



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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No. 1 2001

#### AVIATION ACT, 1962 (ACT NO. 74 OF 1962)

The Minister of Works, Transport and Communication has under section 22 of the Aviation Act, 1962 (Act No. 74 of 1962), and where necessary, after consultation with the Minister of Finance, made the regulations in the Schedule. These regulations shall come into operation on 2 March 2001.

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**PART 1**

**DEFINITIONS: DEFINITIONS AND ABBREVIATIONS**

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## 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 simulator;

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

“accident” for the purposes of the definition of “accident” in section 1 of the Act, includes an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which -

- (a) a person is fatally or seriously injured as a result of -
  - (i) being in the aircraft;
  - (ii) direct contact with any part of the aircraft, including parts which have become detached or are released from the aircraft; or
  - (iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- (b) the aircraft sustains damage or structural failure which -
  - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
  - (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or
- (c) the aircraft is still missing; or
- (d) is completely inaccessible;

“accountable manager and compliance officer” means a person with suitable qualifications and knowledge, in particular regarding commercial and legal matters, who -

- (a) has corporate authority for ensuring that all activities undertaken by the organisation can be financed and carried out to the standard required by the Director; and
- (b) is solely charged with overseeing compliance with these Regulations by the organisation and its personnel;

“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;

“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;

“aerodrome” means a defined area on land or water, including any buildings, installations and equipment, intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft, and for the purposes of these Regulations, includes a heliport;

“aerodrome control service” means an air traffic control service for aerodrome traffic;

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

“aerodrome flight information service” means a service provided by an air traffic service assistant, when acting as a radio operator on behalf of an air traffic service unit, to provide pilots with factual information calculated to assist in the safe operation of flight;

“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;

“aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

“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 Director in terms of regulation 11.01.2 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;

“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;

“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;

“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;

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

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface, and for the purposes of these Regulations -

- (a) is classified in regulation 1.00.3; and
- (b) includes -
  - (i) its engines, propellers, rotors, components, parts, equipment, instruments, accessories and materials; and
  - (ii) a rocket;

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

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

“aircraft stand taxiway” 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;

“air navigation facility”, for the purposes of these Regulations, means premises used for the handling of cargo, mail or baggage, an aircraft hangar, a fuel storage area and any other premises, structure or place to which the public have no right of access and in which a service is rendered for the operation of an aerodrome or aircraft or for the public at an aerodrome, and includes -

- (a) any aid provided for the promotion of the safe, orderly and expeditious movement of air traffic;
- (b) where applicable, any building or structure in or to which such aid or part thereof is housed or attached; and
- (c) the premises on which such aid or part thereof is situated,

whether such building, structure or premises are situated within the boundaries of an aerodrome or not;

“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;

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

“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;

“air traffic control clearance” means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

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

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

“air traffic service” means a flight information service, an alerting service, an air traffic advisory service or an air traffic control service;

“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 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;

“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;

“alerting service” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required;

“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;

“approach control service” means an air traffic control service for arriving or departing controlled flights;

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

- (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 used with reference to another person, means approved in writing by the Director as suitable for a particular purpose;

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

“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;

“area control service” means an air traffic control service for controlled flights in control areas;

“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;

“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;

“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;

“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;

"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;

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

"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;

"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".

"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;

"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
- (h) 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);

“commercial air transport operation”, for the purposes of these Regulations, means an aircraft operation involving -

- (a) the transport of passengers, cargo or mail; or
- (b) aerial work,

for remuneration or hire;

“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);

“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 -

- (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
- (e) ice, including wet ice;

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

“controlled airspace” means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in regulation 172.02.2;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“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;

“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;

“crew member” means a person assigned by an operator to duty in an aircraft during flight time;

“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 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;

“dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when conveyed by air;

“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;

“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;

“designated” means designated by the Director;

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

“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;

“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-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-AIRS” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Information and Related Services, which is published by the Director in terms of section 22A of the Act;

“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;

“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-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-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;

“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 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-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-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-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;

“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;

“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;
- (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;

“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;

“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;

“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;

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

“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 acromedical 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 licensed in terms of Part 61 or Part 63 and charged with duties essential to the operation of an aircraft during flight time;

“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;

“flight information service” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

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

“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 time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“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;

“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;

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

“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;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“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;

“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 time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

“instrument ground time” means time during which a pilot is practising, on the ground, simulated instrument flight in a simulator;

“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;

“international flight” means a flight which passes through the airspace over the territory of more than one State;

“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 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;

“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 its surfaces;

“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;

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

“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;

“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;

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

“maintenance” means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or aircraft component;

“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 -

- (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;

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

“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 unservicable 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;
- (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;

“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;

“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;

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

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

“newly overhauled”, when used to describe 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;

“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;

“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;

“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;

“owner”, for the purposes of these Regulations, includes a person or organisation who has the right of possession of the aircraft for 14 days or longer;

“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;

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

“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;

“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, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, but excludes coffee and tobacco;

“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 the register of Namibian aircraft referred to in regulation 47.00.14;

“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
- (ii) an authorised release certificate;

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

“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);

“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;

“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;

“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;

“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;

“scaplane” 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;

“sector” includes take-off, en route flight time and landing, but excludes circuit operations;

“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;

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred, and for the purposes of these Regulations, includes -

- (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 pod 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;
- (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;

“servicable” 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;

“simulator” means a synthetic flight training;

“small aeroplane” means an aeroplane with a maximum certificated take-off mass of 5 700 kilogram or less;

“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;

“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;

“synthetic flight trainer”, for the purposes of these Regulations, means -

- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical and 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;
- (b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical and 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 in instrument flight conditions,

and which is approved by the Director for the purpose;

“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;

“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 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 Aviation Act, 1962 (Act 74 of 1962);

“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;

“touchdown area available” means the length and width of the touchdown area which is declared available and suitable for the landing of a helicopter;

“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;

“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;

“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;

“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;

“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.

“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;
- (f) ATA means aerodrome traffic area;
- (g) ATS means air traffic service;
- (h) ATZ means an aerodrome traffic zone;
- (i) AVGAS means aviation gasoline;
- (j) CDL means a configuration deviation list;
- (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;
- (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;
- (v) FL means flight level;
- (w) IAIP means an Integrated Aeronautical Information Package;
- (x) IFR means instrument flight rules;
- (y) ILS means instrument landing system;
- (z) IMC means instrument meteorological conditions;
  
- (aa) LDP means landing decision point;
- (bb) MCM means maximum certificated mass;
- (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;
- (jj) NAM-CARs means Namibian Civil Aviation Regulations;
- (kk) NDB means a non-directional radio beacon;
- (ll) nm means nautical mile;
- (mm) NOTAM means Notice to Airmen;
- (nn) PI means pilot-in-command;
- (oo) PII means co-pilot;
- (pp) PAR means Precision Approach Radar;
- (qq) PBE means portable breathing equipment;
- (rr) PIB means Pre-flight Information Bulletin;
- (ss) PPI means a Plan Position Indicator;
- (tt) RNP means the required navigation performance;
- (uu) RVR means runway visual range;
- (vv) STOL means short take-off and landing;
- (ww) TDP 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;
- (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**

**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;
- (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
- (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.

**PART 11**

**PROCEDURES: PROCEDURES FOR MAKING  
REGULATIONS, ISSUING TECHNICAL STANDARDS  
AND GRANTING EXEMPTIONS**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 11.01.1 Applicability
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**SUBPART 2 : CIVIL AVIATION REGULATIONS COMMITTEE**

- 11.02.1 Institution of committee
- 11.02.2 Meetings of committee
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**SUBPART 3 : PROCEDURES FOR MAKING REGULATIONS AND ISSUING TECHNICAL STANDARDS**

- 11.03.1 Submission of proposal
- 11.03.2 Processing of proposal
- 11.03.3 Consideration of proposal
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**SUBPART 4 : PROCEDURES FOR GRANTING OF EXEMPTIONS**

- 11.04.1 Application for exemption
- 11.04.2 Processing of application for exemption
- 11.04.3 Adjudication of application for exemption
- 11.04.4 Granting of exemption
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**SUBPART 5 : NATIONAL AIRSPACE COMMITTEE**

- 11.05.1 Institution of committee
- 11.05.2 Meetings of committee
- 11.05.3 Remuneration of members
- 11.05.4 Administration

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

- 11.01.1** (1) This Part shall apply to -
- (a) the institution of consultative structures by the Director for the purposes of the Regulations;
  - (b) the procedures relating to -
    - (i) the introduction of any regulation to be made under section 22 of the Act;
    - (ii) the amendment or withdrawal of any regulation made under section 22 of the Act;
    - (iii) the introduction of any technical standard to be issued under section 22A of the Act; and
    - (iv) the amendment or withdrawal of any technical standard issued under section 22A of the Act; and
  - (c) the procedures relating to the application for, and the granting of, an exemption from any requirement prescribed in the Regulations.

(2) The provisions of this Part dealing with the matters contemplated in subregulation (1)(c), shall apply *mutatis mutandis* in respect of applications for, and the granting of, exemptions in any other case envisaged in section 22(1)(v) of the Act.

- (3) This Part shall not apply in respect of -
- (a) a particular case where the Director finds compliance with any procedure prescribed in this Part to be impractical, unnecessary or contrary to the public interest; and
  - (b) any application for an exemption made in terms of regulation 92.00.3.

(4) No regulation, technical standard or exemption shall be invalid merely because a requirement in this Part has not been complied with.

**Publication of aeronautical information circulars**

**11.01.2** The Director may publish aeronautical information circulars containing information on technical standards, practices and procedures which the Director has found to be acceptable for compliance with the associated regulation.

**SUBPART 2****CIVIL AVIATION REGULATIONS COMMITTEE****Institution of committee**

**11.02.1** (1) The Director shall institute a Civil Aviation Regulations Committee to advise the Director on proposals with regard to -

- (a) the introduction of any regulation to be made under section 22 of the Act;
- (b) the amendment or withdrawal of any regulation made under section 22 of the Act;
- (c) the introduction of any technical standard to be issued under section 22A of the Act;
- (d) the amendment or withdrawal of any technical standard issued under section 22A of the Act;
- (e) any matter relating to civil aviation, including any such matter referred to it by the Director.

(2) The members of the committee shall consist of -

- (a) a person designated by the Director, as chairperson;
- (b) the chairperson of each subcommittee established by the committee in terms of regulation 11.02.3; and
- (c) representatives of organisations, bodies or institutions approved, designated, certificated or licensed in terms of these Regulations.

(3) Subject to the provisions of the regulations in this Subpart, the committee shall, in consultation with the Director, determine the procedures to be followed in the performance of its functions.

**Meetings of committee**

**11.02.2** (1) The committee shall hold meetings at such times and places as may from time to time be determined by the chairperson, but at least once a year.

- (2) (a) The chairperson shall normally preside at every meeting of the committee.
- (b) If the chairperson is absent from a meeting of the committee, the members present shall, from among their number, elect a person to preside at that meeting.

(3) The procedures to be followed at meetings of the committee shall be determined by the chairperson.

(4) The committee shall cause minutes to be kept of every meeting thereof.

(5) The minutes referred to in subregulation (4), shall be kept at the offices of the Director.

**Subcommittees of committee**

**11.02.3** (1) The committee may, with the approval of the Director, establish such subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each subcommittee established in terms of subregulation (1) shall be unlimited.

(3) The chairperson of the committee shall appoint a chairperson for each subcommittee so established.

(4) Subject to the provisions of the regulations in this Subpart, the committee shall, after consultation with the Director, determine the procedures to be followed by a subcommittee in the performance of its functions.

(5) The provisions of regulation 11.02.2 shall apply *mutatis mutandis* in respect of any meeting held by a subcommittee.

#### **Remuneration of members**

**11.02.4** A member of the committee referred to in regulation 11.02.1, and a member of any subcommittee established in terms of regulation 11.02.3, shall not receive any remuneration or allowance from the Ministry in respect of the functions performed by such member as a member of the committee or a subcommittee.

#### **Administration**

**11.02.5** All administrative work as well as secretarial work, in connection with the performance of the functions of the committee and any subcommittee established in terms of regulation 11.02.3, shall be carried out by officers and employees in the Ministry designated for such purpose by the Director.

