



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

	<i>Page</i>
GENERAL NOTICE	
No. 203 Proposed Civil Aviation Regulations: Part 98 - Rules of the air and general operating rules: Operation of Powered Paragliders	1

General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 203

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 98 - RULES OF THE AIR AND GENERAL OPERATING

RULES : OPERATION OF POWERED PARAGLIDERS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on the operation of powered paragliders are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on the Operation of Powered Paragliders set out in Schedule 3. The proposed regulations represent Part 98 of the proposed structure.

The proposed regulations on the Operation of Powered Paragliders make provision for certain information to be contained in a document called Document NA-CATS-OPS 98. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding the operation of powered paragliders.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice. Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on the Operation of Powered Paragliders and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

<p>DEFINITIONS</p> <p>Part 1 Definitions</p> <p>PROCEDURES</p> <p>Part 11 Procedures for making regulations, issuing technical Standards and granting exemptions</p> <p>Part 12 Aviation accidents and incidents</p> <p>Part 13 Enforcement procedures</p> <p>AIRCRAFT</p> <p>Part 21 Certification procedures for products and parts</p> <p>Part 34 Engine Emissions</p> <p>Part 36 Noise certification</p> <p>Part 43 General maintenance rules</p> <p>Part 47 Aircraft registration and marking</p> <p>PERSONNEL</p> <p>Part 61 Pilot licensing</p> <p>Part 63 Flight engineer licensing</p> <p>Part 64 Cabin crew licensing</p> <p>Part 65 Air traffic service personnel licensing</p> <p>Part 66 Aircraft maintenance engineer licensing</p> <p>Part 67 Medical requirements</p> <p>RULES OF THE AIR AND GENERAL OPERATING RULES</p> <p>Part 91 General operating and flight rules</p> <p>Part 92 Conveyance of dangerous goods</p> <p>Part 98 Operation of powered paragliders</p> <p>Part 100 Operation of gyroplanes</p> <p>Part 101 Operation of unmanned balloons, kites, rockets, pilotless and model aircraft</p> <p>Part 102 Operation of free balloons and airships</p> <p>Part 103 Operation of microlight aeroplanes</p> <p>Part 104 Operation of gliders</p> <p>Part 105 Parachuting operations</p> <p>Part 106 Operation of hang gliders</p>	<p>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</p> <p>Part 121 Air transport operations - large aeroplanes</p> <p>Part 127 Air transport operations - helicopter</p> <p>Part 133 Helicopters external load operations</p> <p>Part 135 Air transport operations - small aeroplanes</p> <p>Part 137 Agricultural aircraft operations</p> <p>Part 138 Emergency medical services operations</p> <p>ORGANISATIONS</p> <p>Part 141 Aviation training organisations</p> <p>Part 145 Aircraft maintenance organisations</p> <p>Part 147 Design organisations</p> <p>Part 148 Manufacturing organisations</p> <p>Part 149 Aviation recreation organisations</p> <p>AERODROMES AND HELIPORTS</p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p>AIR TRAFFIC SERVICES</p> <p>Part 172 Airspace and air traffic services</p> <p>AERONAUTICAL INFORMATION AND RELATED SERVICES</p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p>ADMINISTRATION</p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
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SCHEDULE 2**Definitions**

In these regulations, unless the context otherwise indicates -

“air traffic service flight plan” means specified information, relating to the intended flight of an aircraft, which is filed orally or in writing with an air traffic control unit;

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

“day” means the period between the end of morning civil twilight and the beginning of evening civil twilight;

“Document NA-CATS-OPS 98” means a document on the Namibian Civil Aviation Technical Standards relating to the operation of powered paragliders which is published by the Director in terms of the Act;

“night” means the period between the end of evening civil twilight and the beginning of morning civil twilight.

SCHEDULE 3
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 Registration
- 98.02.3 Flight manual
- 98.02.4 Maintenance
- 98.02.5 Powered paraglider equipment

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 Conditions for flight
- 98.03.6 Launch sites

SUBPART 4 : EQUIPMENT AND INSTRUMENTS

- 98.04.1 Equipment
- 98.04.2 Helmets

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

98.01.1 This Part shall apply to the operation of powered paragliders for non-commercial purposes and contains -

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

Pilot qualifications

98.01.2 Any person operating a powered paraglider shall -

- (a) be the holder of a valid powered paraglider pilot licence issued in terms of Part 61;
- (b) be the holder of a valid Class 4 medical certificate issued in terms of Part 67;
- (c) comply with the competency requirements prescribed for the holder of a powered paraglider pilot licence;
- (d) comply with the privileges and limitations of a powered paraglider pilot licence;

- (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 -

- (a) complies with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and
- (b) is in an airworthy condition before the commencement of each flight.

Registration

98.02.2 No person may operate a powered paraglider unless the powered paraglider is -

- (a) registered in the identification register held by the body or institution designated by the Director in terms of Part 149; and
- (b) identified in accordance with the identification marks authorised by such designated body or institution.

Flight manual

98.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may

operate a powered paraglider without carrying a current approved flight manual.

Maintenance

98.02.4 Notwithstanding the provisions of regulation 91.03.7, a person may operate a powered paraglider if the powered paraglider has a warrant of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

Powered paraglider equipment

98.02.5 Notwithstanding the provisions of Subpart 4 of Part 91, a person may operate a powered paraglider if the powered paraglider is fitted with the equipment and instruments prescribed in regulations 106.04.1 and 106.04.2.

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 on a ridge shall pass on the ridge 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 an air traffic service 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 9 500 feet AMSL in Class G airspace; or
- (b) to 500 feet vertically below cloud up to a maximum altitude of 9 500 feet AMSL 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 endanger persons or property on the ground.

Conditions for flight

98.03.5 No person shall fly a powered paraglider by night.

Launch sites

98.03.6 Each pilot of a powered paraglider who is carrying out flight training or a tandem operation, shall launch the powered paraglider from a launch site authorised by the body or institution designated by the Director in terms of Part 149.

SUBPART 4
EQUIPMENT AND INSTRUMENTS

Equipment

98.04.1 A person shall not operate a powered paraglider unless it is equipped with the equipment as prescribed in Document NA-CATS-OPS 98.

Helmets

98.04.2 Each pilot and passenger of a powered paraglider shall wear a serviceable rigid protective helmet of a type authorised by the body or institution designated by the Director in terms of Part 149.
