



GOVERNMENT GAZETTE

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 224

1997

PROPOSED CIVIL AVIATION REGULATIONS :
PART 147 - ORGANISATIONS : DESIGN ORGANISATIONS
FOR PRODUCTS, PARTS AND APPLIANCES

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 design organisations for products, parts and appliances 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 Design Organisations for Products, Parts and Appliances set out in Schedule 3. The proposed regulations represent Part 147 of the proposed structure.

The proposed regulations on Design Organisations for Products, Parts and Appliances make provision for certain information to be contained in a document called Document NA-CATS-DO. 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 design organisations for products, parts and appliances.

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 Design Organisations for Products, Parts and Appliances 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 -

“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;

“aircraft” means an aircraft, including its engines, propellers, rotors, components, parts, equipment, instruments, accessories and materials;

“Document NA-CATS-ADO” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Design Organisations, which is published by the Director in terms of the Act; and

“product” means an aircraft, aircraft engine or propeller, and includes the types of products or the types of aircraft referred to in Part 21.

SUBPART 3 : APPROVAL OF DESIGN ORGANISATION (PARTS AND APPLIANCES)

- 147.03.1 Requirements for approval
- 147.03.2 Manual of procedure
- 147.03.3 Design assurance system
- 147.03.4 Personnel requirements
- 147.03.5 Accommodation, facilities and equipment
- 147.03.6 Application for approval or amendment thereof
- 147.03.7 Issuing of approval
- 147.03.8 Terms of approval
- 147.03.9 Period of validity
- 147.03.10 Transferability
- 147.03.11 Changes in design assurance system
- 147.03.12 Changes in terms of approval
- 147.03.13 Duties of holder of approval

SUBPART 1

GENERAL

Applicability

147.01.1 This Part shall apply to the approval and operation of design organisations which design -

- (a) products or changes thereto; and
- (b) parts and appliances or changes thereto.

Display of design organisation approval

147.01.2 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

147.01.3 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

147.01.4 (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 147.02.6 or regulation 147.03.6, 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.

Suspension and cancellation of design organisation approval and appeal

147.01.5 (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 147.01.4, 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 147.01.4; or

- (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, 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.

(6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Director.

(7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her; or
- (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if an approval is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the approval concerned.

Register of approvals

147.01.6 (1) The Director shall maintain a register of all design organisation approvals issued 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 date on which the approval was issued;
 - (d) particulars of the terms of approval issued to the holder of the approval; and
 - (e) the nationality of the holder of the approval.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Director.

(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)****Requirement for approval**

147.02.1 No organisation shall design any product or a change thereto, except under the authority of, and in accordance with the provisions of, a design organisation approval issued under this Subpart.

Manual of procedure

147.02.2 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 NA-CATS-DO.

Design assurance system

147.02.3 (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 NA-CATS-DO.

Personnel requirements

147.02.4 (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager who has the authority within the design organisation to ensure that all activities undertaken by such organisation are carried out according to the appropriate requirements prescribed in this Subpart;
- (b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager 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

147.02.5 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

147.02.6 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 NA-CATS-DO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 147.02.2; and
 - (iii) the terms of approval referred to in regulation 147.02.8, for which application is being made.

Issuing of approval

147.02.7 (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 147.02.2 to 147.02.5 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 NA-TSO authorisation in terms of Part 21.

(3) The Director shall issue the approval on the appropriate form as prescribed in Document NA-CATS-DO.

Terms of approval

147.02.8 The terms of approval shall -

- (a) be issued as part of a design organisation approval;
- (b) list the types of design work 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

147.02.9 (1) Subject to the provisions of regulation 147.01.4, 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 NA-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 -

- (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

147.02.10 (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 five years, 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 147.01.5.

(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 is cancelled, surrender such approval to the Director.

Transferability

147.02.11 (1) Subject to the provisions of subregulation (2), a design organisation approval to design products or changes thereto, shall not be transferable.

(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 147.02.12.

Changes in design assurance system

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 design assurance system referred to in regulation 147.02.3, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, or to the airworthiness of the product, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.02.6 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 147.02.2 to 147.02.5 inclusive, after the implementation of such approved change.

Changes in terms of approval

147.02.13 (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 147.02.8, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.02.6 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

147.02.14 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 147.02.2, 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 (e).

SUBPART 3**APPROVAL OF DESIGN ORGANISATION (PARTS AND APPLIANCES)****Requirement for approval**

147.03.1 No organisation shall design any 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 Subpart.

Manual of procedure

147.03.2 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 NA-CATS DO.

Design assurance system

147.03.3 (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 NA-CATS-DO.

Personnel requirements

147.03.4 (1) The applicant shall engage, employ or contract -

- (a) a senior person identified as the accountable manager who has the authority within the design organisation to ensure that all activities undertaken by such organisation are carried out according to the appropriate requirements prescribed in this Subpart;
- (b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager 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

147.03.5 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

147.03.6 An application for the issuing of a design organisation approval to design parts and appliances, or changes thereto, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-DO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 147.03.2; and
 - (iii) the terms of approval referred to in regulation 147.03.8, for which application is being made.

Issuing of approval

147.03.7 (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 SA-CATS-DO.

Terms of approval

147.03.8 The terms of approval shall -

- (a) be issued as part of a design organisation approval;
- (b) list the types of design work 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

147.03.9 (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 five years, 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 147.01.5.

(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 is cancelled, surrender such approval to the Director.

Transferability

147.03.10 (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 147.03.11.

Changes in design assurance system

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 design assurance system referred to in regulation 147.03.3, 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, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.03.6 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 147.03.2 to 147.03.5 inclusive, after the implementation of such approved change.

Changes in terms of approval

147.03.12 (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 147.03.8, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 147.03.6 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

147.03.13 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 147.03.2, 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.