, has been identified.

(2) The holder of the approval shall establish a procedure for reporting such defects or conditions to the Director.

(3) Where the holder of the approval is contracted to carry out maintenance, such holder shall inform the operator or owner of the aircraft of any such defect or condition.

**Airworthiness data**

**145.02.18** (1) The holder of an aircraft maintenance organisation approval shall -

- (a) keep all airworthiness data necessary to support the maintenance carried out by the aircraft maintenance organisation; and
- (b) make up to date airworthiness data available to all personnel who need access to such data to discharge their allocated responsibilities.

(2) The airworthiness data referred to in subregulation (1) shall include all relevant data issued by -

- (a) the Director; and
- (b) the holder of a type certificate issued -
  - (i) in terms of Part 21; or
  - (ii) by an appropriate authority.

(3) The holder of the approval shall establish a procedure to control and amend the data referred to in subregulations (1) and (2).

(4) If the holder of the approval intends to produce its own airworthiness data, additional to the data referred to in subregulation (1), such holder shall establish a procedure for producing and controlling such additional data.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 147**  
**ORGANISATIONS: DESIGN ORGANISATIONS**  
**FOR PRODUCTS, PARTS AND APPLIANCES**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 147.01.1 Applicability
- 147.01.2 Requirement for design organisation approval
- 147.01.3 Display of design organisation approval
- 147.01.4 Advertisements
- 147.01.5 Safety inspections and audits
- 147.01.6 Suspension and cancellation of design organisation approval and appeal
- 147.01.7 Register of approvals

**SUBPART 2: APPROVAL OF DESIGN ORGANISATION (PRODUCTS)**

- 147.02.1 Manual of procedure
- 147.02.2 Design assurance system
- 147.02.3 Personnel requirements
- 147.02.4 Accommodation, facilities and equipment
- 147.02.5 Application for approval or amendment thereof
- 147.02.6 Issuing of approval
- 147.02.7 Terms of approval
- 147.02.8 Privileges
- 147.02.9 Period of validity
- 147.02.10 Transferability
- 147.02.11 Changes in design assurance system
- 147.02.12 Changes in terms of approval
- 147.02.13 Duties of holder of approval
- 147.02.14 Renewal of approval

**SUBPART 3: APPROVAL OF DESIGN ORGANISATION (PARTS AND APPLIANCES)**

- 147.03.1 Manual of procedure
- 147.03.2 Design assurance system
- 147.03.3 Personnel requirements
- 147.03.4 Accommodation, facilities and equipment
- 147.03.5 Application for approval or amendment thereof
- 147.03.6 Issuing of approval
- 147.03.7 Terms of approval
- 147.03.8 Period of validity
- 147.03.9 Transferability
- 147.03.10 Changes in design assurance system
- 147.03.11 Changes in terms of approval
- 147.03.12 Duties of holder of approval
- 147.03.13 Renewal of approval

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**147.01.1** (1) Part shall apply to the approval and operation of design organisations which design -

[A word appears to be missing at the beginning of subregulation (1); it was probably intended to read "This Part...", as in other similar provisions.]

- (a) products or changes thereto; and
- (b) parts and appliances or changes thereto.

(2) This Part shall not apply in respect of any organisation which designs amateur-built aircraft or production-built aircraft, or changes thereto.

**Requirement for design organisation approval**

**147.01.2** No organisation shall design any -

- (a) product or a change thereto; or
- (b) part or appliance, or a change thereto,

except under the authority of, and in accordance with the provisions of, a design organisation approval issued under this Part.

**Display of design organisation approval**

**147.01.3** The holder of a design organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**147.01.4** Any advertisement by an organisation indicating that it is a design organisation, shall reflect the number of the design organisation approval issued by the Director.

**Safety inspections and audits**

**147.01.5** (1) An applicant for the issuing of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of regulation 147.02.5 or regulation 147.03.5, as the case may be.

(2) The holder of a design organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**Suspension and cancellation of design organisation approval and appeal**

**147.01.6** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a design organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 147.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 147.01.5; or

[The phrase “to carry out” should be “from carrying out”  
to fit the sentence structure: “prevented... from carrying out”.]

- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

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

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

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

- (6) The Director shall acknowledge receipt of an appeal.

(7) After hearing the appeal, the Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

**Register of approvals**

**147.01.7** (1) The Director shall maintain a register of all design organisation approvals issued or renewed in terms of the regulations in this Part.

- (2) The register shall contain the following particulars:
  - (a) The full name of the holder of the approval;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the postal address of the holder of the approval;
- (c) the telephone and telefax numbers of the holder of the approval;
- (d) the date on which the approval was issued or renewed;
- (e) the number of the approval issued;
- (f) particulars of the terms of approval;
- (g) the nationality of the holder of the approval; and
- (h) the date on which the approval 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 approval was issued, 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 copy.

**SUBPART 2**  
**APPROVAL OF DESIGN ORGANISATION (PRODUCTS)**

**Manual of procedure**

**147.02.1** An applicant for the issuing of a design organisation approval to design products or changes thereto, shall provide the Director with its manual of procedure which shall -

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

**Design assurance system**

**147.02.2** (1) The applicant shall establish a design assurance system for the control and supervision of the design of products or changes thereto, covered by the application.

(2) The minimum standards for a design assurance system shall be as prescribed in Document NAM-CATS-DO.

**Personnel requirements**

**147.02.3** (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation 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:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
  - (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 organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise and inspect the design of products or changes thereto, undertaken by the design organisation.
- (2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the design of products or changes thereto, undertaken by the design organisation.
- (3) The applicant shall ensure that -
- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
  - (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

**Accommodation, facilities and equipment**

**147.02.4** The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to achieve the airworthiness objectives for the product.

**Application for approval or amendment thereof**

**147.02.5** An application for the issuing of a design organisation approval to design products or changes thereto, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 147.02.1; and
  - (iii) the terms of approval referred to in regulation 147.02.7, for which application is being made.

**Issuing of approval**

**147.02.6** (1) Subject to the provisions of subregulation (2), the Director shall issue a design organisation approval to design products or changes thereto, if the applicant complies with the requirements prescribed in regulations 147.02.1 to 147.02.4 inclusive.

(2) The Director shall refuse to issue the approval if the application concerned is not being made in association with an application for the issuing of a type certificate, a supplemental type certificate or a NAM-TSO authorisation in terms of Part 21.

(3) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-DO.

**Terms of approval**

**147.02.7** The terms of approval shall -

- (a) be issued as part of a design organisation approval;
- (b) list the types of design work, the location and the products or changes thereto, for which the approval is held; and
- (c) contain the functions and duties which the design organisation is approved to perform with regard to the airworthiness of products.

**Privileges**

**147.02.8** (1) Subject to the provisions of regulation 147.01.5, any document submitted to the Director in terms of Part 21, by the holder of a design organisation approval to design products or changes thereto, for the purpose of obtaining -

- (a) a type certificate or the approval of a major change in a type design;
- (b) a supplemental type certificate; or
- (c) a NAM-TSO authorisation,

may be accepted by the Director without further verification.

(2) The holder of an approval to design products or changes thereto, shall be entitled to, within its terms of approval -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) classify design changes as “major” or “minor” under a procedure approved by the Director;
- (b) obtain approval of minor design changes under modification procedures approved by the Director and issue corresponding information or instructions containing a statement that the technical content is approved;
- (c) when a major change in a type design has been approved by the Director, issue corresponding information or instructions containing a statement that the technical content is approved;
- (d) obtain approval of documentary changes to the MMEL and to the aircraft flight manual under a procedure approved by the Director, and issue such changes containing a statement that the changes are approved; and
- (e) issue information or instructions not associated with changes except for actions required under Part 21.

**Period of validity**

**147.02.9** (1) A design organisation approval to design products or changes thereto, shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 147.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

**Transferability**

**147.02.10** (1) Subject to the provisions of subregulation (2), a design organisation approval to design products or changes thereto, shall not be transferable

**[There is no full stop at the end of subregulation (1);  
there are no additional words in the Government Gazette.]**

(2) A change in ownership of the holder of an approval to design products or changes thereto, shall be deemed to be a change of significance referred to in regulation 147.02.11.

**Changes in design assurance system**

**147.02.11** (1) If the holder of a design organisation approval to design products or changes thereto, desires to make any change in the design assurance system referred to in

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

regulation 147.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, or to the airworthiness of the product, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer; and
- (c) the identity of the person referred to in regulation 147.02.3(1)(b),

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

(2) The provisions of regulation 147.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the design assurance system.

(3) An application for the approval of a change in the design assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 147.02.1 to 147.02.4 inclusive, after the implementation of such approved change.

**Changes in terms of approval**

**147.02.12** (1) If the holder of a design organisation approval to design products or changes thereto, desires to make any change in the terms of approval referred to in regulation 147.02.7, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.02.5 shall apply *mutatis mutandis* to an application for the approval of a change in the terms of approval.

(3) An application for the approval of a change in the terms of approval shall be granted by the Director if the applicant satisfies the Director that it complies with the appropriate requirements prescribed in this Subpart.

**Duties of holder of approval**

**147.02.13** The holder of a design organisation approval to design products or changes thereto, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 147.02.1, at each work location specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;
- (d) continue to meet the appropriate requirements prescribed in this Part;
- (e) determine that the design of products or changes thereto, as the case may be, comply with the appropriate requirements prescribed in Part 21 and have no unsafe feature; and
- (f) submit to the Director statements and supporting documents which confirm compliance with the provisions of paragraph (c).

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Renewal of approval**

**147.02.14** (1) An application for the renewal of a design organisation approval to design products or changes thereto, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in Regulation 147.02.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

**SUBPART 3**  
**APPROVAL OF DESIGN ORGANISATION (PARTS AND APPLIANCES)**

**Manual of procedure**

**147.03.1** An applicant for the issuing of a design organisation approval to design parts or appliances, or changes thereto, shall provide the Director with its manual of procedure which shall -

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

**Design assurance system**

**147.03.2** (1) The applicant shall establish a design assurance system for the control and supervision of the design of parts and appliances, or changes thereto, covered by the application.

(2) The minimum standards for a design assurance system shall be as prescribed in Document NAM-CATS-DO.

**Personnel requirements**

**147.03.3** (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation 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:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
  - (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 organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph(iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise and inspect the design of parts and appliances, or changes thereto, undertaken by the design organisation.
- (2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the design of parts and appliances, or changes thereto, undertaken by the design organisation.
- (3) The applicant shall ensure that -
- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
  - (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

**Accommodation, facilities and equipment**

**147.03.4** The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to achieve the airworthiness objectives for the part or appliance.

**Application for approval or amendment thereof**

**147.03.5** An application for the issuing of a design organisation approval to design parts and appliances, or changes thereto, or an amendment thereof, shall be -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 147.03.1; and
  - (iii) the terms of approval referred to in regulation 147.03.7, for which application is being made.

**Issuing of approval**

**147.03.6** (1) Subject to the provisions of subregulation (2), the Director shall issue a design organisation approval to design parts and appliances, or changes thereto, if the applicant complies with the requirements prescribed in regulations 147.02.2 to 147.02.5 inclusive.

(2) The Director shall refuse to issue the approval if such approval is not appropriate for the purpose of assisting applicants for, or holders of, type certificates or supplemental type certificates in showing compliance with the appropriate airworthiness requirements prescribed in Part 21.

(3) The Commissioner shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-DO.

**Terms of approval**

**147.03.7** The terms of approval shall -

- (a) be issued as part of a design organisation approval;
- (b) list the types of design work, the location and the parts and appliances or changes thereto, for which the approval is held; and
- (c) contain the functions and duties which the design organisation is approved to perform with regard to the airworthiness of parts and appliances.

**Period of validity**

**147.03.8** (1) A design organisation approval to design parts and appliances, or changes thereto, shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 147.01.6.

[The phrase “inspector of authorised person” should be “inspector or authorised person”.]

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Director.

**Transferability**

**147.03.9** (1) Subject to the provisions of subregulation (2), a design organisation approval to design parts and appliances, or changes thereto, shall not be transferable.

(2) A change in ownership of the holder of an approval to design parts and appliances, or changes thereto, shall be deemed to be a change of significance referred to in regulation 147.03.10.

**Changes in design assurance system**

**147.03.10** (1) If the holder of a design organisation approval to design parts and appliances, or changes thereto, desires to make any change in the design assurance system referred to in regulation 147.03.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, or to the airworthiness of the part or appliance, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer; and
- (c) the identity of the person referred to in regulation 147.03.3(1)(b),

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

(2) The provisions of regulation 147.03.5 shall apply *mutatis mutandis* to an application for the approval of a change in the design assurance system.

(3) An application for the approval of a change in the design assurance system shall be granted by the Director if the applicant satisfies the Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 147.03.1 to 147.03.4 inclusive, after the implementation of such approved change.

**Changes in terms of approval**

**147.03.11** (1) If the holder of a design organisation approval to design parts and appliances, or changes thereto, desires to make any change in the terms of approval referred to in regulation 147.03.7, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.03.5 shall apply *mutatis mutandis* to an application for the approval of a change in the terms of approval.

(3) An application for the approval of a change in the terms of approval shall be granted by the Director if the applicant satisfies the Director that it complies with the appropriate requirements prescribed in this Subpart.

**Duties of holder of approval**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**147.03.12** The holder of a design organisation approval to design parts and appliances, or changes thereto, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 147.03.1, at each work location specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to meet the appropriate requirements prescribed in this Part.

**Renewal of approval**

**147.03.13** (1) An application for the renewal of a design organisation approval to design parts and appliances, or changes thereto, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-DO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 147.03.1.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 148**  
**ORGANISATIONS: MANUFACTURING ORGANISATIONS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 148.01.1 Applicability
- 148.01.2 Requirement for approval
- 148.01.3 Display of approval
- 148.01.4 Advertisements
- 148.01.5 Safety inspections and audits
- 148.01.6 Suspension and cancellation of approval and appeal
- 148.01.7 Register of approvals
- 148.01.8 Repeal of existing regulations

**SUBPART 2: APPROVAL OF MANUFACTURING ORGANISATION**

- 148.02.1 Manual of procedure
- 148.02.2 Quality assurance system
- 148.02.3 Personnel requirements
- 148.02.4 Accommodation, facilities and equipment
- 148.02.5 Application for approval or amendment thereof
- 148.02.6 Issue of approval
- 148.02.7 Scope of approval
- 148.02.8 Privileges
- 148.02.9 Period of validity
- 148.02.10 Transferability
- 148.02.11 Changes in quality assurance system
- 148.02.12 Duties of holder of approval
- 148.02.13 Documentation
- 148.02.14 Production acceptance test procedure
- 148.02.15 Renewal of approval

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**148.01.1** (1) This Part shall apply to the approval and operation of manufacturing organisations which -

- (a) manufacture specified products, parts or appliances;
- (b) apply specified processes to products, parts or appliances; and
- (c) carry out specified tests on products, parts or appliances.

(2) This Part shall not apply in respect of any organisation which manufactures, applies processes to, or carries out tests on, amateur-built aircraft or production-built aircraft.

**Requirement for approval**

**148.01.2** No organisation other than an aircraft maintenance organisation approved in terms of Part 145, shall manufacture, process or test any product, part or appliance except under the authority of~ and in accordance with the provisions of, a manufacturing organisation approval issued under this Subpart.

**Display of approval**

**148.01.3** The holder of a manufacturing organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**148.01.4** Any advertisement by an organisation indicating that it is a manufacturing organisation, shall reflect the number of the manufacturing organisation approval issued by the Director.

**Safety inspections and audits**

**148.01.5** (1) An applicant for the issuing of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 148.02.5.

(2) The holder of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Suspension and cancellation of approval and appeal**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**148.01.6** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a manufacturing organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 148.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 148.01.5; or

[The phrase “to carry out” should be “from carrying out”  
to fit the sentence structure: “prevented... from carrying out”.]

- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

[The comma after the word “shall” is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval that has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

- (6) The Director shall acknowledge receipt of an appeal.

(7) The Director may within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

**Register of approvals**

**148.01.7** (1) The Director shall maintain a register of all manufacturing organisation approvals issued or renewed in terms of the regulations in this Part.

- (2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the telephone and telefax numbers of the holder of the approval;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) the date on which the approval was issued or renewed;
- (e) the number of the approval issued;
- (f) particulars of the scope of approval;
- (g) the nationality of the holder of the approval; and
- (h) the date on which the approval 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 approval was issued, 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 copy.

**Repeal of existing regulations**

**148.01.8** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 23 and 24 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**SUBPART 2**

**APPROVAL OF MANUFACTURING ORGANISATION**

**Manual of procedure**

**148.02.1** An applicant for the issue of a manufacturing organisation approval shall provide the Director with its manual of procedure which shall -

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

**Quality assurance system**

**148.02.2** (1) The applicant shall establish a quality assurance system for the control and supervision of the manufacturing, processing or testing of products, parts or appliances, covered by the application.

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

**Personnel requirements**

**148.02.3** (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

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, and other persons rendering service under contract with, the organisation;
  - (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 organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to plan, perform, supervise and inspect the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising or inspecting the manufacturing, processing or testing of products, parts or appliances, undertaken by the manufacturing organisation.

- (3) The applicant shall ensure that -
- (a) the personnel in all technical departments are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities; and
  - (b) there is full and efficient coordination between departments and within departments in respect of airworthiness matters.

**Accommodation, facilities and equipment**

**148.02.4** The applicant shall satisfy the Director that it has -

- (a) adequate accommodation, facilities and equipment to enable the personnel to manufacture, process or test the products, parts or appliances for which the approval is required;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the technical literature, equipment, materials and facilities necessary to perform adequately all functions appropriate to the approval required;
- (c) suitable accommodation for the proper storage, segregation and protection of the products, parts or appliances concerned and for the materials and supplies to be used;
- (d) established a procedure to control and, where necessary, calibrate tools and other equipment at a frequency and to a standard to ensure serviceability, accuracy and traceability; and
- (e) adequate accommodation, facilities and equipment to enable the personnel to perform all phases of manufacturing, processing or testing satisfactorily.

**Application for approval or amendment thereof**

**148.02.5** An application for the issue of a manufacturing organisation approval, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 148.02.1.

**Issue of approval**

**148.02.6** (1) The Director shall issue a manufacturing organisation approval if the applicant complies with the requirements prescribed in regulations 148.02.1 to 148.02.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-MORG.

**Scope of approval**

**148.02.7** A manufacturing organisation approval shall specify -

- (a) the products, parts or appliances, or combinations thereof; and
- (b) the location of manufacturing, processing or testing,

for which the approval is held.

**Privileges**

**148.02.8** The holder of a manufacturing organisation approval shall be entitled to -

- (a) manufacture, process or test the products, parts or appliances for which the approval is held; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) provide the Director with such statements of conformity which may be required under Part 21.

**Period of validity**

**148.02.9** (1) A manufacturing organisation approval shall be valid for 12 months, calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector of authorised person, or cancelled by the Director, in terms of regulation 148.01.6.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

**Transferability**

**148.02.10** (1) Subject to the provisions of subregulation (2), a manufacturing organisation approval shall not be transferable.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance referred to in regulation 148.02.11.

**Changes in quality assurance system**

**148.02.11** (1) If the holder of a manufacturing organisation approval desires to make any change in the quality assurance system referred to in regulation 148.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identity of the person referred to in regulation 148.02.3(1)(b); and
- (d) the scope of approval,

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

(2) The provisions of regulation 148.02.5 shall apply *mutatis mutandis* 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

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 148.02.1 to 148.02.4 inclusive, after the implementation of such approved change.

**Duties of holder of approval**

**148.02.12** The holder of a manufacturing organisation approval shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 148.02.1, at each work location specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;
- (d) continue to comply with the appropriate requirements prescribed in this Part;
- (e) have a suitable arrangement with a design organisation approved in terms of Part 147, for the purpose of complying with the appropriate requirements prescribed in terms of Part 21; and
- (f) keep records of the calibrations and the standards referred to in regulation 148.02.4(d) for a period of at least five years calculated from the date of the last entry made in such records.

**Documentation**

**148.02.13** (1) The holder of a manufacturing organisation approval shall supply the owner of an aircraft with -

- (a) a certificate of airworthiness for the aircraft, or an export airworthiness approval, as the case may be;
- (b) a copy of the flight manual, approved by the Director; and
- (c) such other documents as such holder or the Director deems necessary for the safe operation of the aircraft.

(2) Subsequent to the issue of any statement of conformity which may be required under Part 21, the holder of the approval shall institute a system whereby maintenance and operational shortcomings and corrective measures are drawn to the attention of the Director and, after the Director has granted approval, made available to aircraft owners.

**Production acceptance test procedure**

**148.02.14** (1) The holder of a manufacturing organisation approval shall establish a production acceptance test procedure and every product, part or appliance manufactured, processed or tested shall be subjected to a test flight in accordance with that procedure.

(2) The procedure referred to in subregulation (1) shall be approved by the Director before it is implemented by the holder of the approval.

**Renewal of approval**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**148.02.15** (1) An application for the renewal of a manufacturing organisation approval shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-MORG; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 148.02.1.

(2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 149**  
**ORGANISATIONS: AVIATION RECREATION ORGANISATIONS**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 149.01.1 Applicability
- 149.01.2 Designation of body or institution
- 149.01.3 Requirement for approval
- 149.01.4 Display of approval
- 149.01.5 Advertisements
- 149.01.6 Safety inspections and audits
- 149.01.7 Suspension and cancellation of approval and appeal
- 149.01.8 Register of approvals

**SUBPART 2: APPROVAL OF AVIATION RECREATION ORGANISATION**

- 149.02.1 Manual of procedure
- 149.02.2 Quality assurance system
- 149.02.3 Personnel requirements
- 149.02.4 Resource requirements
- 149.02.5 Application for approval or amendment thereof
- 149.02.6 Issuing of approval
- 149.02.7 Scope of approval
- 149.02.8 Period of validity
- 149.02.9 Transferability
- 149.02.10 Changes in quality assurance system
- 149.02.11 Renewal of approval
- 149.02.12 Duties of holder of approval
- 149.02.13 Technical and regulatory data
- 149.02.14 Records
- 149.02.15 Operational and maintenance procedures

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Applicability**

**149.01.1** (1) This Part shall apply to the approval and operation of organisations whose members operate, for aviation recreation purposes -

- (a) microlight aeroplanes;
  - (b) gliders;
  - (c) free balloons;
  - (d) gyroplanes;
  - (e) hang gliders and paragliders;
  - (f) powered paragliders;
  - (g) parachutes;
  - (h) amateur-built aircraft; or
  - (i) production-built aircraft.
- (2) This Part shall not apply in respect of:-
- (a) a Part 121, 127 and 135 operator; or
  - (b) any person exempted by the Director in terms of Part 11.

**Designation of body or institution**

**149.01.2** (1) The Director may designate a body or institution to -

- (a) establish safety standards relating to aviation recreation;
- (b) exercise control over an aviation recreation organisation approved under the provisions of this Part;
- (c) determine standards for the airworthiness or operation of aircraft involved in aviation recreation;
- (d) determine standards for the licensing of personnel involved in aviation recreation;
- (e) issue licences to such personnel; and
- (f) advise the Director on any matter connected with the airworthiness or operation of aircraft or the licensing of personnel involved in aviation recreation.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Director in the *Gazette* within 30 days from the date of such designation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-ARO.

**Requirement for approval**

**149.01.3** No organisation shall undertake aviation recreation except under the authority of, and in accordance with the provisions of, an aviation recreation organisation approval issued under Subpart 2.

**Display of approval**

**149.01.4** The holder of an aviation recreation organisation approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the approval is displayed, shall produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**149.01.5** Any advertisement by an organisation indicating that it is an aviation recreation organisation, shall -

- (a) reflect the number of the aviation recreation organisation approval issued by the Director; and
- (b) contain a reference to the aviation recreation for which such approval was issued.

**Safety inspections and audits**

**149.01.6** (1) An applicant for the issue of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 149.02.5.

(2) The holder of an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Suspension and cancellation of approval and appeal**

**149.01.7** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aviation recreation organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 149.01.6, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the authorised officer, inspector or authorised person is prevented by the holder of the approval to carry out a safety inspection and audit in terms of regulation 149.01.6; or

[The phrase “to carry out” should be “from carrying out” to fit the sentence structure: “prevented... from carrying out”.]

- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

[The comma after the word “shall” is superfluous.]

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended.

(4) The holder of an approval that has been suspended may appeal against such suspension to the Director within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in the opinion of the appellant, the suspension should be varied or set aside, and the appeal shall include, if applicable, full particulars of any remedial action which may have been taken by the appellant to rectify the circumstances which resulted in such suspension.

- (6) The Director shall acknowledge receipt of an appeal.

(7) The Director may within 14 days, subject to such conditions which he or she may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

**Register of approvals**

**149.01.8** (1) The Director shall maintain a register of all aviation recreation organisation approvals issued or renewed in terms of the regulations in this Part.

- (2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the telephone and telefax numbers of the holder of the approval;
- (d) the date on which the approval was issued or renewed;
- (e) the number of the approval issued;
- (f) particulars of the scope of the approval issued to the holder of the approval;
- (g) the nationality of the holder of the approval; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(h) the date on which the approval 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 approval was issued, 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 copy.

**SUBPART 2**  
**APPROVAL OF AVIATION RECREATION ORGANISATION**

**Manual of procedure**

**149.02.1** An applicant for the issue of an aviation recreation organisation approval to undertake aviation recreation, shall provide the Director with its manual of procedure which shall -

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

**Quality assurance system**

**149.02.2** (1) The applicant shall establish a quality assurance system for the control and supervision of the aviation recreation covered by the application.

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

**Personnel requirements**

**149.02.3** (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation 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, and other persons rendering service under contract with, the organisation;
  - (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;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (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 organisation concerned; and
- (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and
- (c) adequate personnel to carry out and supervise the aviation recreation covered by the application.
- (2) The applicant shall -
  - (a) establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel authorised by the applicant to carry out and supervise the aviation recreation covered by the application; and
  - (b) provide the personnel referred to in paragraph (a) with written proof of the scope of their authorisation.

**Resource requirements**

**149.02.4** The applicant shall ensure that the resources are adequate to enable the personnel to carry out and supervise the aviation recreation covered by the application.

**Application for approval or amendment thereof**

**149.02.5** An application for the issue of an aviation recreation organisation approval to undertake aviation recreation, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ARO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 149.02.1.

**Issue of approval**

**149.02.6** (1) The Director shall issue an aviation recreation organisation approval to undertake aviation recreation, if the applicant complies with the requirements prescribed in regulations 149.02.1 to 149.02.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ARO.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Scope of approval**

**149.02.7** An aviation recreation organisation approval to undertake aviation recreation shall specify -

- (a) the aviation recreation which the holder of the approval is entitled to undertake; and
- (b) the procedures which the holder of the approval is authorised to establish and administer.

**Period of validity**

**149.02.8** (1) An aviation recreation organisation approval to undertake aviation recreation, shall be valid for 12 months calculated from the date of issue or renewal thereof.

(2) The approval shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 149.01.7.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Director.

(4) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

**Transferability**

**149.02.9** An aviation recreation organisation approval to undertake aviation recreation, shall not be transferable.

**Changes in quality assurance system**

**149.02.10** (1) If the holder of an aviation training organisation approval desires to make any change in the quality assurance system referred to in regulation 149.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identity of the person referred to in regulation 149.02.3(1)(b); and
- (d) the scope of approval,

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



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The provisions of regulation 149.02.5 shall apply *mutatis mutandis* 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 procedure, that it will continue to comply with the provisions of regulations 149.02.1 to 149.02.4 inclusive, after the implementation of such approved change.

**Renewal of approval**

**149.02.11** (1) An application for the renewal of an aviation recreation organisation approval to undertake aviation recreation, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ARO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 149.02.1.

(2) The holder of the approval shall at least 30 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

**Duties of holder of approval**

**149.02.12** The holder of an aviation recreation organisation approval to undertake aviation recreation, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 149.02.1, at each recreation facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable 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.

**Technical and regulatory data**

**149.02.13** (1) The holder of an aviation recreation organisation approval shall keep copies of all relevant equipment manuals, technical bulletins and instructions, legislation, and any other documents which may be necessary to establish procedures for the aviation recreation specified in its manual of procedure.

(2) The holder of the approval shall establish procedures to control and amend the documents referred to in subregulation (1).

(3) The procedures referred to in subregulation (2) shall ensure that -

- (a) all documents are reviewed and authorised before the issuing thereof;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) changes to documents are reviewed and authorised by the holder of the approval;
- (c) the current version of each document can be identified to preclude the use of out of date editions;
- (d) current issues of data and documents are held by those personnel within the aviation recreation organisation who require such data and documents to carry out their duties; and
- (e) obsolete documents are promptly removed from circulation.

**Records**

**149.02.14** (1) The holder of an aviation recreation organisation approval shall establish procedures to identify, collect, index, store, maintain and dispose of, the records which are necessary for the aviation recreation specified in its manual of procedure.

- (2) The procedures referred to in subregulation (1) shall ensure that -
  - (a) a record is kept of each quality assurance review of the holder of the approval;
  - (b) all records are legible; and
  - (c) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

**Operational and maintenance procedures**

**149.02.15** (1) The holder of an aviation recreation organisation approval which authorises operational and maintenance procedures to be established, shall establish operational and maintenance procedures for the aviation recreation specified in its manual of procedure.

- (2) The procedures referred to in subregulation (1) shall -
  - (a) be relevant and not in conflict with the appropriate procedures prescribed in the Regulations; and
  - (b) be administered to ensure that the requirements -
    - (i) remain valid for their intended use; and
    - (ii) are reviewed on a regular basis.
- (3) The procedures referred to in subregulation (1) shall include details of -
  - (a) the manner in which the holder selects launching, flying and landing sites;
  - (b) the holder's use of ground signals;
  - (c) the holder's use of aerodromes or heliports;
  - (d) the holder's launching methods; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) an emergency response plan.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**AIR NAVIGATION SERVICES**

[The amendments made by GN 89/2020 do not provide for a heading above Part 170. However, it appears from the titles of Parts 170-179 that they may have been intended to be grouped together under the overarching heading “Air Navigation Services”. Furthermore, according to regulation 170.01.1, “air navigation services (ANS) Parts” means “Parts 171, 172, 173, 174, 175 and 179”.]

**PART 170**  
**AIR NAVIGATION SERVICES: GENERAL**

[Part 170 is inserted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 170.01.1 Definitions for this Part
- 170.01.2 Applicability
- 170.01.3 Safety and regulatory compliance inspections and audits
- 170.01.4 Certification for provision of air navigations services  
[The heading of this regulation may have been intended to refer to “air navigation services” (with the word “navigation” being singular rather than plural).]
- 170.01.5 Provision of ANS related service requiring certificate

**SUBPART 2: CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS**

- 170.02.1 Requirements for certification of air navigation services provider
- 170.02.2 Application for certification
- 170.02.3 Grant of application and issue of certificate
- 170.02.4 Contents of certificate
- 170.02.5 Validity of certificate
- 170.02.6 Amendment of certificate
- 170.02.7 Renewal of certificate
- 170.02.8 Duplicate certificate
- 170.02.9 Display of certificate
- 170.02.10 Transfer of certificate
- 170.02.11 Surrender of certificate
- 170.02.12 Suspension and revocation of certificate
- 170.02.13 Register of certificates
- 170.02.14 Notification of organisational changes
- 170.02.15 Change of name of the holder of certificate  
[The heading of this regulation in the text below is “Change of name of holder of certificate”.]
- 170.02.16 Change of address of certificate holder
- 170.02.17 Limitations on certified ANS provider
- 170.02.18 Exemptions based on certificate issued by another State  
[The heading of this regulation in the text below is “Exemption based on certificate issued by another State” (with “Exemption” being singular).]
- 170.02.19 Validation of foreign certificate  
[Regulation 170.02.19 is inserted by GN 11/2024.]

**SUBPART 3: REQUIREMENTS FOR MANUAL OF PROCEDURES**

- 170.03.1 General
- 170.03.2 Contents of manual of procedures

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 174.03.3 Amendment of the manual of procedures  
[The heading of this regulation in the text below is  
"Amendment of manual of procedures" (without the word "the").]
- 170.03.4 Formatting and administration of manual of procedures
- 170.03.5 Distribution and maintenance of manual of procedures
- 170.03.6 Stand-alone documents prepared as attachments to manual of procedures

**SUBPART 4: COMPLIANCE WITH STANDARDS**

- 170.04.1 Safety inspections and audits of air navigation facilities, equipment and documents
- 170.04.2 Unrestricted access to ANS facilities, equipment and documents by authorised persons  
[The heading of this regulation in the text below is  
"Unrestricted access to ANS facilities, equipment and documents".]
- 170.04.3 Resolution of safety concerns
- 170.04.4 Imposition of restrictions, prohibitions or conditions
- 170.04.5 Establishment of facilities and equipment
- 170.04.6 Approval of facilities and equipment
- 170.04.7 Air navigation services contingency plans
- 170.04.8 Safety management system
- 170.04.9 Quality management system
- 170.04.10 Changes in quality management system
- 170.04.11 Internal safety inspection and audit programme
- 170.04.12 Security programme
- 170.04.13 Failure to comply with air navigation services requirements  
[There is no regulation 170.04.13 in the text below.]

**SUBPART 5: GENERAL REQUIREMENTS FOR PROVISION OF AIR NAVIGATION SERVICES**

- 170.05.1 ANS provider organisation
- 170.05.2 Personnel requirements: senior accountable manager and key personnel
- 170.05.3 Accommodation of air navigation services facilities
- 170.05.4 Training and checking programme
- 170.05.5 Documents and records
- 170.05.6 Use and retention of documents and records
- 170.05.7 Control of documents and records
- 170.05.8 Reports of violations
- 170.05.9 Failure to comply with directive
- 170.05.10 Exemptions from air navigation services requirements
- 170.05.11 Discontinuation or disruption of air navigation service

**SUBPART 6: TRANSITIONAL PROVISIONS**

- 170.06.1 Transitional provisions

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL****Definitions for this Part**

**170.01.1** For the purpose of this Part -

“air navigation services (ANS) Parts” means Parts 171, 172, 173, 174, 175 and 179;

“air navigation services provider” (ANSP) includes the Air Navigation Services established by section 49 of the Act, and any other person, or entity established for the purpose of providing any of the following air navigation services;

- (a) an aeronautical telecommunications (ATEL) service in accordance with Part 171;
- (b) an air traffic service (ATS) in accordance with Part 172;
- (c) a flight procedure design (FPD) service in accordance with Part 173;
- (d) an aviation meteorological (A-MET) service in accordance with Part 174;
- (e) an aeronautical information service (AIS) in accordance with Part 175; and
- (f) a search and rescue (SAR) service in accordance with Part 179;

“certificate” includes any approval, certificate, designation or any other form of written authorisation issued by the Executive Director, under Part 171, 172, 173, 174, 175 or 179, to any person or entity authorising that person or entity to provide an air navigation service.

**Applicability**

**170.01.2** (1) This Part -

- (a) prescribes the regulations and procedures governing the certification or approval of a person providing an air navigation service (ANS) within Namibia;
- (b) applies to a person who wants to provide, or is providing, one or more of the following services:
  - (i) an aeronautical telecommunications (ATEL) service in accordance with Part 171;
  - (ii) an air traffic service (ATS) in accordance with Part 172;
  - (iii) a flight procedure design (FPD) service in accordance with Part 173;
  - (iv) an aviation meteorological (A-MET) service in accordance with Part 174;
  - (v) provision of aeronautical charts service in accordance with Part 174;
  - (vi) an aeronautical information service (AIS) in accordance with Part 175; and
  - (vii) a search and rescue (SAR) service in accordance with Part 179;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) applies to the provision of air navigation services -
  - (i) in Namibia; and
  - (ii) in the airspace over the high seas or airspaces of undetermined sovereignty administered by Namibia; and
- (d) sets out certain administrative rules applying to the Executive Director in the administration of this Part.
- (2) This Part does not apply to -
  - (a) a person who is providing air navigation services to military aircraft within designated military airspaces in the course of his or her or its duties, for the Namibian Defence Force; or
  - (b) any air navigation services provided to military aircraft within designated military airspaces by the Namibian Defence Force.

**Safety and regulatory compliance inspections and audits**

**170.01.3** (1) An ANS provider must permit an authorised officer, inspector or authorised person to carry out such safety and regulatory compliance inspections and audits, which may be necessary to verify the validity of any application made in terms of the relevant part of the ANS Parts.

(2) An ANS provider must permit an authorised officer, inspector or authorised person to carry out such safety and regulatory compliance inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in the relevant part of the ANS Parts.

**Certification for provision of air navigations services**

[The heading of this regulation may have been intended to refer to “air navigation services” (with the word “navigation” being singular rather than plural).]

**170.01.4** (1) A person may not provide an air navigation service unless that person has been certificated by the Executive Director in terms of the relevant part of the ANS Parts.

(2) The issuance of certificate to provide an air navigation service is subject to compliance with the relevant requirements set out under these regulations, associated technical standards, aviation directives and any other conditions as may be specified or notified by the Executive Director.

[The word “a” appears to have been omitted before the word “certificate”.]

(3) The requirements for the issuance, renewal, amendment, suspension, imposition of condition on, or revocation of a certificate must be in compliance with the provisions of Parts 5 and 10 of the Act and these regulations.

**Provision of ANS related service requiring certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.01.5** A person may not provide any ANS related service, where a certificate is required for the provision of that service, unless such certificate has been issued by the Executive Director in accordance with procedures, processes or conditions determined by the Executive Director.

**SUBPART 2**  
**CERTIFICATION OF AIR NAVIGATION SERVICE PROVIDERS**

**Requirements for certification of air navigation services provider**

**170.02.1** (1) A person may not provide air navigation service under any of the ANS Parts unless -

- (a) that person holds a certificate issued under any relevant part of the ANS Parts; and
- (b) the service is provided in accordance with -
  - (i) the requirements prescribed under this Part and the relevant part of the ANS Parts; and
  - (ii) the procedures specified in the air navigation service provider's manual of procedures required under Subpart 3.

(2) Except as provided for in Subpart 6, a person may not provide an air navigation service in those portions of airspace and the aerodromes designated by the Executive Director in terms of Part 71, except under the authority of, and in accordance with the provisions of a certificate issued under the relevant part of the ANS Parts.

(3) An ANS provider may deviate from the requirements, procedures or standards provided for under this Part or the relevant ANS Part if an emergency, or any other circumstance, arises that makes the deviation necessary in the interests of aviation safety.

**[Subregulation (3) is inserted by GN 11/2024.]**

(4) The ANS provider must, as soon as possible, inform the Executive Director of any deviation referred to in subregulation (3) and how long the deviation is likely to last.

**[Subregulation (4) is inserted by GN 11/2024.]**

**Application for certification**

**170.02.2** An application for the issuing of a certificate to provide an air navigation service, must be -

- (a) made to the Executive Director on the appropriate form set out in the relevant part of the ANS Parts; and
- (b) accompanied by such documents, information and other matters required under the relevant part of the ANS Parts.

**Grant of application and issue of certificate**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.02.3** (1) Upon receipt of an application for the certification of an ANSP, the Executive Director must consider all relevant representations, information and other documents as required under the relevant part of the ANS Parts prior to the grant of the application and issuing of the certificate.

(2) The Executive Director must grant the application and issue a certificate in the appropriate form set out in the relevant part of the ANS Parts, if the Executive Director is satisfied that -

- (a) the applicant, and the applicant's senior accountable manager and key personnel, are fit and proper persons;
- (b) the granting of the application and issuing of the certificate is not contrary to the interests of aviation safety;
- (c) the personnel of the applicant are adequate in number and have the necessary competencies to provide the service;
- (d) the manual of procedures prepared and submitted with the application contains all the relevant information;
- (e) the facilities, services and equipment are established in accordance with the requirements prescribed in the relevant part of the ANS Parts;
- (f) the operating procedures make satisfactory provision for the safety of aircraft;
- (g) a safety management system under Part 140 acceptable to the Executive Director is in place;
- (h) a quality management system acceptable to the Executive Director is in place;
- (i) the applicant has approved procedures to meet the requirements of the applicable aviation security requirements;
- (j) the applicant has sufficient resources to provide the service; and
- (k) the applicant has applicable liability insurance for the service to be provided.

(3) The granting of an application to provide an air navigation service is subject to compliance with the relevant requirements and standards prescribed in the relevant part of the ANS Parts, and any other conditions as may be specified or notified by the Executive Director in an aviation directive issued under section 38(6) of the Act.

(4) The Executive Director may, when granting an application, include any conditions as may be considered necessary for the nature and type of air navigation service to be provided and which conditions are in the interest of aviation safety.

(5) The Executive Director may decline to grant an application, and where the Executive Director so declines, the Executive Director must notify the applicant in writing, indicating the reasons for the decline, not more than 14 days after making that decision.

(6) The Executive Director must, in the interests of aviation safety, ensure that only one certificate for the same air navigation service is issued to an ANS provider at any time.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Contents of certificate**

**170.02.4** The Executive Director must issue a certificate in the form set out in the relevant part of the ANS Parts, and the certificate must at least include the following information:

- (a) the holder's name, and the physical and mailing address of its principal place of business;
- (b) the type of service to be provided, and for an air traffic service, the service to be provided within a particular airspace or controlled aerodrome designated to the provider by the Executive Director;
- (c) the location of service to be provided;
- (d) conditions of certification, as applicable; and
- (e) effective and expiry dates of the certificate.

**Validity of certificate**

**170.02.5** (1) An ANS provider certificate is valid for a period of five years, from the date of issuance or renewal of such ANS provider certificate.

[Subregulation (1) is substituted by GN 11/2024.]

(1A) Despite subregulation (1), the Executive Director may issue a certificate valid for a period of less than five years subject to the following criteria:

- (a) the risk profile of the ANS service provider;
- (b) maturity of the Safety and Quality Management Systems of the ANS service provider; and
- (c) any other criteria as may be determined by the Executive Director.

[Subregulation (1A) is inserted by GN 11/2024.]

(2) The certificate remains in force until it expires, or is surrendered, suspended or revoked in accordance with section 42 or 43 of the Act, as the case maybe, and regulation 170.02.12.

[The word "maybe" should be the two words "may be".]

(3) The holder of an ANS provider certificate which has expired must forthwith surrender the certificate to the Executive Director, unless the service provider has applied for renewal of the certificate pursuant to regulation 170.02.7.

**Amendment of certificate**

**170.02.6** (1) The Executive Director may amend a certificate issued under this Part upon -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) application made by the holder of the certificate in the appropriate form set out in the relevant part of the ANS Parts; or
- (b) the Executive Director's initiative, where the Executive Director considers it necessary.

(2) A holder of a certificate applying to the Executive Director for amendment of the certificate under subregulation (1)(a) must -

- (a) attach the completed application form and the proposed amendment to the certificate; and
- (b) pay such fee as may be prescribed under Part 187.

(3) Where the Executive Director initiates amendments under subregulation (1)(b), the holder of the certificate must make amendments as necessary, in its manual of procedures.