**SUBPART 3****PROCEDURES FOR MAKING REGULATIONS  
AND ISSUING TECHNICAL STANDARDS****Submission of proposal**

**11.03.1** (1) Any interested person may submit to the committee referred to in regulation 11.02.1, a proposal on the introduction, amendment or withdrawal of a regulation or technical standard.

(2) The proposal shall be submitted in writing and shall -

- (a) state the name and address of the proposer;
- (b) state the contents of the regulation, technical standard or amendment proposed, or specify the regulation or technical standard which the proposer wishes to be withdrawn;
- (c) explain the interests of the proposer; and
- (d) contain any information, views or arguments supporting the proposal.

**Processing of proposal**

**11.03.2** (1) The chairperson of the committee referred to in regulation 11.02.1, shall, as soon as practicable after the receipt of a proposal -

- (a) publish the proposed regulation, amendment or withdrawal by notice in the *Gazette*; or
- (b) publish the proposed technical standard, amendment or withdrawal by notice in an AIC.

(2) After publication of the notice referred to in subregulation (1)(a) or (b), any interested person may in writing, and within a period stated in the notice, but not less than 30 days from the date of publication of the notice, submit comments regarding the proposed regulation, technical standard, amendment or withdrawal in question, to the chairperson of the committee.

(3) The chairperson of the committee shall 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 participate.

**Consideration of proposal**

**11.03.3** (1) The committee shall, at its next meeting, consider the proposal together with all comments which are received within the period stated in the notice referred to in regulation 11.03.2(1)(a) or (b).

(2) The committee shall, after it has completed its consideration of the proposal and comments on such proposal, make an appropriate recommendation to the Director.

**Making of regulation**

**11.03.4** Subject to the provisions of section 22 of the Act, the Director shall, if the Director is satisfied and after considering the recommendation made by the committee in terms of regulation 11.03.3(2), that giving effect to the proposal would be in the interests of aviation safety, submit the proposed regulation, amendment or withdrawal to the Minister for approval.

**Issuing of technical standard**

**11.03.5** Subject to the provisions of section 22A of the Act, the Director shall, if the Director is satisfied and after considering the recommendation made by the committee in terms of regulation 11.03.3(2), that giving effect to the proposal would be in the interests of aviation safety, issue the proposed technical standard, amendment or withdrawal.

**SUBPART 4****PROCEDURES FOR GRANTING OF EXEMPTIONS****Application for exemption**

**11.04.1** (1) An application for an exemption shall be made in writing to the Minister and shall -

- (a) state the name and 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, as well as the extent to which the exemption may affect aviation safety; and
- (f) include a summary of the application for purposes of publication in an AIC, which summary shall 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 shall be -

- (a) submitted at least 90 days, or such shorter period as the Minister may allow on good cause shown, before the proposed effective date of the exemption; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Processing of application for exemption**

**11.04.2** (1) Subject to the provisions of regulation 11.04.3(2), the Minister shall, as soon as practicable after the receipt of an application for an exemption referred to in regulation 11.04.1, publish by notice in an AIC the following particulars in respect of the application concerned:

- (a) The reference number of the application;
- (b) the full name of the applicant;
- (c) a reference to the requirement from which exemption is requested;
- (d) a brief description of the general nature of the exemption requested; and
- (e) a reference to the date by which the representations referred to in subregulation (2) must be submitted to the Minister.

(2) Any person may, after the publication of the notice referred to in subregulation (1), address in writing representations to the Minister against or in favour of the application concerned.

**Adjudication of application for exemption**

**11.04.3** (1) The Minister shall, before deciding whether to grant or refuse an exemption, consider all representations which are received within the period specified in the notice published in terms of regulation 11.04.2(1).

(2) Notwithstanding the provisions of subregulation (1), the Minister may consider an application and grant or refuse an exemption immediately after the receipt of the application, if the Minister is of the opinion that compliance with the procedures referred to in regulation 11.04.2 would defeat the object of such application.

(3) The Minister may exempt an applicant from any requirement prescribed in the Regulations, if the Minister is satisfied that -

- (a) the requirement has been substantially complied with and that further compliance is unnecessary; or
- (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.

#### **Granting of exemption**

**11.04.4** (1) The Minister may grant an exemption under such conditions and for such period which the Minister may determine.

(2) In the event of an exemption being granted for a period exceeding 90 days, the Minister shall, within 30 days from the date on which the exemption has been granted, publish the full particulars thereof in an AIC.

#### **Refusal of exemption**

**11.04.5** (1) If the granting of an exemption is refused, the Minister shall notify the applicant in writing of the refusal.

(2) The notice referred to in subregulation (1) shall state the reasons for such refusal.

**SUBPART 5****NATIONAL AIRSPACE COMMITTEE****Institution of committee**

**11.05.1** (1) The Director shall institute a National Airspace Committee to, based on proposals made by users and service providers, provide guidelines and recommendations to the Director on -

- (a) the designation of airspace referred to in regulation 172.02.1; and
  - (b) any matter relating to current airspace structures and associated services provided or intended to be provided within such structures, or any amendment thereof, including any such matter referred to it by the Director.
- (2) The members of the committee shall consist of -
- (a) a person designated by the Director, as chairperson; and
  - (b) representatives of organisations, bodies or institutions approved, designated, certificated or licensed in terms of these Regulations.

(3) Subject to the provisions of the regulations in this Subpart, the committee shall, in consultation with the Director, determine the procedures to be followed and the criteria to be taken into account when the committee exercises its functions.

**Meetings of committee**

**11.05.2** (1) The committee shall hold meetings at such times and places as may from time to time be determined by the chairperson, but at least once every three months.

- (2) (a) The chairperson shall normally preside at every meeting of the committee.
- (b) If the chairperson is absent from a meeting of the committee, the members present shall, from among their number, elect a person to preside at that meeting.

(3) The procedures to be followed at meetings of the committee shall be determined by the chairperson.

(4) The committee shall cause minutes to be kept of every meeting thereof.

(5) The minutes referred to in subregulation (4), shall be kept at the offices of the Director.

**Remuneration of members**

**11.05.3** A member of the committee referred to in regulation 11.05.1 shall not receive any remuneration or allowance from the Ministry in respect of the functions performed by such member as a member of the committee.

**Administration**

**11.05.4** All administrative work as well as secretarial work, in connection with the performance of the functions of the committee, shall be carried out by officers and employees in the Ministry designated for such purpose by the Director.

**PART 13**

**PROCEDURES : ENFORCEMENT PROCEDURES**

**LIST OF REGULATIONS**

- 13.00.1 Authority of authorised officers and inspectors
- 13.00.2 In-flight inspections
- 13.00.3 Authority of authorised persons

**Authority of authorised officers and inspectors**

**13.00.1** (1) In addition to any specific power granted to or duty imposed on an authorised officer or inspector under any Part of the Regulations, such authorised officer or inspector may -

- (a) enter any premises for the purposes of inspecting any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book or document which he or she believes to be on such premises;
- (b) impound and retain any thing, article, book, register, document, aircraft, aircraft component, aircraft equipment, licence, certificate, permit, approval or authorisation, which he or she reasonably believes relates to a contravention of the Act or the Regulations;
- (c) ground any aircraft which he or she reasonably believes to be unsafe, not duly registered or not airworthy;
- (d) close any aviation related facility which he or she reasonably believes does not comply with the Act or the Regulations;
- (e) require the pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;
- (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 his or her identity and to furnish such information as is at his or her disposal concerning the identity of the pilot or owner of any aircraft, or the owner of any aerodrome, aircraft factory or civil aviation related facility;
- (g) require the owner or operator of an aircraft to furnish such information as may be necessary concerning the identity 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 Regulations are being complied with;
- (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 the 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 authorised officer or inspector; and
- (k) call upon the owner, operator or pilot-in-command of any aircraft to produce or cause to be produced for inspection any licence, certificate, manual, logbook or other document relating to the aircraft;

Provided that before such authorised officer or inspector exercises any power granted in paragraph (a), (b), (c) or (d), he or she shall obtain the prior approval of the Director.

(2) If it appears to any authorised officer or inspector that any aircraft is intended or likely to be flown in such circumstances that the flight would involve a contravention of the Regulations, or be a cause of danger to persons in the aircraft or to persons or property on the ground, he or she may take such action to detain the aircraft or such other action as he or she may deem necessary for the purpose of causing the circumstances relating to the flight to be investigated or the aircraft to be inspected.

(3) If an aircraft has been detained pursuant to the provisions of subregulation (2), the aircraft shall not be operated until the Director, being satisfied that the Regulations are being complied with, approves, or until such alterations or repairs have been effected which the Director deems necessary to render such aircraft fit for flight.

### **In-flight inspections**

**13.00.2** (1) The Director may authorise an authorised officer or inspector to carry out, at any time, an in-flight inspection in any aircraft engaged in an aircraft operation.

(2) The owner, operator or pilot-in-command shall immediately take all reasonable steps to accommodate the authorised officer or inspector and to facilitate the carrying out of the in-flight inspection.

### **Authority of authorised persons**

**13.00.3** In addition to any specific power granted to or duty imposed on an authorised person under any Part of the Regulations, such authorised person may -

- (a) require the pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;
- (b) 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 his or her identity and to furnish such information as is at his or her disposal concerning the identity of the pilot or owner of any aircraft, or the owner of any aerodrome, aircraft factory or civil aviation related facility;
- (c) require the owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of the pilot of the aircraft at any time or during any particular period;
- (d) call upon any person required by the 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 authorised person;
- (e) call upon the owner, operator or pilot-in-command of any aircraft to produce or cause to be produced for inspection any licence, certificate, manual, logbook or other document relating to the aircraft; and
- (f) enter any premises for the purposes of inspecting any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorisation, register, book or document which he or she believes to be on such premises:

Provided that before such authorised person exercises the power granted in paragraph (f), he or she shall obtain the prior approval of the Director.

**PART 21**

**AIRCRAFT : CERTIFICATION PROCEDURES  
FOR PRODUCTS AND PARTS AND AIRCRAFT  
AIRWORTHINESS**

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

- 21.01.1** (1) This Part shall apply 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; and
  - (j) the issuing of NAM-TSO authorisations.
- (2) This Part shall not apply in respect of any -
- (a) hang glider;
  - (b) paraglider;
  - (c) unmanned free balloon;
  - (d) captive balloon;
  - (e) kite;
  - (f) model aircraft;
  - (h) parachute; or
  - (i) powered paraglider.

**Types of aircraft**

- 21.01.2** (1) For the purposes of the regulations in this Part, the types of aircraft are -
- (a) gliders and motor gliders;
  - (b) microlight aeroplanes;
  - (c) aeroplanes;
  - (d) rotorcraft;
  - (e) manned free balloons;
  - (f) non-rigid airships;
  - (g) rigid airships; and
  - (h) remotely piloted aircraft other than model aircraft.

(2) The airworthiness design standards for each type of aircraft referred to in subregulation (1), are those referred to in regulation 21.02.3.

**Reporting of failures, malfunctions and defects**

**21.01.3** (1) The holder of any type certificate, supplemental type certificate, production certificate, NAM-PMA or NAM-TSO authorisation issued in terms of the regulations in this Part, shall report in writing to the Director 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.
- (2) A report referred to in subregulation (1) shall include -
- (a) the aircraft serial number;
  - (b) if the failure, malfunction or defect is associated with an article approved under a 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) A report referred to in subregulation (1) shall be submitted to the Director within one workday after the holder has become aware of the failure, malfunction or defect required to be reported.

(4) In the event 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 shall, upon the request of the Director, report to the 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 shall submit the data necessary for the issuing of an appropriate airworthiness directive, to the Director.

#### **Issuing of airworthiness directives**

**21.01.4** (1) The Director may issue appropriate airworthiness directives in respect of design changes which are necessary to correct the unsafe condition of a product.

