

Namibia

Civil Aviation Act, 2016

## Civil Aviation Security Regulations, 1996

Government Notice 181 of 1996

Legislation as at 15 November 2017

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## Civil Aviation Security Regulations, 1996

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Republic of Namibia  
**Annotated Statutes**

**Civil Aviation Act, 2016**

## **Civil Aviation Security Regulations, 1996**

**Government Notice 181 of 1996**

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**[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]**

### **1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in the Civil Aviation Offences Act, 1972 (Act [10 of 1972](#)) shall bear that meaning and, unless the context otherwise indicates-

“**air carrier**” means an air carrier as defined in section 1 of the Air Services Act, 1949 (Act [51 of 1949](#));

“**airport management**”, in respect of an aerodrome or airport, means the authority in control of such aerodrome or airport and acting through the relevant airport or aerodrome manager;

**[The word “through” is misspelt in the Government Gazette, as reproduced above.]**

“**airport security officer**” means a person referred to in regulation 5;

“**air service security officer**” means a person referred to in regulation 6(1);

“**Chief: Aviation Security**” means the staff member referred to in regulation 2 and includes any staff member designated by the Minister to act on behalf of the Chief: Aviation Security;

“**aviation security**” means the security of civil aviation and relates to any action taken, with regard to the prevention of and defence against unlawful interference with aircraft, airports and air navigation facilities, with the object of safeguarding persons and property and the promotion and maintenance of orderly and safe air navigation;

“**Committee**” means the Aviation Security Committee referred to in regulation 3(1);

“**Director: Civil Aviation**” means the Director as defined in section 1 of the Aviation Act, 1962 (Act [74 of 1962](#));

“**member of the services**” means a member of the services as defined in section 1 of the Public Service Act, 1995 (Act [13 of 1995](#));

“**Permanent Secretary**” means the Permanent Secretary: Works, Transport and Communication;

“**regulated agent**” means an agent, freight forwarder or any other entity who conducts business with an air carrier and provides security controls that are acceptable or required in terms of these regulations or in terms of Standards and Recommended Practices contained in Annex 17 to the Convention on International Civil Aviation in respect of cargo, courier and express parcels or mail;

“**staff member**” means a staff member as defined in section 1 of the Public Service Act, 1995;

“**the Act**” means the Civil Aviation Offences Act, 1972 (Act [10 of 1972](#)).

## 2. Chief: Aviation Security

- (1) The Minister shall appoint a staff member as Chief: Aviation Security.
- (2) The Chief: Aviation Security shall, subject to the provisions of the Act and these regulations, be charged with the responsibility for the administration of these regulations and of the Standards and Recommended Practices on aviation security as contained in Annex 17 to the Convention on International Civil Aviation and shall co-ordinate the activities of the persons concerned with such application.

## 3. Aviation Security Committee

- (1) There shall be an Aviation Security Committee, which shall consist of-
  - (a) the Director: Civil Aviation, who shall be the chairperson;
  - (b) a member of the services designated by the Chief of the Namibia Defence Force.
  - (c) a member of the services designated by the Inspector-General of the Namibian Police;
  - (d) a staff member designated by the Permanent Secretary;
  - (e) a representative of an air carrier designated by the Director: Civil Aviation with the concurrence of the Minister;
  - (f) a staff member designated by the Director: Namibia Security Intelligence Agency;
  - (g) the Chief: Aviation Security;
  - (h) a person designated by an organisation representing the airport managements and recognized by the Minister for this purpose;
  - (i) a staff member responsible for immigration services, designated by the Permanent Secretary: Home Affairs; and
  - (j) a staff member responsible for customs and excise services, designated by the Permanent Secretary: Finance.
- (2) The members of the Committee shall at the first meeting of the Committee elect from among their number a vice-chairperson of the Committee, and if both the chairperson and the vice-chairperson are absent from, or for any other reason unable to preside at any meeting, the members present shall elect one from among their number to act as chairperson at that meeting.
- (3) The Committee shall meet at the times and places as the chairperson of the Committee may determine.
- (4) The Committee shall advise the Minister with regard to-
  - (a) any matter relating to aviation security and the efficient application of the provisions of the Act;
  - (b) the designation of any aerodrome or heliport as an airport as contemplated in the definition of “airport” in section 1 of the Act;

- (c) reports submitted to the Committee by the Chief: Aviation Security;
  - (d) expenses incurred in connection with the application of the provisions of a security plan or of the Act which shall be met by the State; and
  - (e) any other matter which the Minister may refer to it.
- (5) The Committee or any member of the Committee may, for purposes of aviation security, inspect any place, airport or air navigation facility or airport or heliport in connection with its designation in terms of the Act.
- (6) The Permanent Secretary shall designate staff members in the Ministry of Works, Transport and Communication to assist the Committee in its work.
- (7) The Committee may co-opt as a temporary member of the Committee a person who is an authority with regard to a specific matter.
- (8) No information concerning any programme, personnel, equipment, system, agreement or special procedure regarding any matter concerning any security plan shall be made known except by order or under the authority of the Committee.