(4) The Executive Director may in accordance with section 45 of the Act -

- (a) amend the certificate in the manner applied for; or
- (b) decline the application to amend the certificate applied for.

(5) Where an application for amendment is declined under subregulation (4)(b), the Executive Director must within 14 days of making such decision, inform the applicant in writing, giving reasons for the refusal.

(6) The Executive Director may, pursuant to section 45(2)(c) of the Act, amend an ANS provider certificate to correct any clerical error or obvious mistake on the face of the certificate and where the Executive Director requires the holder of the certificate to produce the certificate for such purpose, the holder must forthwith produce the certificate.

**Renewal of certificate**

**170.02.7** (1) The holder of an ANS provider certificate, if it wishes to continue to provide the service, must at least 90 days immediately preceding the date on which such certificate expires, apply to the Executive Director for the renewal of the certificate.

(2) An application for the renewal of an ANS provider certificate must be -

- (a) made to the Executive Director in the appropriate form set out in the relevant part of the ANS Parts; and
- (b) accompanied by -
  - (i) copy of the previous ANS provider certificate; and
  - (ii) the appropriate fee as prescribed in Part 187.

(3) The renewal of a certificate is subject to compliance with this Part, and the relevant requirements and standards prescribed under the relevant part of the ANS Parts.

**Duplicate certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.02.8** (1) If an ANS provider certificate is lost, stolen, damaged or destroyed, the holder thereof, may apply to the Executive Director for the issue of a duplicate certificate.

(2) An application referred to in subregulation (1) must be -

- (a) made in the appropriate form set out in the relevant part of the ANS Parts; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate is issued on the appropriate form set out in the relevant part of the ANS Parts.

**Display of certificate**

**170.02.9** (1) A holder of an ANS provider certificate must display the certificate, or a copy of it, in a conspicuous place, generally accessible to the public at such holder's principal place of business.

(2) Where a copy of the certificate is displayed under subregulation (1), the holder of the certificate must produce the original certificate, if so requested by an authorised officer, inspector or authorised person.

**Transfer of certificate**

**170.02.10** Unless otherwise provided for the in the relevant part of the ANS Parts, a certificate issued under this Part is not transferable.

**Surrender of certificate**

**170.02.11** (1) Subject to subregulation (2) and any conditions as may be specified by the Executive Director when granting the application under the relevant part of the ANS Parts, a holder of an ANS provider certificate may surrender the certificate to the Executive Director at any time.

(2) A holder of an ANS provider certificate who wishes to surrender the certificate must give the Executive Director not less than 180 days' notice in writing, before the date on which the certificate is to be surrendered.

(3) Upon expiry of the period in subregulation (2), the ANS provider may not provide an air navigation service, unless specifically authorised to do so in writing by the Executive Director.

**Suspension and revocation of certificate**

**170.02.12** (1) The Executive Director may under sections 42 and 43 of the Act, suspend or revoke an ANS provider certificate, or impose conditions in respect of any such document, if the Executive Director considers such action necessary for the provision of the air navigation service concerned or in the interests of aviation safety.

(2) Without limitation to the general powers of the Executive Director under the Act to suspend, revoke or impose conditions upon an aviation document the Executive Director may -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) suspend, pending further investigation, an ANS provider certificate, if the Executive Director considers that -
    - (i) a relevant provision of the Act, these regulations or any regulations made under the Act, or a condition in the certificate, has not been or is not being complied with;
    - (ii) the privileges or duties for which the document has been granted are being utilised or carried out in a careless or incompetent manner;
    - (iii) false or materially incorrect information was given to the Executive Director in the application for the certification; or
    - (iv) it is in the public interest to do so; or
  - (b) revoke a certificate or impose permanent conditions on the certificate, if after an inspection, monitoring or investigation carried out in accordance with this Part, read with Part 13, the Executive Director considers it necessary in the interests of aviation safety.
- (3) A person, whose certificate is made subject to permanent conditions must immediately produce the certificate to the Executive Director for the appropriate endorsement to be made.
- (4) A holder or any person having the possession or custody of any certificate which has been suspended or revoked in accordance with this Part, must surrender the certificate to the Executive Director within seven days from the date of suspension or revocation.
- (5) If an audit directed by the Executive Director finds non-compliance with regulatory requirements or safety standards, the Executive Director must formally notify the ANS provider of the areas or items of non-compliance, through a written notice, specifying a time frame within which the matter of non-compliance is to be rectified.
- (6) If following the written notification, and the end of the time of the rectification period specified under subregulation (5), the non-compliances are not addressed, the failure by the holder of the certificate to comply with the relevant regulatory requirements or standards may be taken into account in determining the need for suspension or revocation of the certificate.
- (7) For a certificate to be renewed after suspension or revocation, the ANS provider must satisfy the Executive Director, through an audit process, that it has rectified the matters of noncompliance.
- (8) The Executive Director may, when considered necessary and in the public interest, designate an alternative service provider for a specified period to provide an air navigation service in respect of a certificate that has been suspended or revoked for the duration of the suspension or revocation in accordance with this Part.
- (9) A person in respect of whom a decision is taken under this regulation may seek review of the decision in accordance with Part 13.

**Register of certificates**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.02.13** (1) The Executive Director must keep and maintain or cause to be kept and maintained, a register of all ANS provider certificates referred to in regulation 71.10.1.

(2) The register must contain the following particulars:

- (a) the full name of the holder of the certificate;
- (b) the business address of the holder of the certificate;
- (c) the postal address of the holder of the certificate;
- (d) the date on which the certificate was issued or renewed;
- (e) the type or types of air navigation service in respect of which the certificate was issued;
- (f) the date on which the certificate was surrendered, amended, varied, suspended or revoked, if applicable;
- (g) the date on which the certificate expires; and
- (h) any other particulars as may be considered necessary by the Executive Director.

(3) The particulars of the certificate referred to in subregulation (2), or any changes to the particulars, must be recorded in the register in the manner set out in the registry manual.

(4) The register must be kept in a safe place at the Civil Aviation Registry established under section 52 of the Act, and be accessible to the public in the manner as set out in regulation 3.04.6.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fee as prescribed in Part 187.

**Notification of organisational changes**

**170.02.14** A holder of an ANS provider certificate must notify the Executive Director -

- (a) in writing; or
- (b) in the manner set out in Subpart 3 of Part 140,

of a change of circumstances that materially affect its capacity to provide any of its air navigation service within 14 days after the change occurs.

**Change of name of holder of certificate**

**170.02.15** (1) A holder of an ANS provider certificate must, in the manner determined by the Executive Director, apply to the Executive Director for -

- (a) change of name on the certificate; or
- (b) an endorsement of the change of name on the certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) When applying under subregulation (1), the holder of the certificate must submit to the Executive Director -

- (a) the original certificate or a copy thereof;
- (b) a court order or other legal document verifying the name change; and
- (c) a fee as prescribed under Part 187.

(3) The Executive Director must, where satisfied that the change may be made, re-issue or endorse the certificate with the appropriate changes applied for and provide the amended certificate to the holder of the certificate and retain a copy of the certificate.

**Change of address of certificate holder**

**170.02.16** (1) A holder of an ANS provider certificate must notify the Executive Director of a change in the physical or mailing address of the certificate holder within 14 days of such change.

(2) A person who does not notify the Executive Director of the change in the physical or mailing address of the certificate holder within the time frame specified in subregulation (1) must not exercise the privileges of the certificate as from the date of expiry of the 14 days.

**Limitations on certified ANS provider**

**170.02.17** (1) An ANS provider must only provide services for which it is certified.

(2) An ANS provider may not provide a service for which it is certified, unless such holder has available sufficient resources, including facilities, equipment, tooling, technical data and qualified personnel necessary to maintain the equipment in accordance with its manual of procedures and the requirements prescribed in this Part and under the ANS Parts, as applicable.

**Exemption based on certificate issued by another State**

**170.02.18** (1) Where an applicant for certification holds a certificate as an ANS provider issued by the appropriate authority of another State acceptable to the Executive Director, and there is a reciprocal arrangement for the mutual recognition of certificates issued by the authorities of Namibia and the other State, the Executive Director may, exempt the applicant from certain requirements of this Part or the relevant part of the ANS Parts as the Executive Director may determine.

[The comma after the word “may” is superfluous.]

(2) In making a decision regarding exemptions referred to in subregulation (1), the Executive Director may -

- (a) require the applicant to provide evidence of equivalent compliance with the requirements of this Part or the relevant part of the ANS Parts; and
- (b) contact the appropriate authority of the State that issued the certificate to validate equivalent compliance.

**Validation of foreign certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.02.19** (1) A person or entity that has been approved or certified as an ANS provider by any other appropriate authority may apply to the Executive Director in the form and manner set out in the relevant ANS Part, for a validation of such certificate.

- (2) The application for a validation referred to in subregulation (1) -
  - (a) must be accompanied by -
    - (i) a certified copy of the certificate or approval to which the validation refers;
    - (ii) the appropriate fee as provided for in Part 187;
    - (iii) the manual of procedure referred to in the relevant ANS Part; and
    - (iv) a certificate or approval that was issued by the appropriate authority which is equal to or above the minimum standard which may be established from time to time in accordance with ICAO standards and recommended practices.
  - (b) may be subjected to the inspection of the air navigation service provider facilities or place of business in Namibia and abroad; and
  - (c) must be submitted at least 60 days before the date of the intended provision of the air navigation service.
- (3) A validation certificate or approval issued by the Executive Director -
  - (a) is valid for the period of the certificate referred to in subregulation (2)(a)(iv);
  - (b) may upon application to the Executive Director be renewed for a further period.
- (4) Application for renewal of validation contemplated in subregulation (3)(b) must -
  - (a) be submitted within 30 days before the date of expiry of such certificate or approval; and
  - (b) follow the process as referred to in subregulation (2)(a) and (b).
- (5) The holder of a certificate or approval validated by the Executive Director must comply with the requirements provided for in the relevant ANS Part.

[Regulation 170.02.19 is inserted by GN 11/2024.]

**SUBPART 3**  
**REQUIREMENTS FOR MANUAL OF PROCEDURES**

**General**

**170.03.1** (1) An ANS provider must, at all times, maintain a manual of procedures for each service that it provides and that complies with the requirements prescribed in the relevant part of the ANS Parts.

- (2) The manual of procedures must be -



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) type written and in a format that is easy to revise;
  - (b) include a list of effective pages;
  - (c) organised in a manner that facilitates the evaluation and certification process taking into account the contents as prescribed in regulation 170.03.2; and
  - (d) signed by the ANS provider.
- (3) An ANS provider must -
- (a) submit the manual of procedures to the Executive Director for approval; and
  - (b) keep at least one approved copy of the manual at its principal place of business.

**Contents of manual of procedures**

**170.03.2** (1) The manual of procedures must contain all information and instructions necessary to enable the personnel of the ANS provider to perform their duties.

(2) Each manual of procedures prepared under this Part must include the following particulars as appropriate to the service provided:

- (a) service to be provided, including the location of each facility and airspace covered;
- (b) the hours of service for each service provided;
- (c) the service provider's organisation structure, including the reporting lines, functions, duties and responsibilities of operational positions;
- (d) personnel requirements and their responsibilities;
- (e) the methodology for determining the number of staff;
- (f) training and performance assessment of staff and how that information is tracked;
- (g) the safety management system;
- (h) the quality management system;
- (i) contingency plans developed for part or total system failure or disruption of services;
- (j) compliance with the applicable civil aviation security requirements;
- (k) facilities and equipment and how they are maintained;
- (l) maintenance and control of documents and records;
- (m) search and rescue responsibilities and co-ordination, operations, plan and procedures, as applicable;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (n) systems, processes and procedures in the provision of each air navigation service including, procedures for fault and defect reporting;
- (o) procedures to be followed for revising the manual of procedures; and
- (p) any other information as may be considered necessary by the ANS provider or as may be required by the Executive Director.

**Amendment of manual of procedures**

**170.03.3** (1) For the purpose of maintaining the accuracy of the information in the manual of procedures, the -

- (a) ANS provider must whenever necessary, amend the manual of procedures; and
- (b) Executive Director may direct an ANS provider, in writing, within a reasonable period specified in the direction, to amend its manual of procedures in a way specified in the direction.

(2) Despite subregulation (1), the holder of a certificate must submit the proposed amendment to the Executive Director for approval, before the manual is amended.

(3) An ANS provider must -

- (a) ensure that its manual of procedures is amended, as required, so that it continues to provide a current description of the ANS provider's organisation, service and facilities;
- (b) ensure that any amendments made to its manual of procedures meet the applicable requirements of this Subpart;
- (c) comply with the applicable manual of procedures amendment procedures;
- (d) provide the Executive Director with a copy of each amendment to its manual of procedures, immediately after the amendment is incorporated into the manual of procedures; and
- (e) comply with any direction which the Executive Director may consider necessary in the interests of aviation safety.

(4) Replacement pages must be annotated with a vertical line in the outer margin to indicate the portion, which has been revised as follows:

- (a) a vertical line beside text or diagram indicates that the item has been amended;
- (b) the specific editorial or typographical changes will not otherwise be marked;
- (c) a vertical line beside a blank space in between text indicates that a previous item has been removed; and
- (d) the date of amendment will appear at the foot of the page.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) Urgent changes or temporary instructions must be notified by the issue of supplementary procedures, which must be regarded as forming a part of the main text until either incorporated therein by a routine amendment or cancelled.

(6) An ANS provider may not make changes to the procedures contained in the manual of procedures except by an amendment or supplementary procedure.

**Formatting and administration of manual of procedures**

**170.03.4** (1) Each page of the manual of procedures must indicate the date of the original document or the date of any subsequent amendment and in addition, each page must indicate the following elements:

- (a) the title of the manual of procedures;
- (b) the issuing authority; and
- (c) the page number.

(2) The ANS provider must review its manual of procedures at regular intervals as specified in the manual of procedures.

**Distribution and maintenance of manual of procedures**

**170.03.5** (1) An ANS provider must make available copies of the manual of procedures to the units providing the services.

(2) The person in charge of an ANS unit is responsible for ensuring incorporation of any amendments or supplementary procedures to the manual of procedures which may be issued from time to time.

**Stand-alone documents prepared as attachments to manual of procedures**

**170.03.6** (1) The procedures, systems and processes required under regulation 170.03.2(2)(n) may be published as stand-alone documents, and such documents are by reference in the manual of procedures, to be considered as attachments to the manual of procedures with the appropriate cross-referencing.

(2) The procedures, systems and processes in accordance with subregulation (1) must include the procedures, systems and processes applicable to the service provided or to be provided under the relevant part of the ANS Parts.

(3) An ANS provider must publish station standing instructions (SSIs), which are applicable to individual units and which contain procedures applicable only at that unit and such SSIs are, in accordance with subregulation (1), to be considered as attachments to the manual of procedures.

**SUBPART 4**  
**COMPLIANCE WITH STANDARDS**

**Safety inspections and audits of air navigation facilities, equipment and documents**

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.04.1** The Executive Director, or an authorised officer, inspector or authorised person, may carry out safety inspections and audits of air navigation facilities, services, documents and records of the air navigation service provider which may be necessary to determine compliance with a certificate, and the requirements and standards specified under the relevant part of the ANS Parts.

**Unrestricted access to ANS facilities, equipment and documents**

**170.04.2** An ANS provider must, pursuant to section 48 of the Act, provide the Executive Director, or an authorised officer, inspector or authorised person unrestricted access to the facilities, installations, records and documents of the ANS provider to determine compliance with the requirements of this Part and any requirements made under the relevant part of the ANS Parts.

**Resolution of safety concerns**

**170.04.3** (1) The holder of an ANS provider certificate must, following a regulatory inspection or audit -

- (a) submit to the Executive Director for evaluation and acceptance, corrective action plans with timeframes to address non-conformities identified during the inspections and audits; and
- (b) ensure that the corrective actions are implemented within the time periods specified in the corrective action plans.

(2) The holder of an ANS provider certificate may, when circumstances demand, amend the timeframes specified in the corrective action plan and submit the amended corrective action plan to the Executive Director for evaluation and acceptance.

(3) An authorised officer, inspector or authorised person must carry out follow-up inspections or audits to verify that the ANS provider is implementing the corrective action plans submitted to the Executive Director to ensure that non-conformities are being addressed and closed.

[The word “an” is repeated at the beginning of subregulation (3) in the *Government Gazette*.]

(4) The holder of an ANS provider certificate must, when requested by an authorised officer, inspector or authorised person for the purpose of determining compliance with the regulations and resolution of safety concerns, produce within three days of such request, any relevant documents under the holder’s possession.

**Imposition of restrictions, prohibitions or conditions**

**170.04.4** (1) The Executive Director may, by way of an aviation directive issued under section 38(6) of the Act, impose restrictions, prohibitions or conditions on any certificate, where recommended by an authorised officer, inspector or authorised person, if the results of an inspection or an audit has shown non-conformances with the certification requirements or in the event of any unresolved safety concerns.

[The verb “has shown” should be “have shown” to accord with the subject “results”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director may in accordance with subregulation (1), impose restrictions, prohibitions or conditions on -

- (a) the type or coverage of the air navigation service to be provided;
- (b) the method used for delivery of the service; or
- (c) the periods during which a service is to be provided.

(3) Where a holder of an ANS provider certificate fails to address non-conformities within the time period specified in the corrective action plan, the Executive Director may carry out enforcement action in accordance with Part 13.

**Establishment of facilities and equipment**

**170.04.5** (1) An ANS provider must establish facilities and equipment that are appropriate to the air navigation service which it provides as listed in its manual of procedures.

(2) The facilities and equipment required by subregulation (1) must be acceptable to the Executive Director.

- (3) Despite subregulation (1), an ANS provider must -
  - (a) provide in the designated portion of airspace and at aerodromes, facilities for the provision of the air navigation service; and
  - (b) adopt and put into operation the appropriate standard systems and operational practices and rules required for the provision of the service under Part 71 and the relevant part of the ANS Parts.

**Approval of facilities and equipment**

**170.04.6** A person may not install, maintain, contract or operate an air navigation service facility in the airspaces designated under Part 71, and at aerodromes, unless the person has obtained the prior approval of the Executive Director to do so in terms of relevant part of the ANS Parts.

[The word “the” appears to have been omitted before the phrase “relevant part”.]

**Air navigation services contingency plans**

**170.04.7** (1) An ANS provider must develop and maintain a contingency plan required under regulation 170.03.2(2)(i) for implementation in the event of disruption or potential disruption of air navigation services in the airspace for which the holder of the certificate is responsible.

(2) An ANS provider must liaise with other air navigation service providers in adjacent or contiguous airspaces while developing contingency plans.

- (3) The contingency plan must include -
  - (a) the actions to be taken by the service provider’s personnel responsible for providing the service;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) where applicable, alternative arrangements for providing the service; and
- (c) the arrangements for resuming normal operations for the service.

(4) Despite subregulation (3), the contingency plan must be prepared in accordance with standards prescribed in the relevant part of the ANS Parts.

**Safety management system**

**170.04.8** (1) An ANS provider must, in accordance with Part 140, establish a safety management system to ensure a systematic approach to managing safety, including policies, procedures, and practices necessary to safely provide the air navigation service covered by its certificate.

(2) The safety management system must be implemented in accordance with the applicable standards prescribed in the relevant part of the ANS Parts.

**Quality management system**

**170.04.9** (1) An ANS provider must establish a quality management system that is acceptable to the Executive Director and which -

- (a) focuses on the consistent delivery of each air navigation service it provides;
- (b) complies with approved quality performance standards;
- (c) includes a quality assurance system for the control, supervision and the management of the air navigation service that it provides; and
- (d) complies with standards prescribed under the relevant part of the ANS Parts.

(2) The quality management system established in accordance with subregulation (1) may be integrated with the safety management system required in 170.04.8.

**Changes in quality management system**

**170.04.10** (1) Where an ANS provider desires to make any change in the quality management system required by regulation 170.04.9, and which is significant to the showing of compliance with the appropriate requirements prescribed in the relevant part of the ANS Parts, the ANS provider must apply to the Executive Director for the approval of such change.

(2) The Executive Director may grant an application for the approval of a change in the quality assurance system, if the ANS provider satisfies the Executive Director, upon submission of appropriate proposed changes to its manual of procedures that it will, after the implementation of such approved change, continue to meet an acceptable level of compliance with the provisions of this Part, and the applicable standards prescribed in Part 71 and the relevant part of the ANS Parts.

**Internal safety inspection and audit programme**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.04.11** (1) An ANS provider must have in place, a programme for monitoring the performance of the service it provides to verify that the service provided complies with the regulatory standards and meets the air navigation services objectives.

- (2) The programme required under subregulation (1) must include -
  - (a) internal safety inspections and audits of each air navigation service facility listed in its manual of procedures; and
  - (b) testing and calibration, as applicable, of each equipment listed in its manual of procedures.
- (3) An ANS provider -
  - (a) must review its procedures and processes related to each air navigation service operation through an internal audit process using specified procedures;
  - (b) may conduct internal audits of its organisation through an entity that is external to the service provider to ensure the independence and objectivity of the audit results;
  - (c) must develop and use checklists, questionnaires and where appropriate, confidential interviews in conducting internal audit of its service.

[The phrase “internal audit” should be “internal audits”.]

(4) In conducting internal safety audits and inspection of its service, an ANS provider must focus on any matters, including but not limited to, management functions, staffing, compliance with regulations and standards, levels of competency and training.

[The phrase “inspection of its service” should be “inspections of its service”.]

### **Security programme**

**170.04.12** An ANS provider must -

- (a) have, and put into effect, a security programme that is acceptable to the Executive Director and that sets out the procedures designed to protect its personnel, and any facility and equipment that it uses, in providing any of its air navigation services; and
- (b) if required to do so under section 126 of the Act, have in place an aviation security programme which complies with the requirements of Part 111.

## **SUBPART 5**

### **GENERAL REQUIREMENTS FOR PROVISION OF AIR NAVIGATION SERVICES**

#### **ANS provider organisation**

**170.05.1** An ANS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide the air navigation service covered by its certificate and in accordance with requirements prescribed in this Part and the relevant part of the ANS Parts.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Personnel requirements: senior accountable manager and key personnel**

**170.05.2** (1) The senior accountable manager for the ANS provider, and the suitable key personnel, where relevant, designated in the manner prescribed in Subpart 3 of Part 140, must exercise the privileges under the certificate for the proper functioning and operation of the air navigation service it provides.

(2) The senior accountable manager for the ANS provider's organisation must ensure that every air navigation service listed in its manual of procedures -

- (a) can be sufficiently resourced; and
- (b) is provided in accordance with the requirements and standards prescribed in this Part and in the relevant part of the ANS Parts.

(3) The senior accountable manager must ensure that all activities listed in the manual of procedures of the ANS provider are carried out in accordance with the requirements of this Part, Part 71 and the relevant part of the ANS Parts.

(4) The senior accountable manager must -

- (a) ensure that all the air navigation service activities can be sufficiently resourced and carried out to meet applicable operational requirements;
- (b) have unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the ANS provider, and full rights of consultation with any of those persons in respect of compliance by each one of them;
- (c) order cessation of any activity which the senior accountable manager considers to be unsafe to the operation or delivery of the air navigation service;
- (d) establish liaison mechanisms with the Executive Director with a view to ascertain compliance with requirements, and interpretations of such requirements, and to facilitate liaison between the Executive Director and the ANS units under the control of the ANS provider; and
- (e) report directly to the Executive Director on matters affecting operation and delivery of the air navigation service.

(5) The senior accountable manager must identify the following key personnel to assist him or her to ensure compliance with the specified requirements:

- (a) a safety manager who is responsible for safety across all of the air navigation service, and who has direct access to the accountable manager on matters affecting safety of the air navigation service; and
- (b) a quality control officer who is responsible for quality control across all the air navigation service, and who has direct access to the accountable manager on matters affecting quality of the air navigation service,

but, taking into account the size and complexity of an organisation, the safety officer and quality officer functions may be combined.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) An ANS provider must, in accordance with regulation 140.03.2, designate key personnel to enable it to provide the service in accordance with its manual of procedures.

(7) An ANS provider must -

- (a) ensure the competence of those personnel who are authorised by the service provider to provide the air navigation service, and training and assessment for each service, listed in the service provider's manual of procedures;
- (b) define arrangements and processes to be followed to ensure an adequate number of suitably trained and qualified staff are available in respect of each air navigation service it provides;

[The verb "are" should be "is" to accord with the subject "number".]

- (c) establish arrangements that define the management responsibilities and processes for ensuring adequate supervision of staff;
- (d) establish procedures for assessing and maintaining the competence of personnel who are authorised to provide or supervise the air navigation service under this Part, including a mechanism for ensuring that only trained and competent staff undertake the provision of each air navigation service it provides;
- (e) maintain a record of all authorised personnel, which record must include particulars of the scope of their authorisations;
- (f) describe and provide its authorised staff with, the scope of their authorisation; and
- (g) maintain the records required in paragraph (e) for a minimum period of five years from the date on which the personnel ceases to be an employee of the organisation.

(8) An ANS provider must provide all authorised personnel with written evidence of the scope of their authorisation including duties and responsibilities.

**Accommodation of air navigation services facilities**

**170.05.3** An ANS provider must satisfy the Executive Director that -

- (a) it has sufficient resources for each service to be performed under its certificate;
- (b) the working environment is appropriate for each task carried out and, in particular, complies with requirements covered under its certificate;
- (c) appropriate office accommodation is provided for the administration of the services performed, including the administration of the organisation's safety, operational and planning functions and for maintenance of technical records; and
- (d) appropriate storage facilities are provided for, equipment, tools and materials required by the organisation.

**Training and checking programme**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.05.4** (1) Each ANS provider must, in accordance with the requirements set out in the relevant part of the ANS Parts, implement a training and checking programme to ensure that an individual performing a function in connection with any air navigation service is competent and holds the appropriate qualification to perform the duties which he or she is assigned.

(2) An individual is considered to be competent as required by subregulation (1), if that individual is -

- (a) licensed where the function can only be performed by the holder of a licence;
- (b) certified where the function can only be performed by the holder of a certificate;
- (c) rated and validated, where the function can only be performed by the holder of an appropriate rating and validation;
- (d) endorsed, where the function can only be performed by the holder of an appropriate endorsement;
- (e) qualified, where the function can only be performed by the holder of an appropriate qualification;
- (f) appropriately trained and assessed to be proficient in the performance of their functions;
- (g) up-to-date with the current knowledge, skills and information that is or are necessary for the performance of his or her functions; and
- (h) has knowledge and skills in emerging matters identified as essential to task performance.

(3) An ANS provider must develop a comprehensive training and checking programme to be approved by the Executive Director, that includes, initial, on-job-training, currency and recurrency, specialised and management training to ensure that each member of the technical personnel maintain the appropriate level of qualification.

**[The comma after the word “includes” is superfluous. The term “on-job-training” should be simply “on-job” since the term “training” appears again at the end of the list of various types of training. The verb “maintain” should be “maintains” to accord with the subject “member”.]**

- (4) An ANS provider must -
  - (a) carry out training needs assessment to determine individual training needs;
  - (b) develop periodic training plans for each technical personnel providing an air navigation service at each ANS unit based on the training programme; and
  - (c) maintain training records for each technical personnel providing an air navigation service at each ANS unit, including records of trainings attended and the dates of training.
- (5) In developing training programmes and plans, an ANS provider must consider -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the human factors and human performance requirements for the provision of each air navigation service;
- (b) skills, knowledge and attitudes requirements for each air navigation position; and
- (c) competency requirements for each air navigation position.

**Documents and records**

**170.05.5** (1) An ANS provider must -

- (a) establish a system for records which covers identification, collection, indexing, storage, security, maintenance, access and disposal of records necessary for the provision of the air navigation services it provides;
- (b) ensure availability of documents and records, including facility manuals, technical standards, manual of procedures, charts and any other documentation, to the ANS units personnel as necessary for the provision of the air navigation service listed in its certificate; and
- (c) ensure availability of documents and records relating to inspections and audits, including records of identified deficiencies and actions taken to resolve such deficiencies.

(2) The records system required by subregulation (1)(a) must provide an accurate chronicle of activities for the purpose of reconstruction of events for investigation, and for safety system analysis.

(3) An ANS provider must, at the request of the Executive Director or of an authorised officer, inspector or authorised person, make the documents and records, or copies, or extracts from them, available for inspection.

**Use and retention of documents and records**

**170.05.6** (1) A person may not -

- (a) use a certificate which has been forged, altered, revoked, or suspended, or to which he or she is not entitled;
- (b) forge or alter any certificate issued or required by or under a relevant part of the ANS Parts;
- (c) lend any certificate or exemption issued or required by or under a relevant part of the ANS Parts to any other person;
- (d) make any false representation for the purpose of procuring for himself or herself or any other person the grant, issue, renewal or variation of any such certificate or exemption; or
- (e) mutilate, alter, render illegible or destroy any records, or any entry made therein, by an ANS provider, or knowingly make, or procure or assist in the making of, any false entry in any such record, or intentionally omit to make a material entry in such record.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) All documents and records required to be maintained by or under this Part, Part 71 or any relevant part of the ANS Parts must be -

- (a) kept in a permanent and indelible material;
- (b) stored so that they can be retrieved if needed for an aviation safety investigation; and
- (c) retained for five years, unless a different period is otherwise provided for in the relevant part of the ANS Parts.

**Control of documents and records**

**170.05.7** (1) An ANS provider must establish and put into effect -

- (a) a system for controlling documents and records which cover the authorisation, standardisation, publication, distribution and amendment of all documentation issued by the organisation, or required by the organisation for the air navigation service it provides; and
- (b) a procedure to identify, collect, index, store, maintain and dispose of the records that are necessary for, or a result of the provision of an air navigation service.

(2) The document control system established by an ANS provider must ensure that -

- (a) documentation is reviewed and authorisation of documents and records is made by the appropriate authority designated by the ANS provider to the provider's management and safety accountability structures;
- (b) that the currency of documents can be readily determined and that only current versions are available for operational use;
- (c) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation for the provision of the air navigation service;
- (d) operationally obsolete documentation is promptly removed from all points of issue or use;
- (e) changes to documentation are reviewed and approved by appropriate personnel;
- (f) a master copy of relevant documents and records is securely held;
- (g) the current version of each item of documentation can be identified to preclude the use of out-of-date editions; and
- (h) documents and records are archived where they have been superseded.

(3) An ANS provider must ensure that all documents that are related to and referenced in the manual of procedures are indexed in that manual.

**Reports of violations**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**170.05.8** (1) Any person who knows of a violation of any regulations or directives issued under this Part, must report it to the Executive Director in the form and manner determined by the Executive Director.

(2) The Executive Director may determine the nature and type of investigation or enforcement action that need to be taken in the event of a reported violation in accordance with the provisions of the Act and Parts 13 and 185.

[The verb “need to be taken” should be “needs to be taken”  
to accord with the plural subject “nature and type”.]

(3) If the person referred to in subregulation (1) is a participant in the Namibia civil aviation system, and that person refuses, fails or neglects to comply with that subregulation, the Executive Director may invoke the provisions of -

- (a) sections 42 or 43 of the Act regarding suspension or revocation of aviation documents or the imposition of conditions on those documents; or
- (b) Subpart 3 of Part 13 and 185 of these regulations regarding the imposition of administrative fines,

in order to ensure that the person complies with that subregulation.

**Failure to comply with directive**

**170.05.9** (1) The Executive Director may authorise an inspection or investigation, as the case may be, into any allegation of non-compliance with an aviation directive or conditions of a certificate in respect of an ANS provider in accordance with Parts 13 and 185.

(2) A person who fails to comply with an aviation directive or conditions of a certificate in respect of an ANS provider in accordance with Part 13 of the Act commits an offence and is liable to the penalties specified in that Part or to any administrative penalties prescribed in Part 185.

**Exemptions from air navigation services requirements**

**170.05.10** (1) A certified air navigations service provider may apply to be exempted from any particular provision set out in Part 71 or in any part of the ANS Parts in accordance with section 46 of the Act and Part 3.

(2) The Executive Director may in accordance with section 46 of the Act and Part 3, grant an exemption from any of the provisions of this Part, Part 71 or any part of the ANS Parts, taking into account all safety-related aspects of the air navigation service provided.

(3) Where an exemption is granted in accordance with subregulation (2), the Executive Director may determine the conditions necessary to ensure an equivalent level of safety is established, and such conditions must be set out in an endorsement in the ANS provider’s manual of operations.

(4) An ANS provider must comply with any conditions specified by the Executive Director under of subregulation (3).

[The word “of” is superfluous in the phrase “under of subregulation (3)”.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Discontinuation or disruption of air navigation service**

**170.05.11** (1) A holder of an ANS provider certificate may not temporarily or otherwise, discontinue or disrupt the provision of an air navigation service for which it has been certified, unless it has given the Executive Director at least 180 days' written notice of the discontinuance or disruption.

- (2) Subregulation (1) does not apply if, having regard to the provider's circumstances -
  - (a) it was not reasonably possible for the provider to give at least 180 days' notice; and
  - (b) the provider gives the notice as soon as reasonably possible.

**SUBPART 6**  
**TRANSITIONAL PROVISIONS**

**Transitional provisions**

**170.06.1** (1) Where, before the commencement of this Part, an applicant for a certificate required under this Part was already lawfully providing an air navigation service whether in terms of any repealed law or not, the applicant may be exempted from certain requirements of this Part for a specified period as may be determined by the Executive Director.

(2) The Executive Director may, pursuant to section 67(3) of the Act, in the circumstances mentioned in subregulation (1), issue a transitional certificate in writing to the ANS provider to continue providing the services for a specified period which period may not exceed 18 months until a certificate is issued by the Executive Director.

- (3) A transitional certificate issued under this Subpart expires -
  - (a) on the date on which a certificate is issued under Subpart 2;
  - (b) on the expiry date specified by the Executive Director in the transitional certificate; or
  - (c) upon withdrawal of the transitional certificate in accordance with subregulation (6),

whichever is the earlier.

(4) The requirements of this Part, apply, subject to changes required by the context to a transitional certificate issued by the Executive Director under this Subpart.

(5) The Executive Director may at any time, withdraw any transitional certificate issued under this Subpart upon recommendation by an authorised officer, inspector or authorised person, where a serious non-compliance which compromises safety is identified, and the air navigation service provider must immediately cease operations.

(6) The holder of a transitional certificate which has been withdrawn by the Executive Director in accordance with subregulation (5) may apply for re-issue of the transitional certificate as soon as the identified non-compliances have been resolved.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 171**  
**AIR NAVIGATION SERVICES: AERONAUTICAL**  
**TELECOMMUNICATION SERVICES**

[Part 171 is inserted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 171.01.1 Definitions and interpretation in this Part
- 171.01.2 Applicability
- 171.01.3 Standards for provision of ATEL services

**SUBPART 2: CERTIFICATION OF ATEL SERVICE PROVIDERS**

- 171.02.2 Requirement for certification
- 171.02.2 Application for certificate or amendment thereof
- 171.02.3 Issue of ATEL service provider certificate
- 171.02.4 Renewal of ATEL service provider certificate
- 171.02.5 Duplicate certificate
- 171.02.6 Privileges ATEL service provider certificate holder  
[The word “of” appears to have been omitted after the word “Privileges”.  
It appears in the heading of this regulation in the text below.]

**SUBPART 3: GENERAL REQUIREMENTS FOR PROVISION OF**  
**AERONAUTICAL TELECOMMUNICATION SERVICES**

- 171.03.1 Manual of procedures
- 171.03.2 ATEL organisation
- 171.03.3 Personnel requirements
- 171.03.4 Training and certification of ATEL personnel
- 171.03.5 ATEL facilities, equipment, tools, material and procedures
- 171.03.6 Services records
- 171.03.7 ATEL facility requirements
- 171.03.8 Documents and records to be maintained
- 171.03.9 ATEL facility performance
- 171.03.10 Inspection, measuring and test equipment
- 171.03.11 Notification of ATEL facility status
- 171.03.12 Interruption to services
- 171.03.13 Periodic maintenance, inspection and testing
- 171.03.14 ATEL facility check after accident or incident
- 171.03.15 Facility malfunction and safety incidents
- 171.03.16 Records maintenance procedures
- 171.03.17 Quality management system
- 171.03.18 Security programme
- 171.03.19 Common reference systems for use in ATEL

**SUBPART 4: OPERATING REQUIREMENTS**

- 171.04.1 Continued compliance
- 171.04.2 Operating and maintenance instructions
- 171.04.3 Deviations

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 171.04.4 Temporary ATEL facility
- 171.04.5 Limitations on ATEL service provider
- 171.04.6 Interface arrangement for support services
- 171.04.7 Operation and maintenance plan
- 171.04.8 Safety case
- 171.04.9 Commissioning of new facilities
- 171.04.10 Radio site approval
- 171.04.11 Frequencies, identification codes and call signs
- 171.04.12 Protection of radio sites
- 171.04.13 Interference with radio signals
- 171.04.14 Information provided by ATEL facility
- 171.04.15 Test transmissions
- 171.04.16 Safety management system
- 171.04.17 Station (site) logs

**SUBPART 5: STANDARDS FOR ATEL FACILITIES AND SERVICES**

- 171.05.1 Radio navigation aids
- 171.05.2 Communication procedures including those with PANS status
- 171.05.3 Communication systems
- 171.05.4 Surveillance and collision avoidance systems
- 171.05.5 Aeronautical radio frequency spectrum utilisation
- 171.05.6 Communication systems and procedures relating to remotely piloted aircraft systems  
C2 link

[The heading of Regulation 171.05.6 is substituted by GN 11/2024.]



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**SUBPART 1**  
**GENERAL**

**Definitions and interpretation in this Part**

**171.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-ATEL.

(2) For purposes of this Part -

(a) a telecommunication or radio-navigation or surveillance service is provided using one or more facilities at one or more locations, each facility consisting of -

(i) one item of equipment; or

(ii) items of interconnected equipment at a particular location;

(b) a service is interrupted if, during the course of its operation it is -

(i) not operating because it has failed or has been suspended; or

(ii) operating outside its technical specification.

(3) In this Part, aeronautical telecommunication service refers to an air navigation service related to the provision of any of the following:

(a) radio navigation aids;

(b) communication procedures including those with procedures for air navigation services (PANS) rules and administrative provisions;

(c) communication systems including digital data communication systems and voice communication systems;

(d) surveillance and collision avoidance systems;

(e) aeronautical radio frequency spectrum utilisation;

(f) communication systems and procedures relating to remotely piloted aircraft systems c2 link;

(g) other facilities supporting air traffic services (ATS) provided under Part 172;

(h) other facilities supporting aeronautical meteorological (A-MET) services provided under Part 174;

(i) other facilities supporting aeronautical information services (AIS) provided under Part 175; and

(j) other facilities supporting search and rescue (SAR) services provided under Part 179;

**[The semicolon at the end of paragraph (j) should be a full stop;  
there are no additional paragraphs in the Government Gazette.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) In this Part reference to -

“Air Traffic Electronic Safety Personnel (ATSEP)” must be construed as reference to any qualified and certified ATEL personnel performing the installation, commissioning, operation, maintenance and decommissioning of CNS facilities;

“Communications, Navigation and Surveillance (CNS) services or systems” must be construed as reference to the ATEL services as described in subregulation (2); and

“Radio Regulations” must be construed as reference to -

- (a) the Radio Regulations published by the International Telecommunication Union (ITU), as amended from time to time by the decisions embodied in the Final Acts of World Radio Communication Conferences (WRC), as adopted by the Communications Regulatory Authority of Namibia (referred to as “CRAN” in this Part) established by section 4 of the Communications Act, 2009 (Act No. 8 of 2009);
- (b) information on the ITU processes as they relate to aeronautical radio frequency spectrum contained in the Handbook on Radio Frequency Spectrum Requirements for Civil Aviation (Doc 9718).

[In each of the three definitions above, the word “a” appears to have been omitted before the word “reference”. Alternatively, the word “reference” may have been intended to read “referring”.]

The Constitution and Convention of the International Telecommunication Union (ITU), 1992 has been binding on Namibia since 4 August 1994. Article 4(1) of the Constitution states that the instruments of the ITU are the Constitution, the Convention and the “Administrative Regulations”; ratification of the Constitution and Convention is understood to include consent to be bound by the Administrative Regulations (Art 54(2)). Article 4(3) of the Constitution lists the Administrative Regulations which are binding on all ITU members as being:

- (1) the *International Telecommunication Regulations* (which exist in 1998 and 2012 versions)
- and (2) the *Radio Regulations* (which exist in 1979 and 1995 versions).

Amendments to the Administrative Regulations are provisionally binding on all parties that have signed them from the date of provisional application set out in the amendment, and then finally binding on all parties regardless of signature unless a notice of reservation is sent to the Secretary General within thirty-six months of the date of provisional application.

Although the 1979 Radio Regulations have been largely superseded by the 1995 Radio Regulations, the earlier version continues to have some relevance. Links to online texts of these regulations, as amended, can be found in the Namlex Appendix, under the entry for the *Constitution and Convention of the International Telecommunication Union (ITU), 1992*.]

## Applicability

**171.01.2** (1) This Part -

- (a) prescribes the -
  - (i) regulatory requirements and standards for the provision, installation, commissioning, operation, maintenance and decommissioning of aeronautical telecommunications (ATEL) services or systems used for air traffic services, and aeronautical radio-navigation (ANAV) services used for air navigation, conjointly referred to as ATEL services; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (ii) operating and technical standards for ATEL services used for air traffic services, and aeronautical radio-navigation services used for air navigation;
- (b) applies to a person, who wishes to become, or is, an ATEL service provider including a person who wishes to provide flight inspection or calibration services.
- (2) This Part does not apply to -
  - (a) a person, including a person who is providing an ATEL service in the course of his or her duties for the Namibian Defence Force; or
  - (b) any ATEL service provided by and for the sole use of the Namibian Defence Force.

**Standards for provision of ATEL services**

**171.01.3** (1) An ATEL service provider must provide services in full compliance with the -

- (a) requirements prescribed in Part 170;
- (b) requirements prescribed in this Part;
- (c) standards set out in Document NAM-CATS-ATEL;
- (d) requirements of any other Parts referred to in this Part;
- (e) provisions set out or referred to in ICAO Annex 10;
- (f) standards set out or referred to in any relevant ICAO Documents;
- (g) provisions of any other relevant Authority documents; and
- (h) ATEL provider's manual of procedures.

**SUBPART 2**  
**CERTIFICATION OF ATEL SERVICE PROVIDERS**

**Requirement for certification**

**171.02.1** A person may not install, maintain, repair, modify, calibrate or decommission an ATEL facility used for air navigation or for the provision of air traffic services except, under the authority of, and in accordance with the provisions of a certificate issued under this Part, the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-ATEL.

**Application for certificate or amendment thereof**

**171.02.2** An application for the issuing of an ATEL service provider certificate, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate set out form set out in Document NAM-CATS-ATEL; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The phrase “set out” is repeated in the *Government Gazette*;  
it should appear only after the word “form”.]