(2) No aircraft for which an airworthiness directive has been issued in respect of such aircraft, its engines, components or appliances shall fly except in accordance with the requirements of that airworthiness directive, except that the Director may exempt an aircraft from the provision of this sub regulation for purposes of issuing a special flight permit for the aircraft to fly to a place at which the airworthiness directive may be incorporated.

(3) If the Director issues an airworthiness directive for a product, the holder of any certificate issued under the regulations in this Part for the product type, shall -

- (a) upon the request of the Director, submit appropriate design changes to the 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.

#### **Safety inspections and audits**

**21.01.5** (1) An applicant for the issuing of any certificate, approval or authorisation in terms of the regulations in this Part, 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 this Part.

(2) The holder of any certificate, approval or authorisation issued under this Part, 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, cancellation and appeal**

**21.01.6** (1) An airworthiness inspector may suspend for a period not exceeding 30 days, any certificate, approval or authorization issued under this Part, if -

- (a) after safety inspection an audit carried out in terms of regulation 21.01.5, it is evident that the holder of the certificate, approval or authorization, does not comply with the requirements prescribed in this Part, and such holders fail to remedy such non-compliance within 30 days after receiving notice in writing from the airworthiness inspector to do so; or
- (b) the airworthiness inspector is prevented by the holder of the certificate, approval or authorization, to carry 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 airworthiness inspector who has suspended a certificate, approval or authorization in terms of subregulation (1), shall deliver a report in writing to the Director stating the reasons.

(3) The airworthiness inspector concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the certificate, approval or authorization which has been suspended.

(4) The holder of a certificate, approval or authorization whose certificate, approval or authorization 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 the Director may determine confirm, vary or set aside the suspension referred to in subregulation (1) or cancel the certificate, approved or authorization.

### **Register of certificates**

**21.01.7** (1) The Director shall maintain a register of all certificates, approvals and authorisations 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 certificate, approval or authorisation;
- (b) the postal address of the holder of the certificate, approval or authorisation;

- (c) the telephone and telefax numbers of the holder of the certificate, approval or authorisation;
- (d) the date on which the certificate, approval or authorisation was issued;
- (e) the number of the certificate, approval or authorisation issued;
- (f) the nationality of the holder of the certificate, approval or authorisation; and
- (g) the date on which the certificate, approval or authorisation was cancelled, if applicable.

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

(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.

### **Bogus parts**

**21.01.8** (1) No person shall trade in any bogus part intended for installation, or install any bogus part, in a type certificated product.

(2) Any person authorised by these Regulations to install parts in a type certificated product, shall, when installing a part, ensure that the part is not a bogus part, that it is serviceable and that it 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) shall, 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 not a bogus part.

### **Repeal of existing regulations**

**21.01.9** Subject to the provisions of regulation 183.00.2, the regulations in Chapter 14 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**SUBPART 2****TYPE CERTIFICATES****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 or amendment thereof**

**21.02.2** (1) An application for the issuing of a type certificate for a Class I product, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a copy of the approval held by the selected design organisation;
  - (ii) the appropriate fee as prescribed in Part 187;
  - (iii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;
  - (iv) 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; and
  - (v) the proposed certification basis.

(2) An application referred to in subregulation (1) shall be valid -

- (a) in the case of an application for an aeroplane type with a maximum certificated mass exceeding 5 700 kilograms, 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 kilograms 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 kilograms, 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 kilograms or less, for a period of three years,

calculated from the date on which the application is submitted to the Director.

(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 issuing of a type certificate for a Class I product, or an amendment thereof, shall provide the Director with proof that -

- (a) the product complies with the appropriate airworthiness design standards as prescribed in Document NAM-CATS-AR, in force on the date of application or any later date selected by the applicant in terms of regulation 21.02.2(3)(b);
- (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;
- (c) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
- (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 shall provide proof that the product complies with any other airworthiness design standard which the Director determines is directly related.

#### **Type design**

**21.02.4** An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall -

- (a) provide the 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 issuing of a type certificate for a Class I product, or an amendment thereof, shall 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 aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;
- (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 shall, after making the inspections and tests referred to in subregulation (1) -

- (a) permit the Director to perform any inspection and flight and ground tests which the Director may require;
- (b) provide proof to the Director that the product complies with the requirements referred to in subregulation (1)(c), (d) and (e); and
- (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 Director for testing.

**Statements of conformity**

**21.02.6** An applicant for the issuing of a type certificate, or an amendment thereof, presenting a product to the Director for the tests referred to in regulation 21.02.5(2), shall provide the 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 issuing of a type certificate for an aircraft, or an amendment thereof, shall carry out such flight tests as the 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) The applicant shall ensure that, before carrying out any flight tests referred to in subregulation (1) -

- (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) shall be carried out in accordance with the requirements as prescribed in Document NAM-CATS-AR.

**Issuing of type certificate**

**21.02.8** (1) An application in terms of regulation 21.02.2 shall be granted and a type certificate for a Class I product issued 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.

(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 shall specify the operational purposes for which the product is certificated.

**Form of type certificate**

**21.02.9** A type certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

**Privileges of holder of type certificate**

**21.02.10** The holder of a type certificate shall be 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**

**21.02.11** (1) A type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a type certificate which is suspended, shall forthwith produce the type certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type certificate which is cancelled, shall, within 30 days from the date on which the type certificate was cancelled, surrender such type certificate to the Director.

**Transferability**

**21.02.12** The holder of a type certificate shall, before transferring the type certificate -

- (a) notify the Director in writing, of the name and address of -
  - (i) the transferee; and
  - (ii) the subsequent selected design organisation; and

- (b) produce the type certificate to the Director for amendment.

### Special conditions

**21.02.13** The Director may prescribe 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 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

**21.02.14** The holder of a type certificate shall -

- (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 the 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);
- (h) report to the Director any failure, malfunction or defect in accordance with the provisions of regulation 21.01.3.

**SUBPART 3****CHANGES TO TYPE CERTIFICATES****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** All minor changes in a type design shall be reported in writing to the Director by the holder of a type certificate 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, shall submit to the 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 shall 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 Director issuing an airworthiness directive, the holder of the type certificate for the product concerned shall -

- (a) if design changes are necessary to correct the unsafe condition of such product, submit the appropriate design changes and substantiation data to the 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 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 for approval.

(3) Upon approval of the design changes referred to in subregulation (2), the holder of the type certificate shall make available information on the design changes to all operators of the same type of product.

**Airworthiness design standards**

**21.03.5** An applicant for the approval of a change to a type certificate shall comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

**SUBPART 4****TYPE ACCEPTANCE 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 I product shall be -

- (a) made to the Director in the appropriate form as prescribed 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** An applicant for the issue of a type acceptance certificate for a Class I product shall provide the 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 an equivalent document, unless another date is specified by the Director;
- (b) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (d) no feature or characteristic of the product makes it unsafe for the intended use.

**Data requirements**

**21.04.4** (1) An applicant for the issue of a type acceptance certificate for a Class I product shall provide the Director with -

- (a) proof that the type design has been approved by the exporting State by the issue of a type certificate or an equivalent document;
- (b) details of the airworthiness design standards complied with, for the issue of the type certificate referred to in paragraph (a), including -
  - (i) 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 issue of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a copy of the flight manual approved under a foreign type certificate or, if the appropriate airworthiness design standards do not require a flight manual to be provided, a flight manual which complies with the standards as prescribed in Document NAM-CATS-AR;
- (e) the illustrated parts catalogue; and
- (f) if required by the Director -
  - (i) the maintenance manual for the product;
  - (ii) all current service information issued by the manufacturer of the product; and
  - (iii) proof that the manufacturer has agreed to provide the Director with a copy of all amendments and re-issues of the documents referred to in paragraphs (d), (e) and (f).

(2) The Director may specify the range of serial numbers or models of products to which the application relates, 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.

#### **Issue of type acceptance certificate**

**21.04.5** (1) An application in terms of regulation 21.04.2 shall be granted and a type acceptance certificate for a Class I product issued 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 shall specify the operational purposes for which the product is certificated.

#### **Form of type acceptance certificate**

**21.04.6** A type acceptance certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

#### **Period of validity**

**21.04.7** (1) A type acceptance certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a type acceptance certificate which is suspended, shall forthwith produce the type acceptance certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is cancelled, shall, within 30 days from the date on which the type acceptance certificate was cancelled, surrender such type acceptance certificate to the Director.

#### **Duty of holder of type acceptance certificate**

**21.04.8** The holder of a type acceptance certificate shall keep the original type acceptance 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.

**SUBPART 5****SUPPLEMENTAL TYPE CERTIFICATES****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, shall apply to the Director for the issuing of a supplemental type certificate.

(2) An applicant for the issuing of a supplemental certificate shall prove to the 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 shall 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 issuing of a supplemental type certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a copy of the approval held by the selected design organisation;
  - (ii) the appropriate fee as prescribed in Part 187; and
  - (iii) proof of compliance with the provisions of regulation 21.05.1.

**Issuing of supplemental type certificate**

**21.05.3** An application in terms of regulation 21.05.2 shall be granted and a supplemental type certificate issued if the applicant complies with the requirements prescribed in regulation 21.05.1.

**Form of supplemental type certificate**

**21.05.4** A supplemental type certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

**Privileges of holder of supplemental type certificate**

**21.05.5** The holder of a supplemental type certificate shall be 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**

**21.05.6** (1) A supplemental type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a supplemental type certificate which is suspended, shall forthwith produce the supplemental type certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a supplemental type certificate which is cancelled, shall, within 30 days from the date on which the supplemental type certificate was cancelled, surrender such supplemental type certificate to the Director.

**Duty of holder of supplemental type certificate**

**21.05.7** The holder of a supplemental type certificate shall 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.

**SUBPART 6****PRODUCTION UNDER TYPE CERTIFICATE ONLY****Production under type certificate**

**21.06.1** The manufacturer of a product being manufactured under a type certificate only shall -

- (a) make each product available for inspection by the Director;
- (b) maintain at the place of manufacture the technical data and drawings necessary for the Director to determine whether the product and its parts conform to the type design;
- (c) unless otherwise authorised by the Director, 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
- (d) upon the establishment of the production inspection system referred to in paragraph (c), submit to the 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(c), the manufacturer shall establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations shall be as prescribed in Document NAM-CATS-AR.

(3) The composition of the Materials Review Board and its powers and duties, shall be as prescribed in Document NAM-CATS-AR.

**Tests for aircraft**

**21.06.3** The manufacturer of an aircraft being manufactured under a type certificate only shall establish a production flight test procedure as prescribed in Document NAM-CATS-AR, according to which the aircraft so manufactured, shall be flight tested.

**Tests for aircraft engines**

**21.06.4** The manufacturer of an aircraft engine being manufactured under a type certificate only shall subject each engine other than a rocket engine for which such manufacturer shall establish a sampling technique, to a test run as prescribed in Document NAM-CATS-AR.

**Tests for propellers**

**21.06.5** The manufacturer of propellers being manufactured under a type certificate only shall 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 shall -

- (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 Director a statement of conformity.

- (2) The statement of conformity shall -
  - (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.

**SUBPART 7****PRODUCTION CERTIFICATES****Requirements for production certificate**

**21.07.1** Any manufacturer who has been approved by the 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 or amendment thereof**

**21.07.2** An application for the issuing of a production certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) 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;
  - (iii) 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;
  - (iv) 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-off list;
  - (v) an outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;
  - (vi) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality assurance procedures;
  - (vii) a list or chart showing the location of all inspection stations; and
  - (viii) the terms of approval referred to in regulation 21.07.5, for which application is being made.

**Issuing of production certificate**

**21.07.3** (1) An application in terms of regulation 21.07.2 shall be granted and a production certificate issued if the applicant complies with the requirements prescribed in regulation 21.07.1.

(2) The Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.5, if the products have similar production characteristics.

#### **Form of production certificate**

**21.07.4** A production certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

#### **Terms of approval**

**21.07.5** The terms of approval shall -

- (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**

**21.07.6** The holder of a production certificate shall -

- (a) display the certificate in a prominent place at such holder's manufacturing facility for the product concerned and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and
- (b) maintain the quality assurance of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Director for such certificate.