#### 4. Security programme

- (1) The Chief: Aviation Security shall draw up a comprehensive security programme providing for-
- (a) the establishment of a central control centre to communicate with airport managements and air carriers;
  - (b) liaison with international organisations concerning matters of aviation security;
  - (c) liaison with Ministries concerning matters of aviation security;
  - (d) involvement of airport managements and air carriers in the application of a comprehensive aviation security programme;
  - (e) efficient methods of communication between all bodies responsible for aviation security;
  - (f) personnel and their training and the equipment required for the application of aviation security measures;
  - (g) preventive measures in general to prevent occurrences jeopardising aviation security;
  - (h) action to be taken or measures to be introduced in circumstances where aviation security is jeopardised;
  - (i) the integration of security plans drawn up by airport managements and air carriers in such comprehensive security programme; and
  - (j) the application of Standards and Recommended Practices as contained in Annex 17 to the Convention on International Civil Aviation.
- (2) The Chief: Aviation Security shall in collaboration with the Committee determine the nature of the training required for persons charged with the execution of the provisions of security plans and the nature of essential equipment for use at airports and by air carriers and how such equipment is to be made available and may accordingly prescribe to airport managements and air carriers concerning the personnel to be engaged and equipment to be applied by such airport managements and air carriers subject to such arrangements as the airport managements and air carriers concerned may make with the Chief: Aviation Security with regard to the period of time within which such prescribed personnel shall be engaged and equipment be applied.
- (3) The Chief: Aviation Security shall report to the Committee regularly or whenever requested to do so by the Committee on matters concerning aviation security.

## 5. Airport security officer

- (1) The airport management of an airport contemplated in section 1 of the Act shall designate for such airport an airport security officer in consultation with the Chief: Aviation Security to apply the provisions of the security plan for that airport.
- (2) An airport security officer shall, in accordance with the security plan for the airport concerned, take all aviation security measures and shall coordinate all activities with regard to aviation security on that airport.
- (3) An airport management shall draw up a security plan for the airport concerned providing for-
  - (a) the establishment of a control centre on the airport connected by an efficient communications system to all points of importance to aviation security on the airport;
  - (b) such control centre to be manned by authorised and trained personnel to assist the airport security officer in the execution of his or her duties;  
**[The word “assist” is misspelt in the Government Gazette, as reproduced above.]**
  - (c) the efficient use of personnel in the application of aviation security measures on the airport subject to arrangements with the Chief: Aviation Security;
  - (d) the efficient use of aviation security equipment on the airport, subject to arrangements with the Chief: Aviation Security;
  - (e) the fencing of the airport area or such part thereof which has to be fenced to prevent unlawful entrance to air navigation facilities;  
**[The word “facilities” is misspelt in the Government Gazette, as reproduced above.]**
  - (f) effective control of access to prohibited areas and air navigation facilities;
  - (g) all other measures to be taken to prevent any occurrence that may jeopardise the safety of persons and property on the airport and the measures to be taken in an emergency; and
  - (h) the application of Standards and Recommended Practices as contained in Annex 17 to the Convention on International Civil Aviation.

## 6. Air carrier security officer

- (1) Every air carrier shall designate an air carrier security officer who shall be charged with specific tasks regarding aviation security on board an aircraft.
- (2) Every air carrier shall draw up security plans for flights in general undertaken by that air carrier and for specific flights and such aviation security plans shall provide for-
  - (a) the procedures to be followed in case of a bomb warning;
  - (b) the effective use of aviation security equipment prescribed by the Chief: Aviation Security;
  - (c) the efficient use of personnel with regard to the application of aviation security measures, in accordance with arrangements made with the Chief: Aviation Security;
  - (d) measures relating to the serving and storage of intoxicating liquor on board an aircraft to ensure that order and decency are maintained;
  - (e) measures to be adopted to prevent stowaways from boarding an aircraft;
  - (f) the detection of and the procedure for dealing with harmful objects on board an aircraft;
  - (g) the guarding of an aircraft, if necessary;
  - (h) measures to be introduced to prevent unlawful interference with an aircraft in flight;

- (i) measures to be taken with regard to deported persons, including their detention;
- (j) regular inspections to ensure that the provisions of security plans are strictly complied with;
- (k) any other aviation security measures which are deemed necessary for specific flights, in specific circumstances or in emergencies; and
- (l) the application of Standards and Recommended Practices as contained in Annex 17 to the Convention on International Civil Aviation.

## **7. Ministerial approval and application**

An aviation security programme or plan which is drawn up in terms of these regulations shall be submitted to the Minister for approval and shall, by virtue of such approval, be binding-

- (a) on any person employed by the State, any airport security officer and air service security officer and any other person involved in the application of such security plan in an official capacity; and
- (b) on any other person, including a member of the public, where the contents of such plan have been brought to the notice of such person in a manner determined by the Chief: Aviation Security.

## **8. Confidentiality**

No restricted information regarding any matter or occurrence relating to aviation security shall be made public except with the prior written approval of the Permanent Secretary.

## **9. Offences and penalties**

Any person who-

- (a) contravenes any provision of these regulations; or
- (b) contravenes or fails to comply with any provisions of a security programme or plan approved by the Minister and whereof the contents have been brought to the notice of such person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N\$10 000 or imprisonment not exceeding 10 years, or to both such fine and imprisonment.

## **10. Short title**

These regulations shall be called the Civil Aviation Security Regulations, 1996.