- (b) accompanied by the -
  - (i) manual of procedures referred to in regulation 171.03.1;
  - (ii) appropriate fee as prescribed in Part 187.

**Issue of ATEL service provider certificate**

**171.02.3** (1) The Executive Director may issue an ATEL service provider certificate, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and this Part;
- (b) the applicant’s personnel required by this Part are competent to perform their respective duties;
- (c) the applicant’s senior personnel have not held a senior position in an organisation whose approval was revoked by the Executive Director; and
- (d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The ATEL service provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-ATEL.

**Renewal of ATEL service provider certificate**

**171.02.4** (1) An application for the renewal of an ATEL service provider certificate, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-ATEL; and
- (b) accompanied by the -
  - (i) manual of procedures referred to in 171.03.1; and
  - (ii) appropriate fee as prescribed in Part 187.

(2) The holder of a certificate must, if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the ATEL service provider certificate expires, apply to the Executive Director for the renewal of such certificate.

**Duplicate certificate**

**171.02.5** (1) An application for a duplicate certificate as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ATEL; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-ATEL.

**Privileges of ATEL service provider certificate holder**

**171.02.6** The privileges of an ATEL service provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-ATEL.

**SUBPART 3**  
**GENERAL REQUIREMENTS FOR PROVISION OF AERONAUTICAL**  
**TELECOMMUNICATION SERVICES**

**Manual of procedures**

**171.03.1** The holder of an ATEL service provider certificate must at all times, maintain a manual of procedures that -

- (a) complies with the requirements of this Part and of Part 170; and
- (b) contains the information set out in Document NAM-CATS-ATEL.

**ATEL organisation**

**171.03.2** An ATEL service provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with requirements prescribed in this Part and the requirements set out in Document NAM-CATS-ATEL, the aeronautical telecommunication (ATEL) services covered by its certificate.

**Personnel requirements**

**171.03.3** (1) An ATEL service provider must engage, employ or contract sufficient, competent and qualified personnel as required under Part 170, to provide the ATEL services required under this Part.

(2) In relation to the personnel referred to subregulation (1), an ATEL service provider must -

[The word “in” appears to have been omitted after the phrase “referred to”.]

- (a) provide them with appropriate trainings; and
- (b) certify them as air traffic electronic safety personnel (ATSEP) with written evidence of the scope of their authorisation before they can exercise their duties.

(3) An ATEL service provider must engage or contract, competent and qualified personnel as required under Part 170, to perform the installation, commissioning, operation, maintenance and decommissioning of communications, navigation and surveillance (CNS) facilities.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) An ATEL service provider must provide in its manual of procedures, an analysis of the ATSEP required to perform the ATEL services listed in its certificate taking into account the duties and workload required.

(5) An ATEL service provider must -

- (a) define a method for determining the required number of ATSEP and the procedure for their recruitment and progression; and
- (b) develop and include in its manual of procedures, job descriptions for ATSEP involved in the provision of ATEL services.

**Training and certification of ATEL personnel**

**171.03.4** (1) An ATEL service provider must ensure that a person does not perform a function related to the installation, commissioning, operation, maintenance or decommissioning of any CNS system unless -

- (a) that person has successfully completed training in the performance of that function;
- (b) the ATEL service provider, with supported documentation, is satisfied that the person is competent in performing that function; and
- (c) that person has been certified as an ATSEP with written evidence of the scope of his or her authorisation before the person can exercise his or her duties

[There is no full stop at the end of paragraph (c);  
there are no additional words in the *Government Gazette*.]

(2) An ATEL service provider must -

- (a) develop an overall training policy, programme and plan for the ATSEP in accordance with regulation 170.05.4; and
- (b) maintain individual training records for each of its ATSEP in accordance with regulation 170.05.4.

(3) An ATEL service provider must develop a training programme with initial qualification and continuation training for certification of the ATSEP personnel to ensure that all those engaged in the installation, commissioning, operation, maintenance, inspection or decommissioning of CNS facilities are appropriately authorised or certified.

**ATEL facilities, equipment, tools, material and procedures**

**171.03.5** Before issuing a certificate to an ATEL service provider, the Executive Director must satisfy himself or herself that the service provider's facilities, equipment, tools, material and procedures meet the requirements of this Part and Subpart 5 of Part 170.

**Services records**

**171.03.6** (1) An ATEL service provider must keep adequate records of all services performed on its facilities and equipment.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (2) The records referred to in subregulation (1) must -
  - (a) indicate the name of each person who performed the work;
  - (b) indicate the name of each person who inspected the work; and
  - (c) be retained for five years from the date on which the facility to which the work relates, was released to service.

(3) An ATEL service provider must provide a copy of each certificate of release to service together with a copy of any specific facility specification used for repairs or modifications carried out, to the operator of the facility.

(4) An ATEL service provider must establish a procedure for recording maintenance details and for the retention of such maintenance records.

**ATEL facility requirements**

- 171.03.7** (1) An ATEL service provider must ensure that -
- (a) each aeronautical telecommunication (ATEL) facility listed in its manual of procedures -
    - (i) is designed and installed in accordance with the provisions of Part 139 relating to the siting and construction of equipment and installations on operational areas;
    - (ii) is commissioned to meet the applicable operational specifications for that facility;
    - (iii) conforms to the applicable system characteristics and specifications standards set out in NAM-CATS-ATEL;
    - (iv) is operated, maintained, available and reliable in accordance with the required standards; and
    - (v) has been allocated an identification code or call sign, if a code or call sign is required under this Part;
  - (b) information on the operational status of each ATEL facility listed in its manual of procedures, that is essential for the en-route, approach, landing, and take-off phases of flight is provided to meet the operational needs of the service being provided;
  - (c) each ATEL facility listed in its manual of procedures is installed with suitable power supplies and means to ensure continuity of operation appropriate to the needs of the air traffic service or radio navigation service being supported;
  - (d) each ATEL facility listed in its manual of procedures is provided with equipment redundancy or increased maintenance staffing to ensure reliability and availability of operation appropriate to the needs of the air traffic service or radio navigation service being supported;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) each ATEL facility listed in its manual of procedures has sufficient and suitable spares to ensure continuity of operation appropriate to the needs of the air traffic service or radio navigation service being supported;
- (f) a security programme required under regulation 170.04.12 is established for each facility to minimise any risk of destruction of, damage to, or interference with the operation of the facility; and
- (g) any critical site area of any ATEL facility listed in its manual of procedures is -
  - (i) clearly identified on the site drawings for the ATEL facilities; and
  - (ii) physically protected by suitable signposts on the site; and
  - (iii) protected by written agreements with the site owner, aerodrome operator, and air traffic control unit, as appropriate, to ensure that site restrictions are not infringed by buildings, fences, vehicles, machinery or aircraft.

(2) An ATEL service provider who intends to operate a temporary ATEL facility to carry out site tests must establish a procedure for conducting those tests in accordance with regulation 171.04.4.

**Documents and records to be maintained**

**171.03.8** (1) An ATEL service provider must hold and maintain the following documents:

- (a) any technical manual used by the service provider at the facility; and
- (b) any documents of a kind listed in Document NAM-CATS-ATEL that relate to the provider's service.
- (2) For the purpose of subregulation (1)(a), a technical manual means -
  - (a) a document, other than the manual of procedures, that contains technical information about the operation and maintenance of a facility; and
  - (b) document or documents that may have been created by the equipment or facility of the manufacturer.
- (3) An ATEL service provider must ensure that -
  - (a) a master copy of each document mentioned in this regulation is kept safely;
  - (b) copies of documents are kept in a form that enables amendments to be made; and
  - (c) any document that has been replaced cannot be used by mistake.
- (4) An ATEL service provider must retain each document that -
  - (a) is given to, or is created by or for, contracted service providers;
  - (b) relates to aviation safety; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) provides a history of events that relate to the design, installation, testing, operation, maintenance, modification or repair of, or changes to, each facility.

(5) A “document” for purposes of this Part includes any record of a kind mentioned in this Part and Document NAM-CATS-ATEL that is given to, or created by the ATEL service provider for use in the provision of services.

[There should be a comma after the phrase “or created by” to offset that phrase properly.]

(6) A document retained under this regulation must be stored so it can be retrieved if needed for the period prescribed in regulation 170.05.6.

(7) An ATEL provider must establish a procedure for the control of the documentation required under this regulation and Part 170.

**ATEL facility performance**

**171.03.9** An ATEL service provider must establish a procedure to ensure that no ATEL facility listed in its manual of procedures is placed into operational service unless -

- (a) the person placing the ATEL facility into operational service is assessed as competent and authorised according to the procedures required under regulations 170.05.4 and 171.03.4;
- (b) the appropriate checks detailed in the operating and maintenance instructions required under this Part have been carried out to verify the performance of the ATEL facility; and
- (c) the ATEL facility record has been completed according to the procedures required under regulation 171.03.8.

**Inspection, measuring and test equipment**

**171.03.10** (1) An ATEL service provider must satisfy the Executive Director that it has the equipment, tools and material necessary to perform adequately the approved scope of work as required by the applicable equipment specifications, its manuals, and the regulations in this Part.

(2) An ATEL service provider must ensure that appropriate inspection tools, measuring and test equipment are available for the ATSEP to maintain the operation of each ATEL facility listed in its manual of procedures.

(3) An ATEL service provider must establish a procedure to control, calibrate, and maintain all the inspection tools, measuring, and test equipment to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed.

(4) The procedure required under subregulation (3) must require that each item of test equipment required for the measurement of critical performance parameters is -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) calibrated before use or at intervals set out in Document NAM-CATS-ATEL or by the Executive Director with the calibration traceable to an appropriate Namibian standard issued under the Standards Act, 2005 (Act No. 18 of 2005);
- (b) identified with a suitable indicator to show its calibration status; and
- (c) controlled to -
  - (i) safeguard against adjustments that would invalidate the calibration setting; and
  - (ii) ensure that the handling, preservation, and storage of the test equipment are such that its accuracy and fitness for use is maintained.

(5) If hardware and software systems are used for the performance testing of any ATEL facility, the procedures under subregulation (3) must require the functions of those testing systems to be checked -

- (a) before being released for use; and
- (b) at intervals set out in Document NAM-CATS-ATEL or as determined by the Executive Director,

to establish that those testing systems are capable of verifying the true performance of the ATEL facility.

**Notification of ATEL facility status**

**171.03.11** (1) A person operating an ATEL facility must, as soon as possible -

- (a) forward to the aeronautical information services (AIS) -
  - (i) information on the operational details of any new ATEL facility, for publication in the aeronautical information publication; and
  - (ii) information concerning any change in the operational status of any existing ATEL facility, for the issue of a NOTAM;
- (b) check and ensure that the information forwarded to the AIS under paragraph (a) has been accurately published; and
- (c) notify the Executive Director, as appropriate, of any incidents affecting the status of published information.

(2) An ATEL service provider must establish a procedure to ensure that the requirements of subregulation (1) are met for each applicable ATEL facility listed in its manual of procedures.

(3) The procedure required under subregulation (2) must include a means to confirm that -

- (a) the operational details of the ATEL facility as notified to the AIS have been accurately published in the AIP; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) any change to the operational status of the ATEL facility has been published by a NOTAM.

**Interruption to services**

**171.03.12** An ATEL service provider must -

- (a) establish procedures to be used in the event of interruption to CNS facilities;
- (b) establish procedures to be used when upgrading CNS facilities; and
- (c) specify an acceptable recovery time for each service.

**Periodic maintenance, inspection and testing**

**171.03.13** (1) An ATEL service provider must establish a procedure for the periodic maintenance, inspection and testing of the ATEL facilities listed in its manual of procedures to verify that each facility meets the applicable operational requirements and performance specifications for that facility.

- (2) The procedure required under subregulation (1) must -
  - (a) include ground maintenance, inspections and tests, and if necessary flight tests;
  - (b) include the criteria for establishing or changing the interval between the periodic tests for each ATEL facility listed in the manual of procedures, having regard to -
    - (i) any applicable information published by the Executive Director;
    - (ii) any applicable reliability data for the ATEL facility; and
    - (iii) information on the proven reliability performance of the ATEL facility, and of other similar aeronautical facilities, and the stability of the ATEL facility's operating environment; and
  - (c) ensure that the grounds for establishing or changing the interval between the periodic tests for each ATEL facility listed in the manual of procedures are documented.
- (3) An ATEL service provider must establish a programme of periodic -
  - (a) ground maintenance, inspections and tests for each ATEL facility listed in its manual of procedures;
  - (b) flight tests for each ATEL facility listed in its manual of procedures; and
  - (c) ground check and flight tests for each radio navigation aid listed in its manual of procedure in accordance with the maximum periodicity requirements specified in subregulation (4).

(4) The maximum periodicity of ground check and flight tests of radio navigation aids referred to in subregulation (3)(c) are as follows:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) Conventional Very High Frequency Omni-directional Range (CVOR) must be ground-checked once in six months and flight tested once in 12 months;
- (b) Doppler Very High Frequency Omni-directional Range (DVOR) must be ground-checked once in six months and flight tested once in 12 months;
- (c) Distance Measuring Equipment (DME) must be ground-checked once in six months and flight tested once in 12 months; and
- (d) Instrument Landing System (ILS) must be ground-checked once in three months and flight tested once in six months.

(5) An ATEL service provider must publish a NOTAM and notify the Executive Director of any radio navigation aid that has not undergone the scheduled periodic flight tests.

**ATEL facility check after accident or incident**

**171.03.14** (1) An ATEL service provider must establish a procedure to check and accurately record the operating condition of any ATEL facility operated under its certificate that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

- (2) The procedure required under subregulation (1) must require that -
  - (a) a person is designated by the service provider to coordinate the checks;
  - (b) the persons carrying out the checks required in paragraph (a) must not include anyone who was the last person to work on the facility;
  - (c) the checking of the ATEL facility's operating condition is carried out as soon as possible after notification of the accident or incident to the holder of the ATEL service provider certificate;
  - (d) the record of that check, and the recorded history of the ATEL facility, is kept in a secure place for possible use by any subsequent accident or incident investigation; and
  - (e) the records required to be secured under paragraph (d) are retained for 10 years from the date of the last entry made on that record.

**Facility malfunction and safety incidents**

**171.03.15** (1) An ATEL service provider must establish procedures for the reporting, collection, investigation and notification of facility malfunction and safety incidents.

(2) The procedures for notification required by subregulation (1) must include a procedure for notifying the Executive Director, as soon as possible, of any facility malfunction and safety incidents.

(3) The ATEL service provider must periodically compile and review reports of facility malfunctions and safety incidents in accordance with subregulation (1) to -

- (a) determine the cause of the incidents and determine any adverse trends;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) implement corrective and preventive actions to eliminate the cause of a facility malfunction incident and prevent recurrence of the incidents; and
- (c) implement any measures to improve the safety performance of the CNS systems.

(4) The ATEL service provider must report any serious service failure or safety incident to the Executive Director for investigation in order to understand how and why the incident happened, including possible organisational contributing factors and to recommend actions to prevent a recurrence.

**Records maintenance procedures**

**171.03.16** (1) An ATEL service provider must establish procedures to identify, collect, index, store, maintain, and dispose of the records covering -

- (a) the performance and maintenance history of each ATEL facility;
- (b) the establishment of the periodic test programmes for each ATEL facility;
- (c) each item of test equipment required for the measurement of critical performance parameters;
- (d) each reported or detected ATEL facility malfunction;
- (e) each internal quality assurance review; and
- (f) each person who is authorised to place ATEL facilities into operational service.

(2) The procedures required under subregulation (1) must require that accurate records of the following are maintained:

- (a) for each ATEL facility, a record -
  - (i) documenting the operating performance of the ATEL facility; and
  - (ii) providing a history of the maintenance, and the periodic inspections and tests of the ATEL facility, that are traceable to the person or persons responsible for each of the recorded activities;
- (b) for each ATEL facility, a record of the establishment of, or a change in, the periodic tests required under this Part;
- (c) for each item of test equipment that is used for the measurement of an ATEL facility's critical performance parameters, a record that includes a traceable history of the location, maintenance, and the calibration checks for the item of test equipment;
- (d) for each ATEL facility malfunction incident reported, a record that includes -
  - (i) details of the nature of the malfunction;
  - (ii) the findings of the investigation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) the follow up corrective actions; and
- (iv) if applicable, a copy of the report submitted to the Executive Director;
- (e) for each person who is authorised in accordance with this Part to place ATEL facilities into operational service, a record that includes details of the person's experience, qualifications, training, competence assessments, and current authorisations.
- (3) The procedures required under subregulation (1) must require -
  - (a) all records to be legible and of a permanent nature; and
  - (b) all ATEL facility records required under subregulation (2)(a) to be retained for a period of at least five years.

**Quality management system**

**171.03.17** An ATEL service provider must ensure that it meets quality requirements to help manage quality standards as set out in Document NAM-CATS-ATEL.

[Regulation 171.03.17 is substituted by GN 11/2024.]

**Security programme**

**171.03.18** An ATEL provider must, if so required under the Act or these regulations, establish a security programme referred to in regulation 170.04.12, in accordance with the standards set out in Document NAM-CATS-ATEL.

**Common reference systems for use in ATEL**

**171.03.19** Subject to any standard units of measurement prescribed under Part 2, an ATEL service provider must use -

- (a) the Gregorian calendar and Coordinated Universal Time (UTC) expressed in hours' minutes and seconds of the 24-hour day where midnight is designated as 2400 for the end of the day and 0000 for the beginning of the day, as the temporal reference system;
 

[The apostrophe after the word "hours" should be a comma.]
- (b) Mean Sea Level (MSL) as the vertical reference system; and
- (c) World Geodetic System: 1984 (WGS-84) as the horizontal (geodetic) reference system.

**SUBPART 4**  
**OPERATING REQUIREMENTS**

**Continued compliance**

**171.04.1** An ATEL service provider must -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) continue to meet the standards and comply with the certification requirements prescribed in this Part and Part 170;
- (b) continue to meet the requirements of this Part and the standards for communication, navigation and surveillance systems; and
- (c) comply with all procedures specified in its manual of procedures and associated technical manuals and procedures.

**Operating and maintenance instructions**

**171.04.2** (1) An ATEL service provider must -

- (a) have operating and maintenance instructions that set out the requirements for operating and maintaining each ATEL facility listed in its manual of procedures; and
- (b) provide the operating and maintenance instructions required under paragraph (a) for the use and guidance of its personnel.

(2) The operating and maintenance instructions required under subregulation (1)(a) must include -

- (a) details of the critical performance parameters for each ATEL facility;
- (b) the associated minimum performance levels for those critical performance parameters referred to in paragraph (a);
- (c) details of the test equipment required for the measurement of those critical performance parameters referred to in paragraph (a); and
- (d) details of the mandatory inspection and test procedures for the operation and maintenance of each ATEL facility.

**Deviations**

**171.04.3** (1) If an emergency, including a disruption, necessitates immediate action for the protection of life, property and the environment and the action involves an aircraft operation, the holder of an ATEL service certificate may, subject to limitations of its certificate, deviate from any requirement of this Part.

(2) The holder of an ATEL service certificate who deviates from a requirement of this Part under subregulation (1) must -

- (a) provide a written report to the Executive Director as soon as possible, but in any event not later than 14 days, after the emergency; and
- (b) include in the report required under paragraph (a) the cause, if known, nature, extent, and duration of the deviation.

**Temporary ATEL facility**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**171.04.4** If a temporary ATEL facility is operated for the purpose of a site test, an ATEL service provider is not required to comply with certification requirements of Subpart 3, except that the ATEL service provider must -

[The word “the” appears to have been omitted before the phrase “certification requirements of Subpart 3”.]

- (a) establish procedures for conducting those tests;
- (b) ensure that the operation of the facility does not cause interference with any other operating ATEL facility;
- (c) forward information regarding operation of the temporary facility to the AIS for the issuance of a NOTAM; and
- (d) ensure that an appropriate NOTAM has been published before operating the temporary facility.

**Limitations on ATEL service provider**

**171.04.5** (1) Except for the operation of a temporary ATEL facility for site tests, an ATEL service provider may not permit an ATEL facility to continue in operational service if the provider has any cause to suspect or doubt the integrity of the information being provided by the facility.

(2) An ATEL service provider may not operate a radio transmitting ATEL facility on an aeronautical radio frequency except under a radio apparatus licence granted by CRAN.

(3) Except where a deviation is required under or a site test is carried out according to the procedures required under this Part, an ATEL service provider may not operate an ATEL facility under the authority of that certificate unless -

- (a) the ATEL facility is listed in the service provider’s manual of procedures;
- (b) the performance of the ATEL facility meets the applicable information published for that facility under this Part and in Document NAM-CATS-ATEL;
- (c) the performance of the ATEL facility meets the applicable requirements of this Part and of Document NAM-CATS-ATEL;
- (d) any integrity monitoring system for the ATEL facility is fully functional;
- (e) all the periodic maintenance for the ATEL facility are completed according to the programmes established under this Part;

[The verb “are” should be “is” to accord with the subject “maintenance”.]

- (f) the ATEL facility is included in the service provider’s security programme;
- (g) the destruction, damage, or interference with the ATEL facility is not likely to endanger the safety of an aircraft in flight; and



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (h) where paragraph (f) applies, the requirements of the security programme for the ATEL facility are being complied with.

**Interface arrangement for support services**

**171.04.6** An ATEL service provider must formalise interface arrangements where applicable with external organisations in the form of service level agreements, detailing the following:

- (a) the interface and functional specifications of the support service;
- (b) the service level of the support service such as continuity, availability, accuracy, integrity and recovery time of failure of service; and
- (c) the monitoring and reporting of the operational status of the service to the service provider.

**Operation and maintenance plan**

**171.04.7** (1) An ATEL service provider must establish an overall operation and maintenance programme to ensure continuous operation and monitoring of the ATEL services it provides.

- (2) All ATEL facilities must -
  - (a) be maintained for normal operations on a routine basis;
  - (b) meet the required level of continuity, reliability and availability;
  - (c) provide for the timely and appropriate detection and warning of system failures and degradations;
  - (d) include documentation on the consequences of system, sub-system and equipment failures and degradations; and
  - (e) include measures to control the probability of failures and degradations.

(3) In addition to the overall operation and maintenance programme, the ATEL service provider must establish an operation and maintenance plan for each facility which must include -

- (a) a procedure for the periodic maintenance, inspection and testing of each ATEL facility to verify that it meets the operational and performance specifications of that facility;
- (b) details of any flight test, if necessary, such as the standards and procedures to be used and flight test interval;
- (c) the interval between the periodic maintenance, inspection and the flight test and the basis for that interval including changes to such interval and the reasons for the changes;
- (d) the operation and maintenance instructions for each ATEL facility;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) an analysis of the number of personnel required to operate and maintain each ATEL facility taking into account the workload required;
- (f) the corrective plan and procedures for each ATEL facility, including, whether the repair of modules and component are undertaken in-house or by equipment manufacturers; and

[The comma after the word “including” is superfluous. The verb “are” should be “is” to accord with the subject “repair”. The word “component” should be plural.]

- (g) the spare support plan for each ATEL facility.

(4) Where the system established by the ATEL service provider allows for continuous monitoring of all CNS systems from a centralised management control room which allows for immediate detection and alerting of malfunctions or deviations from specified performance requirements, the routine ground testing of the ATEL facilities may not be necessary.

**Safety case**

**171.04.8** An ATEL service provider must ensure that a safety case, or equivalent, is conducted for critical systems before commissioning and periodic maintenance in accordance with the requirements set out in Document NAM-CATS-ATEL.

**Commissioning of new facilities**

**171.04.9** (1) An ATEL service provider must ensure that each new ATEL facility is -

- (a) commissioned to meet the specification standards for that facility; and
- (b) installed in compliance with the requirements prescribed in this Part and the specification standards set out in Document NAM-CATS-ATEL before commissioning.

(2) The ATEL service provider must ensure that the system performance of the new ATEL facility has been validated by the necessary tests, and that all parties involved with the operations and maintenance of the ATEL facility, including its maintenance contractors have accepted and are satisfied with the results of the tests.

(3) The ATEL service provider must ensure that procedures include documentation of tests conducted on the ATEL facility prior to the commissioning, including those that test the compliance of the facility with the applicable standards set out in Document NAM-CATS-ATEL and any flight check required in compliance with this Part.

**Radio site approval**

**171.04.10** (1) A person may not install a radio site, unless that person has obtained the prior approval of the Executive Director to do so.

(2) An application to install a radio site must be submitted to the Executive Director in accordance with requirements set out in Document NAM-CATS-ATEL.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The word “the” appears to have been omitted before the phrase “requirements set out in Document NAM-CATS-ATEL”.]

(3) The Executive Director must grant a certificate of approval if the Executive Director is satisfied -

- (a) as to the intended purpose of the equipment; and
- (b) that the person or organisation is competent to install or operate the equipment and that the equipment is fit for its intended purpose.

(4) The person applying for an approval must notify the Executive Director of the type, and availability, of any service which is available for use by any aircraft.

(5) The Executive Director may approve a person or organisation to provide particular services in connection with approved equipment.

(6) The Executive Director may require the flight calibration and commissioning of such equipment by an authorised person or organisation.

(7) The Executive Director may require that the information in subregulation (4) be published in a NOTAM or in the AIP.

**Frequencies, identification codes and call signs**

**171.04.11** (1) A person may not operate -

- (a) a radio navigation aid, unless the radio navigation aid has been assigned an operating frequency and identification code by the Executive Director;
- (b) a radio communication transmitter on an aeronautical radio frequency spectrum, unless it has been assigned an operating frequency and call sign by the Executive Director,

and a radio apparatus licence has been granted by CRAN.

(2) The Executive Director must allocate an identification code for a navigation aid or call sign for an aeronautical radio communication facility if he or she is satisfied that the allocation of a code or call sign is not contrary to the interest of aviation safety.

**Protection of radio sites**

**171.04.12** (1) A radio site must be protected in accordance with requirements set out in Document NAM-CATS-ATEL.

(2) A person may not allow a structure or object, whether natural or artificial, which has the potential of interfering or degrading radio signals for the purpose of aviation safety, to come in existence or to move or be moved within the surfaces and slopes of radio navigation aids sites.

**Interference with radio signals**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**171.04.13** (1) An ATEL provider must notify the Executive Director as soon as possible, of any electromagnetic interference to any facility providing radio signals, or any source of interference degrading radio signals.

(2) The Executive Director must upon being notified of the interference with radio signals in terms of subregulation (1), require CRAN to investigate, or cause to be investigated, all reports of interference, and may require further action to be taken.

(3) The ATEL service provider must ensure that -

- (a) there is no intentional transmission of unnecessary or anonymous radio signals, messages or data by any of its radio stations;
- (b) arrangements are made with CRAN to address occurrence of radio frequency interference and for reporting of any frequency interference occurrence; and

[The phrase “occurrence of radio frequency interference”  
should be “occurrences of radio frequency interference”.]

- (c) radio frequency interference occurrences are investigated and follow-up actions are taken to prevent recurrence.

**Information provided by ATEL facility**

**171.04.14** A person may not allow a facility providing radio signals for the purpose of aviation safety to continue in operation, if there is any reasonable cause to suspect that the information being provided by that facility is erroneous.

**Test transmissions**

**171.04.15** (1) An ATEL service provider may make a test transmission if -

- (a) the transmission is necessary to test a service, ATEL facility or equipment; and
- (b) within a reasonable time before commencing the transmission, the users have been informed about the transmission.

(2) An ATEL service provider must ensure that -

- (a) no test transmission for the purpose of evaluating a radio site, or the operational viability of an ATEL facility or equipment, for the purpose of aviation safety, is done without the prior approval of the Executive Director;
- (b) the Executive Director is notified as to the purpose and duration of such test transmission;
- (c) the test transmission contains information indicating that it is a test transmission and complies with any requirements set out in Document NAM-CATS-ATEL;
- (d) frequencies allocated for the purpose of testing are valid for the duration of the test only; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the operation of a temporary ATEL facility does not cause any interference with any other operational facility.

**Safety management system**

**171.04.16** An ATEL service provider must ensure that it meets safety requirements to help manage safety standards as set out in Document NAM-CATS-ATEL.

[Regulation 171.04.16 is substituted by GN 11/2024.]

**Station (site) logs**

**171.04.17** An ATEL service provider must keep site logs for all facilities used to provide an ATEL service or a radio navigation service as set out in Document NAM-CATS-ATEL.

**SUBPART 5**  
**STANDARDS FOR ATEL FACILITIES AND SERVICES**

**Radio navigation aids**

**171.05.1** (1) An ATEL service provider must ensure that radio navigation aids used for air navigation comply with the specification standards set out in Document NAM-CATS-ATEL.

(2) An ATEL service provider must observe human factor principles in the design and certification of radio navigation aids.

**Communication procedures including those with PANS status**

**171.05.2** An ATEL service provider must ensure that communication procedures including those with Procedures for Air Navigation Services (PANS) status comply with the specification standards set out in Document NAM-CATS-ATEL.

**Communication systems**

**171.05.3** (1) An ATEL service provider must ensure that digital data communication systems provided for use in air navigation comply with specifications standards set out in Document NAM-CATS-ATEL.

(2) An ATEL service provider must ensure that voice communication systems provided for air navigation including air-to-ground, ground-to-air and ground-to-ground communication systems comply with specification standards set out in Document NAM-CATS-ATEL.

(3) An ATEL service provider must observe human factor principles in the design and certification of communication systems.

**Surveillance and collision avoidance systems**

**171.05.4** (1) An ATEL service provider must ensure that surveillance and collision avoidance systems provided for air navigation comply with specification standards set out in Document NAM-CATS-ATEL.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An ATEL service provider must observe human factor principles in the design and certification of surveillance and collision avoidance systems.

**Aeronautical radio frequency spectrum utilisation**

**171.05.5** An ATEL service provider must ensure that the utilisation of aeronautical radio frequency spectrum in air navigation complies with specification standards set out in Document NAM-CATS-ATEL.

[The word “the” appears to have been omitted  
before the phrase “aeronautical radio frequency spectrum”.]

**Other facilities used to provide ATS, MET, AIS, SAR and PANS-OPS**

**171.05.6** An ATEL service provider must ensure that C2 link systems and procedures relating to remotely piloted aircraft systems comply with specification standards set out in Document NAM-CATS-ATEL.

[Regulation 171.05.6 is substituted by GN 11/2024.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 172**  
**AIR NAVIGATION SERVICES: AIR TRAFFIC SERVICES**

[Part 172 is substituted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 172.01.1 Definitions for this Part
- 172.01.2 Applicability
- 172.01.3 Standards for provision of air traffic services

**SUBPART 2: CERTIFICATION OF ATS PROVIDERS**

- 172.02.1 Requirement for certification
- 172.02.2 Application for certificate or amendment thereof
- 172.02.3 Issue of ATS provider certificate
- 172.02.4 Renewal of ATS provider certificate
- 172.02.5 Duplicate certificate
- 172.02.6 Privileges of ATS provider certificate holder

**SUBPART 3: GENERAL OBLIGATIONS OF AIR TRAFFIC SERVICE PROVIDERS**

- 172.03.1 Manual of procedures
- 172.03.2 ATS provider organisation
- 172.03.3 Personnel requirements
- 172.03.4 Training and competency of ATS personnel
- 172.03.5 ATS facilities and equipment
- 172.03.6 Agreements with aeronautical telecommunications service providers
- 172.03.7 Agreements with aerodrome operators
- 172.03.8 Arrangements for transfer of information
- 172.03.9 Quality management system
- 172.03.10 Fatigue management system
- 172.03.11 Security programme
- 172.03.12 ATS station standing instructions
- 172.03.13 Documentation
- 172.03.14 Documents and records
- 172.03.15 Documents and records control system
- 172.03.16 Deviation from air traffic service standards

**SUBPART 4: ESTABLISHMENT AND PROVISION OF AIR TRAFFIC SERVICES**

- 172.04.1 Provision of air traffic services
- 172.04.2 Objectives of air traffic services
- 172.04.3 Divisions of air traffic services
- 172.04.4 Determination of the need for air traffic services
- 172.04.5 Designation of the portions of airspace and controlled aerodromes for provision of air traffic services

[The heading of this regulation in the text below is  
“Determination of need for air traffic services” (without the word “the”).]

[The heading of this regulation in the text below is “Designation of portions of airspace and controlled aerodromes for provision of air traffic services” (without the word “the”).]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 172.04.6 Classification of airspace
- 172.04.7 Performance-based navigation (PBN) operations
- 172.04.8 Performance-based communication (PBC) operations
- 172.04.9 Performance-based surveillance (PBS) operations
- 172.04.10 Establishment and designation of units providing air traffic services
- 172.04.11 Specifications for flight information regions, control areas and control zones
- 172.04.12 Identification of air traffic service units and airspaces
- 172.04.13 Establishment and identification of air traffic service routes
- 172.04.14 Establishment of change-over points
- 172.04.15 Establishment and identification of significant points
- 172.04.16 Establishment and identification of standard routes for taxiing aircraft
- 172.04.17 Coordination between air traffic services and the operators
- [The heading of this regulation in the text below is**
- “Coordination between air traffic services and operators” (without the word “the”).]**
- 172.04.18 Coordination between air traffic services and military authorities
- 172.04.19 Coordination of activities potentially hazardous to civil aircraft
- 172.04.20 Determination and reporting of ATS related aeronautical data
- 172.04.21 Coordination between meteorological and air traffic services authorities
- 172.04.22 Coordination between aeronautical information services and air traffic services authorities
- 172.04.23 Minimum flight altitudes
- 172.04.24 Service to aircraft in case of emergency
- 172.04.25 In-flight contingencies: strayed or unidentified aircraft
- 172.04.26 In-flight contingencies: interception of civil aircraft
- 172.04.27 Time in air traffic services
- 172.04.28 Requirements for carriage and operation of pressure-altitude reporting transponders
- 172.04.29 Safety management and prevention of runway incursions
- 172.04.30 Common reference systems
- 172.04.31 Language proficiency
- 172.04.32 Contingency arrangements
- 172.04.33 **[Regulation 172.05.33 is deleted by GN 11/2024.]**
- 172.04.34 **[Regulation 172.05.34 is deleted by GN 11/2024.]**

**SUBPART 5: REQUIREMENTS FOR PROVISION OF AIR TRAFFIC CONTROL SERVICES**

- 172.05.1 Provision of air traffic control service
- 172.05.2 Air traffic control units
- 172.05.3 Operation of air traffic control service
- 172.05.4 Separation minima
- 172.05.5 Responsibility for control of aircraft
- 172.05.6 Transfer of responsibility for control
- 172.05.7 Air traffic control clearances
- 172.05.8 ATS system capacity and air traffic flow management
- 172.05.9 Control of persons and vehicles at aerodromes
- 172.05.10 Provision of radar and ADS-B alert and warning systems
- 172.05.11 Use of surface movement radar

**SUBPART 6: REQUIREMENTS FOR FLIGHT INFORMATION SERVICE**

- 172.06.1 Application of flight information service
- 172.06.2 Scope of flight information service
- 172.06.3 Operational flight information service broadcasts



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

172.06.4 VOLMET broadcasts and D-VOLMET service

**SUBPART 7: REQUIREMENTS FOR ALERTING SERVICE**

- 172.07.1 Application of alerting service
- 172.07.2 Notification of rescue coordination centres
- 172.07.3 Use of communication facilities
- 172.07.4 Plotting aircraft in state of emergency
- 172.07.5 Information to operator of aircraft in emergency
- 172.07.6 Information to aircraft operating in vicinity of an aircraft in state of emergency

**[The heading of this regulation in the text below is**

**“Information to aircraft operating in vicinity of aircraft in state of emergency” (without the word “an”).]**

- 172.07.7 Handling and reporting accidents and incidents

**SUBPART 8: AIR TRAFFIC SERVICES REQUIREMENTS FOR COMMUNICATION**

- 172.08.1 Aeronautical mobile service (air-ground communication)
- 172.08.2 Aeronautical fixed service (ground-ground communication)
- 172.08.3 Surface movement control service
- 172.08.4 Aeronautical radio navigation service

**SUBPART 9: AIR TRAFFIC SERVICE REQUIREMENTS FOR INFORMATION**

- 172.09.1 Meteorological information
- 172.09.2 Information on aerodrome conditions and operational status of associated facilities
- 172.09.3 Information on operational status of navigation services
- 172.09.4 Information on RPA
- 172.09.5 Information concerning volcanic activity
- 172.09.6 Information concerning radioactive materials and toxic chemical “clouds”

**SUBPART 10: SPECIAL PROCEDURES**

- 172.10.1 General
- 172.10.2 Fuel dumping
- 172.10.3 Photographic survey flights
- 172.10.4 Repetitive flight plans
- 172.10.5 Letters of agreement
- 172.10.6 Coordination in cases of aircraft experiencing degradation of area navigation
- 172.10.7 Coordination in cases of State aircraft without RNAV capability
- 172.10.8 Coordination in respect of provision of air traffic advisory service
- 172.10.9 Coordination between ATS units and aeronautical telecommunication stations
- 172.10.10 Radio communication failure
- 172.10.11 Degradation of aircraft position source data
- 172.10.12 Emergency descent
- 172.10.13 Other ATC contingency procedures
- 172.10.14 Loss of Vertical Navigation Performance Required for Reduced Vertical Separation Minimum (RVSM)
- 172.10.15 Air traffic service messages

**[The word “traffic” is misspelt in the Government Gazette, as reproduced above.  
It is spelt correctly in this heading in the text below.]**

- 172.10.16 Responsibility in regard to military traffic
- 172.10.17 Air traffic incident reports
- 172.10.18 Strategic lateral offset procedures

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 172.10.19 Notification of suspected communicable diseases or public health risk aboard aircraft
- 172.10.20 Coordination in respect of provision of ATC service
- 172.10.21 Coordination in respect of provision of flight information service and alerting service
- 172.10.22 Procedures for ATS units when volcanic ash cloud is reported or forecast
- 172.10.23 Responsibility in regard to unmanned free balloons

**SUBPART 11: ADMINISTRATIVE PROCEDURES**

- 172.11.1 Opening and closing of control positions
- 172.11.2 Fire prevention and facility evacuation
- 172.11.3 ATS unit forms, logs, libraries and directives

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**172.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-ATS.

(2) In this Part, “air traffic service (ATS)” means an air traffic service as described in regulation 172.04.3.

**Applicability**

**172.01.2** (1) This Part -

- (a) prescribes the general and operating requirements for organisations providing an air traffic service (ATS) in Namibia and in the Windhoek Flight Information Region;
  - (b) prescribes the specific technical standards for the provision of air traffic services in Namibia and in the Windhoek Flight Information Region;
  - (c) applies to the provision of air traffic services -
    - (i) at aerodromes in Namibia;
    - (ii) in the airspace over Namibia; and
    - (iii) in the airspace over the high seas administered by Namibia;
  - (d) applies to a person who wishes to become, or is, an air traffic service provider; and
  - (e) sets out certain administrative rules applying to the Executive Director in the administration of this Part;
- (2) This Part does not apply to -
- (a) a person who is providing air traffic services to military aircraft within designated military airspaces in the course of their duties, for the Namibian Defence Force; or
  - (b) any air traffic services provided to military aircraft within designated military airspaces for the Namibian Defence Force.

**Standards for provision of air traffic services**

**172.01.3** An ATS provider must provide services in full compliance with -

- (a) the general requirements prescribed in Part 170;
- (b) the requirements prescribed in this Part;
- (c) the requirements of any other Parts referred to in this Part;
- (d) the provisions set out or referred to in the current version of ICAO Annex 11;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (e) the standards set out or referred to in the current version of ICAO Doc 4444 and any relevant ICAO Documents;

[There is no paragraph labelled (f) in the *Government Gazette*.]

- (g) any applicable standards set out in Document NAM-CATS-ATS;
- (h) the provisions of the Authority's Procedures for Air Traffic Management and any other relevant Authority documents; and
- (i) the ATS provider's manual of procedures.

**SUBPART 2**  
**CERTIFICATION OF ATS PROVIDERS**

**Requirement for certification**

**172.02.1** A person may not provide an air traffic service except, under the authority of, and in accordance with the provisions of a certificate issued under this Part, the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-ATS.

**Application for certificate or amendment thereof**

**172.02.2** An application for the issuing of an ATS service provider certificate, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the -
  - (i) manual of procedures referred to in regulation 172.03.1;
  - (ii) appropriate fee as prescribed in Part 187.

**Issue of ATS provider certificate**

**172.02.3** (1) The Executive Director may issue an ATS provider certificate, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and this Part;
- (b) the applicant's personnel required by this Part are competent to perform their respective duties;
- (c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and
- (d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The ATS provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-ATS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Renewal of ATS provider certificate**

**172.02.4** (1) An application for the renewal of an ATS provider certificate, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the -
  - (i) manual regulation of procedures referred to in 172.03.1; and
  - (ii) appropriate fee as prescribed in Part 187.

(2) The holder of a certificate must, if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the ATS provider certificate expires, apply to the Executive Director for the renewal of such certificate.

**Duplicate certificate**

**172.02.5** (1) An application for a duplicate certificate as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ATS; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-ATS.

**Privileges of ATS provider certificate holder**

**172.02.6** The privileges of an ATS provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-ATS.

**SUBPART 3**  
**GENERAL OBLIGATIONS OF AIR TRAFFIC SERVICE PROVIDERS**

**Manual of procedures**

**172.03.1** The holder of an ATS provider certificate must at all times, maintain a manual of procedures that -

- (a) complies with the requirements of this Part and of Part 170; and
- (b) contains the information set out in Document NAM-CATS-ATS.

**ATS provider organisation**

**172.03.2** (1) An ATS provider must, at all times, maintain an appropriate organisation with sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-ATS, the services covered by its certificate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An ATS provider must establish in its organisational structures, ATS systems, functions and activities and management and operational positions necessary for the safe and efficient provision of the air traffic services.

**Personnel requirements**

**172.03.3** (1) An ATS provider must engage, employ or contract sufficient, competent and qualified personnel as required under Part 170, to provide the air traffic services.

(2) An ATS provider must establish a procedure for determining the required number of air traffic service personnel and the procedures for their recruitment and progression.

(3) An ATS provider must establish procedures to -

- (a) ensure the competence of those personnel who are authorised by the ATS provider to provide the air traffic services, and training and assessment for those services, listed in its manual of procedures;
- (b) provide those authorised personnel with written evidence of the scope of their authorisation;
- (c) ensure that those authorised personnel hold appropriate current licences and ratings issued under the Act and in accordance with Part 65;
- (d) ensure, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information;
- (e) facilitate, for rated air traffic service licence holders, compliance with the current experience requirements of Part 65; and
- (f) ensure, where practicable, that an air traffic controller does not exercise the privileges of his or her rating or ratings -
  - (i) unless he or she complies with any endorsements on his or her medical certificate; and
  - (ii) when any decrease in his or her medical fitness might render him or her unable to safely exercise those privileges.