#### **Privileges of holder of production certificate**

**21.07.7** The holder of a production certificate shall be 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**

**21.07.8** (1) A production certificate issued in terms of regulation 21.07.3 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a production certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a production certificate which is cancelled, shall, within 30 days from the date on which the certificate was cancelled, surrender such certificate to the Director.

**SUBPART 8****CERTIFICATES OF AIRWORTHINESS****Categories of certificates of airworthiness**

- 21.08.1** (1) The categories of certificates of airworthiness are -
- (a) a standard certificate of airworthiness;
  - (b) a restricted certificate of airworthiness; and
  - (c) a special certificate of airworthiness.
- (2) A standard certificate of airworthiness is issued for -
- (a) an aircraft type certificated in the commercial air transport passengers category;
  - (b) an aircraft type certificated in the commercial air transport cargo category;
  - (c) an aircraft type certificated in the aerial work category;
  - (d) an aircraft type certificated in the industrial aid category;
  - (e) an aircraft type certificated in the flying training category;
  - (f) an aircraft type certificated in the private category;
  - (g) an aircraft type certificated in the semi-aerobatic category;
  - (h) an aircraft type certificated in the aerobatic category; and
  - (i) an aircraft designated by the Director as a special class of aircraft.
- (3) A restricted certificate of airworthiness is issued for special purposes operations, including -
- (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 Director as special purposes operations.
- (4) A special certificate of airworthiness consists of -
- (a) an experimental certificate; or
  - (b) a special flight permit.

**Application for issue, renewal or amendment of certificate of airworthiness**

**21.08.2** (1) Any owner of an aircraft, or his, her or its authorised representative, may apply for the issue of a certificate of airworthiness for the aircraft, or an amendment thereof.

(2) An application for the issue of a standard or restricted certificate of airworthiness, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed 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 21.08.3; 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,

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 issuing of an experimental certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed 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 21.08.4.

(4) An application for the issuing of a special flight permit, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed 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 21.08.5.

#### **Requirements for standard or restricted certificate of airworthiness**

**21.08.3** (1) An applicant for the issue, renewal or amend of a standard or restricted certificate of airworthiness for an aircraft, or an amendment thereof, shall provide the 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 or restricted 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 by, or in accordance with the laws of, the exporting State.

(2) The applicant shall, in addition to the provisions of subregulation (1), provide the 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 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 program.

#### **Requirements for experimental certificate**

**21.08.4** (1) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, shall provide the Director with -

- (a) a statement specifying the purpose for which the aircraft is to be used;
- (b) sufficient data to identify the aircraft;
- (c) any information which the Director may require to safeguard the public;
- (d) flight manuals, maintenance manuals or such documents relating to the operation of the aircraft which the Director may require, if such manuals and documents already exist; and
- (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Director may require.

(2) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for the purpose of research and development or showing compliance with the regulations in this Part shall, in addition to the provisions of subregulation (1), provide the 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
- (d) except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-dimensional photographs of the aircraft.

(3) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for a purpose other than those prescribed in subregulation (2), shall, in addition to the provisions of subregulation (1), provide the 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.

#### **Requirements for special flight permit**

**21.08.5** (1) An applicant for the issuing of a special flight permit for an aircraft other than an aircraft referred to in subregulation (2), or an amendment thereof, shall provide the Director with a statement containing -

- (a) the purpose of the flight;
- (b) the proposed itinerary;
- (c) the crew required to operate the aircraft and its equipment;
- (d) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (e) any restriction which the applicant deems necessary for the safe operation of the aircraft; and
- (f) any other information which the Director may require for the purpose of prescribing operating limitations.

(2) An applicant for the issuing of a special flight permit for any amateur-built aircraft or production-built aircraft, or an amendment thereof, shall provide the 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 Director may require to safeguard the public;
- (d) any document relating to the operation of the aircraft which the Director may require; and
- (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Director may require.

#### **Issue, renewal or amendment of certificate of airworthiness**

**21.08.6** (1) An application in terms of regulation 21.08.2 shall be granted and a certificate of airworthiness issued, renewed or amended -

- (a) the applicant complies with the provisions of regulation 21.08.3, 21.08.4 or 21.08.5, as the case may be; and

- (b) in respect of a special 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 shall be issued, renewed or amended subject to such conditions and limitations which may be determined by the 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.

#### **Form of certificate of airworthiness**

**21.08.7** A certificate of airworthiness shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

#### **Special flight permits with continuing authorisation**

**21.08.8** The Director may issue a special flight permit with a continuing authorisation to -

- (a) the holder of an air operator certificate, for the purpose of flying aircraft to a base where maintenance are to be carried out; and
- (b) the holder of a manufacturing organisation approval issued in terms of Part 148, for the purpose of flight testing new production aircraft manufactured by such holder.

#### **Period of validity**

**21.08.9** (1) A certificate of airworthiness shall be valid for a period of calendar 12 months calculated from the date of issue or renewal thereof.

(2) The certificate of airworthiness 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 21.01.6.

(3) Subject to the provisions of subregulation (1), a certificate of airworthiness shall remain 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 certificate of airworthiness, the aircraft is maintained in accordance with the Regulations.

(4) The holder of a certificate of airworthiness which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a certificate of airworthiness which is cancelled, shall, within 30 days from the date on which the certificate was cancelled, surrender such certificate to the Director.

**Transferability**

**21.08.10** A standard or restricted certificate of airworthiness and an experimental certificate shall be transferred with the aircraft.

**Renewal of certificate of airworthiness**

**21.08.11** (1) An application for the renewal of a certificate of airworthiness shall be -

- (a) made to the Director in the appropriate form as prescribed 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 21.08.3, 21.08.4 or 21.08.5, as the case may be.

(2) The holder of the certificate of airworthiness shall at least 60 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

**Validation of certificate of airworthiness issued by appropriate authority**

**21.08.12** (1) The holder of a certificate of airworthiness issued by an appropriate authority, may apply to the Director in the appropriate form as prescribed in Document NAM-CATS-AR, for a validation of such certificate.

(2) The application for a validation referred to in subregulation (1) shall be accompanied by -

- (a) the appropriate fee as prescribed in Part 187; and
- (b) a copy of the certificate to which the validation pertains.

(3) A certificate of airworthiness issued by an appropriate authority may be validated by the Director -

- (a) subject to the same restrictions which apply to such certificate;
- (b) in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-AR; and
- (c) on the appropriate form as prescribed in Document NAM-CATS-AR.

(4) A validation issued by the Director shall be 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 Director may, subject to the provisions of subregulation (6), apply to the Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew the validation for the same appropriate period referred to in subregulation (4): Provided that a validation shall not be renewed for a period which exceeds a period of 36 months calculated from the date on which the validation was issued.

**Temporary Loss of Airworthiness**

**21.08.13** Any failure to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements shall render the aircraft ineligible for operation until the aircraft is restored to an airworthiness condition.

**Damage to aircraft**

**21.08.14** (1) When an aircraft has sustained damage, the Director shall judge whether the damage is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements.

(2) If the damage is sustained or ascertained when the aircraft is on the territory of another State, the authorities of that State shall be entitled to prevent the aircraft from resuming its flight on the condition that they shall advise the Director immediately, communicating to him all details necessary to formulate the judgment referred to in the introductory subregulation (1).

(3) When the Director considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, he shall prohibit the aircraft from resuming flight until it is restored to an airworthy condition; the Director may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly without fare-paying passengers to an aerodrome at which it can be restored to an airworthy condition, and the State that has originally, in accordance with subregulation (2), prevented the aircraft from resuming flights, shall permit such flight.

(4) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is still airworthy, the aircraft shall be allowed to resume its flight.

**SUBPART 9****APPROVAL OF PARTS AND APPLIANCES****Replacement and modification parts**

**21.09.1** (1) Subject to the provisions of subregulation (2), no person shall produce a modification or replacement part for sale for installation on a type certificated product unless such modification or replacement part is produced pursuant to a NAM-PMA issued under this Subpart.

- (2) The provisions of subregulation (1) shall not apply in respect of -
- (a) parts produced under a type certificate;
  - (b) parts produced under a NAM-TSO; or
  - (c) standard parts 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 shall 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 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 Director -

- (a) no part shall be presented to the Director for an inspection or test unless compliance with the provisions of subregulation (1)(b) and (d) has been proven for such part; and
- (b) no change shall be made to a part between the time that compliance with the provisions of subregulation (1)(b) and (d) is proven for the part, and the time that such part is presented to the Director for the inspection or test.

(3) The applicant shall establish a manufacturing inspection system as prescribed in Document NAM-CATS-AR, to ensure that each completed part conforms to its design data and is safe for installation on appropriate type certificated products.

**Application for NAM-PMA**

**21.09.3** (1) Any manufacturer who has been approved by the Director in terms of Part 148, may apply for a NAM-PMA.

(2) An application for the issuing of a NAM-PMA shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) drawings and specifications necessary to show the configuration of the part;

- (ii) information on dimensions, materials and processes necessary to define the structural strength of the part;
- (iii) test reports and computations necessary to show that the design of the part complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part is to be installed, unless the applicant shows that the design of the part is identical to a part which is covered under a type certificate;
- (iv) if the design of the part was obtained by a licensing agreement, a copy of such agreement; and
- (v) the appropriate fee as prescribed in Part 187.

#### **Issuing of NAM-PMA**

**21.09.4** (1) Subject to the provisions of subregulation (2), an application in terms of regulation 21.09.3 shall be granted and a NAM-PMA issued if -

- (a) the 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 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 Director shall not issue a NAM-PMA if the manufacturing facility for the part is located outside Namibia, unless the 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-PMA**

**21.09.5** The holder of a NAM-PMA shall -

- (a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);
- (b) notify the Director in writing, within 14 days from the date on which the manufacturing facility for the part concerned, was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part 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 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a NAM-PMA which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a NAM-PMA which is cancelled, shall, within 30 days from the date on which the approval was cancelled, surrender such approval to the Director.

**SUBPART 10****APPROVAL OF PARTS AND APPLIANCES : IMPORT****Approval**

**21.10.1** (1) Any part or 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, shall be deemed to comply with the requirements for approval prescribed in this Part, if the State in which the part or appliance was manufactured, issues an export certificate of airworthiness certifying that such part or appliance complies with those requirements, unless the Director is satisfied, based on the technical data submitted in terms of subregulation (2), that the part or appliance is otherwise not consistent with the airworthiness requirements prescribed in this Part.

(2) An applicant for the approval of a part or appliance shall, upon request by the Director, submit to the Director any technical data concerning the part or appliance.

**SUBPART 11****EXPORT AIRWORTHINESS APPROVALS****Export airworthiness approvals**

- 21.11.1** (1) An export airworthiness approval for -
- (a) a Class I product, shall be issued in the form of an export certificate of airworthiness; and
  - (b) a Class II or a Class III product, shall be issued in the form of an export airworthiness approval tag.
- (2) An export airworthiness approval may be issued for -
- (a) any new 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 motorcraft 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 Director is satisfied that the location does not impede the administration of the provisions of this Part ;
  - (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 for an export airworthiness approval for a Class I or a Class II product.
- (2) Any manufacturer who has been approved by the 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, a Class II or a Class III product, shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AR; and
  - (b) accompanied by -
    - (i) a written statement from the importing State that such State 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 an export airworthiness approval, in which case the written statement shall 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 new product;
  - (bb) the mass and balance documentation as prescribed in Document NAM-CATS-AR;
  - (cc) a maintenance manual for each new product if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.03;
  - (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 flight manual if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3, for the particular aircraft;
  - (gg) the date required by the importing State; and
- (iii) the appropriate fee as prescribed in Part 187.

### Issuing of export airworthiness approval

**21.11.3** (1) An application in terms of regulation 21.11.2 shall be granted and an export certificate of airworthiness for a Class I product issued if -

- (a) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in Subpart 8;
- (b) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;
- (c) the product has undergone a mandatory periodic inspection and is approved for release to service; and
- (d) the requirements prescribed by the importing State are complied with.

(2) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class II product issued 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 designation; and

(iv) the serial number or equivalent,  
of the manufacturer; and

(d) complies with the requirements prescribed by the importing State.