**Training and competency of ATS personnel**

**172.03.4** (1) An ATS provider may not give to a person responsibility for an air traffic control function to be performed in connection with any air traffic service that it provides unless the person -

- (a) holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function; or
- (b) performs the function under the supervision of another person who holds an ATS licence with a rating issued in terms of Part 65 for the function and an endorsement

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

for the controlled aerodrome for which, or the airspace in relation to which, the person performs the function.

(2) An ATS provider may not give to a person the responsibility for providing an air traffic control function in connection with any air traffic service that it provides, if the person is subject to a direction in terms of Part 65.

(3) An ATS provider may not give to a person responsibility for an air traffic control function, unless that person undergoes regular competency training in accordance with Parts 65 and 170, and any requirements set out in Document NAM-CATS-ATS.

(4) An ATS provider must have in place a training policy and programme with basic, specialisation, and continuation trainings to ensure that all air traffic service activities can be performed.

(5) An ATS provider must maintain individual training records for each of its staff in accordance with the provisions of Part 170.

**ATS facilities and equipment**

**172.03.5** (1) An ATS provider must, at all times, make available for use by its personnel the equipment and facilities necessary for providing, in accordance with the standards set out in Document NAM-CATS-ATS, the air traffic services covered by its certificate.

(2) An ATS provider must establish ATS systems, including facilities and equipment, accommodation and all types of communications, navigation and surveillance equipment required to accomplish the air traffic service objectives.

(3) The equipment and facilities required by this regulation must be in accordance with the standards set out in Document NAM-CATS-ATS.

(4) If the ATS provider uses a control tower in providing an air traffic service, the provider must ensure the control tower is designed, sited, constructed, equipped and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

**Agreements with aeronautical telecommunications service providers**

**172.03.6** (1) An ATS provider, other than an ATS provider that is also an aeronautical telecommunications service provider, must have an agreement with an ATEL service provider for the provision of any aeronautical telecommunication services provided to it by the aeronautical telecommunications service provider.

(2) An agreement, required under subregulation (1), must be in accordance with standards set out in Document NAM-CATS-ATS.

**Agreements with aerodrome operators**

**172.03.7** (1) An ATS provider, other than an ATS provider that is also an aerodrome operator, providing an air traffic service for a controlled aerodrome, must have an agreement with the aerodrome operator covering the arrangements for controlling aircraft, vehicles and people on the manoeuvring area of the aerodrome.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An agreement, under subregulation (1), must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Arrangements for transfer of information**

**172.03.8** (1) An ATS provider must have, at all times, adequate arrangements to ensure that it gets, and will continue to get, the services and information necessary to provide the air traffic services covered by its certificate.

(2) An ATS provider must have, at all times, adequate arrangements to ensure that it is able, and will continue to be able, to provide information in connection with any of those air traffic services to another person whose duties or functions reasonably require that information.

**Quality management system**

**172.03.9** An ATS provider must establish a quality management system in accordance with the -

- (a) requirements of Part 170; and
- (b) standards set out in Document NAM-CATS-ATS.

**Fatigue management system**

**172.03.10** (1) If required to do so, an ATS provider must have, and put into effect, a system that includes the policies, procedures and rostering practices necessary to facilitate the management of fatigue among operational staff, and in particular, those staff providing air traffic control services.

- (2) An ATS provider must either -
  - (a) comply with all of the duty period limitations and rest requirements; or
  - (b) implement a comprehensive fatigue risk management system (FRMS) that provides an equivalent level of safety to the duty period and rest requirements.
- (3) The the maximum and minimum duty hours or days and rest periods are prescribed in Part 65.

[The word “the” is repeated at the beginning of subregulation (3) in the *Government Gazette*.]

(4) The ATS provider when establishing a system for the management of fatigue related safety risks must follow the requirements set out in Document NAM-CATS-ATS.

**Security programme**

**172.03.11** An ATS provider must, if so required under the Act or these regulations, establish a security programme referred to in regulation 170.04.12, in accordance with the standards set out in Document NAM-CATS-ATS.

**ATS station standing instructions**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.03.12** An ATS provider must provide for each air traffic service unit listed in its manual of procedures station standing instructions which must -

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

**Documentation**

**172.03.13** An ATS provider must provide each air traffic service unit listed in its manual of procedures with copies of the documentation set out in Document NAM-CATS-ATS.

**Documents and records**

**172.03.14** An ATS provider must -

- (a) keep documents and records of the kinds set out in Document NAM-CATS-ATS;
- (b) retain documents or records for the periods set out in Document NAM-CATS-ATS for particular kind of document or record; and

[The singular word “kind” should be plural.]

- (c) at the request of the Executive Director or of an authorised officer, inspector or authorised person, make the documents and records, or copies of them or extracts from them, available for inspection.

**Documents and records control system**

**172.03.15** (1) An ATS provider must establish, and put into effect, a system for controlling documents and records relating to the air traffic services that it provides, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

(2) The documents and records control system must be in accordance with the requirements of Part 170 and the standards set out in Document NAM-CATS-ATS.

**Deviation from air traffic service standards**

**172.03.16** (1) An ATS provider must ensure that any air traffic service that it provides is provided in accordance with this Part, the associated technical standards, the procedures for air traffic management and the procedures and practices in the provider’s ATS manual of procedures.

(2) Any deviation from the standards must comply with the requirements set out in Document NAM-CATS-ATS.

**SUBPART 4**  
**ESTABLISHMENT AND PROVISION OF AIR TRAFFIC SERVICES**

**Provision of air traffic services**

**172.04.1** (1) The Executive Director must determine and publish under Part 71 -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) the portions of airspace and the aerodromes which must be provided with air traffic services;
  - (b) the level and the type of air traffic services to be provided in portions of airspace or at aerodromes determined in accordance with paragraph (a).
- (2) The Executive Director, by mutual agreement, may -
- (a) delegate to another State, the responsibility for establishment and provision of air traffic services in the flight information region, control areas or control zones extending over the territory of Namibia; and
  - (b) where such responsibility has, under paragraph (a), been delegated to another State, that State must provide the services in accordance with this Part.
- (3) Where the Executive Director in accordance with subregulation (2) has delegated to another State the responsibility for provision of air traffic services, the Executive Director -
- (a) must establish such facilities and services as may be required by the providing State; and
  - (b) may not withdraw or modify such facilities and services without prior consultation with the providing State.
- (4) Where the provision of air traffic services has been delegated to another State in accordance with this regulation, both the Executive Director and the providing State may terminate the agreement between them at any time.
- (5) The Executive Director must, on the basis of regional air navigation agreements, establish and ensure provision of air traffic services to those portions of airspace over the high seas or in airspace of undetermined sovereignty.
- (6) The Executive Director must -
- (a) determine the need for the provision of air traffic services in the airspace referred to in subregulation (5); and
  - (b) designate the air traffic services authority responsible for establishing and providing such services in that airspace.
- (7) The establishment and provision of air traffic services to either part or whole of a flight along a route or portion of a route must be in accordance with the standards set out in Document NAM-CATS-ATS.
- (8) Where air traffic services are established, the Executive Director must publish the information in the aeronautical information publication (AIP) as necessary to permit the utilisation of such services.

**Objectives of air traffic services**

**172.04.2** The objectives of an air traffic service are to -

- (a) prevent collisions between aircraft;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) prevent collisions between aircraft on the manoeuvring area and obstruction on that area;
- (c) maintain a safe, orderly and expeditious flow of air traffic;
- (d) provide advice and information useful for the safe and efficient conduct of flights; and
- (e) notify appropriate organisations regarding aircraft in need of search and rescue aid and assist such organisations as required.

**Divisions of air traffic services**

**172.04.3** Air traffic services comprise of the following three services:

[The word “of” after “comprise” is superfluous.]

- (a) the air traffic control service, to accomplish the objectives set out in regulation 172.04.2(1)(a), (b) and (c), and this service is divided in three parts as follows:
  - (i) area control service: the provision of air traffic control service for controlled flights, except for those parts of such flights described in subparagraphs (ii) and (iii), in order to accomplish the objectives set out in regulation 172.04.2(1)(a) and (c);
  - (ii) approach control service: the provision of air traffic control service for controlled flights associated with arrival or departure, in order to accomplish the objectives set out in regulation 172.04.2 (1)(a) and (c); and
  - (iii) aerodrome control service: the provision of air traffic control service for aerodrome traffic, except for those parts of flights described in subparagraph (ii), in order to accomplish the objectives set out regulation 172.04.2 (1)(a), (b) and (c);

[The word “in” appears to have been omitted after the phrase “set out”.]

- (b) flight information service: to accomplish the objective set out in regulation 172.04.2 (1)(d); and
- (c) alerting service: to accomplish the objective set out in regulation 172.04.2 (1)(e).

**Determination of need for air traffic services**

**172.04.4** The Executive Director must determine the need for the provision of an air traffic service in a given area or location in accordance with the standards set out in Document NAM-CATS-ATS.

**Designation of portions of airspace and controlled aerodromes for provision of air traffic services**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.04.5** Subject to compliance with the provisions of Part 71, the Executive Director must designate particular portions of the airspace and controlled aerodromes in accordance with the standards set out in Document NAM-CATS-ATS.

**Classification of airspace**

**172.04.6** Subject to compliance with the provisions in Part 71, the Executive Director must classify and designate ATS airspaces appropriate to the needs of Namibia in accordance with the standards set out in Document NAM-CATS-ATS.

**Performance-based navigation (PBN) operations**

**172.04.7** (1) The Executive Director must determine navigation specifications for use in the application of performance-based navigation as required under Part 90 and in accordance with the standards set out in Document NAM-CATS-ATS.

(2) Where it is determined that performance-based navigation operations are required in a specified airspace or at an aerodrome, the ATS provider responsible for the provision of air traffic services within that airspace, or at that aerodrome, must implement performance based navigation in accordance with requirements determined by the Executive Director.

**Performance-based communication (PBC) operations**

**172.04.8** An ATS provider must ensure that the requirements for, and application of performance-based communication (PBC) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

**Performance-based surveillance (PBS) operations**

**172.04.9** An ATS provider must ensure that the requirements for, and application of performance-based surveillance (PBS) operations are in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and designation of units providing air traffic services**

**172.04.10** An ATS provider must establish and designate units providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Specifications for flight information regions, control areas and control zones**

**172.04.11** (1) The delineation of the airspace wherein air traffic services are to be provided, and the specifications thereof must be in accordance with the standards set out in Document NAM-CATS-ATS.

(2) The Executive Director may enter into agreements with neighbouring States to permit the delineation of airspace lying across national boundaries to facilitate the provision of air traffic services.

**Identification of air traffic service units and airspaces**

**172.04.12** An ATS provider must establish and identify air traffic services units and airspaces in accordance with the standards set out in Document NAM-CATS-ATS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Establishment and identification of air traffic service routes**

**172.04.13** An ATS provider must establish and identify air traffic service routes in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment of change-over points**

**172.04.14** An ATS provider establish change-over points on air traffic service route segments in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and identification of significant points**

**172.04.15** An ATS provider must establish and identify significant points in accordance with the standards set out in Document NAM-CATS-ATS.

**Establishment and identification of standard routes for taxiing aircraft**

**172.04.16** An ATS provider must establish and identify standard routes for taxiing aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between air traffic services and operators**

**172.04.17** An ATS provider must establish procedures for coordination between air traffic services and aircraft operators in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between air traffic services and military authorities**

**172.04.18** An ATS provider must establish procedures for coordination between air traffic services and military authorities in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination of activities potentially hazardous to civil aircraft**

**172.04.19** An ATS provider must establish procedures for coordination of activities potentially hazardous to civil aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Determination and reporting of ATS related aeronautical data**

**172.04.20** An air traffic service provider must determine and report air traffic services-related aeronautical data in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between meteorological and air traffic services authorities**

**172.04.21** An ATS provider must establish procedures for coordination between the meteorological services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between aeronautical information services and air traffic services authorities**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.04.22** An ATS provider must establish procedures for coordination between aeronautical information services and a unit providing air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Minimum flight altitudes**

**172.04.23** An ATS provider must determine and establish minimum flight altitudes for each air traffic services route and control area in accordance with the standards set out in Document NAM-CATS-ATS.

**Service to aircraft in case of emergency**

**172.04.24** An ATS provider must establish procedures to guide air traffic services units to assist aircraft in a state of emergency in accordance with the standards set out in Document NAM-CATS-ATS.

**In-flight contingencies: strayed or unidentified aircraft**

**172.04.25** An ATS provider must establish procedures in accordance with the standards set out in Document NAM-CATS-ATS, for use by air traffic services units to enable them to assist and safeguard the flight of strayed or unidentified aircraft.

**In-flight contingencies: interception of civil aircraft**

**172.04.26** An ATS provider must establish procedures for use by an air traffic services unit, on becoming aware that an aircraft is being intercepted either within or outside its area of responsibility in accordance with the standards set out in Document NAM-CATS-ATS.

**Time in air traffic services**

**172.04.27** An ATS provider must establish procedures to ensure that air traffic services units use Coordinated Universal Time (UTC) in accordance with the standards set out in Document NAM-CATS-ATS.

**Requirements for carriage and operation of pressure-altitude reporting transponders**

**172.04.28** An ATS provider must establish procedures for the carriage and operation of pressure-altitude reporting transponders within defined portions of airspace in accordance with the standards set out in Document NAM-CATS-ATS.

**Safety management and prevention of runway incursions**

**172.04.29** (1) An ATS provider must establish and maintain a safety management system acceptable to the Executive Director, for the management of safety in accordance with the standards set out in Document NAM-CATS-ATS and the requirements prescribed in Parts 140 and 170.

(2) An ATS provider must as part of its ATS safety management, put in place measures aimed at minimizing the potential for inadvertent runway incursions in accordance with the standards set out in Document NAM-CATS-ATS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) An ATS provider must ensure that the measures established in accordance with subregulation (2) are integrated with the runway safety programme established by the aerodrome operator.

**Common reference systems**

**172.04.30** (1) Subject to any standard units of measurement prescribed under Part 2, an ATS provider must use the following common reference systems in the provision of air traffic services:

- (a) World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system for air navigation;
- (b) Mean Sea level (MSL) datum must be used as the vertical reference system for air navigation; and
- (c) the Gregorian calendar and Coordinated Universal Time (UTC) must be used as the temporal reference system for air navigation.

(2) The common reference systems referred to in subregulation (1) must be used in accordance with the standards set out in Document NAM-CATS-ATS.

**Language proficiency**

**172.04.31** An ATS provider must ensure that -

- (a) only the English language is used for radio telephony communication, coordination and transmission of aeronautical information; and
- (b) air traffic controllers speak and understand the English language for radiotelephony communications as specified in Document NAM-CATS-FCL 65.

**Contingency arrangements**

**172.04.32** (1) An ATS provider must develop and publish a contingency plan or plans for implementation in the event of disruption, or potential disruption, of air traffic services and related supporting services in the airspace for which the ATS provider is responsible for the provision of such services.

(2) The contingency plans required by subregulation (1) must be developed in close coordination with the air traffic services authorities responsible for the provision of services in adjacent portions of airspace and with airspace users concerned.

(3) The contingency plans must be developed in accordance with the standards set out in Document NAM-CATS-ATS.

\*\*\*

**172.04.33**

[Regulation 172.05.33 is deleted by GN 11/2024.]

\*\*\*

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.04.34**

[Regulation 172.05.34 is deleted by GN 11/2024.]

**SUBPART 5**  
**REQUIREMENTS FOR PROVISION OF AIR TRAFFIC CONTROL SERVICES**

**Provision of air traffic control service**

**172.05.1** An air traffic control service must be provided to controlled flights in accordance with the standards set out in Document NAM-CATS-ATS.

**Air traffic control units**

**172.05.2** (1) Air traffic control services provided to controlled flights, must be provided by air traffic control units described in, and in accordance with, the standards set out in Document NAM-CATS-ATS.

(2) Despite subregulation (1), the task of providing specified services on the apron such as apron management, may be assigned to an aerodrome control tower or to a separate air traffic control unit.

**Operation of air traffic control service**

**172.05.3** The requirements for the operation of air traffic control service must be in accordance with the standards set out in Document NAM-CATS-ATS.

[The word “an” appears to have been omitted before the phrase “air traffic control service”.]

**Separation minima**

**172.05.4** An ATS provider must ensure that the separation minima used in air traffic control service complies with the standards set out in Document NAM-CATS-ATS.

[The word “an” appears to have been omitted before the phrase “air traffic control service”.  
The verb “complies” should be “comply” to accord with the plural subject “minima”.]

**Responsibility for control of aircraft**

**172.05.5** An ATS provider must ensure that responsibility for control of aircraft is carried out in accordance with the standards set out in Document NAM-CATS-ATS.

**Transfer of responsibility for control**

**172.05.6** An ATS provider must establish procedures for the transfer of responsibility for the control of an aircraft between two air traffic control units and the coordination thereof, in accordance with the standards set out in Document NAM-CATS-ATS.

**Air traffic control clearances**

**172.05.7** An air traffic control unit must ensure that air traffic control clearances issued to aircraft are issued in accordance with the standards set out in Document NAM-CATS-ATS.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**ATS system capacity and air traffic flow management**

**172.05.8** An ATS provider must establish ATS system capacity and where required, air traffic flow management in accordance with the standards set out in Document NAM-CATS-ATS.

**Control of persons and vehicles at aerodromes**

**172.05.9** An ATS provider must establish procedures for use by the ATS units, for the control of persons and vehicles on the manoeuvring area of an aerodrome, including procedures for operation during periods of low visibility, in accordance with the standards set out in Document NAM-CATS-ATS.

**Provision of radar and ADS-B alert and warning systems**

**172.05.10** An ATS provider must ensure that the provision of radar and automatic dependent surveillance-broadcast (ADS-B) alert and warning systems is in accordance with the standards set out in Document NAM-CATS-ATS.

**Use of surface movement radar**

**172.05.11** An ATS provider may, in accordance with the standards set out in Document NAM-CATS-ATS, provide for the use of surface movement radar (SMR) to supplement visual observation of the manoeuvring area.

**SUBPART 6**  
**REQUIREMENTS FOR FLIGHT INFORMATION SERVICE**

**Application of flight information service**

**172.06.1** A flight information service must be provided to all aircraft which are likely to be affected by the information in accordance with the standards set out in Document NAM-CATS-ATS.

**Scope of flight information service**

**172.06.2** (1) The scope of flight information service to be provided by an air traffic services unit must include the provision of pertinent information and other information likely to affect safety of aircraft operations.

(2) The scope of flight information service to be provided by an air traffic services unit must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Operational flight information service broadcasts**

**172.06.3** An ATS provider must make arrangements for the provision of operational flight information service broadcasts in accordance with the standards set out in Document NAM-CATS-ATS.

**VOLMET broadcasts and D-VOLMET service**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.06.4** An ATS provider must make arrangements for the provision of VOLMET broadcast and D-VOLMET service in accordance with the standards set out in Document NAM-CATS-ATS and the provisions of Part 174.

**SUBPART 7**  
**REQUIREMENTS FOR ALERTING SERVICE**

**Application of alerting service**

**172.07.1** An ATS provider must make arrangements for the provision of alerting service to all aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Notification of rescue coordination centres**

**172.07.2** An ATS provider must establish procedures for notifying the rescue coordination centre and other centres as appropriate, of aircraft considered to be in a state of emergency in accordance with the procedures set out in Document NAM-CATS-ATS.

**Use of communication facilities**

**172.07.3** An ATS provider must establish procedures to ensure that the use of communication facilities by ATS units is in accordance with the standards set out in Document NAM-CATS-ATS.

**Plotting aircraft in state of emergency**

**172.07.4** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS, establish procedures to ensure that air traffic service units plot the flight of an aircraft involved in an emergency and the flights of other aircraft known to be operating in the vicinity of the aircraft involved in an emergency.

**Information to operator of aircraft in emergency**

**172.07.5** An ATS provider, must establish procedures to ensure that the area control centre or a flight information centre, when possible, advise the aircraft operator, when the centre determines that an aircraft is in an emergency, in accordance with the standards set out in Document NAM-CATS-ATS.

[The commas after “ATS provider” and “aircraft operaor” are superfluous.  
The verb “advise” should be “advises” to accord with the relevant subject “centre”.]

**Information to aircraft operating in vicinity of aircraft in state of emergency**

**172.07.6** An ATS provider must establish procedures to ensure that ATS units, having established that an aircraft is in a state of emergency, inform other aircraft known to be operating in the vicinity of the aircraft involved, in accordance with the standards set out in Document NAM-CATS-ATS.

**Handling and reporting accidents and incidents**

**172.07.7** (1) An ATS provider must report to the Executive Director any accident or incident reported to, or witnessed by, the ATS provider in accordance with the standards set out in Document NAM-CATS-ATS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, the procedures to be followed by air traffic service units in handling and reporting of accident and incidents and procedures for coordination with adjacent ATS units that might be affected by the accident or incident.

**SUBPART 8****AIR TRAFFIC SERVICES REQUIREMENTS FOR COMMUNICATION****Aeronautical mobile service (air-ground communication)**

**172.08.1** An ATS provider must make arrangements for the provision of air-ground communication facilities to be used for the provision of air traffic services, including automatic recordings of air traffic control communications, in accordance with the standards set out in Document NAM-CATS-ATS.

**Aeronautical fixed service (ground-ground communication)**

**172.08.2** (1) An ATS provider must make arrangements for the provision of ground to ground communications to be used for the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

- (2) The ATS provider must -
- (a) ensure that facilities used for ground to ground communications between air traffic services units and between air traffic services units and other units within the flight information region meet the requirements set out in Document NAM-CATS-ATS;
  - (b) ensure that communication between its flight information centre and area control centre with other adjacent flight information centres and area control centres meet the requirements set out in Document NAM-CATS-ATS;
  - (c) have in place suitable facilities to ensure automatic exchange of data; and
  - (d) make arrangements for the recordings and retention of data for a period of not less than 30 days.

**Surface movement control service**

**172.08.3** (1) An ATS provider must make arrangements for the provision of communication facilities for use by the aerodrome control tower for the purpose of controlling of vehicles on manoeuvring areas at a controlled aerodrome.

(2) The movement of vehicles control on the manoeuvring areas of a controlled aerodrome must be in accordance with the standards set out in Document NAM-CATS-ATS.

[The word “control” after the word “vehicles” appears to be superfluous.]

**Aeronautical radio navigation service**

**172.08.4** An ATS provider must have arrangements in place to ensure that surveillance data from radar equipment or other surveillance systems used as an aid to air traffic services, are

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

automatically recorded and retained in accordance with the standards set out in Document NAM-CATS-ATS.

**SUBPART 9**  
**AIR TRAFFIC SERVICE REQUIREMENTS FOR INFORMATION**

**Meteorological information**

**172.09.1** (1) An ATS provider must have in place arrangements for the supply of up-to-date meteorological information to its air traffic service units, as necessary for the performance of their functions, in accordance with the standards set out in Document NAM-CATS-ATS.

(2) An ATS provider and a unit providing meteorological information to air traffic service units and to communication stations must ensure that the information provided meets the requirements of Part 174.

**Information on aerodrome conditions and operational status of associated facilities**

**172.09.2** (1) An ATS provider must have in place arrangements for the provision of information on aerodrome conditions and the operational status of associated facilities to the aerodrome control towers and units providing approach control service.

(2) The provision of information required by subregulation (1) must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Information on operational status of navigation services**

**172.09.3** An ATS provider must have in place arrangements for air traffic service units to be kept currently informed of the operational status of radio navigation services and visual aids essential for operation of aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Information on RPA**

**172.09.4** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

- (a) have in place arrangements for air traffic service units to be provided with information regarding the operation of remotely piloted aircraft (RPA); and
- (b) publish in its ATS manual of procedures, actions to be taken by an ATS unit upon receipt of a notification of the intended flight of a medium or heavy RPA within its area of responsibility.

**Information concerning volcanic activity**

**172.09.5** An ATS provider must, in accordance with the standards set out in Document NAM-CATS-ATS -

- (a) have in place arrangements for air traffic service units to be provided with information concerning volcanic activity; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) establish and publish in its ATS manual of procedures, procedures for use by ATS units when a volcanic ash cloud is reported or forecast.

**Information concerning radioactive materials and toxic chemical “clouds”**

**172.09.6** An ATS provider must have in place arrangements for notifying air traffic service units of information regarding the release into the atmosphere of radioactive materials and toxic chemical clouds and for transmitting to aircraft such information, in accordance with the standards set out in Document NAM-CATS-ATS.

**SUBPART 10**  
**SPECIAL PROCEDURES**

**General**

**172.10.1** (1) An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, special procedures to enable them to manage non-standard or special situations.

(2) The special procedures must be published in accordance with the standards set out in Document NAM-CATS-ATS.

**Fuel dumping**

**172.10.2** An ATS provider must publish in its ATS manual of procedures, for the guidance of ATS personnel, procedures to be followed during fuel dumping by aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Photographic survey flights**

**172.10.3** An ATS provider must publish in its ATS manual of procedures, for the guidance of air traffic service personnel, procedures for the conduct of photographic survey flights, in accordance with the standards set out in Document NAM-CATS-ATS.

**Repetitive flight plans**

**172.10.4** An ATS provider must publish in its ATS manual of procedures, procedures for the use of repetitive flight plans in accordance with the standards set out in Document NAM-CATS-ATS.

**Letters of agreement**

**172.10.5** (1) An ATS provider must establish and maintain letters of agreement (LOA) to aid in coordination between adjacent ATS units and neighbouring flight information regions.

(2) The letters of agreement referred to in subregulation (1) must be established and maintained in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in cases of aircraft experiencing degradation of area navigation**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.10.6** An ATS provider must establish and publish in its ATS manual, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination, in case of aircraft experiencing degradation of area navigation (RNAV).

**Coordination in cases of State aircraft without RNAV capability**

**172.10.7** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, coordination procedures in case of State aircraft operating without RNAV capability.

**Coordination in provision of air traffic advisory service**

**172.10.8** Where air traffic advisory services are provided, an ATS provider must publish coordination procedures in respect of such flights and provide such services in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination between ATS units and aeronautical telecommunication stations**

**172.10.9** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for coordination between ATS units and the aeronautical telecommunication stations.

**Radio communication failure**

**172.10.10** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when either an airborne or ground-based radio station experiences radio communication failure.

**Degradation of aircraft position source data**

**172.10.11** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, contingency procedures to be followed by control positions and air traffic service units in the event of degradation of aircraft position data sources.

**Emergency descent**

**172.10.12** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed by an air traffic service unit whenever an aircraft is making an emergency descent through other air traffic.

**Other ATC contingency procedures**

**172.10.13** An ATS provider must establish and publish its manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures for the handling of other contingency situations such as emergency separation, short-term conflict alerts, airborne collision avoidance system warnings, minimum safe altitude warnings, autonomous runway incursion warnings and change of radio telephony call sign for aircraft.

**Loss of Vertical Navigation Performance Required for Reduced Vertical Separation Minimum (RVSM)**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**172.10.14** An ATS provider must include in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures to be followed when an RVSM-approved aircraft experiences loss of vertical navigation performance required for operation in Reduced Vertical Separation Minimum (RVSM) airspace.

**Air traffic service messages**

**172.10.15** An ATS provider must establish and publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures and information regarding transmission of air traffic service messages.

**Responsibility in regard to military traffic**

**172.10.16** An ATS provider must publish in its ATS manual of procedures, and in accordance with the standards set out in Document NAM-CATS-ATS, procedures regarding responsibility for control of military traffic within its area of jurisdiction.

**Air traffic incident reports**

**172.10.17** An ATS provider must publish in its ATS manual of procedures, the procedures for reporting of air traffic incidents related to the provision of air traffic services in accordance with the standards set out in Document NAM-CATS-ATS.

**Strategic lateral offset procedures**

**172.10.18** An ATS provider must publish in its ATS manual of procedures, the strategic lateral offset (SLOP) procedures for implementation by air traffic services units in accordance with the standards set out in Document NAM-CATS-ATS.

**Notification of suspected communicable diseases or public health risk aboard aircraft**

**172.10.19** An ATS provider must publish in its ATS manual of procedures, procedures for notification of suspected communicable diseases or other public health emergencies aboard an aircraft in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in respect of provision of ATC service**

**172.10.20** The coordination and transfer of control of a flight between successive ATS units and control sectors must be in accordance with the standards set out in Document NAM-CATS-ATS.

**Coordination in respect of provision of flight information service and alerting service**

**172.10.21** An ATS provider must publish in its manual of procedures and in accordance with requirements specified in Document NAM-CATS-ATS, procedures for coordination in respect of the provision of flight information and alerting services.

**Procedures for ATS units when volcanic ash cloud is reported or forecast**

**172.10.22** An ATS provider must publish in its manual of procedures and in accordance with the requirements specified in Document NAM-CATS-ATS, standardised procedures to be

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

followed by ATS units when a volcanic ash cloud is reported or forecast within the airspace for which the ATS unit is responsible.

**Responsibility in regard to unmanned free balloons**

**172.10.23** An ATS provider must publish in its manual of procedure and in accordance with requirements specified in Document NAM-CATS-ATS, standardised procedures for the guidance of ATS units on responsibility regarding operation of unmanned free balloons within their areas.

**SUBPART 11**  
**ADMINISTRATIVE PROCEDURES**

**Opening and closing of control positions**

**172.11.1** An ATS provider must establish procedures and instructions for opening and closing of control positions as specified in Document NAM-CATS-ATS.

**Fire prevention and facility evacuation**

**172.11.2** An ATS provider must maintain a fire prevention plan in accordance with the standards set out in Document NAM-CATS-ATS.

**ATS unit forms, logs, libraries and directives**

**172.11.3** An ATS provider must -

- (a) provide and maintain a comprehensive list, including copies, of relevant forms, unit logs, unit libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS; and
- (b) establish procedures in its manual of procedures on the use and maintenance of the air traffic service unit forms, logs, libraries and directives in accordance with the requirements set out in Document NAM-CATS-ATS.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 173**  
**AIR NAVIGATION SERVICES: FLIGHT PROCEDURE DESIGN SERVICES**

[Part 173 is inserted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 173.01.1 Definitions for this Part
- 173.01.2 Applicability

**SUBPART 2: APPROVAL TO PROVIDE FLIGHT PROCEDURE DESIGN SERVICES**

- 173.02.1 Requirement for approval
- 173.02.2 Application for flight procedure design approval or amendment thereof
- 173.02.3 Safety and regulatory compliance inspections and audits
- 173.02.4 Facilities, equipment and resource requirements
- 173.02.5 Issue of flight procedure design approval
- 173.02.6 Imposition of conditions on approval
- 173.02.7 Renewal of flight procedure design approval
- 173.02.8 Duplicate approval
- 173.02.9 Privileges of flight procedure design approval holder

**SUBPART 3: REQUIREMENTS TO BE COMPLIED WITH BY APPROVED FLIGHT PROCEDURE DESIGN ORGANISATIONS**

- 173.03.1 Manual of procedures
- 173.03.2 Flight procedure design organisation
- 173.03.3 Personnel and qualification requirements
- 173.03.4 Obligations of approval holder in designing flight procedures
- 173.03.5 Transferability of maintenance of flight procedures
- 173.03.6 Training and checking programme
- 173.03.7 Quality management system
- 173.03.8 Management of records
- 173.03.9 Safety management system

**SUBPART 4: REQUIREMENTS FOR DESIGN OF FLIGHT PROCEDURES**

- 173.04.1 General requirements
- 173.04.2 Standards for design of flight procedures
- 173.04.3 Verification of flight procedures
- 173.04.4 Procedures for validation of flight procedures
- 173.04.5 Process for approval of flight procedures
- 173.04.6 Entry of flight procedures into register
- 173.04.7 Publication of flight procedures
- 173.04.8 Maintenance of flight procedures
- 173.04.9 Design criteria for flight procedures
- 173.04.10 Information acquisition
- 173.04.11 Procedure design automation
- 173.04.12 General criteria and procedures for establishment of aerodrome operating minima

**SUBPART 5: OPERATING REQUIREMENTS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The heading of this SUBPART in the text below is “GENERAL OPERATING REQUIREMENTS”.]

- 173.05.1 Continued compliance
- 173.05.2 Cessation of maintenance of flight procedure service
- 173.05.3 Design submission template

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**173.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-FPD.

(2) Despite subregulation (1), in this Part, unless the context otherwise indicates -  
“design work”, in relation to a flight procedure, means any of the following work -

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing, amending or adapting the procedure;
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b);

“flight procedure design (FPD) approval” means an authorisation that -

- (a) is granted by the Executive Director to a person under this Part; and
- (b) certifies that the person is approved to carry out design work on a flight procedure of a type covered by the approval subject to any conditions set out in the approval; and

“flight procedure design (FPD) organisation” means an organisation or entity to whom a flight procedure design approval has been granted in accordance with this Part and whose approval authorises the design, verification, validation, and maintenance of the particular type of flight procedure.

**Applicability**

**173.01.2** (1) This Part -

- (a) prescribes the regulations and procedures governing the development, validation, approval, registration, publication and maintenance of flight procedures used at aerodromes;
- (b) applies to -
  - (i) the design, maintenance, revision, amendment and adaptation of flight procedures; and
  - (ii) the approval and operation of organisations conducting flight procedure design, maintenance, revision, amendment or adaptation; and
- (c) sets out certain administrative rules relating to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

- (a) the design of flight procedures for use by aircraft in circumstances where one or more engines of the aircraft have become inoperative while on an IFR flight;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) a person that carries out flight procedure design on procedures for use by aircraft in circumstances where one or more engines of the aircraft have become inoperative while on an IFR flight;
- (c) a person who is providing flight procedure design services to military aircraft within designated military airspaces in the course of their duties, for the Namibian Defence Force; and
- (d) any flight procedure design services provided to military aircraft within designated military airspaces for the Namibian Defence Force.

**SUBPART 2**

**APPROVAL TO PROVIDE FLIGHT PROCEDURE DESIGN SERVICES**

**Requirement for approval**

**173.02.1** (1) A person may not provide an instrument flight procedure design service for aerodromes and airspaces under the authority of Namibia unless -

- (a) such instrument flight procedure design service is -
  - (i) certified or approved by the Executive Director as an instrument flight procedure design service provider; or
  - (ii) validated as an instrument flight procedure design service provider under regulation 170.02.19; and
- (b) the services are provided in accordance with this Part.

(2) A person may not design, maintain, review, amend or adapt flight procedures that are intended for use by civil aircraft operating within the territorial limits of Namibia, except under the authority of, and in accordance with the provisions of, a flight procedure design approval with the appropriate rating issued under this Part and in accordance with the requirements provided for in Part 170.

- (3) The Executive Director may -
  - (a) as part of the organisational functions of the Authority, provide a flight procedure design service;
  - (b) agree with one or more states to provide a joint flight procedure design service;
  - (c) delegate the provision of the service to an external agency or agencies; or
  - (d) approve an agency to provide a flight procedure design service.

(4) In all cases mentioned in subregulation (2), the Executive Director remains responsible for all flight procedures for aerodromes and airspaces under the authority of Namibia.

(5) Flight procedures must be designed in accordance with the approved design criteria as described in regulation 173.04.9.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(6) A flight procedure design organisation intending to design an instrument flight procedure for aerodromes or airspace under the authority of Namibia must meet the requirements provided for in this Part.

(7) A flight procedure design organisation must utilise a quality management system at each stage of the flight procedure design process.

(8) A flight procedure design organisation must maintain and conduct periodic review of flight procedures for aerodromes and airspace under the authority of the Namibia and such reviews must be conducted at intervals of periods not exceeding five years.

**[Regulation 173.02.1 is substituted by GN 11/2024.]**

**Application for flight procedure design approval or amendment thereof**

**173.02.2** (1) An application for a flight procedure design approval, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-FPD; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in regulation 173.03.1;
  - (ii) a written statement specifying the type or each type of flight procedure proposed to be covered by the flight procedure design approval;
  - (iii) a written statement setting out the name, qualifications and relevant experience of the individual who is proposed to be the chief designer for the applicant's organisation;
  - (iv) a written statement setting out the qualifications and relevant experience of any other member of the applicant's personnel whose duties would, if the approval were granted to the applicant, include carrying on design work under the approval; and
  - (v) the appropriate fee as prescribed in Part 187.

(2) Where an applicant was previously issued with a flight procedure design approval, and the approval was revoked, the applicant must include with the application any information to prove that the applicant would be in a position to comply with all requirements pertaining to the design of flight procedures of the rating or ratings concerned.

(3) The Executive Director may require demonstrations of procedures or equipment in relation to a procedure design approval.

**Safety and regulatory compliance inspections and audits**

**173.02.3** (1) In addition to permitting the safety and regulatory compliance inspections and audits in terms of regulation 170.01.3, a flight procedure design organisation must permit an authorised officer, inspector or authorised person to -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) observe the practices and procedures of the organisation in performing flight procedure design; and
- (b) inspect and test any systems and equipment used for, or in relation to, flight procedure design.

**[The subregulation number “(1)” appears to be in error as there are no additional subregulations.]**

**Facilities, equipment and resource requirements**

**173.02.4** (1) A flight procedure design organisation must satisfy the Executive Director that it has facilities and equipment necessary to perform adequately the approved scope of flight procedure design, including -

- (a) equipment that is appropriate for the design, verification, validation, and maintenance of the types of flight procedure to be covered in its approval, including flight procedures design software and other software licensed to the flight procedures design organisation;
  - (b) access to all necessary data including, but not limited to -
    - (i) accurate and current databases or charts detailing terrain and obstacle information;
    - (ii) accurate and current navigation aid coordinate data; and
    - (iii) accurate and current aerodrome survey data;
  - (c) ready access to copies of relevant documentation comprising technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, validation, and maintenance of the types of flight procedures specified in its manual of procedures.
- (2) A flight procedure designer must establish a procedure for ensuring that -
- (a) personnel have access to the data referred to in subregulation (1)(b) for the types of flight procedure specified in its manual of procedures; and
  - (b) the data referred to in subregulation (1)(b) is current, traceable, and meets the required level of verifiable accuracy for the design, verification, validation and maintenance of instrument flight procedures specified in its manual of procedures.

(3) The flight procedure organisation must, if an aeronautical database and aeronautical data is utilised for designing flight procedures, have, and put into effect, procedures to ensure the integrity of the database and the data.

**Issue of flight procedure design approval**

**173.02.5** (1) The Executive Director may issue a flight procedure design approval, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and in this Part;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the applicant's personnel required by this Part are competent to perform their respective duties;
- (c) the applicant's senior personnel have not held a senior position in an organisation whose approval was revoked by the Executive Director; and
- (d) the granting of the approval is not contrary to the interests of aviation safety.

(2) The flight procedures design approval referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-FPD.

(3) The Executive Director may, in accordance with section 46 of the Act and Part 3, approve a variation to the requirements of this Part or of Document NAM-CATS-FPD where a flight procedure certified organisation can demonstrate an equivalent outcome and at least an equivalent level of safety.

**Imposition of conditions on approval**

**173.02.6** The Executive Director may impose conditions on any flight procedure design approval, including a condition that restricts -

- (a) the kind of flight procedures that can be designed;
- (b) the equipment used to provide the design service; or
- (c) the method by which procedures are validated or publicised.

**Renewal of flight procedure design approval**

**173.02.7** (1) An application for the renewal of a flight procedure design approval, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-FPD; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in 173.03.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

(2) The holder of a flight procedure design approval must, if it wishes to renew the approval, at least 90 days immediately preceding the date on which a flight procedure design approval expires, apply to the Executive Director for the renewal of such approval.

**Duplicate approval**

**173.02.8** (1) An application for a duplicate approval as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-FPD; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) A duplicate of a flight procedure design approval is issued on the appropriate form set out in Document NAM-CATS-FPD.

**Privileges of flight procedure design approval holder**

**173.02.9** (1) A flight procedure design approval issued under this Part authorises the holder of the approval to -

- (a) design, validate, and maintain flight procedures for use within Namibia; and
- (b) make available for publication and operational use by aircraft, aeronautical information relating to flight procedures that have been validated and approved.

(2) A flight procedure design approval is limited to the type of flight procedure design listed in the approval.

**SUBPART 3**  
**REQUIREMENTS TO BE COMPLIED WITH BY**  
**APPROVED FLIGHT PROCEDURE DESIGN ORGANISATIONS**

**Manual of procedures**

**173.03.1** (1) A flight procedure design organisation must, at all times, maintain a manual of procedures that complies with the requirements of Part 170.

(2) The manual of procedures for a flight procedure design organisation must in addition to the requirements prescribed in Part 170, include the -

- (a) specific standards set out in Document NAM-CATS-FPD;
- (b) means of meeting equipment requirements, accessing relevant and current data and accessing copies of relevant documentation as required under this Part;
- (c) means of meeting the requirements regarding flight procedures not requiring flight validation; and
- (d) procedures required to be established under this Part.

**Flight procedure design organisation**

**173.03.2** (1) A flight procedure design organisation must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide the flight procedure design services covered by its approval.

- (2) The flight procedure design organisation must -
  - (a) maintain an appropriate instrument design office to enable the instrument flight procedure designer to carry on design work in flight procedures in the design office;
  - (b) ensure that the quality and safety of the flight procedure design products are assured through the review, verification, coordination and validation at appropriate points in the process;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) ensure that the designs of the flight procedure are in accordance with -
  - (i) applicable standards set out or referred to in the current version of the ICAO Procedure for Air Navigation Procedures Flight Operations(Doc 8168); and
  - (ii) applicable standards as set out in this Part;
- (d) make provision for a person trained in flight procedure designing to check and verify independently the plans of each flight procedure designed; and
- (e) ensure only the latest version of the organisation's procedures design software is used.

[The word "that" appears to have been omitted after the word "ensure".]

**Personnel and qualification requirements**

**173.03.3** (1) A flight procedure design organisation must engage, employ or contract -

- (a) a person identified as the senior accountable manager (chief flight procedure designer) of the organisation concerned, to whom contractual authority has been granted to ensure that -
  - (i) all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Part; and
  - (ii) any flight procedure design covered by the approval is performed as prescribed in this Part;
- (b) a senior person responsible to the chief flight procedure designer to ensure that the organisation complies with its approved manual of procedures; and
- (c) sufficient qualified and competent flight procedure designers to plan, design, verify and maintain the flight procedures covered by the approval.

(2) The chief flight procedure designer, senior personnel and other personnel involved in flight procedure design must meet the minimum qualification requirements as set out in Document NAM-CATS-FPD.

(3) A flight procedure design organisation may not engage, employ or contract a person to design flight procedures for use in a designated airspace or at aerodromes within Namibia unless that person has completed approved training in the construction of visual and instrument flight procedures and has been approved by the Executive Director to do so.

- (4) A flight procedure design organisation must -
  - (a) establish a procedure for initially assessing, and for maintaining the competence of those personnel involved in planning, design, verification and maintenance of the flight procedures;
  - (b) develop job descriptions for its flight procedure design technical staff;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) ensure that the personnel referred to in paragraph (a) meet the minimum qualifications set out in Document NAM-CATS-FPD;
- (d) carry out initial, periodic and recurrent training of the flight procedure design personnel in accordance with the standards set out in Document NAM-CATS-FPD; and
- (e) ensure that newly employed or engaged flight procedure design personnel undergo, supervised on-the-job training before undertaking unsupervised flight procedure design tasks.