(3) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class III product issued if the product -

- (a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;
- (b) is in a condition for safe operation; and
- (c) complies with the requirements prescribed by the importing State.

#### **Form of export airworthiness approval**

**21.11.4** (1) An export certificate of airworthiness referred to in regulation 21.11.3(1) shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

(2) An export airworthiness approval tag referred to in regulation 21.11.3(2) and (3) shall be issued on the appropriate form as prescribed in Document NAM-CATS-AR.

#### **Duties of holder of export airworthiness approval**

**21.11.5** The holder of an export airworthiness approval shall -

- (a) forward to the importing State all documents and information which may be necessary for the safe operation of the product being exported;
- (b) forward the manufacturer's assembly instructions and a flight test check-off form approved by the Director, to the importing State if unassembled aircraft are being exported;
- (c) remove or cause to be removed any temporary installation incorporated into 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; and
- (e) when ownership of an aircraft passes or has passed to a foreign purchaser -
  - (i) request cancellation of the Namibian registration and certificate of airworthiness; and
  - (ii) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft.

#### **Inspections and overhauls**

**21.11.6** Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product shall be carried out and approved by -

- (a) the manufacturer of the product;
- (b) an aircraft maintenance organisation approved by the Director in terms of Part 145; or
- (c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

**SUBPART 12****NAM-TSO AUTHORISATIONS****NAM-TSO marking**

**21.12.1** No person shall identify an article with a NAM-TSO marking unless such person holds a NAM-TSO authorisation and the article complies with the appropriate NAM-TSO performance standards as prescribed in Document NAM-CATS-AR.

**Application for NAM-TSO authorisation**

**21.12.2** (1) An applicant for the issuing of a NAM-TSO authorisation shall be the holder of a manufacturing organisation approval issued in terms of Part 148.

(2) An application for the issuing of a NAM-TSO authorisation shall be -

- (a) made to the Director in the appropriate form as prescribed 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.

(4) If the application is deficient, the 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 Director requested such additional information, the application shall be denied and the applicant so notified.

**Issuing of NAM-TSO authorisation**

**21.12.3** (1) An application referred to in regulation 21.12.2 shall be granted and a NAM-TSO authorisation issued if -

- (a) the applicant complies with the requirements prescribed in this Subpart;
- (b) the 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 issuing of the NAM-TSO authorisation is not contrary to the interests of aviation safety.

(2) The Director shall issue or refuse 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 Director shall not issue the NAM-TSO authorisation if the manufacturing facility for the article is located outside Namibia, unless the 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 shall -

- (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
  - (iv) the appropriate NAM-TSO number.

#### **Approval for deviation**

**21.12.5** (1) A manufacturer who requests approval to deviate from any performance standard of a NAM-TSO, shall prove to the Director that the standards from which a deviation is requested, are compensated for by factors or design features providing an equivalent level of safety.

(2) The written request for approval to deviate, together with all pertinent data, shall -

- (a) if the article is manufactured in Namibia, be submitted to the Director; and
- (b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Director,

and be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Director shall grant the approval if the 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 Director if the changed article retains the original model number and such holder submits to the 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 shall assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) No design change by any person other than the manufacturer who submitted the statement of conformity for the article, shall be approved 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 shall, 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.

(2) A manufacturer who holds a NAM-TSO authorisation shall retain the records referred to in subregulation (1)(a) until it no longer manufactures the article concerned: Provided that at such time copies of such records shall be submitted to the Director.

(3) A manufacturer who holds a NAM-TSO authorisation shall 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 shall be made in writing to the Director and shall 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 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 State in which the appliance was manufactured and any other performance standards as prescribed 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 Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Director shall issue a NAM-TSO design approval if the applicant complies with the requirements referred to in subregulation (2), and shall list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the Director has issued a NAM-TSO design approval and the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer shall be 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 shall be accompanied by an export certificate of airworthiness referred to in subregulation (3).

#### **Transferability and period of validity**

**21.12.9** (1) A NAM-TSO authorisation issued in terms of regulation 21.12.3 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(2) A letter of NAM-TSO design approval issued in terms of regulation 21.12.8 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 21.01.6.

(3) The holder of a NAM-TSO authorisation or a NAM-TSO design approval, which is suspended, shall forthwith produce the authorisation or approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(4) The holder of a NAM-TSO authorisation or a NAM-TSO design approval, which is cancelled, shall within 30 days from the date on which the authorisation or approval was cancelled, surrender such authorisation or approval to the Director.

**SUBPART 9****CONTINUING AIRWORTHINESS OF AIRCRAFT****Determination of Continuing Airworthiness of Aircraft**

**21.13.1** (1) The continuing airworthiness of an aircraft shall be determined by the Director in relation to the appropriate airworthiness requirements in force for that aircraft.

(2) The Director shall 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 the Republic is not the State of Design is first entered on the register, and for which the Director issues or validates a Certificate of Airworthiness in accordance with this Part, the Director shall advise the State of Design that he has entered such an aircraft on register of the Republic.

(2) The Director, if the Republic is the State of Design of an aircraft shall transmit any generally applicable information which he or she has found necessary for the safe operation of the aircraft which, for the purpose of this part, shall be called mandatory continuing information, as follows:

- (a) to every State which has entered aircraft designed in the Republic on its register; and
- (b) to any other State upon request.

(3) The Director shall, upon receipt of mandatory continuing airworthiness information from the State of Design, adopt the mandatory information directly or assess the information received and take appropriate action. Similarly, the Director shall transmit all mandatory continuing airworthiness information to the State of Design.

(4) For aircraft of over 5 700 kg maximum certificated take-off mass, each operator certificated in terms of these regulations shall establish a system whereby information on fault, mal-functions, defects and other occurrences which cause or might cause adverse effects on the continuing airworthiness of the aircraft is transmitted to the organization responsible for the type design of that aircraft.

(5) The Director shall ensure that, in respect of aircraft over 5 700 kg maximum certificated take-off mass each operator of such operator who is certificated in terms of these regulations shall establish a system for:

- (a) receiving information submitted in accordance with 4.2.5;
- (b) deciding if and when airworthiness action is needed;
- (c) developing the necessary airworthiness actions; and
- (d) promulgating the information on those actions including that required in 4.2.2.

(6) The Director shall ensure that, in respect of aircraft over 5 700 kg maximum certificated take-off mass, each operator of such aircraft operator who is certificated in terms of these regulations shall establish a continuing structural integrity programme to ensure the airworthiness of the aircraft. The programme shall include specific information concerning corrosion prevention and control.

(7) Each aircraft shall be provided with 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 additional instructions and information necessary for the safe operation of the aircraft.

**PART 34****AIRCRAFT : ENGINE EMISSION CERTIFICATION**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 34.01.1     Applicability
- 34.01.2     Safety inspections and audits
- 34.01.3     Suspension and cancellation of certificate and appeal
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**SUBPART 2 : FUEL VENTING CERTIFICATES**

- 34.02.1     Fuel venting standards
- 34.02.2     Recognition of foreign fuel venting certification
- 34.02.3     Application for fuel venting certificate
- 34.02.4     Issuing of fuel venting certificate
- 34.02.5     Form of fuel venting certificate
- 34.02.6     Period of validity
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**SUBPART 3 : ENGINE EMISSION CERTIFICATES**

- 34.03.1     Engine emission standards
- 34.03.2     Recognition of foreign engine emission certification
- 34.03.3     Application for engine emission certificate
- 34.03.4     Issuing of engine emission certificate
- 34.03.5     Form of engine emission certificate
- 34.03.6     Period of validity
- 34.03.7     Transfer of engine emission certificate

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

**34.01.1** This Part shall apply -

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured 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 in terms of the regulations in this Part, 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 this Part.

(2) The holder of a fuel venting certificate or an engine emission certificate issued under this Part, 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 certificate and appeal**

**34.01.3** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, 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 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;
- (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; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the certificate or engine emission certificate was suspended.

(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 fuel venting certificate or engine emission certificate which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a fuel venting certificate or engine emission certificate 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, and subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the fuel venting certificate or engine emission certificate.

### **Register of certificates**

**34.01.4** (1) The Director shall maintain a current register of fuel venting certificates and engine emission certificates issued or transferred 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 fuel venting certificate or engine emission certificate;
- (b) the postal address of the holder of the fuel venting certificate or engine emission certificate;
- (c) the telephone and telefax numbers of the holder of the fuel venting certificate or engine emission certificate;
- (d) the date on which the fuel venting certificate or engine emission certificate was issued;
- (e) the number of the fuel venting certificate or engine emission certificate issued;
- (f) the date on which the fuel venting certificate or engine emission certificate was cancelled, if applicable; and
- (g) 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 address of the transferee.

(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 fuel venting certificate or engine emission certificate was issued, transferred or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) Information from the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests such information.

**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; or
- (e) a standard certificate of airworthiness,

shall comply with the appropriate fuel venting standards as prescribed in Document NAM-CATS-ENVIRO.

**Recognition of foreign fuel venting certification**

**34.02.2** The 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 as prescribed in Document NAM-CATS-ENVIRO.

**Application for fuel venting certificate**

**34.02.3** An application for the issuing of a fuel venting certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1.

**Issuing of fuel venting certificate**

**34.02.4** An application in terms of regulation 34.02.3 is granted and a fuel venting certificate issued if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

**Form of fuel venting certificate**

**34.02.5** A fuel venting certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-ENVIRO.

**Period of validity**

**34.02.6** (1) A fuel venting certificate shall be valid -

- (a) for 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 such holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1;
- (b) until the fuel venting certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 34.01.3.

(2) The holder of a fuel venting certificate which is suspended, shall forthwith produce the fuel venting certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is cancelled, shall, within 30 days from the date on which the fuel venting certificate was cancelled, surrender such fuel venting certificate to the Director.

**Transfer of fuel venting certificate**

**34.02.7** A fuel venting certificate shall 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; or
- (e) a standard certificate of airworthiness,

shall comply with the appropriate engine emission standards as prescribed in Document NAM-CATS-ENVIRO.

**Recognition of foreign engine emission certification**

**34.03.2** The 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 as prescribed in Document NAM-CATS-ENVIRO.

**Application for engine emission certificate**

**34.03.3** An application for the issuing of an engine emission certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1.

**Issuing of engine emission certificate**

**34.03.4** An application in terms of regulation 34.03.3 is granted and an engine emission certificate issued if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

**Form of engine emission certificate**

**34.03.5** An engine emission certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-ENVIRO.

**Period of validity**

**34.03.6** (1) An engine emission certificate shall be valid -

- (a) for 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 such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1;

- (b) until the engine emission certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director, in terms of regulation 34.01.3.

(2) The holder of an engine emission certificate which is suspended, shall forthwith produce the engine emission certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an engine emission certificate which is cancelled, shall, within 30 days from the date on which the engine emission certificate was cancelled, surrender such engine emission certificate to the Director.

#### **Transfer of engine emission certificate**

**34.03.7** An engine emission certificate shall be transferred with the aircraft.

**PART 36****AIRCRAFT : NOISE CERTIFICATION**

**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 certification
- 36.00.6     Issuing of noise certification
- 36.00.7     Form of noise certification
- 36.00.8     Period of validity
- 36.00.9     Cancellation and suspension of noise certificate and appeal
- 36.00.10    Transfer of noise certification
- 36.00.11    Register of certificates

**Applicability**

**36.00.1** This Part shall apply to -

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilograms;
- (d) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilograms 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; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate noise standards as prescribed in Document SA-CATS-ENVIRO.

**Recognition of foreign noise certification**

**36.00.3** The 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 as prescribed in Document SA-CATS-ENVIRO.

**Safety inspections and audits**

**36.00.4** (1) An applicant for the issuing of a noise certificate in terms of the regulations in this Part, shall permit an airworthiness inspector 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 noise certificate issued under this Part, shall permit an airworthiness inspector 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 shall be -

- (a) made to the Director in the appropriate form as prescribed in Document SA-CATS-ENVIRO, and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and

- (ii) proof that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2.