**Obligations of approval holder in designing flight procedures**

**173.03.4** (1) A flight procedure design organisation must ensure that flight procedures are designed to the appropriate standard and in accordance with this Part.

- (2) In performing flight procedure design, a flight procedure design organisation must -
  - (a) design each flight procedure in accordance with the standards set out in Document NAM-CATS-FPD;
  - (b) verify each designed flight procedure as prescribed in this Part;
  - (c) submit flight procedures designed and verified as referred to in paragraphs (a) and (b) to the Executive Director for ground and flight validation as prescribed in this Part;
  - (d) adhere to the defined approval process; and
  - (e) ensure that flight procedures submitted as required in paragraph (c) are accompanied by the appropriate fee as prescribed in Part 187.

(3) A flight procedure design organisation must maintain each flight procedure periodically at intervals specified in regulation 173.02.1(7).

(4) A flight procedure design organisation must ensure that a flight procedure covered by its approval does not make use of a ground-based radio-navigation aid other than one that is operated and approved in terms of Part 171.

(5) If the flight procedure design organisation intends to cease to perform flight procedure design of a particular type, it must notify the Executive Director for an amendment of the approval in accordance with the requirements of regulation 170.02.6.

(6) If the flight procedure design organisation ceases to be responsible for the maintenance of a flight procedure, it must give written notice to that effect to the Executive Director as soon as possible after ceasing to perform the flight procedure design concerned.

**Transferability of maintenance of flight procedures**

**173.03.5** (1) A flight procedure design organisation may transfer its responsibility for maintaining a flight procedure to another organisation whose flight procedure design approval

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

authorises that organisation to design flight procedures of the same rating as the flight procedure concerned.

(2) If another organisation referred to in subregulation (1) accepts responsibility for the maintenance of a flight procedure under this Part, the organisation concerned must -

- (a) give written notice to the transferor to that effect;
- (b) give written notice of the transfer to the Executive Director within 14 days after the transfer; and
- (c) include in the notices referred to in paragraphs (a) and (b), the date on which the transfer takes effect.

(3) If the flight procedure design organisation transfers its responsibility for maintaining a flight procedure, it must give written notice of the transfer to the Executive Director within 14 days after the transfer.

### **Training and checking programme**

**173.03.6** (1) A flight procedure design organisation must establish and maintain a training and checking programme for all personnel referred to in this Subpart that will ensure such personnel are adequately trained and qualified to perform their assigned duties.

(2) The Executive Director must approve the training programme referred to in subregulation (1), if the training and checking programme meets the requirements of this regulation and of Part 170.

- (3) A flight procedure design organisation must ensure that -
- (a) prior to assignment to duty, each person required to receive training in accordance with this Subpart, must, whether employed on a full or part time basis, receive such training as appropriate to his or her duties; and
  - (b) the training facilities, equipment and personnel are acceptable to the Executive Director and, in the case of training facility has been approved by the Executive Director in accordance with the standards set out in Document NAM-CATS-FPD.

[The word “a” appears to have been omitted before the phrase “training facility”, and that phrase should be followed by a comma.]

(4) The training and checking programme referred to in subregulation (1) must include a system for maintaining of training records for flight procedure design personnel.

(5) A flight procedure design organisation must develop and maintain the training and checking programme referred to in subregulation (1).

(6) A flight procedure design organisation must submit for the approval of the Executive Director its training and checking programme and any amendments to the programme.

(7) A flight procedure design organisation must provide training to its personnel that includes at least the following training components:

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(a) flight procedure design training on an initial basis pertinent to the design type listed in the approval; and

(b) recurrent flight procedure training.

(8) Only approved training must be considered for the initial and recurrent training referred to in subregulation (7).

(9) The training required by subregulation (7)(b) must be provided on a recurrent basis and at specified intervals not exceeding three years, or any period as may be determined by the Executive Director.

**Quality management system**

**173.03.7** (1) A flight procedure design organisation must have, and put into effect, a quality assurance and quality management system that includes the policies, procedures, and practices necessary for managing design work on flight procedures under its approval.

(2) The quality assurance and management system must be in accordance with the requirements of Part 170 and the standards set out in Document NAM-CATS-FPD.

(3) The quality assurance and quality management system may be integrated with the safety management system required under Part 170.

**Management of records**

**173.03.8** (1) A flight procedure design organisation must establish procedures for the control of documentation including identification, collection, indexing, storage, safekeeping, accessibility, maintenance and disposal of records in accordance with requirements prescribed in Part 170.

(2) A flight procedure design organisation must establish a procedure for the management of records that are required for the organisation's functions relating to the design, certification and maintenance of flight procedures.

(3) A flight procedure design organisation must establish procedures to identify, collect, index, store and maintain all records which may be necessary -

(a) for the specified flight procedure design conducted by the organisation; and

(b) to determine compliance with the appropriate requirements prescribed in this Part.

(4) The procedure referred to in subregulation (2) must provide for the following to be recorded for every flight procedure that is approved and maintained:

(a) details to be published in the AIP for the flight procedure;

(b) details of the flight procedure design carried out, including but not limited to design verification, amendment, validation, justification for not validating, and certification activities;

(c) details of the publication and checking activities;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) details of any actions taken regarding errors and non-conformances in the flight procedure; and
- (e) details of every maintenance review and validation carried out, in accordance with this Part.

(5) The procedure required by subregulation (2) must also provide that records maintained must -

- (a) include details of the qualifications, experience, training, assessments, and authorisations, if applicable, for personnel required under this Part;
- (b) be legible, accurate, permanent, and retrievable in a legible format; and
- (c) be retained for at least five years after the associated flight procedure is withdrawn from use.

(6) The flight procedure design organisation must comply with any additional standards for the management of records set out in Document NAM-CATS-FPD.

**Safety management system**

**173.03.9** A flight procedure design organisation must establish, implement, and maintain a system for safety management in accordance with Parts 140 and 170 and the standards set out in Document NAM-CATS-FPD.

**SUBPART 4**  
**REQUIREMENTS FOR DESIGN OF FLIGHT PROCEDURES**

**General requirements**

**173.04.1** (1) A flight procedure design organisation must develop flight procedures to be used by aircraft operating in the designated airspace and aerodromes covered by its approval.

(2) A flight procedure design organisation providing a flight procedure service must establish procedures for ensuring that every flight procedure is -

- (a) designed or amended using methods which ensure that the procedure meets the applicable requirements of this Part;
- (b) independently verified before validation where applicable, by a qualified person who is not the person directly responsible for the design;
- (c) validated by a qualified person who is not the person directly responsible for the design to ensure that -
  - (i) the flight procedure allows aircraft using the procedure to manoeuvre consistently within safe operating practices and pilot workloads for the categories of aircraft that the procedure is intended for;
  - (ii) the flight procedure provides azimuth and distance information, and vertical guidance information for a precision approach, for the operation of aircraft to ensure that an aircraft using the procedure remains clear of obstacles; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (iii) visual guidance systems and cues for the runway are appropriate for the flight procedure and are not confused by lighting, laser sky displays or any other visual distraction.

(3) A flight procedure design organisation must comply with the requirements of regulation 173.04.2, and the standards set out in Document NAM-CATS-FPD.

**Standards for design of flight procedures**

**173.04.2** (1) A flight procedure design organisation designing an instrument flight procedure under the organisation's procedure design approval must ensure that the procedure is designed in accordance with -

- (a) the design requirements set out in the current version of the ICAO PANS-OPS (Doc 8168);
- (b) the design requirements set out or referred to in the current version of the ICAO Required Navigation Performance Authorisation Required Procedure Design Manual (Doc 9905);
- (c) the quality assurance, training, and validation and associated requirements set out in the current version of the ICAO Quality Assurance Manual for Flight Procedure Design (Doc 9906) - Volume 1 to Volume 6; and
- (d) any applicable standards and requirements set out in Document NAM-CATS-FPD.

(2) A flight procedure design organisation must establish procedures for ensuring that the processes of design, maintenance, or transfer of data of a flight procedure comply with the standards specified or referred to in Document NAM-CATS-FPD.

(3) A flight procedure design organisation may use alternative standards equivalent to the standards specified in this Part provided that the standards are acceptable to the Executive Director.

**Verification of flight procedures**

**173.04.3** (1) A flight procedure design organisation must establish a procedure for verifying every flight procedure that it proposes to design, make available for operational use, and publish the flight procedure in the AIP.

- (2) The procedure required by subregulation (1) must include -
  - (a) details of the checks to be carried out by a senior person, who is authorised to verify and certify the particular type of flight procedure, to ensure that the flight procedure meets the applicable requirements and standards prescribed by this Part; and
  - (b) the means for providing the Executive Director with the information required under this Part for approval of the procedure and for the entry of the flight procedure into the register.

(3) A person who is authorised to verify and certify a flight procedure may not verify or certify a flight procedure that the person has designed.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) In this Part, a reference to verifying a flight procedure is a reference to the process of checking the procedure, including all data, computations and drawings for the procedure, in accordance with any applicable standards set out in this Part.

**Procedures for validation of flight procedures**

**173.04.4** (1) A flight procedure design organisation must ensure that the designed flight procedures undergo the validation process as applicable in accordance with the standards set out in Document NAM-CATS-FPD and subject to any conditions as are specified in the approval.

(2) Where a flight procedure design organisation has been approved to conduct validation of flight procedures, it must ensure that each flight procedure designed under its approval is validated in accordance with this Part and applicable standards set out in Document NAM-CATS-FPD.

(3) Where a flight procedure design organisation has not been approved to conduct validation of flight procedures, the organisation must ensure that each flight procedure it designs is validated by an approved flight procedure design entity prior to being submitted to the Executive Director for approval.

(4) A flight procedure design organisation that has been approved to conduct validation of flight procedures must establish procedures for conducting the validation of flight procedures as required under this Part.

(5) The procedures established in accordance with subregulation (4) must include the use of equipment that -

- (a) has the precision, and accuracy traceable to appropriate standards, that are necessary for the validation being performed;
- (b) has known measurement uncertainties including, but not limited to, the software, firmware and crosswind uncertainties;
- (c) where flight validation is required, records the actual flight path of the validation aircraft; and
- (d) is checked before being released for use, and at intervals not exceeding the calibration intervals recommended by the manufacturer, to establish that the system is capable of verifying the integrity of the flight procedure.

(6) A flight procedure design organisation must ensure that all flight procedures that it designs undergo ground validation and flight validation.

(7) Despite the requirement of subregulation (6), the flight validation of a flight procedure design may be excluded where the flight procedure design organisation can verify through ground validation, the accuracy and completeness of all obstacle and navigation data considered in the procedure design, and any other factors normally considered in the flight validation.

(8) The process to be used for ground and flight validation must be as described in Document NAM-CATS-FPD.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(9) Conditions under which flight validation is required must be as set out in Document NAM-CATS-FPD.

**Process for approval of flight procedures**

**173.04.5** (1) Each flight procedure intended for use by aircraft operating within the territorial limits of Namibia must be approved by the Executive Director.

(2) The procedures for design submission and approval must be as set out in Document NAM-CATS-FPD.

(3) Before approving a flight procedure the Executive Director must be satisfied that the flight procedure -

- (a) has been developed and validated in compliance with the applicable requirements of this Part, and any standards set out in Document NAM-CATS-FPD;
  - (b) has been developed and validated by a flight procedure design organisation approved by, and in compliance with regulations and standards of, another State acceptable to the Executive Director;
  - (c) is safe for use in aviation generally; and
  - (d) will be maintained by an approved flight procedures organisation.
- (4) The Executive Director must indicate approval of each flight procedure in writing.
- (5)

[Subregulation (5) is deleted by GN 11/2024.]

(6)

[Subregulation (6) is deleted by GN 11/2024.]

**Entry of flight procedures into register**

**173.04.6** (1) The Executive Director must enter or cause to be entered each flight procedure intended for use by aircraft operating under IFR within the territorial limits of Namibia into the register referred to in regulation 71.10.1.

(2) For the purpose of subregulation (1), the following information is required by the Executive Director for every entry of a flight procedure into the register:

- (a) the name or other appropriate identifier that is acceptable to the Executive Director to uniquely identify the flight procedure;
- (b) aeronautical data that is acceptable to the Executive Director to define and describe the flight procedure;
- (c) the date that the flight procedure is intended to come into effect;



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) a statement signed by the senior person referred to in regulation 173.04.3(2)(a), certifying that the flight procedure meets the applicable standards and requirements prescribed by this Part; and
- (e) a statement signed by a senior person referred to in paragraph (d), of the appropriate flight procedure organisation certifying that the flight procedure is to be maintained in accordance with the organisation's procedures required by this Part.

**Publication of flight procedures**

**173.04.7** (1) A flight procedure design organisation must give -

- (a) each flight procedure designed under its approval; and
- (b) a certificate by the flight procedure design organisation's chief designer to the effect that the procedure is designed and validated in accordance with any applicable requirements prescribed in this Part and the standards set out in Document NAM-CATS-FPD,

to the aeronautical information service (AIS) for publication of the flight procedure in the AIP.

- (2) A flight procedure design organisation must establish procedures to ensure that -
  - (a) a flight procedure is not published or made available for operational use, unless it has been validated and approved by the Executive Director;
  - (b) the initial publication of, or any change to, a flight procedure has been accurately published;
  - (c) the date that the flight procedure is intended to come into effect is clearly stated;
  - (d) the flight procedures designs or charts, are provided to the Aeronautical Information Service (AIS) provider for publication in the AIP; and
  - (e) the designs or charts published in the AIP are produced in accordance with the standards set out in Document NAM-CATS-FPD.
- (3) The procedure required in subregulation (2) must include details of the means -
  - (a) for coordinating with the aeronautical information service provider and the publishing of the flight procedure in the AIP; and
  - (b) to check that the initial publication of, or any change to, a flight procedure published under subregulation (1) has been accurately published in the AIP.
- (4) A flight procedure design organisation must -
  - (a) keep the aeronautical charts included in the AIP up-to-date by means of replacement sheets, where necessary; and
  - (b) clearly indicate in the revised charts, any significant amendments or revisions in the flight procedure.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(5) Where required, coding of flight procedures will be conducted in accordance with the standards set out in NAM-CATS-FPD.

**Maintenance of flight procedures**

**173.04.8** (1) A flight procedure design organisation must maintain a flight procedure in accordance with the schedule set out in Document NAM-CATS-FPD.

(2) A flight procedure design organisation providing maintenance of a flight procedure must record, investigate, correct, and report, any identified error, and any identified non-conformance or suspected non-conformance in accordance with the standards set out in Document NAM-CATS-FPD.

**Design criteria for flight procedures**

**173.04.9** (1) A flight procedure design organisation must design, validate and publish every flight procedure in accordance with the requirements of this Part and in accordance with the appropriate design processes, standards, guidelines, and aeronautical data quality requirements contained in the following materials:

- (a) the current versions of ICAO Documents -
  - (i) Procedures for Air Navigation Services - Aircraft Operations - Volume I Flight Procedures and Volume II, Construction of Visual and Instrument Flight Procedures (Doc 8168);
  - (ii) Aeronautical Chart Manual (Doc 8697);
  - (iii) Manual of All-Weather Operations (Doc 9365);
  - (iv) Performance-Based Navigation Manual - Volume I Concept and Implementation Guidance and Volume II Implementing RNAV and RNP (Doc 9613);
  - (v) Guidelines for Electronic Terrain, Obstacle and Aerodrome Mapping Information (Doc 9881);
  - (vi) Manual on the Use of the Collision Risk Model (CRM) for ILS operations (Doc 9274 - AN/904);
  - [The punctuation inside the last set of brackets is reproduced as it appears in the Government Gazette.]**
  - (vii) Instrument Flight Procedure Construction Manual (Doc 9368 - AN/911);
  - (viii) Quality Assurance Manual for Flight Procedure Design (Doc 9906 - AN/472);
  - (ix) World Geodetic System 1984 (WGS-84) Manual (Doc 9674 - AN/946);
  - (x) Manual on Airspace Planning Methodology for the Determination of Separation Minima (Doc 9689);
  - (xi) Global Navigation Satellite System (GNSS) Manual (Doc 9849);

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) the applicable requirements of Parts 91, 139, 172 and 175; and
- (c) any other guideline or standard that is applicable to a particular type of flight procedure.

(2) The design criteria for flight procedures must be in accordance with the criteria described in ICAO Doc 8168 referred to in subregulation (1)(a)(i) for the development of -

- (a) standard instrument departure (SID) and standard instrument arrival (STAR) procedures;
- (b) approach procedures;
- (c) circling procedures;
- (d) en-route procedures;
- (e) holding procedures;
- (f) noise abatement procedures;
- (g) altimeter setting procedures; and
- (h) procedures for simultaneous operations on parallel runways.

(3) A flight procedure design organisation for the development of flight procedures, including the procedures listed in subregulation (2), must submit to the Executive Director the procedures for publication in the AIP in the format prescribed in Part 175.

- (4) For purposes of subregulations (1), (2) and (3), the applicable -
  - (a) design processes, standards, guidelines, to be used must meet the criteria set out in Document NAM-CATS-FPD; and
  - (b) aeronautical data quality and integrity requirements, must meet the criteria prescribed in Part 175.
- (5) The design of a procedure must -
  - (a) be coordinated with all appropriate air traffic service providers;
  - (b) be compatible with any air traffic service and associated procedure that is provided within the area or areas of airspace where the instrument flight procedure is intended to be established;
  - (c) comply with -
    - (i) noise abatement and environmental requirements described in ICAO Document 9888: Noise Abatement Procedures; and
    - (ii) any other legislation restricting aircraft operations;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) not impact on any adjacent airspace that may be affected by the procedure, unless appropriate coordination has been undertaken during the design phase; and
  - (e) take into account the effect that the proposed flight procedure may have on any other flight procedure established in the same airspace.
- (6) A flight procedure may not be designed using a ground based ATEL facility unless the -
- (a) ATEL facility is installed and operated under the authority of an aeronautical telecommunication service provider certificate issued under Part 171; and
  - (b) ATEL service provider agrees in writing that the ATEL facility can be used for the intended flight procedure.
- (7) A flight procedure design organisation must ensure that the accuracy and integrity of data is maintained throughout the data process in accordance with the standards prescribed in Part 175.

[The verb “is” should be “are” to accord with the plural subject “accuracy and integrity”.]

- (8) A flight procedure may not be designed for an aerodrome or heliport, unless the operator of the aerodrome or heliport agrees in writing that the aerodrome or heliport may be used for IFR and VFR operations using the intended flight procedure.

**Information acquisition**

**173.04.10** (1) A flight procedure design organisation must ensure that the survey and, the collection of data or information and subsequent flight procedure design activities and processes are controlled and monitored by a person or persons trained in flight procedure design.

(2) In the obstacle survey for procedure design, the flight procedure design organisation must consider that -

- (a) all obstacles be accounted for, and items, such as trees and heights of tall buildings must be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours; and
- (b) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error.

(3) The procedure design information must be coordinated with all relevant stakeholders, and as input for the procedure design process the following aspects need to be assessed:

- (a) airport, navigation aid, obstacle, terrain coordinate and elevation data, based on verified surveys;
- (b) airspace requirements;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) user requirements - the needs of air traffic service provider and operators who will use this procedure;
- (d) airport infrastructure such as runway classification, lighting, communications, runway markings, and availability of local altimeter setting;
- (e) environmental considerations; and
- (f) any other potential issue associated with the procedure.
- (4) For the purpose of this regulation, “stakeholder” includes -
  - (a) the Authority;
  - (b) air navigation services providers;
  - (c) air traffic service providers;
  - (d) aircraft operators;
  - (e) aerodrome and airport operators;
  - (f) aviation associations;
  - (g) environmental authorities responsible for administering or regulation of matters relating to the environment;
  - (h) flight procedure design organisations; and
  - (i) any other persons or entities determined to be stakeholders by the Executive Director for the purpose of this regulation.

**Procedure design automation**

**173.04.11** (1) A flight procedure design organisation must ensure that the software packages used in the design of procedures has been validated.

[The verb “has” should be “have” to accord with the subject “software packages”.]

(2) A flight procedure design organisation must ensure that a description of the procedures to be used to ensure that all equipment, including software is operated in accordance with the manufacturer’s operating instructions and manuals, is readily available to the flight procedure designer.

(3) The flight procedure design organisation must ensure that the provisions of ICAO Doc 9906 referred to in regulation 173.04.9(1)(a)(viii) are adhered to in terms of software validation and use.

**General criteria and procedures for establishment of aerodrome operating minima**

**173.04.12** A flight procedure design organisation must comply with the General Criteria and Procedures for the establishment of the Aerodrome Operating Minima specified in Document NAM-CATS-FPD.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 5**  
**GENERAL OPERATING REQUIREMENTS**

**Continued compliance**

**173.05.1** (1) A flight procedure design organisation must -

- (a) hold at least one complete and current copy of its manual of procedures at the organisation's principal location;
- (b) comply with every procedure and standard detailed in its manual of procedures;
- (c) make each applicable part of the exposition available to personnel who require the applicable part to carry out their duties;
- (d) continue to meet the standards and comply with the requirements of this Part and the standards set out in NAM-CATS-FPD and the requirements of Part 170; and
- (e) notify the Executive Director of any change in its postal address, address for service, telephone number, email address or facsimile number within 14 days of the change.

(2) The flight procedure design organisation must -

- (a) ensure that it's manual of procedures is amended in accordance with the requirements of Part 170 so that it remains a current description of the holder's organisation;

[The word "it's" should be "its".]

- (b) ensure that any amendment made to its exposition meets the applicable requirements of Part 170;
- (c) comply with the amendment procedures contained in its manual of procedures;
- (d) forward to the Executive Director for retention a copy of each amendment that the organisation makes to its exposition as soon as possible after the amendment is incorporated into its manual of procedures; and
- (e) amend its manual of procedures as the Executive Director may consider necessary in the interests of aviation safety.

(3) Before a flight procedure design organisation changes any of the following, prior written approval by the Executive Director is required -

- (a) the person identified as the senior accountable manager in accordance with Part 170;
- (b) the title or name of any senior person specified in the manual of procedures;
- (c) the types of flight procedure specified on the organisation's approval; and
- (d) the system for safety management, if the change is a material change.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The Executive Director may impose conditions under which the flight procedure design organisation must operate during or following any of the changes specified in subregulation (3).

(5) The flight procedure design organisation must comply with any condition imposed by the Executive Director under subregulation (4).

(6) Where any of the changes under subregulation (3) requires an amendment to the flight procedure approval, the flight procedure design organisation must submit the approval to the Executive Director for endorsement of the change as soon as possible.

**Cessation of maintenance of flight procedure service**

**173.05.2** Where a flight procedure design organisation that has been approved by the Executive Director for the maintenance of flight procedure design wishes to discontinue the maintenance of a flight procedure as required under this Part, the organisation must notify the Executive Director in writing of the intention to discontinue the maintenance at least 90 days before the expiry of the procedure's scheduled maintenance period.

**Design submission template**

**173.05.3** A flight procedure design organisation must, when submitting a flight procedure, do so using a template set out in Document NAM-CATS-FPD.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 174**  
**AIR NAVIGATION SERVICES: AVIATION METEOROLOGICAL SERVICES**

**[Part 174 is substituted by GN 89/2020.]**

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 174.01.1 Definitions and interpretation in this Part
- 174.01.2 **[Regulation 174.02.2 is deleted by GN 11/2024.]**

**SUBPART 2: DESIGNATION AND CERTIFICATION AS A-MET SERVICE**

- 174.02.1 Requirement for certification
- 174.02.2 Designation and certification of A-MET authority
- 174.02.3 Certification of A-MET service providers  
**[The heading of regulation 174.02.3 is substituted by GN 11/2024.]**
- 174.02.4 Application for A-MET services provider certificate or amendment thereof
- 174.02.5 Issue of A-MET services provider certificate
- 174.02.6 Renewal of A-MET services provider certificate
- 174.02.7 Duplicate certificate
- 174.02.8 Privileges of A-MET service provider certificate holder

**SUBPART 3: REQUIREMENTS TO BE COMPLIED WITH BY A-MET SERVICE  
IN RELATION TO AVIATION METEOROLOGICAL SERVICES**

- 174.03.1 Manual of procedures and station standing instructions
- 174.03.2 A-MET service organisation
- 174.03.3 Personnel requirements
- 174.03.4 Training and checking programme
- 174.03.5 Site requirements
- 174.03.6 Communication requirements
- 174.03.7 Facility requirements
- 174.03.8 Document and record control system
- 174.03.9 Input meteorological information
- 174.03.10 Output meteorological information
- 174.03.11 Verification, periodic inspection, testing and calibration
- 174.03.12 Release of meteorological information
- 174.03.13 Notification of meteorological office and facility status
- 174.03.14 Meteorological information checks after accident or incident
- 174.03.15 Malfunctions and erroneous information
- 174.03.16 Records
- 174.03.17 Safety management system
- 174.03.18 Standards for provision of A-MET services
- 174.03.19 Contingency plan  
**[Regulation 174.03.19 is inserted by GN 11/2024.]**

**SUBPART 4: GENERAL**

- 174.04.1 Objective, determination and provision of meteorological services
- 174.04.2 Supply, use and quality management of meteorological information
- 174.04.3 Notification required from operators



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

174.04.4 Human factors considerations

[Regulation 174.04.4 is inserted by GN 11/2024.]

**SUBPART 5: GLOBAL SYSTEMS, SUPPORTING CENTRES AND METEOROLOGICAL OFFICES**

- 174.05.1 World area forecast system
- 174.05.2 World area forecast centres
- 174.05.3 Aerodrome meteorological offices
- 174.05.4 Meteorological watch offices
- 174.05.5 Volcanic ash advisory centres
- 174.05.6 Volcano observatories
- 174.05.7 Tropical cyclone advisory centre
- 174.05.8 Space weather centres

**SUBPART 6: METEOROLOGICAL OBSERVATIONS AND REPORTS**

- 174.06.1 Aeronautical meteorological stations and observations
- 174.06.2 Agreement between A-MET service and ATS providers
- [In the heading of this regulation in the text below, the word “provider” is singular.]
- 174.06.3 Routine observations and reports
- 174.06.4 Special observations and reports
- 174.06.5 Contents of reports
- 174.06.6 Observing and reporting meteorological elements
- 174.06.7 Reporting meteorological information from automatic observing systems
- 174.06.8 Observations and reports of volcanic activity

**SUBPART 7: AIRCRAFT OBSERVATIONS AND REPORTS**

- 174.07.1 Obligation for reporting of observations
- 174.07.2 Types of aircraft observations
- 174.07.3 Routine aircraft observations and designation
- 174.07.4 Routine aircraft observations and data link
- 174.07.5 Special aircraft observations
- 174.07.6 Other non-routine aircraft observations
- 174.07.7 Reporting of aircraft observations during flight
- 174.07.8 Relay of air-reports by ATS units
- 174.07.9 Recording and post-flight reporting of aircraft observations of volcanic activity

**SUBPART 8: FORECASTS**

- 174.08.1 Interpretation and use of forecasts
- 174.08.2 Aerodrome forecasts
- 174.08.3 Landing forecasts
- 174.08.4 Forecasts for take-off
- 174.08.5 Area forecasts for low-level flights

**SUBPART 9: SIGMET AND AIRMET INFORMATION, AERODROME WARNINGS AND WIND SHEAR WARNINGS AND ALERTS**

- 174.09.1 SIGMET information
- 174.09.2 AIRMET information
- 174.09.3 Aerodrome warnings

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

174.09.4 Wind shear warnings and alerts

**SUBPART 10: AERONAUTICAL CLIMATOLOGICAL INFORMATION**

- 174.10.1 General provisions
- 174.10.2 Aerodrome climatological tables
- 174.10.3 Aerodrome climatological summaries
- 174.10.4 Copies of meteorological observational data

**SUBPART 11: SERVICE FOR OPERATORS AND FLIGHT CREW MEMBERS**

- 174.11.1 General provisions
- 174.11.2 Briefing, consultation and display
- 174.11.3 Flight documentation
- 174.11.4 Automated pre-flight information systems for briefing, consultation, flight planning and flight documentation
- 174.11.5 Information for aircraft in flight

**SUBPART 12: INFORMATION FOR AIR TRAFFIC SERVICES, SEARCH AND RESCUE SERVICES AND AERONAUTICAL INFORMATION SERVICES**

- 174.12.1 Information for air traffic services units
- 174.12.2 Information for search and rescue services units
- 174.12.3 Information for aeronautical information services units

**SUBPART 13: REQUIREMENTS FOR AND USE OF COMMUNICATIONS**

- 174.13.1 Requirements for communications
- 174.13.2 Use of aeronautical fixed service communications: meteorological bulletins in alphanumeric format
- 174.13.3 Use of aeronautical fixed service communications: WAFS products
- 174.13.4 Use of aeronautical mobile service communications
- 174.13.5 Use of aeronautical data link service: contents of D-VOLMET
- 174.13.6 Use of aeronautical broadcasting service: contents of VOLMET broadcasts

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions and interpretation in this Part**

**174.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-MET.

(2) For purposes of these regulations “A-MET service” includes, unless the context indicates otherwise, the entity that has been certified under this Part as an A-MET service provider to provide aviation meteorological services in terms of these regulations.

(3) Unless otherwise specified in this Part, where any act is required or expected to be performed or anything is required or expected to be done by an A-MET service in terms of these regulations, that act must be performed or thing must be done by the certified A-MET service provider.

(4) Subregulation (3) does not apply where an A-MET service provider has been exempted from performing the act or doing the thing by the Executive Director under these regulations

**[Regulation 174.01.1 is substituted by GN 11/2024.]**

**Applicability**

**174.01.2** (1) This Part -

(a) prescribes -

- (i) regulations and procedures governing the certification and operation of the A-MET authority and other organisations providing aviation meteorological services for air navigation within Namibia; and
- (ii) requirements governing the provision of basic weather reports for aviation in accordance with Annex 3 to the Chicago Convention;

(b) applies to the entity that has been designated and certified as the A-MET Authority and to any other organisation that applies to be certified or has been certified as an aviation meteorological service provider pursuant to these regulations and to Annex 3 to the Chicago Convention; and

(c) sets out certain administrative rules applying to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

- (a) a person who is providing aviation meteorological services to military aircraft in the course of his or her duties for the Namibian Defence Force; or
- (b) any aviation meteorological services provided to military aircraft by the Namibian Defence Force.

**SUBPART 2**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

**DESIGNATION AND CERTIFICATION AS A-MET SERVICE**

**Requirement for certification**

**174.02.1** (1) A person may not provide an aviation meteorological service in Namibia unless that person has been certified as a meteorological services provider under regulation 174.02.3, and provides the service under the authority of, and in accordance with the provisions of a certificate issued in terms of this Part, and any additional requirements provided for in Part 170.

[Subregulation (1) is substituted by GN 11/2024.]

(2) The A-MET service, in providing meteorological services for air navigation, must do so in accordance with the -

- (a) requirements specified in this Part;
- (b) technical standards set out in Document NAM-CATS-MET;
- (c) manual of procedures referred in regulation 174.03.1; and

[The word “to” appears to have been omitted between the word “referred” and the phrase “in regulation 174.03.1”.]

- (d) applicable standards of the World Meteorological Organisation (WMO).

\*\*\*

**174.02.2**

[Regulation 174.02.2 is deleted by GN 11/2024.]

**Certification of A-MET service providers**

[The heading of regulation 174.02.3 is substituted by GN 11/2024.]

**174.02.3** The Executive Director may issue a certificate authorising a person or an entity to provide A-MET services in Namibia, and the services to be provided may vary from a single aviation meteorological service to a range of aviation meteorological services.

**Application for A-MET services provider certificate or amendment thereof**

**174.02.4** An application for an A-MET services provider certificate, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-MET; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in regulation 174.03.1;
  - (ii) the appropriate fee as prescribed in Part 187.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Issue of A-MET services provider certificate**

**174.02.5** (1) The Executive Director may issue an A-MET services provider certificate, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and in this Part;
- (b) the applicant's personnel required by this Part are competent to perform their respective duties;
- (c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and
- (d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The A-MET services provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-MET.

**Renewal of A-MET services provider certificate**

**174.02.6** (1) An application for the renewal of an A-MET services provider certificate, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-MET; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in 174.03.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

(2) The holder of an A-MET services provider certificate must if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the certificate expires, apply to the Executive Director for the renewal of such certificate.

**Duplicate certificate**

**174.02.7** (1) An application for a duplicate certificate as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-MET; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of an A-MET services provider certificate is issued on the appropriate form set out in Document NAM-CATS-MET.

[There is no subregulation (2) in the *Government Gazette*; it appears that the subregulation above should be numbered as subregulation (2) instead of (3).]

(2A) An A-MET service provider must ensure that each new MET facility is -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) commissioned to meet the specification standards for that facility; and
- (b) installed in compliance with the requirements prescribed in this Part and the specification standards set out in Document NAM-CATS-MET before commissioning.

[Subregulation (2A) is inserted by GN 11/2024.]

**Privileges of A-MET service provider certificate holder**

**174.02.8** The privileges of an A-MET service provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-MET.

**SUBPART 3**  
**REQUIREMENTS TO BE COMPLIED WITH BY A-MET SERVICE**  
**IN RELATION TO AVIATION METEOROLOGICAL SERVICES**

**Manual of procedures and station standing instructions**

**174.03.1** (1) The A-MET service must prepare a manual of procedures as required by, and in accordance with, the provisions of Part 170 and the standards set out in Document NAM-CATS-MET.

(2) The A-MET service must prepare standing station instructions (SSI) or their equivalent for each meteorological office listed in its manual of procedures.

(3) The standing station instructions form part of, and may be integrated with, the service provider's manual of procedures as required under Part 170.

(4) The station standing instructions must set out the procedures for the operation and maintenance of the meteorological office and associated facilities in accordance with requirements set out in Document NAM-CATS-MET.

[The word "the" appears to have been omitted before the word "requirements".]

**A-MET service organisation**

**174.03.2** (1) The A-MET service must, at all times, maintain an appropriate organisation with sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-MET, the services covered by its designation or certificate.

(2) The A-MET service must establish in its organisation structures, MET systems, functions and activities and management and operational positions necessary for the safe and efficient provision of aviation meteorological services.

**Personnel requirements**

**174.03.3** (1) The A-MET service must engage, employ or contract sufficient, competent and qualified personnel in accordance with the requirements prescribed in Part 170.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

(2) The A-MET service must develop and publish job descriptions for all technical staff involved in the provision of MET services for air navigation.

(3) The A-MET service must comply with the personnel and qualification requirements set out in Document NAM-CATS-MET.

**Training and checking programme**

**174.03.4** (1) The A-MET service must establish a training and checking programme as required under Part 170, and in accordance with requirements specified in Document NAM-CATS-MET, including procedures, for assessing the competence of personnel who are authorised to provide meteorological services.

(2) The A-MET service must comply with the requirements of the World Meteorological Organisation in respect of qualifications and training of meteorological personnel providing service for international air navigation.

(3) The A-MET service, in establishing a training and checking programme, must take into consideration the training and qualification requirements prescribed in WMO Publication No. 49, Technical Regulations, Volume I: General Meteorological Standards and Recommended Practices, Part VI: Education and Training.

[Namibia is a party to the Convention of the World Meteorological Organization (WMO), 1947. Article 8(d) of that Convention authorises the World Meteorological Congress to “determine regulations prescribing the procedures of the various bodies of the Organization, in particular the General, Technical, Financial and Staff Regulations”. In terms of Article 9(a) of the Convention, all members must “do their utmost to implement the decisions of Congress”; however, Article 9(b) states that any Member that finds it impracticable to give effect to a requirement in a technical resolution adopted by Congress shall inform the Secretary-General of the WMO “whether its inability to give effect to it is provisional or final, and state its reasons therefor”.

WMO Publication No. 49, Volume I, can be found online at:  
<[www.wmo.int/pages/prog/hwarp/publications/technical\\_regulations/WMO\\_N49\\_TechReg\\_Vol1.pdf](http://www.wmo.int/pages/prog/hwarp/publications/technical_regulations/WMO_N49_TechReg_Vol1.pdf)>.

**The Introduction to Volume I provides the following explanation:**

“4. The Technical Regulations comprise *standard* practices and procedures and *recommended* practices and procedures.

5. The definitions of these two types of Regulations are as follows:

The *standard* practices and procedures:

- (a) Shall be the practices and procedures which it is necessary that Members follow or implement; and therefore
- (b) Shall have the status of requirements in a technical resolution in respect of which Article 9(b) of the Convention is applicable; and
- (c) Shall invariably be distinguished by the use of the term *shall* in the English text, and by suitable equivalent terms in the French, Spanish and Russian texts.

The *recommended* practices and procedures:

- (a) Shall be the practices and procedures which it is desirable that Members follow or implement; and therefore
- (b) Shall have the status of recommendations to Members, to which Article 9(b) of the Convention shall not be applied;
- (c) Shall be distinguished by the use of the term *should* in the English text (except where otherwise provided by decision of Congress) and by suitable equivalent terms in the French, Russian and Spanish texts.

6. In accordance with the above definitions, Members shall do their utmost to implement the standard practices and procedures. In accordance with Article 9(b) of the Convention and in conformity with the provisions of Regulation 125 of the General Regulations, Members shall formally notify the Secretary-General, in writing, of their intention to apply the standard practices and procedures of the Technical Regulations, except those for which they have lodged a specific deviation. Members shall also inform the Secretary-General, at least three months in

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

advance, of any change in the degree of their implementation of a *standard practice or procedure* as previously notified and the effective date of the change.

7. Members are urged to comply with *recommended* practices and procedures, but it is not necessary to notify the Secretary-General of non-observance except with regard to those contained in sub-section C.3.1.”]

(4) The A-MET service must maintain individual training records for each of its staff in accordance with the requirements of Part 170.

**Site requirements**

**174.03.5** The A-MET service must establish procedures to ensure that -

- (a) each of the meteorological offices and facilities listed in its manual of procedures is -
  - (i) sited and configured in accordance with security measures designed to prevent unlawful or accidental interference; and
  - (ii) provided with suitable power supplies and means to ensure appropriate continuity of service; and
- (b) each of the remote weather sensing facilities listed in its manual of procedures is installed and maintained in a technically appropriate position to ensure that the facility provides an accurate representation of the local meteorological conditions.

**Communication requirements**

**174.03.6** (1) The A-MET service must establish communication systems and procedures to ensure that each of the meteorological offices and facilities listed in its manual of procedures can provide the meteorological information for which it is intended.

(2) The communication systems and procedures must be capable of handling the volume and nature of the meteorological information being communicated so that no meteorological information is delayed to the extent that the information becomes out-of-date.

(3) The communication systems and procedures must be in accordance with the standards set out in Document NAM-CATS-MET.

**Facility requirements**

**174.03.7** (1) Where the A-MET service is required to provide a basic weather report, it must -

- (a) utilise equipment that is suitable for the observations being made;
- (b) employ a system for checking the equipment referred to in paragraph (a); and
- (c) ensure personnel are trained to provide accurate basic weather reports.

(2) The A-MET service must establish procedures to ensure that all electronic data processing facilities used in the acquisition, compilation, computing, access or dissemination of meteorological information are of a nature, configuration and capability to ensure the adequacy, accuracy and timeliness of that meteorological and related information.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The meteorological instruments and equipment must meet the standards set out in Document NAM-CATS-MET and the related World Meteorological Organisation requirements.

**Document and record control system**

**174.03.8** (1) The A-MET service must establish a system for the control of documents and records in accordance with Part 170 and the standards set out in Document NAM-CATS-MET.

(2) The A-MET service must put in place a system for the retention of documents and records in accordance with Part 170 and the standards set out in Document NAM-CATS-MET.

**Input meteorological information**

**174.03.9** (1) The A-MET service must establish procedures to obtain input meteorological information appropriate for the meteorological services being provided.

(2) The procedures referred to in subregulation (1) must ensure that each meteorological office and facility listed in the A-MET service's manual of procedures that provides -

- (a) a forecast service, has continuing access to appropriate historical, real-time, and other meteorological information for the A-MET service's forecast areas;
- (b) a meteorological briefing service in person or by any other interactive visual means, has adequate display and briefing resources available for the briefings;
- (c) a meteorological reporting service, has adequate observing systems to supply adequate, accurate and timely meteorological reports;
- (d) a meteorological watch service, has adequate meteorological information to supply an adequate, accurate and timely meteorological watch service; and
- (e) a climatology service, has adequate meteorological information for the preparation of climatological information.

**Output meteorological information**

**174.03.10** (1) The A-MET service must -

- (a) identify the output meteorological information provided by each meteorological service listed in its manual of procedures; and
- (b) determine the standards and formats for that output meteorological information.

(2) The A-MET service must establish procedures to ensure that the meteorological information supplied by each meteorological office and facility listed in its manual of procedures complies with the standards and formats determined under subregulation (1)(b).

**Verification, periodic inspection, testing and calibration**

**174.03.11** (1) The A-MET service must establish procedures for -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) routine verification of meteorological information it provides;
- (b) periodic inspection of each meteorological office listed in the manual of procedures;
- (c) the periodic inspection, testing and calibration of each facility listed in its manual of procedures.
- (2) The procedures established in accordance with subregulation (1) must ensure that -
  - (a) the systems required for the routine verification of meteorological information have the capability and integrity necessary for verifying the meteorological information;
  - (b) appropriate inspection equipment and systems are available to personnel for the inspection of each meteorological office;
  - (c) appropriate inspection, measuring and test equipment and systems are available to personnel for the inspection, testing and calibration of each facility;
  - (d) the inspection, measuring and test equipment and systems have the precision and accuracy necessary for the inspections, measurements and tests being carried out; and
  - (e) all meteorological sensing facilities are calibrated and configured so that the environmental sensors fitted or incorporated yield, as far as possible, reliable, accurate and representative meteorological information.

**Release of meteorological information**

**174.03.12** (1) The A-MET service must establish procedures for -

- (a) the release of meteorological information and for placing of facilities listed in its manual of procedures into operational service;
- (b) the release of meteorological information from each meteorological office listed in its manual of procedures; and
- (c) the placing of facilities listed in its manual of procedures into operational service.

(2) The procedures referred to in subregulation (1) must ensure that persons authorised to supervise the production and release of meteorological information and persons authorised to place meteorological facilities into operational service have been assessed as competent.

**Notification of meteorological office and facility status**

**174.03.13** (1) The A-MET service must establish procedures to notify the users of its services of relevant operational information and of any change in the operational status of each meteorological office or facility listed in its manual of procedures.