#### **Issuing of noise certificate**

**36.00.6** An application in terms of regulation 36.00.4 is granted an a noise certificate issued if the applicant complies with the noise standards referred to in regulation 36.00.2.

#### **Form of noise certificate**

**36.00.7** A noise certificate shall be issued on the appropriate form as prescribed in Document SA-CATS-ENVIRO.

#### **Period of validity**

**36.00.8** (1) A noise certificate shall be valid -

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate or airworthiness held by the holder of the noise certificate is valid, and such holder complies with the appropriate noise standards referred to in regulation 36.00.2;
- (b) until the noise certificate is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 36.00.9.

(2) The holder of a noise certificate which is suspended, shall forthwith produce the noise certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is cancelled, within 30 days from the date on which the noise certificate is cancelled, surrender such noise certificate to the Director.

#### **Cancellation and suspension of noise certificate and appeal**

**36.00.9** (1) An airworthiness inspector may suspend for a period not exceeding 30 days, 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 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;
- (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; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a noise certificate in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the noise certificate was suspended.

(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 noise certificate which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a noise certificate 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, and subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the fuel venting certificate or engine emission certificate.

#### **Transfer of noise certificate**

**36.00.10** A noise certificate shall be transferred with the aircraft.

#### **Register of certificates**

**36.00.11** (1) The Director shall maintain a current register of noise certificates 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 noise certificate;
- (b) the postal address of the holder of the noise certificate;
- (c) the date on which the noise certificate was issued;
- (d) the number of the noise certificate issued;
- (e) the date on which the noise certificate is suspended, if applicable, and
- (f) in the case of a transfer of an aircraft -
  - (i) the date on which the noise certificate was transferred;
  - (ii) the full name and the trade name of the transferee, if any; and
  - (iii) the postal address of the transferee.

(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 noise certificate is issued, transferred or suspended, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) Information from the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requires such information.

**PART 43**

**AIRCRAFT : GENERAL MAINTENANCE RULES**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 43.01.1 Applicability
- 43.01.2 Falsification, reproduction or alteration of maintenance documents
- 43.01.3 Repeal of existing regulations

**SUBPART 2 : MAINTENANCE**

- 43.02.1 Persons to carry out maintenance
- 43.02.2 Carrying out of maintenance
- 43.02.3 Recording of overhaul
- 43.02.4 Maintenance for IFR operations
- 43.02.5 Progressive inspections
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- 43.02.7 Altimeter system tests and inspections
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- 43.02.10 Inspection requirements
- 43.02.11 Non-destructive testing
- 43.02.12 Airworthiness limitations
- 43.02.13 Maintenance records
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- 43.02.15 Recording of major repairs and modifications
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**SUBPART 3 : RELEASE TO SERVICE**

- 43.03.1 Persons to certify release to service
- 43.03.2 Requirements for certifying release to service
- 43.03.3 Certifying after inspection
- 43.03.4 Certifying after maintenance
- 43.03.5 Discrepancies
- 43.03.6 Flight manual data

- 43.03.7 Duplicate inspection of controls
- 43.03.8 Ground running checks - reciprocating engines
- 43.03.9 Ground running checks - turbine engines
- 43.03.10 Technical log completion

**SUBPART 4 : REVIEW OF MAINTENANCE**

- 43.04.1 Certifying review

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

**43.01.1** (1) This Part shall apply to the maintenance, and the release to service after maintenance, of -

- (a) aircraft registered in Namibia; and
- (b) aircraft components to be fitted to such aircraft.

(2) This Part shall not apply in respect of any -

- (a) hang glider;
- (b) paraglider;
- (c) unmanned free balloon;
- (d) captive balloon;
- (e) kite;
- (f) model aircraft;
- (g) parachute; or
- (h) powered paraglider.

**Falsification, reproduction or alteration of maintenance documents**

**43.01.2** No person shall make or cause to be made -

- (a) any fraudulent or false entry in any record or report 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.

**Repeal of existing regulations**

**43.01.3** Subject to the provisions of regulation 183.00.2, the regulations in Chapter 15 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**SUBPART 2****MAINTENANCE****Persons to carry out maintenance**

**43.02.1** (1) Subject to the provisions of subregulations (2) and (3), no person shall carry out maintenance on an aircraft or aircraft component unless such person -

- (a) is the holder of an aircraft maintenance engineer licence issued in terms of Part 66;
- (b) carries out maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence issued in terms of Part 66; or
- (c) is authorised by the holder of an aircraft maintenance organisation approval issued in terms of Part 145, to carry out maintenance within the scope of such approval.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61, may carry out the maintenance as prescribed in Document NAM-CATS-GMR, if such holder is the owner, operator or pilot-in-command of the aircraft.

(3) Any person may carry out maintenance on an amateur-built aircraft, gyroplane, glider, airship, remotely piloted aircraft, manned free balloon or a production-built aircraft, or any component thereof, if such person -

- (a) is authorised by the body or institution designated by the Director in terms of Part 149, to carry out the maintenance;
- (b) is approved by the Director if, in the case of a manned free balloon or an airship, the aircraft is used, or intended to be used, in commercial air transport operations;
- (c) carries out the maintenance under the direct supervision of a person authorised by the body or institution referred to in paragraph (a); or
- (d) carries out the maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence issued in terms of Part 66.

**Carrying out of maintenance**

**43.02.2** Any person who carries out maintenance on an aircraft or aircraft component shall -

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component;
- (b) use methods, techniques and practices which -
  - (i) are prescribed in the current manufacturer's maintenance manual or any instructions for continued airworthiness; or
  - (ii) are approved by the 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 Director;
- (d) 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
- (c) use any special or test equipment recommended by the manufacturer, or equivalent equipment approved by the Director.

#### **Recording of overhaul**

**43.02.3** No person shall state in any maintenance document entry required by the Regulations that an aircraft, airframe, engine or engine module, propeller or other aircraft component, has been overhauled unless it has been -

- (a) disassembled, cleaned, inspected and repaired as necessary, and reassembled, using methods and techniques approved by the Director; and
- (b) tested in accordance with -
  - (i) current standards and technical data which have been developed and documented by the holder of a type certificate or a supplemental type certificate issued in terms of Part 21; or
  - (ii) other standards or technical data approved by the Director.

#### **Maintenance for IFR operations**

**43.02.4** Any person who carries out an inspection of or maintenance on an aircraft radio station in an aircraft to be used under IFR, shall carry out the inspection as prescribed in Document NAM-CATS-GMR.

#### **Progressive inspections**

**43.02.5** (1) Any person who carries out a progressive inspection in accordance with a progressive inspection programme shall -

- (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, shall only do so with the prior approval of the Director.

#### **Mandatory periodic inspections**

**43.02.6** Any person who carries out a mandatory periodic inspection shall carry out the tests and inspections as prescribed in Document NAM-CATS-GMR, unless otherwise approved by the Director.

#### **Altimeter system tests and inspections**

**43.02.7** Any person who carries out altimeter system tests and inspections shall -

- (a) perform the tests and inspections as prescribed 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.

#### **Aviation transponder tests and inspections**

**43.02.8** Any person who carries out aviation transponder tests and inspections shall perform the tests and inspections as prescribed in Document NAM-CATS-GMR.

**Emergency locator transmitter tests and inspections**

**43.02.9** Any person who carries out emergency locator transmitter tests and inspections shall perform the tests and inspections as prescribed in Document NAM-CATS-GMR.

**Inspection requirements**

**43.02.10** Any person who carries out an inspection shall -

- (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, use a checklist which includes the scope and detail of the tests and inspections referred to in regulation 43.02.6.

**Non-destructive testing**

**43.02.11** Any person who carries out maintenance on an aircraft or aircraft component where the applicable maintenance data requires a non-destructive test as specified in Document NAM-CATS-GMR, shall -

- (a) be the holder of a current certificate appropriate to the technique being used, or an equivalent certificate approved by the Director; and
- (b) perform the non-destructive test using appropriate methods, techniques and practices approved by the Director.
- (c) be the holder of a valid eye test certificate.

**Airworthiness limitations**

**43.02.12** Any person who carries out maintenance specified in the Limitations section (if applicable,) of a manufacturer's maintenance manual, or any instructions for safe operation and continued airworthiness, shall carry out the maintenance in accordance with that section.

**Maintenance records**

**43.02.13** (1) Any person who carries out maintenance on an aircraft or aircraft component shall record, on completion of the maintenance -

- (a) details of the maintenance including, where applicable, the type of inspection and any approved data used;
- (b) for a progressive 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 altimeter system 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 name of the person completing such maintenance, if other than the person certifying the release to service;
- (h) the location and, if applicable, the name of the facility where such maintenance was carried out; and
- (i) 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.

- (2) The person who carries out the maintenance shall -
- (a) record the details referred to in subregulation (1) in the appropriate logbook or in a maintenance record approved by the 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 -
    - (i) reference those records in the logbook, or in the maintenance record approved by the Director; and
    - (ii) retain the records for the minimum period of two years.
    - (iii) aircraft logbooks shall be retained for the entire life of the aircraft and for two years after the aircraft has been permanently withdrawn from service.

### **Modifications**

**43.02.14** (1) No person shall, without the prior approval of the Director, carry out any modifications.

(2) Before the approval of the Director is granted for a modification referred to in subregulation (1), the owner of the aircraft, or any other person who applies for the modification, shall furnish the Director with such information, data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification, as the Director may require.

(3) Notwithstanding the provisions of subregulations (1) and (2), such modifications as may from time to time be recommended by the manufacturer or holder of a STC of the type of aircraft or equipment concerned, may be carried out if the modifications are carried out in accordance with the said manufacturer's recommendations.

### **Recording of major repairs and modifications**

**43.02.15** Any person who carries out a major repair or a major modification shall, in addition to the entry referred to in regulation 43.02.13, record the repair or modification, and process the authorised release certificate or the aircraft release certificate, as the case may be, in the manner as prescribed in Document NAM-CATS-GMR.

### **Test flights**

**43.02.16** (1) After any major repair or major modification to an aircraft, test flights shall be carried out in the aircraft under such conditions and in such manner as the Director may determine.

(2) No passenger other than a person who has specialist knowledge essential to and assisting with the test flight, cargo or mail shall be transported in any aircraft undergoing a test flight

### **Temporary and permanent repairs after accidents or incidents**

**43.02.17** Any temporary or permanent repair to an aircraft or aircraft component which has been damaged after an accident or an incident, shall be carried out in accordance with the requirements as prescribed in Document NAM-CATS-GMR.

### **Aircraft compass requirements**

**43.02.18** Any compass fitted to an aircraft, shall be swung and maintained in accordance with the requirements as prescribed in Document NAM-CATS-GMR.

**SUBPART 3****RELEASE TO SERVICE****Persons to certify release to service**

**43.03.1** (1) Subject to the provisions of subregulations (2) and (3), no person shall certify an aircraft or aircraft component for release to service after maintenance unless such person -

- (a) is the holder of an aircraft maintenance engineer licence issued in terms of Part 66;
- (b) is authorised by the holder of an aircraft maintenance organisation approval issued in terms of Part 145, to certify maintenance within the scope of such approval;
- (c) is authorised by the 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 the Director for the type of aircraft or aircraft component.

(2) Any person may certify an amateur-built aircraft, gyroplane, glider, airship, manned free balloon or a production-built aircraft, or any component thereof, for release to service if such person is authorised by the body or institution designated by the Director in terms of Part 149, to certify maintenance.

(3) Any person may certify a manned free balloon or an airship used, or intended to be used, for commercial flight operations, for release to service if such person is authorised by the Director to certify maintenance.

**Requirements for certifying release to service**

**43.03.2** No person shall certify an aircraft or aircraft component for release to service after maintenance unless such maintenance has been carried out in accordance with the provisions of this Part and, in respect of such maintenance, the aircraft or aircraft component is fit for release to service.

**Certifying after inspection**

**43.03.3** Any person who certifies an aircraft or aircraft component for release to service after carrying out an inspection shall enter in the appropriate logbook or other maintenance record approved by the Director -

- (a) the statement as prescribed in Document NAM-CATS-GMR; and
- (b) in addition to the statement referred to in paragraph (a), his or her signature, licence or authorisation number, and the date of the entry.