(2) The A-MET service must ensure that the procedures established in accordance with subregulation (1) require -

- (a) the operational information for each of its meteorological services that support the Namibian air navigation system or an air traffic service (ATS) to be forwarded to the

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

aeronautical information services (AIS) for publication in the aeronautical information publication (AIP);

- (b) the users of a meteorological office or facility to be notified without delay of any change in the operational status of the meteorological office or facility, if the change may affect the safety of air navigation;
- (c) the information regarding any change to the operational status of meteorological offices and facilities published in the AIP to be forwarded to the AIS for the issue of a NOTAM.

**Meteorological information checks after accident or incident**

**174.03.14** (1) The A-MET service must establish procedures for checking the adequacy, accuracy and timeliness of any of its meteorological information that may have been used by an aircraft or an air traffic service involved in an accident or incident.

- (2) The procedures referred to in subregulation (1) must ensure that -
  - (a) a person is designated to coordinate the checks;
  - (b) the persons carrying out the checks required by paragraph (c) must not include anyone who was the last person to work on the equipment providing the meteorological information;
  - (c) the checks are carried out as soon as possible after notification to the A-MET service of such an accident or incident; and
  - (d) copies of the meteorological information are kept in a secure place for possible use by any subsequent investigation.

**Malfunctions and erroneous information**

**174.03.15** The A-MET service must establish procedures -

- (a) to identify, record, notify, investigate and rectify any report of erroneous meteorological information;
- (b) to identify, record, notify, investigate and rectify any detected malfunction in the facilities and meteorological services listed in its manual of procedures that may result in the supply of erroneous meteorological information;
- (c) to notify without delay all users that have received the erroneous meteorological information;
- (d) to notify the Executive Director, within 12 hours, of those malfunctions that cannot be remedied within 72 hours; and
- (e) for the continuation of malfunction status reports in the event that such reports are required by the Executive Director.

**Records**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**174.03.16** (1) The A-MET service must establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the supply of the meteorological services listed in its manual of procedures.

(2) The procedures referred to in subregulation (1) must be established in accordance with the requirements set out in Document NAM-CATS-MET.

**Safety management system**

**174.03.17** An A-MET service provider must ensure that it meets safety requirements to help manage safety standards as set out in Document NAM-CATS-MET.

[Regulation 174.03.17 is substituted by GN 11/2024.]

**Standards for provision of A-MET services**

**174.03.18** (1) The A-MET service must provide meteorological information for air navigation in accordance with -

- (a) provisions of this Part;
- (b) the standards set out in Document NAM-CATS-MET;
- (c) the standards set by the World Meteorological Organisation, as varied by the AIP; and
- (d) the procedures and practices in the A-MET service's manual of procedures.

(2) The A-MET service may not provide meteorological information where the information provided does not meet the requirements specified in this Part and where limitations as specified in Document NAM-CATS-MET exist.

- (3) The A-MET service must, before providing the service, be satisfied that -
  - (a) the personnel are adequate in number and have the necessary competency to provide the service;
  - (b) the manual of procedures contains all the relevant information;
  - (c) the facilities, services and equipment are established in accordance with these regulations;
  - (d) the operating procedures make satisfactory provision for the safety of air navigation; and
  - (e) an approved quality management system is in place.

**Contingency plan**

**174.03.19** (1) An A-MET service provider must develop and maintain a contingency plan for implementation in the event of disruption, or potential disruption, of aeronautical meteorological services in accordance with standards set out in Document NAM-CATS-MET

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The full stop at the end of subregulation (1) appears to have been omitted;  
there are no additional words in the *Government Gazette*.]

(2) The plan referred to in subregulation (1) must be submitted as part of the manual of procedures for approval by the Executive Director.

[Regulation 174.03.19 is inserted by GN 11/2024.]

**SUBPART 4**  
**GENERAL**

**Objective, determination and provision of meteorological services**

**174.04.1** The A-MET service must -

- (a) provide services with the sole objective of contributing to the safety, regularity and efficiency of air navigation;
- (b) supply meteorological information to users including aircraft operators, flight crew members, air traffic services units, search and rescue services units, aerodromes management and others concerned with the conduct or development of air navigation to enable them to perform their functions;
- (c) determine the meteorological services it will provide to meet the needs of air navigation; and
- (d) in providing meteorological services for air navigation, comply with the standards set out in Document NAM-CATS-MET and the applicable requirements of the World Meteorological Organisation.

**Supply, use and quality management of meteorological information**

**174.04.2** (1) The A-MET service must -

- (a) liaise closely with the users of meteorological information in accordance with the standards set out in Document NAM-CATS-MET; and
- (b) establish, implement and demonstrate compliance with a quality system to provide for the quality management of meteorological information supplied to those concerned with the conduct or development of air navigation.

(2) The quality system required under subregulation (1)(b) must be established and implemented in accordance with the standards set out in Document NAM-CATS-MET.

**Notification required from operators**

**174.04.3** (1) The A-MET service must establish procedures for receiving and responding to requests from operators regarding meteorological services or changes in existing meteorological service.

(2) An operator requiring a meteorological service or changes in an existing meteorological service must notify, sufficiently in advance, the A-MET service or the aerodrome

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

meteorological office concerned in accordance with the standards set out in Document NAM-CATS-MET.

**Human factors considerations**

**174.04.4** An A-MET provider must where applicable, in the management and distribution of meteorological information, take into consideration human factors principles in accordance with the standards set out in Document NAM-CATS-MET.

[Regulation 174.04.4 is inserted by GN 11/2024.]

**SUBPART 5****GLOBAL SYSTEMS, SUPPORTING CENTRES AND METEOROLOGICAL OFFICES****World area forecast system**

**174.05.1** If the A-MET service, has been assigned or has accepted responsibility for providing aeronautical meteorological en-route forecasts within the framework of the world area forecast system (WAFS), the A-MET service must arrange to provide the services in accordance with the standards set out in Document NAM-CATS-MET.

**World area forecast centres**

**174.05.2** If the A-MET service, has been assigned or has accepted responsibility for providing a world area forecast centre (WAFC) within the framework of the world area forecast system, the A-MET service must arrange to provide the services in accordance with the standards set out in Document NAM-CATS-MET.

**Aerodrome meteorological offices**

**174.05.3** (1) The A-MET service must, in accordance with the standards set out in Document NAM-CATS-MET -

- (a) establish meteorological offices for the provision of the meteorological service for air navigation; and
- (b) make arrangements at the aerodromes for which aerodrome meteorological offices have not been established.

(2) The aerodrome meteorological offices established in terms of subregulation (1) must carry out their functions in accordance with the standards set out in Document NAM-CATS-MET.

(3) Aerodromes for which landing forecasts are required must be determined on the basis of regional air navigation agreements.

**Meteorological watch offices**

**174.05.4** (1) The A-MET service must establish one or more meteorological watch offices to provide meteorological information within the flight information region or control areas for which Namibia has been assigned, or has accepted the responsibility for the provision of air traffic services.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The meteorological watch offices established under subregulation (1) must carry out their functions in accordance with the standards set out in Document NAM-CATS-MET.

**Volcanic ash advisory centres**

**174.05.5** (1) If the A-MET service has been assigned or has accepted the responsibility for providing a volcanic ash advisory centre (VAAC) within the framework of the international airways volcano watch, the A-MET service must arrange to provide that service in accordance with the standards set out in Document NAM-CATS-MET.

(2) In case of interruption of the operation of a VAAC, the A-MET service must ensure that the functions of the VAAC are carried out by another VAAC or meteorological centre.

**Volcano observatories**

**174.05.6** The A-MET service must make arrangements for the monitoring, observation and reporting of active or potentially active volcanoes as set out in Document NAM-CATS-MET.

**Tropical cyclone advisory centre**

**174.05.7** If the A-MET service has been assigned or has accepted responsibility for providing a tropical cyclone advisory centre (TCAC), the A-MET service must arrange to provide the services within its area of responsibility in accordance with the standards set out in Document NAM-CATS-MET.

**Space weather centres**

**174.05.8** If the A-MET service has been assigned or has accepted the responsibility for providing a space weather centre (SWXC), the A-MET service must arrange for that centre to monitor and provide advisory information on space weather phenomena in its area of responsibility by arranging for that centre in accordance with the standards set out in Document NAM-CATS-MET.

**SUBPART 6**  
**METEOROLOGICAL OBSERVATIONS AND REPORTS****Aeronautical meteorological stations and observations**

**174.06.1** (1) The A-MET service must, at aerodromes in Namibia, establish such aeronautical meteorological stations as it determines to be necessary to comply with the requirements of these regulations.

(2) An aeronautical meteorological station must be established and equipped in accordance with the standards set out in Document NAM-CATS-MET.

(3) The aeronautical meteorological stations established in accordance with subregulation (1) must make routine observations as set out in Document NAM-CATS-MET.

**Agreement between A-MET service and ATS provider**

**174.06.2** (1) The A-MET service must enter into an agreement with ATS providers for the provision of meteorological information and systems necessary for the provision of air traffic services.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The agreement between the A-MET service and ATS providers must cover those services and systems necessary for the provision of meteorological information as set out in Document NAM-CATS-ATS.

**Routine observations and reports**

**174.06.3** (1) The A-MET service must make routine observations at aerodromes, at such times and intervals as specified in Document NAM-CATS-MET.

(2) Routine observations and reports must be issued in accordance with the standards set out in Document NAM-CATS-MET.

**Special observations and reports**

**174.06.4** (1) The A-MET service must establish the criteria for reporting of special observations by the ATS service provider, operators and others concerned.

(2) Reports of special observations must be issued in accordance with the standards set out in Document NAM-CATS-MET.

**Contents of reports**

**174.06.5** The A-MET service must ensure that the contents of meteorological reports, which include local routine and special reports, current aerodrome routine meteorological reports (METAR) and aerodrome special meteorological reports (SPECI) that it issues, comply with the standards set out in Document NAM-CATS-MET.

**Observing and reporting meteorological elements**

**174.06.6** The A-MET service must ensure that observation and reporting of the following meteorological elements is carried out in accordance with the standards set out in Document NAM-CATS-MET:

[The verb “is” should be “are” to accord with the plural subject “observation and reporting”.]

- (a) surface wind;
- (b) visibility;
- (c) runway visual range;
- (d) present weather;
- (e) clouds;
- (f) air temperature and dew-point temperature;
- (g) atmospheric pressure; and
- (h) any other supplementary information.

**Reporting meteorological information from automatic observing systems**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**174.06.7** The A-MET service must ensure that meteorological information, such as METAR, SPECI, local routine and special reports, received from automatic observing systems is reported in accordance with the standards set out in Document NAM-CATS-MET.

**Observations and reports of volcanic activity**

**174.06.8** The A-MET service must ensure that the observation and reporting of volcanic activity is carried out in accordance with the standards set out in Document NAM-CATS-MET.

[The verb “is” should be “are” to accord with the plural subject “observation and reporting”.]

**SUBPART 7**  
**AIRCRAFT OBSERVATIONS AND REPORTS**

**Obligation for reporting of observations**

**174.07.1** The A-MET service, with the concurrence of the air traffic services (ATS) provider, must make arrangements for -

- (a) observations to be made by aircraft registered in Namibia and operating on international air routes; and
- (b) the recording and reporting of observations made by aircraft as contemplated in paragraph (a).

**Types of aircraft observations**

**174.07.2** Observations made by aircraft in accordance with regulation 174.07.1, must include -

- (a) routine aircraft observations during en-route and climb-out phases of the flight; and
- (b) special and other non-routine aircraft observations during any phase of the flight.

**Routine aircraft observations and designation**

**174.07.3** Routine aircraft observations and the designation of aircraft for the purpose of making routine aircraft observations must be in accordance with the standards set out in Document NAM-CATS-MET.

**Routine aircraft observations and data link**

**174.07.4** An aircraft may not make routine aircraft observations unless it is equipped with air-ground data link.

[The word “an” appears to have been omitted before the phrase “air-ground data link”.]

**Special aircraft observations**

**174.07.5** All aircraft that is operating within the airspace of Namibia must make special aircraft observations in accordance with standards set out in Document NAM-CATS-MET.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The verb “is” should be “are” to accord with the plural subject “aircraft”:  
“all aircraft that are operating...”.]

**Other non-routine aircraft observations**

**174.07.6** The pilot-in-command of an aircraft when encountering other meteorological conditions as specified in Document NAM-CATS-MET which, in his or her opinion, may affect the safety or efficiency of other aircraft operations, must advise the appropriate air traffic services unit as soon as possible.

**Reporting of aircraft observations during flight**

**174.07.7** Aircraft observations during flight must be reported in accordance with the standards set out in Document NAM-CATS-MET.

**Relay of air reports by ATS units**

**174.07.8** The A-MET service, with the concurrence of an ATS provider, must have arrangements in place to ensure that ATS units receiving air reports relay them to the A-MET service in accordance with the standards set out in Document NAM-CATS-MET.

**Recording and post-flight reporting of aircraft observations of volcanic activity**

**174.07.9** The A-MET service must have in place, arrangements for the recording and post-flight reporting of aircraft observations of volcanic activity in accordance with the standards set out in Document NAM-CATS-MET.

**SUBPART 8**  
**FORECASTS**

**Interpretation and use of forecasts**

**174.08.1** The A-MET service must ensure that the interpretation and use of forecasts comply with the standards set out in Document NAM-CATS-MET.

**Aerodrome forecasts**

**174.08.2** The A-MET service must -

- (a) prepare aerodrome forecasts for aerodromes for which it has the responsibility to provide MET services; and
- (b) ensure that aerodrome forecasts are prepared, issued and amended in accordance with the standards set out in Document NAM-CATS-MET.

**Landing forecasts**

**174.08.3** The A-MET service must, for aerodromes for which they have MET service responsibility, prepare a landing forecast in accordance with the standards set out in Document NAM-CATS-MET.

**Forecasts for take-off**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**174.08.4** The A-MET service must, for those aerodromes for which they have the responsibility to provide MET services, prepare a forecast for take-off in accordance with the standards set out in Document NAM-CATS-MET.

**Area forecasts for low-level flights**

**174.08.5** The A-MET service must prepare and issue area forecasts for low-level flights in accordance with the standards set out in Document NAM-CATS-MET.

**SUBPART 9**

**SIGMET AND AIRMET INFORMATION, AERODROME WARNINGS AND  
WIND SHEAR WARNINGS AND ALERTS**

**SIGMET information**

**174.09.1** The meteorological watch office must ensure that significant meteorological (SIGMET) information is issued in accordance with the standards set out in Document NAM-CATS-MET.

**AIRMET information**

**174.09.2** The meteorological watch office must ensure that airmen's meteorological (AIRMET) information is issued in accordance with the standards set out in Document NAM-CATS-MET.

**Aerodrome warnings**

**174.09.3** The meteorological watch office must ensure that aerodrome warnings are issued in accordance with the standards set out in Document NAM-CATS-MET.

**Wind shear warnings and alerts**

**174.09.4** The meteorological watch office must ensure that wind shear warnings are issued in accordance with the standards set out in Document NAM-CATS-MET.

**SUBPART 10**

**AERONAUTICAL CLIMATOLOGICAL INFORMATION**

**General provisions**

**174.10.1** The A-MET service must prepare and supply to the users, aeronautical climatological information required for the planning of flight operations as agreed between the A-MET service and those users in accordance with requirements set out in Document NAM-CATS-MET.

**Aerodrome climatological tables**

**174.10.2** The A-MET service must -

- (a) make arrangements for collecting and retaining the necessary observational data; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) have the capability to prepare and make available to the users, aerodrome climatological tables in accordance with the standards set out in Document NAM-CATS-MET.

**Aerodrome climatological summaries**

**174.10.3** The A-MET service must ensure that aerodrome climatological summaries are prepared in accordance with the procedures specified by the World Meteorological Organisation and the standards set out in Document NAM-CATS-MET.

**Copies of meteorological observational data**

**174.10.4** The A-MET service must, upon request and to the extent practicable, make available to operators and to other persons concerned with the application of meteorology to air navigation, meteorological observational data required for research, investigation or operational analysis.

**SUBPART 11**  
**SERVICE FOR OPERATORS AND FLIGHT CREW MEMBERS**

**General provisions**

**174.11.1** The A-MET service must supply meteorological information to operators and flight crew members in accordance with the standards set out in Document NAM-CATS-MET.

**Briefing, consultation and display**

**174.11.2** The A-MET service must provide briefing or consultation, on request, to flight crew members or other flight operations personnel in accordance with the standards set out in Document NAM-CATS-MET.

**Flight documentation**

**174.11.3** The A-MET service must make available flight documentation comprising meteorological information in accordance with the standards set out in Document NAM-CATS-MET.

**Automated pre-flight information systems for briefing, consultation, flight planning and flight documentation**

**174.11.4** The A-MET service must ensure that automated pre-flight information systems for briefing, consultation, flight planning and flight documentation are in accordance with the standards set out in Document NAM-CATS-MET.

**Information for aircraft in flight**

**174.11.5** A meteorological office or a meteorological watch office must ensure that meteorological information for aircraft in flight is supplied to its associated air traffic services unit in accordance with the standards set out in Document NAM-CATS-MET.

**SUBPART 12**  
**INFORMATION FOR AIR TRAFFIC SERVICES, SEARCH AND RESCUE SERVICES**  
**AND AERONAUTICAL INFORMATION SERVICES**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Information for air traffic services units**

**174.12.1** The A-MET service must ensure that the established -

- (a) aerodrome meteorological office; or
- (b) meteorological watch office,

associated with each air traffic services unit supplies up-to-date meteorological information to the air traffic service unit as necessary for the conduct of its functions in accordance with the standards set out in Document NAM-CATS-MET.

**Information for search and rescue services units**

**174.12.2** The A-MET service must supply search and rescue (SAR) services units with the meteorological information they require in a form established by mutual agreement and for this purpose, the A-MET service must maintain liaison with the search and rescue services units throughout a search and rescue operation.

**Information for aeronautical information services units**

**174.12.3** The A-MET service must arrange for the supply of up-to-date meteorological information to relevant air information services AIS units, as necessary, for the conduct of the functions of the AIS units.

**SUBPART 13**  
**REQUIREMENTS FOR AND USE OF COMMUNICATIONS**

**Requirements for communications**

**174.13.1** The A-MET service must make available, suitable telecommunications facilities to permit the supply of the required meteorological information to air traffic services units in accordance with the standards set out in Document NAM-CATS-MET.

**Use of aeronautical fixed service communications: meteorological bulletins in alphanumeric format**

**174.13.2** Meteorological bulletins containing operational meteorological information to be transmitted via the aeronautical fixed service must be originated in accordance with the standards set out in Document NAM-CATS-MET.

**Use of aeronautical fixed service communications: WAFS products**

**174.13.3** The A-MET service must make arrangements for the use of aeronautical fixed service communications for the transmission of world area forecast system (WAFS) products in accordance with the standards set out in Document NAM-CATS-MET.

**Use of aeronautical mobile service communications**

**174.13.4** The A-MET service must make arrangements for the use of aeronautical mobile service communications for the transmission of meteorological information in accordance with the standards set out in Document NAM-CATS-MET.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Use of aeronautical data link service: contents of D-VOLMET**

**174.13.5** The A-MET service must make arrangements for the use of aeronautical data link services for the transmission of current aerodrome routine meteorological reports which include METAR, SPECI, aerodrome forecasts (TAF), SIGMET, special air-reports not covered by SIGMET and, where available, AIRMET, in accordance with the standards set out in Document NAM-CATS-MET.

**Use of aeronautical broadcasting service: contents of VOLMET broadcasts**

**174.13.6** The A-MET service must make arrangements for the use of aeronautical broadcasting service for the transmission of current METAR, SPECI, TAF, and SIGMET in accordance with the standards set out in Document NAM-CATS-MET.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 175**  
**AIR NAVIGATION SERVICES: AERONAUTICAL INFORMATION SERVICES**  
**AND AERONAUTICAL CHARTS**

[Part 175 is substituted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 175.01.1 Definitions for this Part
- 175.01.2 Applicability
- 175.01.3 Standards for provision of aeronautical information services
- 175.01.4 Common reference systems for air navigation
- 175.01.5 Miscellaneous specifications

**SUBPART 2: CERTIFICATION OF AIS PROVIDER**

[In the heading of this SUBPART in the text below, the word “PROVIDERS” is plural.]

- 175.02.1 Requirement for certification
- 175.02.2 Application for AIS provider certificate or amendment thereof
- 175.02.3 Issue of AIS provider certificate
- 175.02.4 Renewal of AIS provider certificate
- 175.02.5 Duplicate certificate
- 175.02.6 Privileges of AIS provider certificate holder
- 175.02.7 Limitations on certificate holder

**SUBPART 3: REQUIREMENTS TO BE COMPLIED WITH BY AIS PROVIDERS**

- 175.03.1 Manual of procedures
- 175.03.2 AIS provider organisation
- 175.03.3 Personnel requirements
- 175.03.4 Station standing instructions
- 175.03.5 Training and checking programme
- 175.03.6 AIS provider facilities and equipment
- 175.03.7 Safety management system
- 175.03.8 Publication of aeronautical charts
- 175.03.9 Error correction and notification
- 175.03.10 Directive to amend published aeronautical data and aeronautical information
- 175.03.11 Documents and records

**SUBPART 4: RESPONSIBILITIES AND FUNCTIONS**

- 175.04.1 Responsibilities of Executive Director
- 175.04.2 AIS provider responsibilities and functions
- 175.04.3 Exchange of aeronautical data and aeronautical information
- 175.04.4 Copyright
- 175.04.5 Cost recovery

**SUBPART 5: AERONAUTICAL INFORMATION MANAGEMENT**

- 175.05.1 Information management requirements

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- 175.05.2 Data quality specifications
- 175.05.3 Aeronautical data and aeronautical information verification and validation
- 175.05.4 Data error detection
- 175.05.5 Use of automation
- 175.05.6 Quality management system
- 175.05.7 Human factors considerations

**SUBPART 6: SCOPE OF AERONAUTICAL DATA AND AERONAUTICAL INFORMATION**

- 175.06.1 Scope of aeronautical data and aeronautical information
- 175.06.2 Metadata

**SUBPART 7: AERONAUTICAL INFORMATION PRODUCTS AND SERVICES**

- 175.07.1 General
- 175.07.2 Aeronautical information in standardised presentation
- 175.07.3 Digital data sets
- 175.07.4 Distribution services
- 175.07.5 Pre-flight information service
- 175.07.6 Post-flight information service

**SUBPART 8: AERONAUTICAL INFORMATION UPDATES**

- 175.08.1 General specifications
- 175.08.2 Aeronautical information regulation and control
- 175.08.3 Aeronautical information product updates

**SUBPART 9: AERONAUTICAL CHARTS**

- 175.09.1 Applicability
- 175.09.2 Availability
- 175.09.3 General specifications for charts
- 175.09.4 ICAO charts



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**175.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-AIS.

(2) In this Part, reference to an “aeronautical information service (AIS) provider” means a person certified under this Part, to provide aeronautical information services and aeronautical charts for air navigation.

**Applicability**

**175.01.2** (1) This Part -

- (a) applies to the provision of aeronautical information services and aeronautical charts within Namibia;
- (b) sets out certain administrative rules relating to the Executive Director in the administration of this Part.

(2) This Part does not apply to -

- (a) a person who is providing an aeronautical information service or aeronautical charts to military aircraft in the course of his or her duties for the Namibian Defence Force; or
- (b) any aeronautical information services and aeronautical charts provided to military aircraft by the Namibian Defence Force.

**Standards for provision of aeronautical information services**

**175.01.3** (1) An AIS provider must provide aeronautical information services in accordance with -

- (a) the requirements prescribed in Part 170;
- (b) the requirements prescribed in this Part;
- (c) the requirements of any other Parts referred to in this Part;
- (d) the provisions set out or referred to in the current versions of ICAO Annexes 4 and 15;

**[This refers to Annexes to the Convention on International Civil Aviation, 1944 (the “Chicago Convention”).]**

- (e) the standards set out or referred to in current versions of ICAO Docs 10066, 8126, and 8697 and any other relevant ICAO documents;
- (f) any applicable standards set out in Document NAM-CATS-AIS;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(g) the provisions of the Authority's Procedures for Aeronautical Information Management and any other relevant Authority documents; and

(h) the AIS provider's manual of procedures.

(2) An AIS provider may deviate from the standards prescribed under this Part if an emergency, or any other circumstance, arises that makes the deviation necessary in the interests of aviation safety.

(3) The AIS provider must, as soon as possible, inform the Executive Director of any deviation referred to in subregulation (2) and how long the deviation is likely to last.

**Common reference systems for air navigation**

**175.01.4** The common reference systems to be used for air navigation must be in accordance with the standards set out in Document NAM-CATS-AIS.

**Miscellaneous specifications**

**175.01.5** An AIS provider must ensure that aeronautical information products intended for international distribution are in accordance with the standards set out in Document NAM-CATS-AIS.

**SUBPART 2**  
**CERTIFICATION OF AIS PROVIDERS**

**Requirement for certification**

**175.02.1** A person may not provide an aeronautical information service, including aeronautical charts, except -

- (a) under the authority of, and in accordance with the provisions of a certificate issued under Part; the requirements prescribed in Part 170, and the standards set out in Document NAM-CATS-AIS; or
- (b) where the aeronautical information service is provided in accordance with the provisions of regulation 175.04.1.

**Application for AIS provider certificate or amendment thereof**

**175.02.2** An application for an AIS provider certificate, or an amendment thereof, must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AIS; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in regulation 175.03.1;
  - (ii) the appropriate fee as prescribed in Part 187.

**Issue of AIS provider certificate**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**175.02.3** (1) The Executive Director may issue an AIS provider certificate, if the Executive Director is satisfied that -

- (a) the applicant meets the requirements prescribed in Part 170 and in this Part;
- (b) the applicant's personnel required by this Part are competent to perform their respective duties;
- (c) the applicant's senior personnel have not held a senior position in an organisation whose certificate was revoked by the Executive Director; and
- (d) the issuing of the certificate is not contrary to the interests of aviation safety.

(2) The AIS provider certificate referred to in subregulation (1) is issued in the appropriate form, and contains the information, set out in Document NAM-CATS-AIS.

**Renewal of AIS provider certificate**

**175.02.4** (1) An application for the renewal of an AIS provider certificate, must be -

- (a) made to the Executive Director on the appropriate form set out in Document NAM-CATS-AIS; and
- (b) accompanied by -
  - (i) the manual of procedures referred to in 175.03.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

(2) The holder of an AIS provider certificate must if it wishes to renew the certificate, at least 90 days immediately preceding the date on which the certificate expires, apply to the Executive Director for the renewal of such certificate.

**Duplicate certificate**

**175.02.5** (1) An application for a duplicate certificate as contemplated in Part 170 must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AIS; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(2) A duplicate of an AIS services provider certificate is issued on the appropriate form set out in Document NAM-CATS-AIS.

**Privileges of AIS provider certificate holder**

**175.02.6** The privileges of an AIS provider certificate are limited to the services authorised by the certificate and the appropriate specifications set out in Document NAM-CATS-AIS.

**Limitations on certificate holder**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**175.02.7** An AIS provider may not provide aeronautical information where -

- (a) the input data or information required to provide that aeronautical information is not available;
- (b) the operational performance of the aeronautical information service office or facility producing that aeronautical information does not meet the applicable requirements;
- (c) any integrity monitoring system associated with that aeronautical information is not fully functional;
- (d) any required verification or validation, relating to that aeronautical information has not been completed; or
- (e) there is any cause whatsoever to suspect the integrity of that aeronautical information.

**SUBPART 3**  
**REQUIREMENTS TO BE COMPLIED WITH BY AIS PROVIDERS**

**Manual of procedures**

**175.03.1** The holder of an AIS provider certificate must at all times, maintain a manual of procedures that -

- (a) complies with the requirements of this Part and of Part 170; and
- (b) contains the information set out in Document NAM-CATS-AIS.

**AIS provider organisation**

**175.03.2** (1) An AIS provider must, at all times, maintain an appropriate organisation with a sound and effective management structure to enable it to provide, in accordance with the standards set out in Document NAM-CATS-AIS, the services covered by its certificate.

(2) An AIS provider must establish in its organisation structures, aeronautical information service systems, functions and activities and management and operational positions necessary for the safe and efficient provision of aeronautical information services.

**Personnel requirements**

**175.03.3** An AIS provider must -

- (a) employ, contract or engage aeronautical information service personnel in accordance with Parts 140 and 170;
- (b) establish aeronautical information service qualification and training requirements to ensure that each member of the aeronautical information service personnel maintains the appropriate level of qualification;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) define the method by which staffing levels are determined in relation to the aeronautical information services to be provided and the procedure for their recruitment and progression; and
- (d) develop and include in its manual of procedures, job descriptions for technical personnel involved in the provision of aeronautical information services.

**Station standing instructions**

**175.03.4** (1) An AIS provider must provide a station standing instructions (SSI) for each AIS office listed in its manual of procedures.

(2) The SSI referred to in subregulation (1) must set out the procedures for the operation and maintenance of the AIS office and associated facilities and must include information on -

- (a) the aeronautical information service information and services provided;
- (b) the minimum acceptable operating parameters and standards for facilities;
- (c) the minimum data and information inputs required;
- (d) the minimum performance and quality levels for output aeronautical information service information and services provided; and
- (e) any mandatory check procedures for releasing aeronautical information service information.

(3) The SSI may be integrated with the AIS provider's manual of procedures.

**Training and checking programme**

**175.03.5** (1) An AIS provider must develop and implement a training and checking programme that is of an adequate standard to ensure that AIS personnel maintain their competence and are provided with ongoing training appropriate to their duties.

(2) The training and checking programme must include a training policy and programme with basic, specialisation, and continuation trainings and training plan to ensure that all aeronautical information service activities can be performed.

(3) The AIS provider must maintain individual training records for each of its staff in accordance with Part 170.

**AIS provider facilities and equipment**

**175.03.6** An AIS provider must provide and maintain adequate facilities and equipment necessary for providing the services listed in its manual of procedures, including -

- (a) providing premises and equipment appropriate for the AIS provider's employees to carry out their work; and
- (b) ensuring that employees have access to all necessary aeronautical data and aeronautical information.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Safety management system**

**175.03.7** The AIS provider must ensure that it meets safety requirements to help manage safety standards as set out in Document NAM-CATS-AIS.

[Regulation 175.03.7 is substituted by GN 11/2024.]

**Publication of aeronautical charts**

**175.03.8** (1) An AIS provider must ensure the publication of aeronautical charts that are operationally suitable for the following phases of flight:

- (a) taxiing from aircraft stand to take-off point;
- (b) take-off and climb to en-route air traffic services (ATS) route structure;
- (c) en-route ATS structure;
- (d) descent to approach;
- (e) approach to land and missed approach; and
- (f) landing and taxiing to aircraft stand.

(2) An AIS provider must ensure that the aeronautical information and aeronautical data published on the aeronautical charts are published in accordance with -

- (a) the standards, format, resolution and quality set out or referred to in -
  - (i) Subpart 9; and
  - (ii) applicable standards set out in Document NAM-CATS-AIS;
- (b) the accuracy standards set out or referred to in -
  - (i) Part 172 and NAM-CATS-ATS; and
  - (ii) Part 139 and NAM-CATS-AH.

**Error correction and notification**

**175.03.9** (1) An AIS provider must establish procedures to record, investigate, correct and report any errors concerning aeronautical information and aeronautical data published.

- (2) The procedures in accordance with subregulation (1) must ensure that -
  - (a) the error is corrected by the most appropriate means relative to the operational significance of the error;
  - (b) the corrected aeronautical data or aeronautical information is clearly identified;
  - (c) the source of the error is identified; and

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (d) processes are established to eliminate the source of the error.

**Directive to amend published aeronautical data and aeronautical information**

**175.03.10** The Executive Director may, in writing, direct an AIS provider to amend published aeronautical information or data if it is necessary in the interests of aviation safety.

**Documents and records**

**175.03.11** (1) An AIS provider must establish a system for the maintenance of documents and records in accordance with the requirements prescribed in Part 170.

- (2) The AIS provider must -

- (a) establish procedures to record, collect, index, store, secure, maintain, access and dispose of the records that are necessary for the aeronautical information services listed its manual of procedures; and

[The word “in” appears to have been omitted before the phrase “its manual of procedures”.]

- (b) establish, and put into effect, a system for controlling documents and records relating to the aeronautical information services that it provides, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

**SUBPART 4**  
**RESPONSIBILITIES AND FUNCTIONS**

**Responsibilities of Executive Director**

- 175.04.1** (1) The Executive Director may -

- (a) provide an aeronautical information service;
- (b) agree with one or more other States for the provision of a joint service; or
- (c) delegate the authority for the provision of the aeronautical information service to a non-governmental agency provided that the service is provided in accordance with this Part and the standards set out in Document NAM-CATS-AIS.

(2) The Executive Director must make arrangements for the provision of aeronautical data and aeronautical information covering the territory of Namibia and those areas over the high seas for which Namibia is responsible for the provision of air traffic services.

- (3) The Executive Director must ensure that -

- (a) the provision of aeronautical data and aeronautical information is in accordance with standards set out in Document NAM-CATS-AIS;
- (b) the entity providing aeronautical data and aeronautical information is certified in accordance with the requirements of Part 170.

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) Despite the requirements of subregulations (1), (2) and (3), the Executive Director remains responsible for aeronautical data and aeronautical information provided for and on behalf of Namibia.

**AIS provider responsibilities and functions**

**175.04.2** An AIS provider must ensure that aeronautical data and aeronautical information necessary for the safety, regularity and efficiency of air navigation is made available in accordance with the standards set out in Document NAM-CATS-AIS.

**Exchange of aeronautical data and aeronautical information**

**175.04.3** An AIS provider must make arrangements for the exchange of aeronautical data and aeronautical information in accordance with the standards set out in Document NAM-CATS-AIS.

**Copyright**

**175.04.4** An AIS provider may, as determined by the Executive Director, apply copyright to its products in accordance with the standards set out in Document NAM-CATS-AIS and any other applicable laws of Namibia.

**Cost recovery**

**175.04.5** An AIS provider must make arrangements for the recovery of the overhead costs of collecting and compiling aeronautical data and information in accordance with the standards set out in Document NAM-CATS-AIS.

**SUBPART 5  
AERONAUTICAL INFORMATION MANAGEMENT****Information management requirements**

**175.05.1** An AIS provider must establish adequate information management resources and processes to ensure the timely collection, processing, storing, integration, exchange and delivery of quality-assured aeronautical data and aeronautical information within the air traffic management (ATM) system.

**Data quality specifications**

**175.05.2** An AIS provider must ensure that aeronautical data quality specifications are in accordance with the standards set out in Document NAM-CATS-AIS.

**Aeronautical data and aeronautical information verification and validation**

**175.05.3** An AIS provider must establish procedures and processes for validation and verification of aeronautical data and aeronautical information in accordance with the standards set out in Document NAM-CATS-AIS.

**Data error detection**



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**175.05.4** An AIS provider must use digital data error detection techniques during the transmission or storage of aeronautical data and digital data sets in accordance with the standards set out in Document NAM-CATS-AIS.

**Use of automation**

**175.05.5** An AIS provider must apply automation in order to ensure the quality, efficiency and cost-effectiveness of aeronautical information services in accordance with the standards set out in Document NAM-CATS-AIS.

**Quality management system**

**175.05.6** An AIS provider must implement and maintain a quality management system encompassing all functions of an AIS provider as described in regulation 175.04.2 and in accordance with the standards set out in Document NAM-CATS-AIS.

**Human factors considerations**

**175.05.7** An AIS provider must, in the management and distribution of aeronautical data and aeronautical information, take into consideration human factors principles in accordance with the standards set out in Document NAM-CATS-AIS.

**SUBPART 6**

**SCOPE OF AERONAUTICAL DATA AND AERONAUTICAL INFORMATION**

**Scope of aeronautical data and aeronautical information**

**175.06.1** An AIS provider must ensure that the scope of aeronautical data and aeronautical information it receives and manages is in accordance with the standards set out in Document NAM-CATS-AIS.

**Metadata**

**175.06.2** An AIS provider must in accordance with the standards set out in Document NAM-CATS-AIS -

- (a) collect metadata for aeronautical data processes and exchange points; and
- (b) ensure that metadata collection is applied throughout the aeronautical information data chain.

**SUBPART 7**

**AERONAUTICAL INFORMATION PRODUCTS AND SERVICES**

**General**

**175.07.1** (1) An AIS provider must provide aeronautical information in the form of aeronautical information products and associated services.

(2) The AIS provider must ensure that the specifications of aeronautical data provided for each aeronautical information complies with the standards set out in Document NAM-CATS-AIS.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

[The verb “complies” should be “comply” to accord with the subject “specifications”.]

(3) Where aeronautical data and aeronautical information are provided in multiple formats, the AIS provider must implement processes to ensure data and information consistency between formats.

**Aeronautical information in standardised presentation**

**175.07.2** (1) The aeronautical information provided in a standardised presentation must include, Aeronautical Information Publication (AIP), AIP Amendments, AIP Supplements, Aeronautical Information Circulars (AICs), NOTAMs and Aeronautical Charts.

(2) The specifications for, and provision of, the information provided in terms of subregulation (1) must be in accordance with the standards set out in Document NAM-CATS-AIS.

**Digital data sets**

**175.07.3** (1) An AIS provider must ensure that digital data is provided in the form of data sets.

(2) The specifications, contents and provision of the data sets must be in accordance with the standards set out in Document NAM-CATS-AIS.

**Distribution services**

**175.07.4** An AIS provider must make arrangements for the distribution of -

- (a) aeronautical information products, including NOTAMs, in the form and manner described in Document NAM-CATS-AIS; and
- (b) AIP, AIP amendments, AIP supplements and AIC by the most expeditious means.

**Pre-flight information service**

**175.07.5** An AIS provider, providing a service for any aerodrome or heliport used for international air operations must make arrangements for the provision of pre-flight information service to personnel concerned with flight operations in accordance with the standards set out in Document NAM-CATS-AIS.

**Post-flight information service**

**175.07.6** An AIS provider, providing a service for any aerodrome or heliport used for international air operations must make arrangements for the provision of post-flight information service in accordance with the standards set out in Document NAM-CATS-AIS.

**SUBPART 8**  
**AERONAUTICAL INFORMATION UPDATES**

**General specifications**

**175.08.1** An AIS provider must make arrangements to keep up to date, aeronautical data and aeronautical information.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Aeronautical information regulation and control**

**175.08.2** (1) An AIS provider must establish procedures for the use of the regulated system (AIRAC) based upon a series of common effective dates at intervals of 28 days as described in Document NAM-CATS-AIS.

(2) The AIRAC system must be used when distributing aeronautical information concerning the establishment, withdrawal or significant changes in accordance with the standards set out in Document NAM-CATS-AIS.

**Aeronautical information product updates**

**175.08.3** An AIS provider must make arrangements for the updates of the AIP, NOTAMs and data sets in accordance with the standards set out in Document NAM-CATS-AIS.

**SUBPART 9**  
**AERONAUTICAL CHARTS**

**Applicability**

**175.09.1** (1) The specifications in this Subpart apply to all charts developed after 19 November 2009.

(2) An AIS provider must ensure that all aeronautical charts published in accordance with this Part and bearing the aeronautical information date of 19 November 2009 or later conform to the standards relevant to the particular chart.

**Availability**

**175.09.2** The AIS provider must make available all information and mandatory charts relating to the airspace over the high seas or airspaces of undetermined sovereignty administered by Namibia and ensure that such information and charts comply with the standards set out in Document NAM-CATS-AIS.

**[Regulation 175.09.2 is substituted by GN 11/2024.]**

**General specifications for charts**

**175.09.3** An AIS provider must ensure that each chart provides relevant, appropriate and accurate operational information and that the specifications comply with the standards set out in Document NAM-CATS-AIS.

**ICAO charts**

**175.09.4** An AIS provider must ensure that the following aeronautical charts comply with the standards set out in Document NAM-CATS-AIS -

- (a) Aerodrome Obstacle Chart– ICAO Type A (Operating limitations);
- (b) Aerodrome Obstacle Chart– ICAO Type B;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (c) Aerodrome terrain and obstacle chart - ICAO (Electronic);
- (d) Precision Approach Terrain Chart - ICAO;
- (e) En-route Chart - ICAO;
- (f) Area Chart - ICAO;
- (g) Standard Departure Chart - Instrument (SID) - ICAO;
- (h) Standard Arrival Chart - Instrument (STAR) - ICAO;
- (i) Instrument Approach Chart - ICAO;
- (j) Visual Approach Chart - ICAO;
- (k) Aerodrome/Heliport Chart - ICAO;
- (l) Aerodrome Ground Movement Chart - ICAO;
- (m) Aircraft Parking/Docking Chart - ICAO;
- (n) World Aeronautical Chart - ICAO 1: 1 000 000;
- (o) Aeronautical Chart - ICAO 1: 500 000;
- (p) Aeronautical Navigation Chart - ICAO Small Scale;
- (q) Plotting Chart - ICAO;
- (r) Electronic Aeronautical Chart Display - ICAO;
- (s) ATC Surveillance Minimum Altitude Chart - ICAO.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 179**  
**AIR NAVIGATION SERVICES: SEARCH AND RESCUE SERVICES**

[Part 179 is inserted by GN 89/2020.]

**LIST OF REGULATIONS**

**SUBPART 1: GENERAL**

- 179.01.1 Definitions for this Part
- 179.01.2 Applicability
- 179.01.3 Restrictions on provision of search and rescue service

**SUBPART 2: SEARCH AND RESCUE ORGANISATION**

- 179.02.1 Search and rescue coordinating agency
- 179.02.2 Provision of search and rescue services
- 179.02.3 Establishment of Namibian search and rescue region
- 179.02.4 Establishment of Rescue coordination centre and rescue sub centres  
[The word “rescue” is not capitalised in the heading of this regulation in the text below,  
and the word “sub-centres” is written with a hyphen.]
- 179.02.5 Search and rescue communication
- 179.02.6 Search and rescue units
- 179.02.7 Search and rescue equipment
- 179.02.8 Register of search and rescue units and other SAR service providers

**SUBPART 3: REQUIREMENTS TO BE COMPILED WITH BY SAR COORDINATING AGENCY**

- 179.03.1 Search and rescue operations manual
- 179.03.2 Personnel and requirements  
[The word “and” does not appear in the heading of this regulation in the text below.]
- 179.03.3 Co-ordination requirements
- 179.03.4 Standards for provision of search and rescue services
- 179.03.5 Notification of search and rescue facility status
- 179.03.6 Safety management system
- 179.03.7 Obligation to provide assistance

**SUBPART 4: COOPERATION**

- 179.04.1 Cooperation with other States
- 179.04.2 Entry into Namibian territory by other States parties
- 179.04.3 Cooperation with other services
- 179.04.4 Dissemination of information

**SUBPART 5: PREPARATORY MEASURES**

- 179.05.1 Preparatory information
- 179.05.2 Search and rescue plan of operation
- 179.05.3 Search and rescue units
- 179.05.4 Training and exercises
- 179.05.5 Wreckage

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 6: OPERATING PROCEDURES**

- 179.06.1 Information concerning emergencies  

[The heading of this regulation in the text below is  
 "Information concerning emergencies and alerting services".]
- 179.06.2 Procedures for rescue coordination centre during emergency phases
- 179.06.3 Initiation of search and rescue action in respect of aircraft whose position is unknown
- 179.06.4 Procedures where responsibility for operations extends to two or more rescue coordination centres
- 179.06.5 Passing of information to aircraft in respect of which emergency phase has been declared
- 179.06.6 Procedures where responsibility for operations extends to two or more neighbouring States
- 179.06.7 Procedures for authorities in field
- 179.06.8 Search and rescue frequencies
- 179.06.9 Procedures for rescue coordination centre: termination and suspension of operations
- 179.06.10 Procedures at scene of accident
- 179.06.11 Procedures for pilot-in-command intercepting distress transmission

**SUBPART 7: SEARCH AND RESCUE SIGNALS**

- 179.07.1 General requirements
- 179.07.2 Signals with surface craft
- 179.07.3 Ground-air visual signal code
- 179.07.4 Air-ground visual signals

**SUBPART 8: MAINTENANCE OF RECORDS, APPRAISALS AND INFORMATION SHARING**

- 179.08.1 Records to be maintained
- 179.08.2 Documents to be held by SAR coordinating agency
- 179.08.3 Document and data control process
- 179.08.4 Search and rescue event: records and reports

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**GENERAL**

**Definitions for this Part**

**179.01.1** (1) Definitions pertaining to this Part are contained in Document NAM-CATS-SAR.

(2) In this Part, -

“COSPAS-SARSAT” refers to a satellite-based search and rescue (SAR) distress alert detection and information distribution system, established and operated by Canada, France, the United States and Russia; and

“search and rescue organisation” means the composite organisation of persons and entities that include the SAR coordinating agency, search and rescue units and all other public governmental or private bodies or institutions, including voluntary organisations, that individually or collectively are involved in one way or another in the provision of search and rescue services in Namibia.

**Applicability**

**179.01.2** This Part -

- (a) prescribes regulations and procedures governing the provision of search and rescue (SAR) services in the Namibian search and rescue region (SRR);
- (b) applies to -
  - (i) all aircraft operating within the Namibia search and rescue region including areas over the high seas to which Namibia has accepted responsibility under the regional air navigation plan, and requiring search and rescue services;
  - (ii) each person employed by, in the service of, or performing functions on behalf of, the SAR coordinating agency, a SAR rescue coordination centre, a rescue coordination sub-centre, and a search and rescue unit;
  - (iii) all pilots-in-command who intercept a distress transmission or who observe another person, aircraft or a surface craft in distress;
  - (iv) each owner, operator or pilot-in-command of an aircraft that has been requested by the SAR coordinating agency to assist in search and rescue activities;
  - (v) SAR authorities of neighbouring States who wish their search and rescue units to enter the territory of Namibia for search and rescue purposes; and
- (c) sets out certain administrative rules applying to the Executive Director in the administration of this Part.

**Restrictions on provision of search and rescue service**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**179.01.3** A person may not provide an aeronautical search and rescue service in Namibia unless that person is -

- (a) the SAR coordinating agency designated under this Part;
- (b) acting for or on behalf of a search and rescue coordination centre, rescue coordination sub-centre, or a search and rescue unit established in terms of this Part; or
- (c) acting pursuant to regulation 179.03.7,

and provides that service in compliance with the provisions of this Part.

**SUBPART 2**  
**SEARCH AND RESCUE ORGANISATION**

**Search and rescue coordinating agency**

**179.02.1** (1) There is established an agency known as the Search and Rescue (SAR) coordinating agency whose main objective is to ensure a coordinated and effective aeronautical search and rescue service within Namibia.

(1A) The Executive Director must either individually, or in cooperation with another state, designate a search and rescue coordinating agency for the provision of aeronautical search and rescue services within the Windhoek Flight Information Region.

**[Subregulation 179.02.1 is inserted by GN 11/2024.]**

(2) The SAR coordinating agency acts as the responsible authority for the purposes of Annex 12 to the Chicago Convention, and the International Convention on Maritime Search and Rescue adopted on 12 April 1979 by the Maritime and Safety Committee of the International Maritime Organisation.

**[Namibia is a party to the International Convention on Maritime Search and Rescue, 1979.  
See the entry on this Convention in the Namlex Appendix.]**

(3) The SAR coordinating agency, which is responsible for the coordination and operational functions required for aeronautical search and rescue services in Namibia, consists of representatives from such government, voluntary and private institutions as the Executive Director may determine including representative from the following:

**[The word “representative” in the phrase “including representative”  
should be “representatives” or “a representative”.]**

- (a) the Ministry;
- (b) the Authority;
- (c) the Namibian Defence Force;
- (d) the Namibian Police; and
- (e) the Namibia Ports Authority.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(4) The head of the Air Navigation Services referred to in section 49(2) of the Act is the chairperson of the SAR coordinating agency.

(5) The designation to provide search and rescue service under subregulation (1) is subject to compliance with the relevant requirements prescribed in this Part and in Part 170, associated standards and any other conditions as may be specified or notified by the Executive Director.

**Provision of search and rescue services**

**179.02.2** (1) The SAR coordinating agency, either acting individually, or in cooperation with another State, is responsible to the Executive Director for the establishment and prompt provision of search and rescue services within the Namibian search and rescue region, including portions of the high seas where Namibia has accepted the responsibility to provide search and rescue services on the basis of regional air navigation agreements.

(2) The SAR coordinating agency has the authority to call for the collaboration and support of other State resources during search and rescue operations.

(3) The Minister may conclude agreements concerning the provision of assistance with -

- (a) local and regional government authorities;
- (b) suitable private agencies or persons; or
- (c) search and rescue authorities of other States,

for the purpose of search and rescue operations.

(4) The SAR coordinating agency and any public authorities, private agencies or persons providing search and rescue services within the territory of Namibia or areas over the high seas for which Namibia has accepted responsibility to provide search and rescue services must provide the services in accordance with the provisions of this Part.

(5) The SAR coordinating agency must provide search and rescue services in accordance with requirements of this Part and any standards set out in Document NAM-CATS-SAR.

[The word “the” appears to have been omitted before the word “requirements”.]

(6) The costs, connected with the conduct of a search and rescue operation, must not be allowed to interfere with its prompt and effective execution.

**Establishment of Namibian search and rescue region**

**179.02.3** (1) The Namibian SAR region, as determined by the Executive Director, and published in the *Gazette* and in the Namibian Aeronautical Information Publication (AIP) must -

- (a) be coincident to the Windhoek Flight Information Region (AIP); and
- (b) cover the Namibia maritime search and rescue region, including the high seas, as laid down by the ICAO and the International Maritime Organisation.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The Executive Director must establish the Namibian search and rescue region with the objective of ensuring the provision of adequate communication infrastructure, efficient distress alert routing and proper operational coordination to effectively support search and rescue services in Namibia.

(3) The Executive Director must determine the delineation of the Namibia search and rescue regions on the basis of technical and operational considerations and that may not necessarily be related to the territorial boundaries of Namibia.

(4) The Executive Director must establish the Namibian search and rescue region so as to comprise -

- (a) the airspace, and land and sea areas contained within the Windhoek Flight Information Region (FIR), except where agreements have been made with another State for search and rescue services to be provided by a neighbouring State; and
- (b) additional airspace volumes and land and sea areas within the territorial boundaries of Namibia as may be determined by the Executive Director.

**Establishment of rescue coordination centre and rescue sub-centres**

**179.02.4** (1) The SAR coordinating agency must -

- (a) establish a rescue coordination centre and as appropriate, a sufficient number of rescue sub-centres to provide search and rescue services within the Namibian search and rescue region;
- (b) following the establishment of a rescue coordination centre and appropriate rescue sub-centres, publish in the AIP, information regarding such establishment; and
- (c) ensure that search and rescue services are available on a 24-hour basis.

(2) The rescue coordination centre and, as appropriate, rescue sub-centres, must be established in accordance with the standards set out in Document NAM-CATS-SAR.

**Search and rescue communication**

**179.02.5** (1) The SAR coordinating agency must ensure that the rescue coordination centre and, as necessary, the rescue sub-centres have means of rapid and reliable two-way communications with the relevant units, centres and agencies involved in search and rescue operations.

(2) The communication systems and procedures for the rescue coordination centre and the rescue sub-centres must be established in accordance with the standards set out in Document NAM-CATS-SAR.

**Search and rescue units**

**179.02.6** (1) The SAR coordinating agency must designate as search and rescue units, elements of public or private persons and entities, suitably located and equipped for search and rescue operations.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The SAR coordinating agency must designate as part of the search and rescue plan of operation, elements of public or private persons or entities, that do not qualify as search and rescue units but are able to participate in search and rescue operations.

(3) The establishment of search and rescue units must be in accordance with the standards set out in Document NAM-CATS-SAR.

**Search and rescue equipment**

**179.02.7** (1) The SAR coordinating agency must ensure that designated search and rescue units are provided with, or have made arrangements to access the necessary equipment for locating promptly, and for providing adequate assistance at the scene of an accident.

(2) Each aircraft involved in search and rescue operations must have necessary equipment for communication on the aeronautical distress, on-scene and other frequencies and devices for homing on distress frequencies.

(3) The equipment to be provided to search and rescue units and to aircraft must be as set out in Document NAM-CATS-SAR.

**Register of search and rescue units and other SAR service providers**

**179.02.8** (1) The SAR coordinating agency must keep a register of all the designated search and rescue units and other rescue service providers which may from time to time be tasked to assist in search and rescue operations.

(2) The register referred to in subregulation (1) must contain relevant particulars of the units or organisations including -

- (a) full name;
- (b) address; and
- (c) the type or types of search and rescue service to be provided;

[The semicolon at the end of paragraph (c) should be a full stop;  
there are no additional items in the list in the *Government Gazette*.]

(3) The SAR coordinating agency must keep or cause to be kept the register in a safe place at the rescue coordination centre and at rescue sub-centres.

**SUBPART 3**

**REQUIREMENTS TO BE COMPLIED WITH BY SAR COORDINATING AGENCY**

**Search and rescue operations manual**

**179.03.1** (1) The SAR coordinating agency must, as part of its manual of procedures required under Part 170, develop and maintain a search and rescue operations manual covering the operations of the rescue coordination centre and associated rescue sub-centres.

(2) The search and rescue operations manual must contain a description of procedures and practices for the provision of search and rescue services within Namibia, including -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) organisational structure, including management structure, search and rescue resources and provisions for domestic, military and foreign aircraft during search and rescue operations;
- (b) communications, including interactions and responses to emergency signalling devices such as COSPAS-SARSAT and Inmarsat-E EPIRB, inter-unit and interagency communications and coordination, and communications infrastructure and procedures;
- (c) awareness and initial actions, including search and rescue stages, emergency phases, sequence of search and rescue events, and information gathering and assessment;
- (d) search planning and evaluation, including search planning steps, search stages, and factors affecting search and rescue response;
- (e) search techniques and operations, including search area coverage, search patterns, electronic searches and search and rescue crew briefing and de-briefing;
- (f) rescue planning and operations, including preparation, medical assistance, rescue on land or at sea, and supply dropping;
- (g) conclusion of search and rescue operations, including suspension of search, resumption of search, records and reports, and performance review;
- (h) training and exercises, including national training framework, training of search and rescue units, and liaison visits; and
- (i) emergency assistance other than search and rescue, where requested or required.

**Personnel requirements**

**179.03.2** (1) The SAR coordinating agency must, in addition to the personnel requirements specified in Part 170, ensure that -

- (a) the planning of search and rescue services is properly coordinated and all the components of the SAR organisation comply with the requirements specified in the search and rescue operations manual;
  - (b) there is sufficient and qualified staff to operate the rescue coordination centre or rescue coordination sub-centres during normal operations, and during search and rescue events.
- (2) The SAR coordinating agency must -
- (a) ensure that all rescue coordination centre and rescue sub-centres personnel are competent and hold appropriate qualifications to perform the duties which they are assigned;
  - (b) ensure that personnel are appropriately trained and assessed through a formal process by a person who is qualified;
  - (c) give each of the rescue coordination centre and rescue sub-centre personnel a certificate that -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) includes the names of the personnel;
- (ii) describes the functions that the personnel is authorised to perform; and
- (iii) states the period during which the certificate is effective and valid;
- (d) develop a comprehensive training programme and periodic training plans to ensure that each member of the rescue coordination centre and rescue sub-centres personnel maintain the appropriate level of qualification;
- (e) maintain training records for all search and rescue personnel in accordance with Part 170;
- (f) establish a process to confirm that all personnel from other agencies that will be engaged to respond to a search and rescue event are competent and hold appropriate qualifications to perform the duties which they are assigned, except that responsibility for initial and recurrent training and qualification of agency personnel remains with the SAR agency;
- (g) establish arrangements that define the person responsible and the process to be followed to ensure an adequate number of suitably trained and qualified staff are available in respect of search and rescue services;
- (h) define the method by which staffing levels are determined in relation to the search and rescue services to be provided; and
- (i) establish arrangements that define the management responsibilities and process for ensuring adequate staff supervision, and such arrangements must include the mechanisms that ensure only trained and competent staff undertake the provision of search and rescue services.

(3) Where rescue coordination centre and rescue sub-centres staff or other search and rescue-related personnel are not permanently employed in search and rescue activities, but are seconded from other government institutions or agencies as required from time to time, the SAR coordinating agency must ensure that the seconded staff are appropriately qualified, and that appropriate recurrent training is provided on a regular basis to maintain competence.

**Co-ordination requirements**

**179.03.3** (1) A SAR coordinating agency must establish systems and procedures for ensuring effective co-ordination between itself and the following entities:

- (a) the Authority's safety division;
- (b) SAR coordinating agencies of other States, rescue coordination centres and sub-centres and search and rescue units of other States, if applicable;
- (c) maritime rescue coordination centres;
- (d) aeronautical telecommunication service providers;
- (e) air traffic service providers;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (f) the A-MET service;
- (g) aeronautical information service providers;
- (h) aircraft operators;
- (i) aerodrome operators;
- (j) SAR service providers and authorities in neighbouring States;
- (k) the Namibian Defence Force;
- (l) the Namibian Police;
- (m) disaster management entities established by the Disaster Risk Management Act, 2012 (Act No. 10 of 2012) and other emergency response units of Namibia; and
- (n) the COSPAS-SARSAT mission control centre.

(2) The SAR coordinating agency must ensure that each rescue sub-centre has means of rapid and reliable two-way communication with -

- (a) the rescue coordination centre;
- (b) adjacent rescue sub-centres;
- (c) a meteorological office or meteorological watch office;
- (d) search and rescue units; and
- (e) alerting posts.

**Standards for provision of search and rescue services**

**179.03.4** (1) The SAR coordinating agency must provide services in full compliance with the regulations prescribed in this Part and any standards set out in Document NAM-CATS-SAR.

(2) The SAR coordinating agency must provide services in full compliance with the applicable -

- (a) standards set out by the International Aeronautical and Maritime Search and Rescue Manual, as varied by the AIP; and
- (b) procedures and practices published in the SAR coordinating agency's manual of procedures.

(3) The SAR coordinating agency must, in addition ensure that the search and rescue service that it provides, meets the -

- (a) requirements prescribed in Part 170;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (b) requirements prescribed in this Part;
- (c) requirements of any other Parts referred to in this Part;
- (d) provisions set out or referred to in ICAO Annex 12;
- (e) standards set out or referred to in any relevant ICAO Documents;
- (f) applicable standards set out in Document NAM-CATS-SAR; and
- (f) provisions of any other relevant Authority's documents.

[There are two paragraphs labelled as (f) in the *Government Gazette*; the last paragraph should be paragraph (g).]

(4) Despite subregulations (1), (2) and (3), the SAR coordinating agency may deviate from the standards if an emergency or other circumstance, arises that makes the deviation necessary in the interests of aviation safety.

[The comma after the phrase "other circumstance" is superfluous.]

(5) The SAR coordinating agency must, as soon as is possible, notify the Executive Director of the deviation and how long it is likely to last.

**Notification of search and rescue facility status**

**179.03.5** (1) The SAR coordinating agency must establish procedures to notify the users of the search and rescue services, about relevant operational information of any change in the operational status of the search and rescue facilities.

(2) The procedures required by subregulation (1) must be notified through the Aeronautical Information Publication.

**Safety management system**

**179.03.6** The SAR coordinating agency must ensure that those -

- (a) search and rescue services that come under the authority of an ATS provider; or
- (b) aspects of search and rescue services which would have direct implications on air traffic services,

are coordinated with the ATS provider concerned for inclusion in the scope of their safety management systems.

**Obligation to provide assistance**

**179.03.7** (1) Any person involved in the provision of search and rescue services must, in providing assistance to aircraft and survivors of aircraft accidents, do so to all aircraft and persons involved regardless of their nationality and status.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(2) The owner, operator or pilot-in-command of an aircraft must conduct search and rescue operations required by the SAR coordinating agency whenever necessary, if the condition of the aircraft so allows.

(3) Each owner, operator or pilot-in-command of an aircraft that has been requested by the SAR coordinating agency to assist in search and rescue activities need not obtain formal authorisation from the Executive Director under this Part in order to assist in search and rescue activities.

**SUBPART 4**  
**COOPERATION**

**Cooperation with other States**

**179.04.1** (1) The SAR coordinating agency must, in conjunction with the Executive Director -

- (a) coordinate its search and rescue organisation with those of neighbouring States;
- (b) as necessary, coordinate its search and rescue operations with those of neighbouring States, when these operations are proximate to adjacent search and rescue regions;
- (c) as far as practicable, develop common search and rescue plans and procedures to facilitate coordination of search and rescue operations with those of neighbouring States;
- (d) enter into agreements with other States to strengthen search and rescue cooperation and coordination;
- (e) make arrangements for joint training exercise to promote search and rescue efficiency; and
- (f) make arrangements for periodic liaison visits by its rescue coordination centre and rescue sub-centres personnel to centres of neighbouring or other States.

(2) The SAR coordinating agency must authorise its rescue coordination centre to undertake its coordinative roles with other States in accordance with the standards set out in Document NAM-CATS-SAR.

(3) The coordination of search and rescue services, with other States including the grant of entry permits, assistance, arrangement for liaison visits, customs and immigration must be in accordance with the requirements set out in Document NAM-ATS- SAR.

**Entry into Namibian territory by other States parties**

**179.04.2** (1) The SAR coordinating agency must coordinate with relevant government authorities or institutions in order to permit entry into the Namibian territory, search and rescue units of other States for the purpose of search and rescue.

(2) Other State parties to the Chicago Convention who wish their search and rescue units to enter the territory of Namibia for search and rescue purposes, must transmit a request, giving full details of the projected mission and the need for it, to the Executive Director.



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(3) The coordination of entry into Namibian territory by search and rescue units of other States must be in accordance with requirements set out in Document NAM-CATS-SAR.

**Cooperation with other services**

**179.04.3** (1) The SAR coordinating agency, after consultation with the Executive Director, must -

- (a) arrange for all aircraft, vessels and local services and facilities which do not form part of the SAR organisation to cooperate fully with the search and rescue organisation for purposes of assistance to survivors of accidents;
- (b) ensure close coordination with the directorate responsible for maritime affairs in the Ministry to provide for the most effective and efficient search and rescue services;
- (c) ensure cooperation between its rescue coordination centre and the Directorate;
- (d) cooperate with those responsible for the care of those who have suffered some injury resulting from the accident;
- (e) when practicable, ensure that rescue units are accompanied by staff members of the Directorate; and
- (f) designate and publish in the AIP, a search and rescue point of contact for the receipt of COSPAS-SARSAT distress data.

(2) The SAR coordinating agency must undertake the activities described in subregulation (1) in accordance with requirements set out in Document NAM-CATS-SAR.

**Dissemination of information**

**179.04.4** The SAR coordinating agency must as described in Document NAM-CATS-SAR-

- (a) publish in the AIP, arrangements and information necessary for the entry into Namibia, of search and rescue units of other States;
- (b) make available, information regarding the search and rescue plans of operation;
- (c) disseminate, where considered desirable, information to the general public and to emergency response authorities regarding actions to be taken when there is reason to believe that an aircraft's emergency situation may become dangerous or require a general emergency response.

**SUBPART 5**  
**PREPARATORY MEASURES**

**Preparatory information**

**179.05.1** (1) The SAR coordinating agency must in accordance with procedures set out in Document NAM-CATS-SAR -

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (a) make readily available, at all times, up to-date information in respect of its search and rescue region, search and rescue units, rescue coordination centre, rescue sub-centres and alerting posts, and air traffic services units;

[A hyphen has been omitted in the *Government Gazette* in the phrase “up-to-date information”.]

- (b) ensure that the rescue coordination centre have readily available all other information of interest to search and rescue; and

[The verb “have” should be “has” to accord with the subject “centre”.]

- (c) in cooperation with other States, and in cooperation with the directorate of maritime affairs in the Ministry arrange communication links with automated mutual-assistance vessel rescue system (AMVERS) or regional maritime vessel reporting systems to facilitate search and rescue operations at sea.

(2) The rescue coordination centre must coordinate with the marine search and rescue units to have ready access to information regarding the positions, course and speed of a maritime vessel at sea that may be able to provide assistance to aircraft in distress and information on how to contact such vessel.

#### **Search and rescue plan of operation**

**179.05.2** (1) The SAR coordinating agency must prepare detailed plans of operation for the conduct of search and rescue operations within the search and rescue region as set out in the NAM-CATS-SAR.

(2) The search and rescue plans of operation must contain details regarding actions to be taken by those persons engaged in search and rescue, as set out in Document NAM-CATS-SAR.

(3) Search and rescue plans of operation must be integrated with aerodrome emergency plans and air operator’s emergency response plans to provide for rescue services in the vicinity of aerodromes and in water areas.

(4) To facilitate the implementation of the search and rescue plan, the SAR coordinating agency must prepare and keep updated, a search and rescue manual containing the necessary procedures for search and rescue operations and matters connected therewith.

#### **Search and rescue units**

**179.05.3** The SAR coordinating agency must ensure that each search and rescue unit is cognisant and prepared for the search and rescue operations as set out in Document NAM-CATS-SAR.

#### **Training and exercises**

**179.05.4** The SAR coordinating agency must provide for regular training of their search and rescue personnel and arrange appropriate search and rescue exercises as set out in Document NAM-CATS-SAR.

#### **Wreckage**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**179.05.5** The SAR coordinating agency, in coordination with the Directorate and other concerned authorities, must ensure that wreckage resulting from aircraft accidents -

- (a) within Namibia territory; or
- (b) in the case of accidents in areas of the sea, within the search and rescue region for which it is responsible,

is removed, obliterated or charted following completion of the accident investigation, if its presence might constitute a hazard or confuse subsequent search and rescue operations.

**SUBPART 6**  
**OPERATING PROCEDURES****Information concerning emergencies and alerting services**

**179.06.1** (1) Any person or any component of the search and rescue organisation having reason to believe that an aircraft is in a state of emergency must immediately alert and give all available information to the rescue coordination centre.

(2) The rescue coordination centre must, immediately upon receipt of information concerning aircraft in emergency, evaluate such information and assess the extent of the operation required.

(3) When information and alerts concerning aircraft in distress is received from other sources than ATS providers, the rescue coordination centre must determine to which alerts or emergency phase the situation corresponds and must apply the procedures applicable to that phase as outlined in 179.06.2.

[The verb “is” should be “are” to accord with the plural subject “information and alerts”.]

**Procedures for rescue coordination centre during emergency phases**

**179.06.2** (1) The procedures for a rescue coordination centre during the three emergency phases and the order of the actions are as set out in Document NAM-CATS-SAR.

(2) If an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more search and rescue regions, the initiation of the search and rescue actions are as set out in Document NAM-CATS-SAR.

**Initiation of search and rescue action in respect of aircraft whose position is unknown**

**179.06.3** If an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more search and rescue regions, the rescue coordination centre must take action as set out in the Document NAM-CATS-SAR.

**Procedures where responsibility for operations extends to two or more rescue coordination centres**

**179.06.4** Where the conduct of operations over the entire search and rescue region is the responsibility of more than one rescue coordination centre, each involved rescue coordination centre must take action in accordance with the relevant plan of operations when so requested by the rescue coordination centre of the region.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Passing of information to aircraft in respect of which emergency phase has been declared**

**179.06.5** When applicable, the rescue coordination centre responsible for search and rescue action must forward to an ATS provider, information of the search and rescue action initiated, in order that such information can be passed to the aircraft.

**Procedures where responsibility for operations extends to two or more neighbouring States**

**179.06.6** Where the conduct of operations over the Namibian search and rescue region involves search and rescue centres of other States, those search and rescue centres must take action in accordance with their relevant plan of operations when so requested by the rescue coordination centre of the region.

**Procedures for authorities in field**

**179.06.7** The relevant SAR authority immediately directing the conduct of search and rescue operations in the field or any part thereof must -

- (a) give instructions to the units under its direction and inform the rescue coordination centre of such instructions; and
- (b) keep the rescue coordination centre informed of any developments.

**Search and rescue frequencies**

**179.06.8** The frequencies 3 023 kHz and 5 680 kHz must be used where the use of high frequencies is required for search and rescue scene of action coordination purposes, and the ICAO Handbook on Radio Frequency Spectrum Requirements for Civil Aviation (Doc 9718) must be used as a reference.

**Procedures for rescue coordination centre: termination and suspension of operations**

**179.06.9** The procedure for rescue coordination centre for termination and suspension of operation is as set out in Document NAM-CATS-SAR.

[The word “a” appears to have been omitted before the term “rescue coordination centre”.]

**Procedures at scene of accident**

**179.06.10** The procedures to be followed by the rescue coordination centre or rescue sub-centre, the pilot-in-command and search and rescue aircraft when at the scene of the accident must be as set out in Document NAM-CATS-SAR.

**Procedures for pilot-in-command intercepting distress transmission**

**179.06.11** If a pilot-in-command of an aircraft intercepts a distress transmission, the pilot-in-command must follow the procedure for intercepting a distress transmission set out in Document NAM-CATS-SAR.

**SUBPART 7**  
**SEARCH AND RESCUE SIGNALS**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**General requirements**

**179.07.1** (1) The air-to-surface and surface-to-air visual signals set out in Document NAM-CATS-SAR must be used for the purpose of search and rescue and when used, must have the meaning indicated therein.

(2) The signals must be used only for the purpose indicated and other signals likely to be confused may not be used with them.

(3) Upon observing any of the signals, the pilot-in-command of an aircraft must take such action as may be required by the interpretation of the signal given.

**Signals with surface craft**

**179.07.2** The signals to be used to indicate that the aircraft wishes to direct a surface craft towards an aircraft or a surface craft in distress must be as set out in Document NAM-CATS-SAR.

**Ground-air visual signal code**

**179.07.3** (1) The ground-air visual signals to be used by survivors and by rescue units must be as set out in Document NAM-CATS-SAR.

(2) Survivors and rescue units may use any available means to form the visual signals to attract attention.

**Air-ground visual signals**

**179.07.4** The signals to be used by aircraft to indicate that they have understood the ground signals must be as set out in Document NAM-CATS-SAR.

**SUBPART 8**

**MAINTENANCE OF RECORDS, APPRAISALS AND INFORMATION SHARING**

**Records to be maintained**

**179.08.1** (1) The rescue coordination centre must keep a record of the operational efficiency of level and prepare appraisals of the actual search and rescue operations in the Namibian search and rescue region.

(2) The SAR coordinating agency must prepare appraisals of actual search and rescue operations within the Namibian search and rescue region, and those appraisals must comprise -

- (a) any pertinent remarks on the procedures used and on the emergency and survival equipment; and
- (b) any suggestions for improvement of the procedures and equipment referred to in paragraph (a).

(3) The SAR coordinating agency must submit those appraisals which are likely to be of interest to other States to the Executive Director who must forward the same to ICAO for information and dissemination as appropriate.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Documents to be held by SAR coordinating agency**

**179.08.2** (1) The SAR coordinating agency must hold and maintain certain documentation essential to the effective provision of search and rescue services.

(2) The documents to be held and maintained by the SAR coordinating agency must be those set out in Document NAM-CATS-SAR.

**Document and data control process**

**179.08.3** (1) The SAR coordinating agency must establish a document control system which covers the authorisation, standardisation, publication, distribution and amendment of all documentation issued in connection with the provision of search and rescue services.

(2) The document control process must be as prescribed in Part 170.

**Search and rescue event: records and reports**

**179.08.4** (1) The SAR coordinating agency must ensure that all actions taken in relation to a search and rescue event are recorded in a search and rescue log maintained in the rescue coordination centre managing the search and rescue event.

(2) The records referred to in subregulation (1) must include but are not limited to -

- (a) calls, documents, other correspondences and communications;
- (b) times of termination of the search and rescue event;
- (c) time of suspending the search and rescue event if applicable;
- (d) relevant records of aircraft;
- (e) applicable charts; and
- (f) any records relating to the search and rescue actions.

(3) The records referred to (1) must be maintained in the manner set out in Document NAM-CATS-SAR.

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**ADMINISTRATION**

**PART 183**  
**ADMINISTRATION: GENERAL**

**LIST OF REGULATIONS**

- |          |                               |
|----------|-------------------------------|
| 183.00.1 | Powers and duties of Director |
| 183.00.2 | Transitional provisions       |
| 183.00.3 | Short title                   |

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**Powers and duties of Director**

**183.00.1** Subject to the provisions of the Act -

- (a) the Director shall administer and enforce the Regulations;
- (b) all powers granted to and duties imposed on the Director in terms of the Regulations may be exercised or performed by the Director in person, or by an authorised officer, inspector or authorised person designated by the Director to act for him or her;
- (c) the Director shall sign and issue to each authorised officer, inspector or authorised person a document which shall state the full name of such authorised officer, inspector or authorised person and contain a statement indicating that -
  - (i) such authorised officer, inspector or authorised person has been designated in terms of section 5(2)(a) of the Act; and
  - (ii) such authorised officer, inspector or authorised person is empowered to exercise any power entrusted to him or her in terms of the Regulations.

**Transitional provisions**

**183.00.2** (1) Anything done, or omitted, under, in terms of or by virtue of a provision of a regulation withdrawn by the Regulations, shall, unless the context otherwise indicates, or except where it is clearly inappropriate, be deemed to have been done, or omitted, as the case may be, under, in terms of or by virtue of a corresponding provision of these Regulations: Provided that where an applicable period of validity has on the date of the coming into operation of such corresponding provision not yet expired, such validity shall continue -

- (a) for the remaining unexpired applicable period of validity; or
- (b) or a period of six months after the coming into operation of such corresponding provision,

whichever period is the lesser period.

(2) The provisions of subregulation (1) shall *mutatis mutandis* apply in cases where qualifying periods of time or periods of time for purposes of crediting are involved.

(3) Notwithstanding the provisions of the regulations in Subpart 4 of Part 11, the Director may exempt the holder of any licence, certificate, rating, permit, approval, authorisation or other document issued under, in terms of or by virtue of a provision of a regulation withdrawn by the Regulations, from compliance with any requirement prescribed in these Regulations, if such holder applies for the issuing of a licence, certificate, rating, permit, approval, authorisation or other document in terms of these Regulations.

(4) An exemption referred to in subregulation (3), shall only be granted if the Director is satisfied that -

- (a) the requirement has been substantially complied with and that further compliance is unnecessary; or



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

(b) events have occurred which make the requirement unnecessary or inappropriate in the particular case; and

(c) granting the exemption will not jeopardise aviation safety.

(5) Notwithstanding the provisions of the regulations in Subpart 4 of Part 11, the Director may, for a period not exceeding six months after the coming into operation of the Regulations, exempt any person who is affected by a provision of the Regulations, from compliance with such provision.

(6) An exemption referred to in subregulation (5), shall only be granted if the Director is satisfied that granting the exemption -

(a) will not jeopardise aviation safety; and

(b) will facilitate the transition.

**Short title**

**183.00.3** These regulations shall be called the Namibian Civil Aviation Regulations (NAM-CARS) 2001.

[The short title is normally found at the end of a set of regulations. Part 183 was originally the last Part in these regulations, with subsequent Parts being added later.]

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 185**  
**OFFENCES, FINES AND RELATED MATTERS**

[Part 185 is substituted by GN 293/2018.]

**SUBPART 1: OFFENCES**

- 185.01.1 Presumptions and evidence
- 185.01.2 Offences

**SUBPART 2: ADMINISTRATIVE FINES**

- 185.02.1 Applicability
- 185.02.2 Threshold amounts and conditions
- 185.02.3 Criteria and determinations for imposition of administrative fines

**Appendix 1:** Assessment determinations matrix

**Appendix 2:** Administrative fines amounts

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**SUBPART 1**  
**OFFENCES**

**Presumptions and evidence**

**185.01.1** In criminal proceedings under the Act and these regulations the evidence on documentation must, in addition to the law regulating procedure and the admissibility of evidence in criminal matters, be dealt with subject to necessary changes required by the context as set out in regulation 13.02.02.

**Offences**

**185.01.2** (1) A person commits an offence if that person -

- (a) hinders or obstructs an authorised officer, inspector or authorised person or an aviation medical examiner (AME) in the exercise of his or her powers or the performance of his or her duties;
- (b) when called upon by an authorised officer, inspector or authorised person to do so, refuses or fails to give his or her name and address or gives a false name or address;
- (c) obstructs or impedes any other person acting in the exercising or performance of any privileges, powers or duties conferred on such other person by or under the regulations;
- (d) makes or causes to be made, either orally or in writing -
  - (i) any fraudulent, misleading or false statement for the purpose of obtaining any licence, rating, certificate, permit, approval, authorisation, exemption or other document in terms of these regulations;
  - (ii) any fraudulent, misleading or false entry in any logbook, record or report which is required to be kept, maintained, made or used to show compliance with any provision of these regulations;
- (e) falsifies, counterfeits, alters, defaces or mutilates or adds anything to, any licence, rating, certificate, permit, approval, authorisation, exemption or other document issued in terms of these regulations;
- (f) does or causes, or permits to be done or caused, any act contrary to, or who fails to comply with any provision of these regulations or a direction given or a prohibition made or a condition imposed or a rule, an order or a directive made in terms thereof;
- (g) exercises a privilege granted by, or uses any, licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under these regulations, of which he, she or it is not the holder;
- (h) unless otherwise authorised by these regulations, permits a licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under these regulations, of which he, she or it is the holder, to be used, or a privilege granted thereby, to be exercised, by any other person;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- (i) operates or attempts to operate any aircraft in respect of which no valid certificate of registration or a valid certificate of airworthiness have been issued;
- (j) commits any act, whether by interference with any flight crew member, air traffic service (ATS) personnel member or by tampering with any aircraft or any part thereof or by disorderly conduct or otherwise, which is likely to endanger the safety of any aircraft or its occupants;
- (k) without the permission of an aerodrome or heliport operator, enters any place within the boundaries of a certified or licensed aerodrome or heliport or other aerodrome regulated under Part 139, which has been closed to the public; or
- (l) gives false information pertaining to the investigation of any aviation accident or incident.

(2) Any person who is convicted of an offence in terms of subregulation (1) is liable the penalties stipulated in section 54(2)(c)(ii) of the Act.

**SUBPART 2**  
**ADMINISTRATIVE FINES**

**Applicability**

**185.02.1** (1) The offences set out in regulation 185.01.2 are applicable for purposes of this Subpart as if it is a violation of these regulations subject to the threshold amounts for administrative fines as set out in this Subpart.

(2) The offences in Parts 13, 14, 15 and 16 of the Act are applicable for purposes of this Subpart as if it is a violation of these regulations subject to the threshold amounts for administrative fines as set out in this Subpart.

**Threshold amounts and conditions**

**185.02.2** (1) For the purposes of regulation 185.02.1, the maximum administrative fine that may be imposed by the Authority under these regulations is N\$200 000, but subject to compliance with the administrative fine notice requirements provided for in regulation 13.03.3.

(2) In addition to the requirements of regulation 13.04.1 on the resolution of an internal review, the Executive Director may impose administrative daily fines not exceeding N\$2 000 for each day of non-compliance which amount may not exceed the threshold set out in subregulation (1) in respect of each case of a violation.

- (3) The administrative fine amounts imposed in terms of this Subpart may -
  - (a) be suspended by the Executive Director wholly or in part;
  - (b) be imposed to run concurrently with another administrative fine already imposed by the Executive Director; or
  - (c) run consecutively with an administrative fine imposed for another violation of these regulations before or after the administrative fine imposed on the current matter or be separated from it, at the discretion of the Executive Director,

**REGULATIONS  
Civil Aviation Act 6 of 2016****Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

and subject to any conditions as determined by the Executive Director in each instance.

(3) If any person fails to pay an administrative fine imposed on that person in terms of these regulations within the specified period, the Executive Director may recover such administrative fine from that person in the manner contemplated in section 65 of the Act.

[There are no subregulations numbered (4) or (5) in the *Government Gazette*.]

(6) In the event that the holder or participant seeks the review of a decision taken by the Executive Director to impose an administrative fine in terms of Subpart 4 of Part 13 or by way of appeal to the High Court, the Executive Director may not implement or enforce that decision until the appeal or review process is concluded and must waive the administrative fine amount during the review process.

(7) An administrative fine already paid may be refunded, if so recommended as a result of an investigation conducted pursuant to section 41 of the Act or upon reversal of the Executive Director's decision by a competent court.

**Criteria and determinations for imposition of administrative fines**

**185.02.3** (1) The Executive Director may consider any or all of the following criteria and determinations when appraising or taking a decision to impose an administrative fine on holders or participants, inclusive of a decision on an aviation document, as the case may be:

- (a) nature of the violation;
- (b) the extent to which the violation was intentional, deliberate or negligent;
- (c) the seriousness or severity of the violation;
- (d) whether the violation has the potential of hindering the Executive Director or an authorised officer, inspector or authorised person from ensuring civil aviation safety and security;

[The word "civil" is repeated before the word "aviation" in the *Government Gazette*.]

- (e) the duration and frequency of the violation;
- (f) the behaviour of the holder or participant after the violation;
- (g) whether the holder or participant brought the violation to the attention of the Authority, the Executive Director, an inspector authorised officer or authorised person or any law enforcement agency;

[A comma appears to have been omitted between the word "inspector" and the term "authorised officer".]

- (h) whether the holder or participant has taken reasonable steps to put in place effective remedial steps or corrective action, to discontinue the violation;
- (i) if prior actions taken by the Authority in the form of an infringement notice, warning, meeting or order, proved ineffective to deter the violation;

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

- (j) previous records and compliance history of the holder or participant, or his or her predecessor in title in its operations within the 12 months period immediately before the violation;
- (k) whether the holder or participant derived any economic benefit from the violation or had safety and economic impact on any other third party;

[Some words appear to be missing before and within the phrase “had safety and economic impact on any other third party”, which does not fit with the preceding part of paragraph (k).]

- (l) the general status of the holder or participant regarding operations or ability to comply with the aviation document at the time of the imposition of the administrative fine or during any on-site or off-site investigation; and
- (m) whether the violation will or has the potential of introducing any risks in the relevant holder’s or participant’s operational manual or any other manual required under the aviation document.

(2) The Executive Director may consider any other criteria or determination not listed under subregulation (1), if it is considered material and appropriate when appraising or taking a decision to impose an administrative fine.

(3) The criteria and determinations referred to in subregulations (1) and (2) and coupled with the mitigating factors with various weights assigned to each criteria and determination and factor and summarised in Appendix 1 must be applied using the format set out therein to determine the appropriate assessed amount for payment of the administrative fine.

(4) The appropriate administrative fine amount is outlined in Appendix 2 and is dependent on the score obtained from Appendix 1.

(5) In determining the violation and the appropriate administrative fine to be imposed, it must be presumed that each violation relying on the same or similar facts, or intent, constitutes a single violation such that only a single administrative fine amount as specified in regulation 185.02.2 may be imposed for such violation.

[Regulation 187.00.23 is substituted by GN 210/2018.  
The substituted regulation includes the following two appendices.]

**APPENDIX 1**

**ASSESSMENT DETERMINATIONS MATRIX**  
(Regulation 185.02.3(3))

[A] Assessment determination	0	1	2	3	4	5	Weight [A]+[B] 1	Severity score	Value (Weight x severity)
[B] Severity levels of violation	None	Low level	Medium- low level	Medium (moder- ate) level	High- medium level	High level			
Intent	None	Should have known	-	Non- malicious intent		Deliber- ate	5		

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

<b>Likelihood of recurrence</b>	None	Unlikely		Likely		Significant likelihood	5		
<b>Hindrance</b>	None	Low impact	Medium to low impact	Medium (moderate impact)	High-medium impact	High impact	4		
<b>Duration (after notification)</b>	Zero/immediate	2 weeks	One month	6 weeks	Two months	10 weeks	4		
<b>Frequency</b>	Zero	One violation	-	Two violations		Several violations	4		
<b>Previous records / compliance history</b>	None	Prior cautionary advices	Prior warning for similar violation	Minor case of prior warning for similar violation	Investigation launched for violation	Adverse finding on investigation outcome	3		
<b>Continuation after notification/warning</b>	No notification/warning received	Ceased immediately	Ceased within one weeks	Ceased within 2 weeks		Ceased within 3 weeks	4		
<b>Informed NCAA about compliance delay</b>	Immediately	Less than 24 hours	Less than two days	Not later than one week	Not later than two weeks	Not later than three weeks	4		
<b>Cooperation with NCAA</b>	Full timely cooperation & corrective action	Acceptable cooperation		Significant cooperation	Insignificant cooperation	Unacceptable cooperation	4		
<b>Benefits derived</b>	None	Minimum benefit to participant	-	Moderate benefit		Significant benefit	3		
<b>Level of negligence</b>	Oblivious			Ignorant	Deviant	Negligent	4		
<b>History of previous fines</b>	None	Prior cautionary advices	Prior warning for similar violations		More than two prior warnings for similar violation	More than three violations	3		
<b>Operations &amp; documents usage abilities</b>	Documentation inadequate	Documentation not available		Documentation defaced or breached		No reporting on documentation lost/misplaced/no reporting	3		
<b>Voluntary information to NCAA</b>	Contravention observed / detected by NCAA	Contravention reported by 3 <sup>rd</sup> party		Delay in reporting violation		Comprehensively informed NCAA; full facts disclosed	-3		
<b>Corrective actions/ plans</b>	None	Submitted one week beyond	Submitted two weeks	Submitted two weeks late and	Not submitted within extended	Failure to submit despite warning	-4		

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		required deadline	beyond required deadline	incom- plete	deadline period	issued to submit			
<b>Compliance program levels</b>	None	Support- ive infor- mation lacking	Support- ive infor- mation provided	Manuals in some respects complied with.	Manuals in many respects complied with	Manuals fully complied with	-5		
<b>TOTALS</b>									

Assessment total score

TOTAL	
Divided by 4	
Grand total	

**APPENDIX 2**

ADMINISTRATIVE FINEA AMOUNTS

[The word "FINE" is misspelt in the *Government Gazette*.]