**Certifying after maintenance**

**43.03.4** (1) Any person who certifies an aircraft or aircraft component for release to service after maintenance shall enter in the appropriate logbook or other maintenance record approved by the Director -

- (a) the statement as prescribed in Document NAM-CATS-GMR; and
- (b) in addition to the statement referred to in paragraph (a), his or her signature, licence or authorisation number, and the date of the entry.

(2) If components are not installed in, or allocated to an aircraft, the person certifying release to service shall certify the release to service in the appropriate form as prescribed in Document NAM-CATS-GMR.

**Discrepancies**

**43.03.5** Any person who carries out an inspection and who does not release the aircraft or aircraft component to service shall -

- (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;
- (b) for those items which are imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item "inoperative";
- (c) enter the appropriate statement as prescribed in Document NAM-CATS-GMR, in the appropriate logbook or technical log; and
- (d) enter his or her signature, licence or authorisation number, and the date of the entry.

**Flight manual data**

**43.03.6** If the approved data for a repair or a modification to an aircraft or aircraft component include changes to the operating limitations or flight data in the aircraft flight manual, the person certifying release to service shall not certify the release to service until the changes have been incorporated into the flight manual.

**Duplicate inspection of controls**

**43.03.7** (1) No person shall certify an aircraft or 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) a duplicate safety inspection of the control system has been carried out; and
- (b) the duplicate safety inspection is recorded and certified in the appropriate logbook, or other maintenance record approved by the Director.

(2) A duplicate safety inspection authorised in terms of subregulation (1), shall consist of -

- (a) an inspection by a person referred to in regulation 43.03.1 to certify the release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is a person referred to in regulation 43.03.1.

**Ground running checks - reciprocating engines**

**43.03.8** No person shall certify a reciprocating engine-powered aircraft for release to service after a mandatory periodic inspection unless such 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 a maintenance record approved by the Director.

#### **Ground running checks - turbine engines**

**43.03.9** No person shall certify a turbine engine-powered aircraft for release to service after a mandatory periodic inspection unless such 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; and
- (b) the ambient conditions of temperature and atmospheric pressure and the details of the results are recorded -
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in a maintenance record approved by the Director.

#### **Technical log completion**

**43.03.10** No person shall certify an aircraft or aircraft component for release to service in an aircraft technical log unless each applicable section of the technical log is completed, including details of any deferred rectification.

**SUBPART 4****REVIEW OF MAINTENANCE****Certifying review**

**43.04.1** Any person who carries out and certifies an annual review of maintenance for an aircraft shall enter -

- (a) the statement as prescribed in Document NAM-CATS-GMR, in the aircraft logbook or other technical record approved by the Director;
- (b) in addition to the statement referred to in paragraph (a), his or her signature, licence or authorisation number, and the date of the entry; and
- (c) in the appropriate section of the aircraft technical log, the date of the review.

**PART 47**

**AIRCRAFT : REGISTRATION AND MARKING**

**LIST OF REGULATIONS**

- 47.00.1 Applicability
- 47.00.2 Requirement for aircraft registration
- 47.00.3 Requirement for aircraft marking
- 47.00.4 Nationality of aircraft
- 47.00.5 Application for registration
- 47.00.6 Registration and issue of certificate
- 47.00.7 Duties of holder of certificate
- 47.00.8 Application for amendment of certificate
- 47.00.9 Application for issue of duplicate certificate
- 47.00.10 Notification of transfer of right of possession of aircraft
- 47.00.11 Application for cancellation of registration
- 47.00.12 Cancellation of registration
- 47.00.13 Duration of certificate of registration
- 47.00.14 Register of Namibian aircraft
- 47.00.15 Repeal of existing regulations

**Applicability**

- 47.00.1** (1) This Part shall apply to -
- (a) the registration of Namibian aircraft;
  - (b) the nationality and registration marking of Namibian registered aircraft.
- (2) This Part shall not apply in respect of any -
- (a) hang glider;
  - (b) paraglider;
  - (c) unmanned free balloon;
  - (d) captive balloon;
  - (e) kite;
  - (f) model aircraft;
  - (g) foreign registered aircraft;
  - (h) parachute; or
  - (i) powered paraglider.

**Requirement for aircraft registration**

**47.00.2** The owner of an aircraft shall, if the aircraft flies to, from, within or over Namibia, apply for the registration of the aircraft and hold a valid certificate of registration for such aircraft issued by -

- (a) in the case of an aircraft to be registered in Namibia, including any -
  - (i) amateur-built aircraft;
  - (ii) gyroplane;
  - (iii) glider;
  - (iv) airship;
  - (v) remotely piloted aircraft;
  - (vi) manned free balloon; and
  - (vii) production-built aircraft,the Director; or
- (b) in the case of any other aircraft not to be registered in Namibia, an appropriate state authority.

**Requirement for aircraft marking**

**47.00.3** (1) The Director shall be responsible for the allocation of nationality and registration marks to be displayed on Namibian aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.00.6(1), the Director may, if the aircraft was previously registered in Namibia, allocate the same registration marks as were originally borne by such aircraft.

(3) No person shall use a Namibian registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with the specifications as prescribed in Document NAM-CATS-ARM.

(4) No person shall place on any Namibian registered aircraft any mark or symbol which modifies, confuses or purports to be the nationality or registration mark allocated and displayed in accordance with the specifications referred to in subregulation (3).

### Nationality of aircraft

**47.00.4** Aircraft registered on the register shall become Namibian registered aircraft and shall be deemed to have Namibian nationality.

### Application for registration

**47.00.5** (1) An application for the registration of an aircraft and the issue of a certificate of registration shall be made to the Director in the appropriate form as prescribed in Document NAM-CATS-ARM.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) in the case 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 -
  - (i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered;
  - (ii) the full name and postal address of the previous owner of the aircraft;
  - (iii) proof of any mortgage which has been recorded in respect of the aircraft, if applicable;
  - (iv) if the aircraft is to be registered in the name of an individual, proof of his or her identity;
  - (v) if the aircraft is to be registered in the name of a company -
    - (aa) a copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act, 1973;
    - (bb) proof of identity of the director authorised to act on behalf of the applicant; and
    - (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NAM-CATS-ARM;
  - (vi) if the aircraft is to be registered in the name of a close corporation -
    - (aa) a copy of its founding statement, approved by the Registrar of Close Corporations in terms of the Close Corporations Act, 1988 (Act 26 of 1988);
    - (bb) proof of identity of the member authorised to act on behalf of the applicant; and
    - (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NAM-CATS-ARM;
  - (vii) if the aircraft is to be registered in the name of a trust -
    - (aa) a copy of -
      - (A) the trust instrument; or
      - (B) the appropriate letter of appointment;

- (bb) proof of identity of the trustee authorised to act on behalf of the applicant; and
  - (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NAM-CATS-ARM;
- (viii) if the aircraft is to be registered in the name of any other applicant -
- (aa) a copy of any other founding documents;
  - (bb) proof of identity of the person authorised to act on behalf of the applicant; and
  - (cc) the authorising resolution concerned in the appropriate form as prescribed in Document NAM-CATS-ARM;
- (b) in the case of any amateur-built aircraft, gyroplane, glider, airship, remotely piloted aircraft, manned free balloon or production-built aircraft -
- (i) the full name and postal address of the previous owner of the aircraft;
  - (ii) proof of any mortgage which has been recorded in respect of the aircraft, if applicable;
  - (iii) if the aircraft is to be registered in the name of an individual, proof of his or her identity;
  - (iv) if the aircraft is to be registered in the name of an aviation recreation organisation approved in terms of Part 149, a copy of the certificate of approval;
- (c) the appropriate fee as prescribed in Part 187; and
- (d) proof of compliance with the provisions of the Sales Tax Act, 1992 (Act 5 of 1992), or the Customs and Excise Act, 1964 (Act 91 of 1964), as the case may be.

#### Registration and issue of certificate

**47.00.6** (1) An application in terms of regulation 47.00.5 is granted, the aircraft registered and a certificate of registration issued if -

- (a) in the case of an individual, the applicant is a resident of Namibia;
- (b) in the case of a juristic person, the applicant is registered and has its principal place of business in Namibia; and
- (c) the aircraft is not registered in any other State or territory.

(2) Registration of an aircraft and the issue of a certificate of registration under this Part shall not confer or imply ownership of the aircraft.

(3) A certificate of registration shall be issued by the Director on the appropriate form as prescribed in Document NAM-CATS-ARM.

#### Duties of holder of certificate

**47.00.7** The holder of a certificate of registration shall -

- (a) carry (keep) the original certificate of registration on board the aircraft;
- (b) carry (keep) a certified true copy of the certificate of registration with other relevant documentation;
- (c) notify the Director in writing within 14 days if the particulars of the person referred to in regulation 47.00.5(2)(a)(v)(bb), (vi)(bb), (vii)(bb) or (viii)(bb), as the case may be, are changed.

**Application for amendment of certificate**

- 47.00.8** (1) If -
- (a) the name in which a certificate of registration was issued; or
  - (b) the address displayed on a certificate of registration, is changed,

the holder of the certificate of registration shall within 14 days apply to the Director for an amendment.

- (2) An application referred to in subregulation (1) shall -
- (a) be made in the appropriate form as prescribed in Document NAM-CATS-ARM; and
  - (b) be accompanied by -
    - (i) if the aircraft is registered in the name of a company and the name of that company is changed, a copy of the certificate of change of name of a company, approved by the Registrar of Companies in terms of the Companies Act, 1973;
    - (ii) if the aircraft is registered in the name of a close corporation and the name of that close corporation is changed, a copy of the amended founding statement of the close corporation, approved by the Registrar of Close Corporations in terms of the Close Corporations Act, 1988; and
    - (iii) the appropriate fee as prescribed in Part 187.

**Application for issue of duplicate certificate**

**47.00.9** (1) If a certificate of registration is lost, stolen, damaged or destroyed, the holder thereof 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 Director for the issuing of a duplicate certificate of registration.

- (2) An application referred to in subregulation (1) shall be -
- (a) made in the appropriate form as prescribed in Document NAM-CATS-ARM; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate certificate of registration shall be issued on the appropriate form as prescribed in Document NAM-CATS-ARM.

**Notification of transfer of right of possession of aircraft**

**47.00.10** (1) If the holder of a certificate of registration transfers to another person the right of possession of the aircraft specified in the certificate, such holder shall, within 14 days from the date of transfer notify the Director in the appropriate form as prescribed in Document NAM-CATS-ARM.

- (2) If the holder in whose name the aircraft is registered -
- (a) is an individual and is deceased, and an executor has been appointed, the notification referred to in subregulation (1) shall be accompanied by a copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act 66 of 1965);
  - (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the

notification referred to in subregulation (1) shall be accompanied by a copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act 24 of 1936);

- (c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, the notification referred to in subregulation (1) shall be accompanied by a copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973, or the Close Corporations Act, 1988, as the case may be.

(3) An application for registration by the person to whom the right of possession of the aircraft referred to in subregulation (1), is transferred, shall be made in terms of regulation 47.00.5 within 14 days from the date of transfer.

(4) A certificate of registration shall expire on the fifteenth day after the date on which the holder of the certificate of registration has transferred to another person the right of possession of the aircraft.

(5) From the commencement of the fifteenth day after the date on which a certificate of registration expires, no person shall 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 Director.

#### **Application for cancellation of registration**

**47.00.11** (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside Namibia, such holder shall apply to the Director for the cancellation of the registration of such aircraft.

(2) An application referred to in subregulation (1) shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-ARM; and
- (b) accompanied by -

(i) if the holder in whose name the aircraft is registered -

- (aa) is an individual and is deceased, and an executor has been appointed, a copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965;
- (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936; or
- (cc) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973, or the Close Corporations Act, 1988, as the case may be; and

(ii) the appropriate fee as prescribed in Part 187.

- (3) If a Namibian registered aircraft -
- (a) is destroyed, lost or stolen;
  - (b) becomes permanently useless as an aircraft; or
  - (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned shall apply to the Director for the cancellation of such certificate of registration, and in addition, shall give provisional notice in writing to the Director within 30 days from the date on which such event occurred, of his, her or its intention to apply for such cancellation.