(Regulation 185.02.3(4))

<b>Violations severity Points lower bound</b>	<b>Violations severity Points upper bound</b>	<b>Admin fine lower bound</b>	<b>Admin fine upper bound</b>	<b>Recommended administrative fine</b>
		Max N\$	Max N\$	N\$
1-11	12-20	2001	20000	
21-41	42-60	20001	80000	
61-71	72-80	80001	100000	
81-91	82-90	100001	150000	
91-95	96-100	150001	200000	

Recommended

Date

\_\_\_\_\_  
**Designated inspector/authorised officer /authorised person**

Approved

Date

\_\_\_\_\_  
**EXECUTIVE DIRECTOR**

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". No change has been made here to the phrase "Designated inspector/authorised officer /authorised person" which appears above the signature, but the intention may have been for this term to be substituted by the term "Authorised officer /inspector/authorised person".]



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

**PART 187**  
**FEES**

**[Part 187 is substituted by GN 57/2006, amended by GN 201/2006,  
substituted by GN 80/2017 and amended by GN 210/2018.]**

**LIST OF REGULATIONS**

- 187.00.1 Fees relating to Part 11
- 187.00.2 Fees relating to Part 21
- 187.00.3 Fees relating to Part 34
- 187.00.4 Fees relating to Part 36
- 187.00.5 Fees relating to Part 47
- 187.00.6 Fees relating to Part 61
- 187.00.8 Fees relating to Part 63
- 187.00.9 Fees relating to Part 64
- 187.00.10 Fees relating to Part 65
- 187.00.11 Fees relating to Part 66
- 187.00.12 Fees relating to Part 67
- 187.00.13 Fees relating to Part 121
- 187.00.14 Fees relating to Part 127
- 187.00.15 Fees relating to Part 135
- 187.00.16 Fees relating to Part 139
- 187.00.17 Fees relating to Part 141
- 187.00.18 Fees relating to Part 145
- 187.00.19 Fees relating to Part 147
- 187.00.20 Fees relating to Part 148
- 187.00.21 Fees relating to Part 149

**[Regulations 187.00.1-187.00.21 were most recently substituted in table format by GN 80/2017.]**

- 187.00.22 Fees and charges relating to Parts 71, 170 to 175 and 179

**[Regulation 187.00.22, including its heading, is substituted by GN 210/2018.]**

- 187.00.23 Charges relating to Part 140

**[Regulation 187.00.23, including its heading, is substituted by GN 210/2018.]**

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

[Regulations 187.00.1-187.00.21 were most recently substituted in table format by GN 80/2017.

The portion of the table in GN 80/2017 that constituted regulation 187.00.22, and regulation 187.00.23 which appeared below the table in GN 80/2017, were both subsequently substituted by the table contained in GN 210/2018. Note that some of the Parts referred to in the table below have been subsequently substituted, so some of the cross-references may no longer be correct.]

Reg Part	Reg No.	Description	NAM 2016 proposals (N\$)
Fee relating to Part 11	187.00.1	The following fee shall be payable upon application:	
		(a) For an exemption regulation 11.04.1(2)(b)	850.00
Fee relating to Part 21	187.00.2	The following fees shall be payable upon application:	
		(a) For a copy of the register of certificates referred to in regulation 21.01.7(5)	2.00
		(b) For the issuing of a type certificate for a Class I product or an amendment thereof referred to in regulation 21.02.2(1)	745.00
		(c) For the issuing of a type certificate for a Class I product or an amendment thereof referred to in regulation 21.04.2	745.00
		(d) For the issuing of a supplemental type certificate regulation 21.05.2	745.00
		(e) For the issuing of a production certificate or an amendment thereof regulation 21.07.2	745.00
		(f) For the issuing of a standard or restricted certificate of airworthiness referred to in regulation 21.08.2(2)	745.00
		(g) For the amendment of a standard or restricted certificate of airworthiness referred to regulation 21.08.2.(2) [21.08.2(2)]	350.00
		(h) For the issuing of an experimental certificate of airworthiness referred to in regulation 21.08.2(3)	745.00
		(i) For the amendment of an experimental certificate of airworthiness referred to in regulation 21.08.2(3)	350.00
		(j) For the issuing of a special flight permit regulation 21.08.2(4)	745.00
		(k) For the amendment of a special flight permit regulation 21.08.2(4)	350.00
		(l) For the renewal of a certificate of airworthiness referred to in regulation 21.08 11(1) [21.08.11(1)]	350.00
		(m) For the validation of a certificate of airworthiness issued by an appropriate authority referred to in regulation 21.08.12(2)	350.00
		(n) For the issuing of a <b>NAM-PMA</b> referred to in regulation 21.09.3(2)	745.00
		(o) For the issuing of an export airworthiness approval referred to in regulation 21.11.2(3)	745.00
		(p) For the issuing of a <b>NAM-TSO</b> authorisation referred to in regulation 21.12.2(2)	745.00

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(q) For the approval to deviate from any performance standard of a NAM-TSO referred to in regulation 21.12.5(2)	<b>150.00</b>
		(r) For the issuing of a NAM-TSO design approval referred to in regulation 21.12.8(1)	<b>745.00</b>
		(s) For the issuing of a duplicate of any certificate approval or authorization issued under Part 21	<b>150.00</b>
<b>Fee relating to Part 34</b>	<b>187.00.3</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of fuel venting certificates and engine emission certificates referred to in regulation 34.01.4(5)	<b>2.00</b>
		(b) For the issuing of a fuel venting certificate referred to in regulation 34.02.3	<b>215.00</b>
		(c) For the issuing of an engine emission certificate referred to in regulation 34.03.3	<b>215.00</b>
		(d) For the issuing of a duplicate fuel venting certificate or engine emission certificate	<b>150.00</b>
<b>Fee relating to Part 36</b>	<b>187.00.4</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the issuing of a noise certificate regulation 36.00.5	<b>215.00</b>
		(b) For a copy of the register of noise certificates regulation 36.00.11(5)	<b>2.00</b>
		(c) For the issuing of a duplicate noise certificate	<b>150.00</b>
<b>Fee relating to Part 43</b>	<b>187.00.4 (A)</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the approval of modification, repairs and installation on an aircraft referred to in regulation 43.02.15	<b>200.00</b>
		(b) For the evaluation of documentation for purposes of an approval of modifications, repairs and installation on an aircraft	<b>500.00</b>
<b>Fee relating to Part 47</b>	<b>187.00.5</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the registration of an aircraft referred to in regulation 47.00.5(2);	<b>745.00</b>
		(b) For the amendment of a certificate of registration referred to in regulation 47.00.8(2);	<b>350.00</b>
		(c) For the issuing of a duplicate certificate of registration referred to in regulation 47.00.9(2);	<b>215.00</b>
		(d) For the cancellation of a certificate of registration referred to in regulation 47.00.11(2);	<b>500.00</b>
		(e) For the cancellation of a certificate of registration referred to in regulation 47.00.11(4); and	<b>500.00</b>
		(f) For a copy of the register of Namibian aircraft referred to in regulation 47.00.14(5).	<b>2.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

<b>Fee relating to Part 61</b>	<b>187.00.6</b>	<b>The following fees shall be payable upon application:</b>	
		(a) Application for the validation of a pilot licence and rating issued by an appropriate authority referred to in regulation 61.01.10(2)	<b>300.00</b>
		(b) Application for the issuing of a pilot licence and rating by virtue of military service referred to in regulation 61.01.11(4)	<b>300.00</b>
		(c) Application for the conversion of a pilot licence and rating issued by an appropriate authority referred to in regulation 61.01.12(2)	<b>300.00</b>
		(d) Application for the issuing of a new pilot licence and rating referred to in regulation 61.01.21(2)(b)	<b>300.00</b>
		(e) Notification of the surrender or replacement of a pilot licence and rating referred to in regulation 61.01.22(3)	<b>200.00</b>
		(f) Application for the issuing of a duplicate pilot licence and rating referred to in regulation 61.01.24(2)	<b>200.00</b>
		(g) Application for a copy of the register of pilot licences referred to in regulation 61.01.28(5)	<b>2.00</b>
		(h) Application for - (i) the issuing of a student pilot licence referred to in regulation 61.02.2; (ii) the reissuing of a student pilot licence referred to in regulation 61.02.9	<b>300.00</b> <b>200.00</b>
		(i) Application for - (i) the issuing of a private pilot licence (aeroplane) referred to in regulation 61.03.6 (ii) the issuing of a private pilot licence (helicopter) referred to in regulation 61.04.6 (iii) the issuing of a commercial pilot licence (aeroplane) referred to in regulation 61.05.6 (iv) the issuing of a commercial pilot licence (helicopter) referred to in regulation 61.06.6 (v) the issuing of airline transport pilot licence (aeroplane) referred to in regulation 61.07.6	<b>300.00</b> <b>(all categories below)</b>
		(vi) the issuing of airline transport pilot licence (helicopter) referred to in regulation 61.08.6 (vii) the issuing of a microlight aeroplane pilot licence referred to in regulation 61.09.6 (viii) the issuing of a glider pilot licence referred to in regulation 61.10.7	

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		<p>(ix) the issuing of a free balloon pilot licence referred to in regulation 61.11.6</p> <p>(x) the issuing of a free balloon pilot licence, for commercial purposes, referred to in regulation 61.12.6</p> <p>(xi) the issuing of airship pilot licence referred to in regulation 61.13.6</p> <p>(xii) the issuing of airship pilot licence, for commercial purposes, referred to in regulation 61.14.6; and</p> <p>(xiii) the issuing of a gyroplane pilot licence referred to in regulation 61.16.6</p>	
		<p>(j) Application for -</p> <p>(i) the issuing of a type rating referred to in regulation 61.16.5(1); <b>300.00</b></p> <p>(ii) the renewal of a type rating referred to in regulation 61.16.11(4); <b>200.00</b></p> <p>(iii) the re-issuing of a type rating referred to in regulation 61.18.12(4). <b>200.00</b></p>	
		<p>(k) Application for -</p> <p>(i) the issuing of an instrument rating referred to in regulation 61.17.6(1); <b>300.00</b></p> <p>(ii) the renewal of an instrument rating referred to in regulation 61.17.(11)(4); and <b>200.00</b></p> <p><b>[This cross-reference, which was probably intended to be 61.17.11(4), does not correspond to any regulation in Part 61 as substituted by GN 178/2023.]</b> <b>200.00</b></p> <p>(iii) the re-issuing of an instrument rating referred to in regulation 61.17.12(4).</p>	
		<p>(l) Application for -</p> <p>(i) the issuing of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.6(b); <b>300.00</b></p> <p>(ii) the renewal of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.10(4)(b); and <b>200.00</b></p> <p>(iii) the re-issuing of a Grade I aeroplane flight instructor rating referred to in regulation 61.18.11(4). <b>200.00</b></p>	

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(m) Application for -	
		(i) the issuing of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.9(b);	<b>300.00</b>
		(ii) the renewal of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.10(4)(b); and	<b>200.00</b>
		(iii) the re-issuing of a Grade II aeroplane flight instructor rating referred to in regulation 61.19.11(4).	<b>200.00</b>
		(n) Application for -	
		(i) the issuing of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.5(b);	<b>300.00</b>
		(ii) the renewal of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.9(4)(b); and	<b>200.00</b>
		(iii) the re-issuing of a Grade III aeroplane flight instructor rating referred to in regulation 61.20.10(4)(b).	<b>200.00</b>
		(o) Application for -	
		(i) the issuing of an aeroplane flight simulation training device flight instructor rating referred to in regulation 61.21.5(b);	<b>300.00</b>
		(ii) the renewal of an aeroplane flight simulation training device flight flight instructor rating referred to in regulation 61.21.9(4)(b); and	<b>200.00</b>
		(iii) the re-issuing of an aeroplane flight simulation training device flight instructor rating referred to in regulation 61.21.10(4)(b).	<b>200.00</b>
		(p) Application for -	
		(i) the issuing of a Grade I helicopter flight instructor rating referred to in regulation 61.18.6(b);	<b>300.00</b>
		(ii) the renewal of a Grade I helicopter flight instructor rating referred to in regulation 61.18.10(4)(b); and	<b>200.00</b>
		(iii) the re-issuing of a Grade I helicopter flight instructor rating referred to in regulation 61.18.11(4).	<b>200.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(q) Application for -	
		(i) the issuing of a Grade II helicopter flight instructor rating referred to in regulation 61.23.6(b);	<b>300.00</b>
		(ii) the renewal of a Grade II helicopter flight instructor rating referred to in regulation 61.23.10 (4)(b); and	<b>200.00</b>
		(iii) the re-issuing of a Grade II helicopter flight instructor rating referred to in regulation 61.23.11(4) (b).	<b>200.00</b>
		(r) Application for -	
		(i) the issuing of a Grade III helicopter flight instructor rating referred to in regulation 61.24.5(b)(iv);	<b>300.00</b>
		(ii) the renewal of a Grade III helicopter flight instructor rating referred to in regulation 61.24.9 (4)(b)(iv); and	<b>200.00</b>
		(iii) the re-issuing of a Grade III helicopter flight instructor rating referred to in regulation 61.24.10(4)(b).	<b>200.00</b>
		(s) Application for -	
		(i) the issuing of an helicopter flight simulation training device flight instructor rating referred to in regulation 61.25.5(b)(iv);	<b>300.00</b>
		(ii) the renewal of an helicopter flight simulation training device flight flight instructor rating referred to in regulation 61.25.9(4)(b)(iv); and	<b>200.00</b>
		(iii) the re-issuing of an helicopter flight simulation training device flight instructor rating referred to in regulation 61.25.10(4)(b)(iv).	<b>200.00</b>
		(t) Application for -	
		(i) the issuing of a Grade I microlight flight instructor rating referred to in regulation 61.26.5(b)(iv);	<b>300.00</b>
		(ii) the renewal of a Grade I microlight flight instructor rating referred to in regulation 61.26.9(4)(b)(iv); and	<b>200.00</b>
		(iii) the re-issuing of a Grade I microlight flight instructor rating referred to in regulation 61.26.10(4)(b)(iv).	<b>200.00</b>
		(u) Application for -	
		(i) the issuing of a glider flight instructor	

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		rating referred to in regulation 61.27.6(b);	<b>300.00</b>
	(ii)	the renewal of a glider flight instructor rating referred to in regulation 61.27.10(4)(b); and	<b>200.00</b>
	(iii)	the re-issuing of a glider flight instructor rating referred to in regulation 61.27.11(4).	<b>200.00</b>
	(v) Application for -		
	(i)	the issuing of a Grade I free balloon flight instructor rating referred to in regulation 61.28.5(b) (iv);	<b>300.00</b>
	(ii)	the renewal of a Grade I free balloon flight instructor rating referred to in regulation 61.28.9 (4)(b)(iv); and	<b>200.00</b>
	(iii)	the re-issuing of a Grade I free balloon flight instructor rating referred to in regulation 61.28.10(4)(b)(iv).	<b>200.00</b>
	(w) Application for -		
	(i)	the issuing of a Grade I airship flight instructor rating referred to in regulation 61.29.5(b)(iv);	<b>300.00</b>
	(ii)	the renewal of a Grade I airship flight instructor rating referred to in regulation 61.29.9(4)(b)(iv); and	<b>200.00</b>
	(iii)	the re-issuing of a Grade I airship flight instructor rating referred to in regulation 61.29.10(4)(b)(iv).	<b>200.00</b>
	(x) Application for -		
	(i)	the issuing of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.5(b)(iv);	<b>300.00</b>
	(ii)	the renewal of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.9(4)(b)(iv); and	<b>200.00</b>
	(iii)	the re-issuing of a Grade I gyroplane flight instructor rating referred to in regulation 61.30.10(4)(b)(iv).	<b>200.00</b>
	(y) Application for -		
	(i)	the issuing of a night rating referred to in regulation 61.31.5(1)(b)(v);	<b>300.00</b>
	(ii)	a Class I flight test rating referred to in regulation 61.32.4(1)(b)(v); and	<b>200.00</b>
	(iii)	the re-issuing of a Grade I free balloon flight	



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		instructor rating referred to in regulation 61.33.4(1)(b)(v).	<b>200.00</b>
		(z) Application for -	
		(i) a tug pilot rating referred to in regulation 61.34.3(1)(b)(v) <b>[61.34.3(1)(b)(v)];</b>	<b>300.00</b>
		(ii) an external-load (helicopter) rating referred to in regulation 61.35.4(1)(b)(iv);	<b>200.00</b>
		(iii) a winching rating (helicopter) referred to in regulation 61.36.4(1)(b)(iv);	<b>200.00</b>
		(iv) a game or livestock cull rating (helicopter) referred to in regulation 61.37.4(1)(b)(iv);	<b>300.00</b>
		(v) an agriculture pilot rating referred to in regulation 61.38.4(1)(b)(v);	<b>300.00</b>
		(vi) a cloud flying rating referred to in regulation 61.39.5(1)(b)(v); and	<b>300.00</b>
		(vii) a safety pilot rating referred to in regulation 61.40.3(1)(b)(iv).	<b>300.00</b>
		(aa) For examinations arranged by the Director in respect of any pilot licence or rating, per subject cost plus	<b>300.00</b>
		(bb) For the remark of examination papers by the Director in respect of any pilot license or rating, per subject cost plus	<b>300.00</b>
<b>Fee relating to Part 63</b>	<b>187.00.8</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the validation of a flight engineer licence and rating issued by an appropriate authority referred to in regulation 63.(11-6(2)(a) <b>[This cross-reference is incorrect. It may now refer to regulation 63.01.3(3)(a) of Part 63 as substituted by GN 178/2023.]</b>	<b>300.00</b>
		(b) For the issuing of a flight engineer licence and rating by virtue of military service referred to in regulation 63.01.7(2)(b) (vi)	<b>300.00</b>
		(c) For the conversion of a flight engineer licence and rating issued by an appropriate authority referred to in regulation 63.01.8(2)(b)(iii)	<b>300.00</b>
		(d) For the issuing of a new flight engineer licence and rating referred to in regulation 63.01.15(2)(b)(iv)	<b>200.00</b>
		(e) For the issuing of a duplicate flight engineer licence and rating referred to in regulation 63.01.16(2)(b)(iii)	<b>200.00</b>
		(f) For a copy of the register of flight Engineer licences referred to in regulation 63.01.19(5) <b>[Capitalisation as in Gazette.]</b>	<b>2.00 (pp)</b>
		(g) For the issuing of a flight engineer licence referred to in regulation 63.02.6(b)(vii) <b>[The word "regulation" is misspelt in the Gazette.]</b>	<b>300.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(h) For the issuing of a type rating referred to in regulation 63.03.5(1)(b)(iv)	<b>300.00</b>
		(i) For the renewal of a type rating referred to in regulation 63.03.9(4)(b)(iv)	<b>200.00</b>
		(j) For the reissuing of a type rating referred to in regulation 63.03.10(4)(b)(iv)	<b>200.00</b>
		(k) For the issuing of a flight engineer (instructor rating referred to in regulation 63.04.5(b)(v) <b>[The superfluous bracket is in the Gazette.]</b>	<b>300.00</b>
		(l) For the reissuing of a flight engineer [instructor rating referred to in regulation 63.04.10(4)(b)(iv) <b>[The superfluous bracket is in the Gazette.]</b>	<b>200.00</b>
		(m) For the reissuing of a flight engineer [instructor rating referred to in regulation 63.04.10(4)(b)(iv) <b>[The superfluous bracket is in the Gazette.]</b>	<b>200.00</b>
		(n) For examinations arranged by the Director in respect of a flight engineer licence or any rating, per subject cost plus	<b>300.00</b>
		(o) For the remarking of examination papers by the Director in respect of a flight engineer licence or any rating, per subject cost plus	<b>300.00</b>
<b>Fee relating to Part 64</b>	<b>187.00.9</b>	<b>The following fees shall be payable on application:</b>	
		(a) For the issuing of a new cabin crew member licence and rating referred to in regulation 64.01.11(2)(b)(iv)	<b>200.00</b>
		(b) For the issuing of a duplicate cabin crew member licence and rating referred to in regulation 64.01.12(2)(b)(iii)	<b>200.00</b>
		(c) For a copy of the register of cabin crew member licences referred to in regulation 64.01.15(5)	<b>2.00 (pp)</b>
		(d) For the issuing of a cabin crew member licence referred to in regulation 64.02.6(b)(vi)	<b>300.00</b>
		(e) For the issuing of a type rating referred to in regulation 64.03.5(1)(b)(iv)	<b>300.00</b>
		(f) For the renewal of a type rating referred to in regulation 64.03.9(4)(b)(iv)	<b>200.00</b>
		(g) For the reissuing of a type rating referred to in regulation 64.03.10(4)(b)(iv)	<b>200.00</b>
		(h) For the issuing of a cabin crew instructor rating referred to in regulation 64.04.5(b)(v)	<b>300.00</b>
		(i) For the renewal of a cabin crew instructor rating referred to in regulation 64.04.9(4)(b)(iv)	<b>200.00</b>
		(j) For the reissuing of a cabin crew instructor rating referred to in regulation 64.04.10(4)(b)(iv)	<b>200.00</b>
<b>Fee relating to Part 65</b>	<b>187.00.10</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the conversion of an air traffic service licence or rating issued by an appropriate authority referred to in regulation 65.01.3(2)	<b>300.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(b) For a copy of the register of air traffic service licences referred to in (regulation 65.01.7(5)) <span style="color: green;">[The superfluous bracket is in the Gazette.]</span>	<b>2.00 (pp)</b>
		(c) For the issuing of an air traffic services licence and rating by virtue of military service referred to in regulation 65.01.13(2)	<b>300.00</b>
		(d) For the issuing of a new air traffic service licence and rating referred to in regulation 65.01.15(2)	<b>200.00</b>
		(e) For the issuing of a duplicate air traffic service licence and rating referred to in regulation 65.01.16(2)	<b>200.00</b>
		(f) For the issuing of an air traffic service license referred to in regulation 65.02.4	<b>300.00</b>
		(g) For the issuing of an air traffic service assistant rating referred to in regulation 65.03.3	<b>300.00</b>
		(h) For the validation of an air traffic service assistant rating referred to in regulation 65.03.6	<b>200.00</b>
		(i) For the renewal of an air traffic service assistant rating referred to in regulation 65.03.11(2)	<b>200.00</b>
		(j) For the issuing of an aerodrome control rating referred to in regulation 65.04.3	<b>300.00</b>
		(k) For the validation of an aerodrome control rating referred to in regulation 65.04.6	<b>200.00</b>
		(l) For the renewal of an aerodrome control rating referred to in regulation 65.04.11(2)	<b>200.00</b>
		(m) For the issuing of an approach control rating referred to in regulation 65.05.3	<b>300.00</b>
		(n) For the validation of an approach control rating referred to in regulation 65.05.6	<b>200.00</b>
		(o) For the renewal of an approach control rating referred to in regulation 65.05.11(2)	<b>200.00</b>
		(p) For the issuing of an area control rating referred to in regulation 65.06.3(b)(iii)	<b>300.00</b>
		(q) For the validation of an area control rating referred to in regulation 65.06.6	<b>200.00</b>
		(r) For the renewal of an area control rating referred to in regulation 65.06.11(2)	<b>200.00</b>
		(s) For the issuing of an approach control (radar) rating referred to in regulation 65.07.3	<b>300.00</b>
		(t) For the validation of an approach control (radar) rating referred to in regulation 65.07.6	<b>200.00</b>
		(u) For the renewal of an approach control (radar) rating referred to in regulation 65.07.11(3)	<b>200.00</b>
		(v) For the issuing of an area control (radar) rating referred to in regulation 65.08.3	<b>300.00</b>
		(w) For the validation of an area control (radar) rating referred to in regulation 65.08.6	<b>200.00</b>
		(x) For the renewal of an area control (radar) rating referred to in regulation 65.08.11(2)	<b>200.00</b>
		(y) For the issuing of an air traffic services instructor (operational) rating referred to in regulation 65.09.3	<b>300.00</b>
		(z) For the validation of an air traffic service instructor (operational) rating referred to in regulation 65.09.6	<b>200.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(aa) For the renewal of an air traffic service instructor (operational) rating referred to in regulation 65.09.10(2)	<b>300.00</b>
		(bb) For the issuing of an air traffic service instructor (training organisation) certificate referred to in regulation 65.10.3(b)(iii)	<b>300.00</b>
		(cc) For the renewal of an air traffic service instructor (training organisation) certificate referred to in regulation 65.10.7	<b>200.00</b>
		(dd) For examinations arranged by the Director in respect of an air traffic service licence or any rating, per paper cost plus	<b>300.00</b>
		(ee) For the remarking of examination papers by the Director in respect of an air traffic service licence or any rating per paper plus costs	<b>300.00</b>
<b>Fee relating to Part 66</b>	<b>187.00.11</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the validation of an aircraft maintenance engineer licence issued by an appropriate authority referred to in regulation 66.01.9(2)	<b>300.00</b>
		(b) For a copy of the register of aircraft maintenance engineer licences referred to in regulation 66.01.10(5)	<b>2.00 (pp)</b>
		(c) For the issuing of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.5	<b>300.00</b>
		(d) For the issuing of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.5(2)	<b>300.00</b>
		(e) For the renewal of a Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.9(2)	<b>300.00</b>
		(f) For the issuing of Class II aircraft maintenance engineer licence with a Category A rating referred to in regulation 66.02.10(10)	<b>300.00</b>
		(g) For the issuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.5(1)	<b>300.00</b>
		(h) For the amendment of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.5(2)	<b>300.00</b>
		(i) For the renewal of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.9(2)	<b>220.00</b>
		(j) For the reissuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.03.10(2)	<b>220.00</b>
		(k) For the issuing of a Class II aircraft maintenance engineer licence with a Category C rating referred to in regulation 66.04.5(1)	<b>300.00</b>
		(l) For the renewal of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.9(2)	<b>300.00</b>
		(m) For the issuing of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.5(1)(b)(iv))	<b>300.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		<b>[The superfluous closing bracket is in the Gazette.]</b>	
		(n) For the amendment of a Class II aircraft maintenance engineer licence with a Category W rating referred to in regulation 66.04.5(2)(b)(iv)) <b>[The superfluous closing bracket is in the Gazette.]</b>	<b>220.00</b>
		(o) For the renewal of a Class II aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.04.9(2)(b)(ii)) <b>[The superfluous closing bracket is in the Gazette.]</b>	<b>300.00</b>
		(p) For the amendment of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.5(2)	<b>220.00</b>
		(q) For the renewal of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.9(2)	<b>220.00</b>
		(r) For the reissuing of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.05.10(1)	<b>220.00</b>
		(s) For the renewal of a Class I aircraft maintenance engineer licence with a Category B rating referred to in regulation 66.06.5(1)	<b>300.00</b>
		(t) For the amendment of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.5(2)	<b>220.00</b>
		(u) For the renewal of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.9(2)	<b>220.00</b>
		(v) For the reissuing of a Class I aircraft maintenance engineer licence with a Category D rating referred to in regulation 66.06.10(1)	<b>220.00</b>
		(w) For the issuing of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.9(5)(1)	<b>300.00</b>
		(x) For the amendment of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.5(2)	<b>220.00</b>
		(y) For the renewal of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.9(2) <b>[66.07.9(2)]</b>	<b>220.00</b>
		(z) For the reissuing of a Class I aircraft maintenance engineer licence with a Category X rating referred to in regulation 66.07.10(1)	<b>220.00</b>
		(aa) For the reissuing of a Grade I aircraft maintenance instructor rating referred to in regulation 66.08.5	<b>220.00</b>
		(bb) For the issuing of a Grade I aircraft maintenance instructor rating referred to in regulation 66.08.9(2).	<b>150.00</b>
		(cc) For the issuing of a Grade II aircraft maintenance instructor rating referred to in regulation 66.09.5	<b>220.00</b>
		(dd) For the renewal of a Grade II aircraft maintenance instructor rating referred to in regulation 66.09.9(2)	<b>150.00</b>
		(ee) For the issuing of a duplicate aircraft maintenance engineer license	<b>220.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(ff) For examinations arranged by the Director in respect of any maintenance engineer's licence or rating, per subject cost plus	<b>300.00</b>
		(gg) For the remarking of examination papers by the Director in respect of any maintenance engineer's licence or any rating, per subject cost plus	<b>300.00</b>
<b>Fee relating to Part 67</b>	<b>187.00.12</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For an appeal, against being found medically unfit, referred to in regulation 67.00.10(1)	<b>900.00</b>
		(b) For designation of medical examiners.	<b>500.00</b>
<b>Fee relating to Part 121</b>	<b>187.00.13</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the issuing of an air operator certificate referred to in regulation 121.06.5(1):  For aeroplanes of mass class: - (i) 5701 kg - 20,000 kg - (ii) 20001 kg - 130,000kg - (iii) Greater than 130,000kg	<b>9,000.00</b> <b>12,000.00</b> <b>15,000.00</b>
		(b) For the amendment of an air operator certificate referred to in regulation 121.06.5(1)	<b>2,000.00</b>
		(c) For the renewal of an air operator certificate referred to in regulation 121.06.15(1):  For aeroplanes of mass class: - (i) 5701 kg - 20,000 kg - (ii) 20001 kg - 130,000kg - (iii) Greater than 130,000kg	<b>7,000.00</b> <b>10,000.00</b> <b>14,000.00</b>
		(d) For a copy of the register of air operator certificates referred to in regulation 121.06.18(5)	<b>2.00 (pp)</b>
		(e) For the issuing of a Foreign air operator permit referred to in regulation 121.07.2(1)(b)(m) <b>[121.07.2(1)(b)(iii)]</b>	<b>(see (a) above.)</b>
		(f) For the amendment of a Foreign air operator permit referred to in regulation 121.07.2(4)(b)	<b>(See (b) above.)</b>
		(g) For the renewal of a Foreign air operator permit referred to in regulation 121.07.7(2)	<b>(see (c) above.)</b>
		(h) For a copy of the register of Foreign air operator permits referred to in regulation 121. 07.10(5)	<b>2.00 (pp)</b>
<b>Fee relating to Part 127</b>	<b>187.00.14</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For the issuing of an air operator certificate referred to in regulation 127.06.5(1)(b):  For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg - 5,700 kg - (iii) Greater than 5,700kg	<b>5,000.00</b> <b>6,000.00</b> <b>7,000.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(b) For the amendment of an air operator certificate referred to in regulation 127.06.5(1):  For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg - 5,700 kg - (iii) Greater than 5,700kg	  <b>2,000.00</b> <b>3,000.00</b> <b>4,000.00</b>
		(c) For the renewal of an air operator certificate referred to in regulation 127.06.15(1):  For helicopters of mass class: - (i) below 1500 kg - (ii) 1501 kg - 5,700 kg - (iii) Greater than 5,700kg	  <b>3,000.00</b> <b>5,000.00</b> <b>6,000.00</b>
		(d) For a copy of the register of air operator certificates referred to in regulation 127.06.18(5)	<b>2.00 (pp)</b>
		(e) For the issuing of a Foreign air operator permit referred to in regulation 127.07.2(1)	<b>(see (a) above)</b>
		(f) For the amendment of a Foreign air operator permit referred to in regulation 127.07.2(4)	<b>(See (b) above)</b>
		(g) For the renewal of a Foreign air operator permit referred to in regulation 127.07.7(1)	<b>(see (c) above)</b>
		(h) For a copy of the register of Foreign air operator permits referred to in regulation 127.07.10(5)	<b>2.00 (pp)</b>
<b>Fee relating to Part 135</b>	<b>187.00.15</b>	<b>The following fees shall be payable upon application:</b>	
		For the issuing of an air operator certificate referred to in regulation 135.06.5(1) (ie., aeroplanes of mass class below 5700 kg)	<b>4,500.00</b>
		(a) For the amendment of an air operator certificate referred to in regulation 135.06.5(1)	<b>2,000.00</b>
		(b) For the renewal of an air operator certificate referred to in regulation 135.06.15(1)	<b>3,000.00</b>
		(c) For a copy of the register of air operator certificates regulation 135.06.18(5)	<b>2.00 (pp)</b>
		(d) For the issuing of a Foreign air operator permit referred to in regulation 135.07.2(1)	<b>4,500.00</b>
		(e) For the amendment of a Foreign air operator permit referred to in regulation 135.07.2(4)	<b>2,000.00</b>
		(f) For the renewal of a Foreign air operator permit referred to in regulation 135.07.7(1)	<b>3,000.00</b>
		(g) For a copy of the register of Foreign air operator permits referred to in regulation 135.07.10(5)	<b>2.00 (pp)</b>
<b>Fee relating to Part 139</b>	<b>187.00.16</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of aerodrome licences, heliport approvals and heliport licences referred to in regulation 139.01.7(5)	<b>2.00 (pp)</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

		(b) For the issuing of an aerodrome license, or an amendment thereof referred to in regulation 139.02.10(1)	(National: 5,000.00)  International: 20,000.00)
		(c) For the renewal of an aerodrome license referred to in regulation 139.02.17(1)	2,300.00
		(d) For the issuing of a license of intent referred to in regulation 139.02.18(1)	2,300.00
		(e) For the issuing of a heliport licence referred to in regulation 139.03.10	3,100.00
		(f) For the renewal of a heliport licence referred to in regulation 139.03.17(1)	2,300.00
		(g) For the issuing of a licence of inter t (regulation 139.03.18(1)	2,300.00
		(h) For the issuing of a duplicate aerodrome licence or a duplicate heliport approval of licence	250.00
<b>Fee relating to Part 141</b>	<b>187.00.17</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of aviation training organisation approvals referred to in regulation 141.01.8(5)	2.00 (pp)
		(b) For the issuing of an aviation training organisation approval to conduct standard aviation training, or an amendment thereof referred to in regulation 141.02.6	3,100.00
		(c) For the renewal of an aviation training organisation approval to conduct standard aviation training referred to in regulation 141.02.12(1)	2,300.00
		(d) For the issuing of an aviation training organisation approval to conduct temporary aviation training referred to in regulation 141.03.2	1,200.00
		(e) For the issuing of a duplicate aviation training organisation approval	250.00
<b>Fee relating to Part 145</b>	<b>187.00.18</b>	<b>The following fees shall be payable upon application:</b>	
		For a copy of the register of aircraft maintenance organisation approvals (regulation 145.01.7(5))	2.00 (pp)
		For - (a) the issuing of an aircraft maintenance organisation approval referred to in regulation 145.02.6(a); and  (b) the amendment of an aircraft maintenance organisation approval as referred to in regulation 145.02.5	3,000.00  550.00
		For the renewal of an aircraft maintenance organisation approval referred to in regulation 145.02.12(1)	2,000.00
		For the issuing of a duplicate aircraft maintenance organisation approval	250.00



**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

<b>Fee relating to Part 147</b>	<b>187.00.19</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of design organisation approvals referred to in regulation 147.01.7(5)	<b>2.00 (pp)</b>
		(b) (i) For the issuing of a design organisation approval to design products or changes thereto referred to in regulation 147.02.5; and  (ii) For the amendment of a design organisation approval to design products or changes thereto as referred to in regulation 147.02.5	<b>3,100.00</b>  <b>2,300.00</b>
		(c) For the renewal of a design organisation approval to design products or changes thereto referred [to] in regulation 147.02.14(1)	<b>2,300.00</b>
		(d) (i) For the issuing of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.5; and  (ii) For the amendment of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.5	<b>3,100.00</b>  <b>2,300.00</b>
		(e) For the renewal of a design organisation approval to design parts and appliances, or changes thereto referred to in regulation 147.03.13(l)	<b>2,300.00</b>
		(f) For the issuing of a duplicate design organisation approval	<b>250.00</b>
<b>Fee relating to Part 148</b>	<b>187.00.20</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of manufacturing organisation approvals referred to in regulation 148.01.7(5)	<b>2.00 (pp)</b>
		(b) For - (i) the issuing of a manufacturing organisation approval referred to in regulation 148.02.5; and  (ii) the amendment of a manufacturing organisation approval referred to in regulation 148.02.5	<b>3,100.00</b>  <b>2,300.00</b>
		(c) For the renewal of a manufacturing organisation approval referred to in regulation 148.02.15(1)	<b>2,300.00</b>
		(d) For the issuing of a duplicate manufacturing organisation approval	<b>250.00</b>
<b>Fee relating to Part 149</b>	<b>187.00.21</b>	<b>The following fees shall be payable upon application:</b>	
		(a) For a copy of the register of aviation recreation organisation approvals (regulation 149.01.8(5))	<b>2.00 (pp)</b>
		(b) For -  (i) the issuing of an aviation recreation organisation approval referred to in regulation 149.02.5; and	<b>3,100.00</b>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

	(ii) the amendment of a recreation organisation approval referred to in regulation 149.02.5	<b>2,300.00</b>
	(c) For the renewal of an aviation recreation organisation referred to in regulation 149.02.11(l)	<b>2,300.00</b>
	(d) For the issuing of a duplicate aviation recreation organisation.	<b>250.00</b>

**[Regulation 187.00.22 is substituted in table form by GN 210/2018. Note that all of the Parts referred to in the table below have been subsequently substituted, so the cross-references may no longer be correct.]**

**Fees and charges relating to Parts 71, 170 to 175 and 179:**

	<b>Fee category:</b>	<b>Values / units N\$</b>
	<b>Fees payable upon application</b>	
<b>187.00.22</b>	<p>(1) The following fees shall be payable on application:</p> <p>(a) for a copy of the register of air traffic service unit approvals referred to in regulation 172.01.7(5))</p> <p>(b) for -</p> <p>(i) the issuing of an air traffic service unit approval referred to in regulation 172.03.5; and</p> <p>(ii) the amendment of an air traffic service unit approval referred to in regulation 172.03.5;</p> <p>(c) for the renewal of an air traffic service unit approval referred to in regulation 172.03.9(l);</p> <p>(d) for the issuing of a duplicate air traffic service unit approval;</p> <p>(e) for the approval of -</p> <p>(i) an aerodrome control service;</p> <p>(ii) an approach control service;</p> <p>(iii) an area control service;</p> <p>(iv) a flight information service;</p> <p>(v) an approach surveillance service;</p> <p>(vi) an area surveillance service; or</p> <p>(v) an aerodrome flight information service.</p>	<p><b>2.00 (per page)</b></p> <p><b>3 100.00</b></p> <p><b>3 100.00</b></p> <p><b>2 300.00</b></p> <p><b>250.00</b></p> <p><b>10 000.00</b></p> <p><b>12 000.00</b></p> <p><b>12 000.00</b></p> <p><b>12 000.00</b></p> <p><b>18 000.00</b></p> <p><b>18 000.00</b></p> <p><b>4 000.00</b></p>
	<b>Charges relating to air navigation services:</b>	
	<b>Charge category</b>	
	<b>En-route charges</b>	
	<p>(2) An en-route charge shall be calculated using the following formula:</p> <p>(a) where the MTOW of an aircraft is greater or equal to 5700 kg: Constant <math>C_1 = 0.055</math>; and</p> <p>(b) where the MTOW of an aircraft is less than 5700 kg: Constant <math>C_1 = 0.02</math>;</p> <p>(c) the Constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication</p>	<p><b>En-route Charge =</b> <b>Distance x <math>\sqrt{\text{MTOW (Maximum Take Off Weight) } \times C_1}</math></b></p> <p><b>Where -</b></p>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

	<p>thereof in the <i>Gazette</i>;</p> <p>(d) no en-route charge shall be payable to the Authority in respect of any aircraft engaged in a flight which commences and terminates at the same airport for training purposes; and</p> <p>(e) no en-route charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director of the Authority to determine the serviceability of aircraft systems or flights.</p>	<p><b>MTOW is in kilograms (kg), distance in nautical miles (nm) <math>C_1</math> is a constant and the Charge in N\$</b></p>
	<p><b>Terminal Control Area charge</b></p> <p>(3) The terminal control area (TMA) charge shall be calculated using the following formula:</p> <p>(a) constant <math>C_2 = 0.3</math>;</p> <p>(b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the <i>Gazette</i>;</p> <p>(c) the TMA charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the TMA charge calculated using the TMA charge formula specified above; and</p> <p>(d) no TMA charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.</p>	<p><b>TMA Charge = <math>MTOW^{0.8} \times C_2</math></b></p> <p><b>Where -</b></p> <p><b>MTOW is in kilograms (kg), <math>C_2</math> is a constant and the Charge in N\$</b></p>
	<p><b>Aerodrome Charge</b></p> <p>(4) The following Aerodrome (ADR) charge shall be calculated using the following formula:</p> <p>(a) constant <math>C_3 = 0.2</math>;</p> <p>(b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the <i>Gazette</i>;</p> <p>(c) the ADR charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the ADR charge calculated using the ADR charge formula specified above; and</p> <p>(d) no ADR charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.</p>	<p><b>ADR Charge = <math>MTOW^{0.8} \times C_3</math></b></p> <p><b>Where -</b></p> <p><b>MTOW is in kilograms (kg) and the Charge in N\$</b></p>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

[Regulation 187.00.23 is substituted in table form by GN 210/2018.  
(Part 140, which it refers to, was inserted into the regulations by GN 293/2018).]

**Charges relating to Part 140**

	<b>Civil Aviation Safety charges:</b>	
	<b>Liability to pay civil aviation safety charges</b>	
187.00.23	<p>(1) A civil aviation safety charge amounting to N\$30.00 per available seat for domestic flights and N\$54.00 per available seat for international flights is payable.</p> <p>(2) Value Added Tax is not payable on the civil aviation safety charge.</p> <p>(3) The civil aviation safety charge becomes due to the Authority by a holder or participant and inclusive of an owner or operator, providing air services on the departure of a flight from an aerodrome within the territory of Namibia.</p> <p>(4) The owner or operator providing air services shall pay, directly to the Authority, the civil aviation safety charge, within 30 days of the invoice date.</p> <p>(5) Information relating to the total number of departures and type of aircraft per owner or operator on domestic and international flights, as contemplated in subregulation (4), shall be provided monthly -</p> <p>(a) by the Air Navigation Services Unit of the Authority, in respect of flights departing from aerodromes manned by air traffic controllers; and</p> <p>(b) by the relevant aerodrome licence holder or operator of an aerodrome in respect of flights departing from aerodromes not manned by air traffic controllers.</p> <p>(6) The Authority shall, on receipt of the information referred to in subregulation (5), verify the accuracy and completeness of data received from the operators of aerodromes involved and Air Navigation Services Unit of the Authority.</p> <p>(7) The owner or operator of the relevant air services shall be subjected to a compliance audit as instructed or done by the Authority at any time determined by the Executive Director.</p>	<p><b>N\$30.00 per available seat - Domestic flight</b></p> <p><b>N\$54.00 per available seat - International flight</b></p>

**REGULATIONS**  
**Civil Aviation Act 6 of 2016**

**Namibian Civil Aviation Regulations (NAM-CARS), 2001**

---

- |  |  |  |
|--|--|--|
|  | (8) Without prejudice to subregulation (7) it shall be the responsibility of the aircraft owner or operator providing air services to provide the Authority with correct information on the number of departures and type of aircraft used in case of conflicting data, for verification purposes. |  |
|--|--|--|