- (4) An application referred to in subregulation (3) shall be -
- (a) made in the appropriate form as prescribed in Document NAM-CATS-ARM; and
  - (b) accompanied by -
    - (i) the original of the last certificate of registration;
    - (ii) if the holder in whose name the aircraft is registered -
      - (aa) is an individual and is deceased, and an executor has been appointed, a copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965;
      - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936; or
      - (cc) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973, or the Close Corporations Act, 1988, as the case may be; and
    - (iii) the appropriate fee as prescribed in Part 187.

### **Cancellation of registration**

**47.00.12** (1) An aircraft shall remain registered on the register until the registration of such aircraft is cancelled by the Director.

(2) The Director shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if the Director is satisfied -

- (a) as to the occurrence of any of the events referred to in regulation 47.00.11(1) and (3); or
- (b) that the certificate of registration has expired in terms of regulation 47.00.10(4) without having received an application referred to in regulation 47.00.11(2).

(3) A certificate of cancellation referred to in subregulation (2) shall be issued on the appropriate form as prescribed in Document NAM-CATS-ARM.

### **Duration of certificate of registration**

**47.00.13** (1) A certificate of registration shall remain in force until -

- (a) it expires in terms of regulation 47.00.10(4); or

- (b) the registration of the aircraft in respect of which such certificate of registration was issued, is cancelled by the Director.

(2) The holder of a certificate of registration which has expired, shall surrender the certificate of registration to the Director within 14 days from the date of expiry.

#### **Register of Namibian aircraft**

**47.00.14** (1) The Director shall maintain a register of Namibian aircraft.

(2) The register shall contain the following particulars:

- (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 telephone and telefax numbers of the holder of the certificate of registration;
- (d) the date on which the aircraft was registered on the register for the first time;
- (e) particulars of the model, serial number and maximum certificated mass of the aircraft;
- (f) the nationality and registration mark of the aircraft; and
- (g) the airworthiness category of the aircraft.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date of registration, 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.

#### **Repeal of existing regulations**

**47.00.15** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 12 and 13 of the Air Navigation Regulations, 1976 as amended, are hereby repealed.

**PART 61**

**PERSONNEL : PILOT LICENSING  
(VOLUME I)**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 61.01.1 Applicability
- 61.01.2 Authority to act as pilot
- 61.01.3 Pilot licences
- 61.01.4 Ratings and certificates for pilots and flight instructors
- 61.01.5 Category ratings
- 61.01.6 Class ratings
- 61.01.7 Type ratings
- 61.01.8 Ratings for special purposes
- 61.01.9 Simulator flight instructor certificates
- 61.01.10 Validation of licence issued by appropriate authority
- 61.01.11 Credit for military service
- 61.01.12 Conversion of pilot licence issued by appropriate authority
- 61.01.13 Competency
- 61.01.14 Medical fitness
- 61.01.15 Language
- 61.01.16 Logbooks
- 61.01.17 Curtailment of privileges of licence holders aged 60 years or more
- 61.01.18 Retesting after failure
- 61.01.19 Requirements for skill tests
- 61.01.20 Suspension and cancellation of licence and appeal
- 61.01.21 Change of name or address
- 61.01.22 Voluntary surrender or replacement of licence
- 61.01.23 Duplicate pilot licence
- 61.01.24 Crediting of flight time
- 61.01.25 Designation of pilots
- 61.01.26 Designation of examiners
- 61.01.27 Documentation
- 61.01.28 Register of licences

- 61.01.29 Aviation training organisation
- 61.01.30 Integrated training
- 61.01.31 Unauthorised conduct
- 61.01.32 Duties of pilot
- 61.01.33 Repeal of existing regulations

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

**61.01.1** This Part shall apply to -

- (a) the issuing of licences certificates and ratings for pilots, the privileges and limitations of such licences certificates and ratings, and matters related thereto; and
- (b) the validation of foreign pilot licences certificates and ratings and the privileges and limitations of such validations.

**Authority to act as pilot**

**61.01.2** (1) No person shall act as a pilot of a Namibian registered aircraft unless such person holds a valid -

- (a) appropriate pilot licence and rating issued, renewed or reissued by the Director in terms of this Part; or
- (b) pilot licence and rating issued by an appropriate authority and validated by the Director in terms of this Part.

(2) No person shall act as a pilot of a foreign registered aircraft within Namibia unless such person holds a valid pilot licence and rating issued or validated by the State of Registry.

(3) Subject to the provisions of subregulation (4), the holder of a pilot licence shall not exercise privileges other than the privileges granted by the appropriate licence and rating held by such holder.

(4) The holder of a pilot licence, including a student pilot licence, who receives training for the purpose of applying for the appropriate type rating, may act as pilot-in-command of an aircraft in respect of which he or she does not hold such rating: Provided that -

- (a) the flight is not for remuneration;
- (b) no passengers or cargo are transported in the aircraft; and
- (c) the training is conducted by the holder of an appropriate valid flight instructor rating who holds an appropriate valid type rating.

**Pilot licences**

**61.01.3** The pilot licences are -

- (a) a student pilot licence;
- (b) a private pilot licence (aeroplane);
- (c) a private pilot licence (helicopter);
- (d) a commercial pilot licence (aeroplane);
- (e) a commercial pilot licence (helicopter);
- (f) an airline transport pilot licence (aeroplane);
- (g) an airline transport pilot licence (helicopter);
- (h) a microlight aeroplane pilot licence;
- (i) a glider pilot licence;
- (j) a free balloon pilot licence;
- (k) a free balloon pilot licence for commercial purposes;
- (l) an airship pilot licence;
- (m) an airship pilot licence for commercial purposes;
- (n) a gyroplane pilot licence;

**Ratings and certificates for pilots and flight instructors**

**61.01.4** The ratings and certificates for pilots and flight instructors are -

- (a) a category rating;
- (b) a class rating;
- (c) a type rating;
- (d) a rating for special purposes; and
- (e) a simulator flight instructor certificate.

**Category ratings**

**61.01.5** The category ratings comprise -

- (a) aeroplanes;
- (b) helicopters;
- (c) microlight aeroplanes;
- (d) gliders;
- (e) free balloons;
- (f) airships; and
- (g) gyroplanes.

**Class ratings**

**61.01.6** (1) The class ratings comprise -

- (a) in the case of aeroplanes -
  - (i) single-engine, land;
  - (ii) single-engine, sea;
  - (iii) multi-engine, land; and
  - (iv) multi-engine, sea;
- (b) in the case of helicopters -
  - (i) single-engine helicopters; and
  - (ii) multi-engine helicopters;
- (c) in the case of microlight aeroplanes -
  - (i) three axis controlled microlight aeroplanes; and
  - (ii) mass shift controlled microlight aeroplanes;
- (d) in the case of gliders -
  - (i) gliders and
  - (ii) motor gliders;
- (e) free balloons;
- (f) in the case of airships -
  - (i) rigid airships and
  - (ii) non-rigid airships; and
- (g) gyroplanes.

(2) The issuing of any type rating referred to in regulation 61.01.7, shall include 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.

(3) For the purposes of the regulations in this Part, a multi-engine centreline thrust aeroplane is deemed to be a single-engine aeroplane.

### Type ratings

- 61.01.7** (1) The type ratings for aircraft comprise -
- (a) group type ratings for aeroplanes, gliders, microlight aeroplanes and free balloons;
  - (b) type ratings by name for aeroplanes, helicopters, gyroplanes and other aircraft.
- (2) Group type ratings for piston-engine aeroplanes comprise -
- (a) a group type rating for single-engine aeroplanes with a maximum certificated mass of 2 700 kilograms or less; and
  - (b) a group type rating for single-engine and multi-engine aeroplanes with a maximum certificated mass of 5 700 kilograms or less.
- (3) Type ratings by name for aeroplanes comprise -
- (a) a rating by name for each type of piston-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms, indicating its variants, if applicable;
  - (b) a rating by name for each turbo-propeller and turbojet aeroplane, indicating its variants, if applicable;
  - (c) a rating by name for each type of aeroplane with unconventional handling characteristics that requires additional flying or simulator training, indicating its variants, if applicable; and
  - (d) a rating by name for each multi-pilot aeroplane, indicating its variants, if applicable.
- (4) Type ratings for helicopters comprise a rating by name for each type of helicopter.
- (5) Group type ratings for gliders comprise -
- (a) a group type rating for gliders; and
  - (b) a group type rating for motor gliders.
- (6) Group type ratings for microlight aeroplanes comprise -
- (a) a group type rating for three axis controlled microlight aeroplanes; and
  - (b) a group type rating for mass shift controlled microlight aeroplanes.
- (7) Group type ratings for free balloons comprise -
- (a) a group type rating for free balloons up to and including 7 080 m<sup>3</sup> or 250 000 ft<sup>3</sup> in size, as the case may be; and
  - (b) a group type rating for free balloons larger than 7 080 m<sup>3</sup> or 250 000 ft<sup>3</sup> in size, as the case may be.
- (8) Type ratings for other aircraft comprise a rating by name for each type of aircraft.
- (9) The Director shall establish the different type ratings for aircraft in accordance with the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

(10) The issuing of any type rating shall include the issuing of the appropriate group type rating, where applicable.

### Ratings for special purposes

**61.01.8** (1) The ratings for special purposes in respect of the appropriate licence comprise -

- (a) an instrument rating;
- (b) a flight instructor rating;
- (c) a night rating;
- (d) a tug pilot rating;
- (e) an external-load rating (helicopter);
- (f) a winching rating (helicopter);
- (g) a game or livestock cull rating (helicopter);
- (h) an agricultural pilot rating; and
- (i) To examine particularly glide

(2) Flight instructor ratings comprise -

(a) Category A -

- (i) a Grade I aeroplane flight instructor rating;
- (ii) a Grade II aeroplane flight instructor rating; and
- (iii) a Grade III aeroplane flight instructor rating;

(b) Category B -

- (i) a Grade I helicopter flight instructor rating;
- (ii) a Grade II helicopter flight instructor rating; and
- (iii) a Grade III helicopter flight instructor rating; and

(c) Category C -

- (i) a Grade I microlight aeroplane flight instructor rating;
- (ii) a Grade II microlight aeroplane flight instructor rating;
- (iii) a glider flight instructor rating;
- (iv) a Grade I free balloon flight instructor rating;
- (v) a Grade II free balloon flight instructor rating;
- (vi) a Grade I airship flight instructor rating;
- (vii) a Grade II airship flight instructor rating;
- (viii) a Grade I gyroplane flight instructor rating; and
- (ix) a Grade II gyroplane flight instructor rating;

(d) type rating instructor for multi-pilot aircraft with a certificated mass-exceeding 5700 kg.

### Simulator flight instructor certificates

**61.01.9** The simulator flight instructor certificates comprise -

- (a) an aeroplane simulator flight instructor certificate; and
- (b) a helicopter simulator flight instructor certificate.

### Validation of licence issued by appropriate authority

**61.01.10** (1) The holder of a licence or rating issued by an appropriate authority, who desires to act as a pilot of a Namibian registered aircraft, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61, for a validation of such licence or rating.

(2) The application for a validation referred to in subregulation (1) shall be accompanied by -

- (a) the appropriate fee as prescribed in Part 187;
- (b) a copy of the licence and rating to which the validation pertains;
- (c) a valid medical certificate; and
- (d) in the case of an application for the validation of a licence and rating for the purpose of being employed as a pilot in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence and rating issued by an appropriate authority may be validated by the Director -

- (a) subject to the same restrictions which apply to such licence and rating;
- (b) in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-FCL 61; and
- (c) on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(4) A validation issued by the Director shall be 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 licence and rating issued by the appropriate authority concerned; or
- (c) the period of validity of the valid medical certificate contemplated in subregulation (2)(c); or
- (d) the period of validity of the employment permit of the applicant,

whichever period is the lesser period.

(5) The holder of a validation issued by the Director may, subject to the provisions of subregulation (6), apply to the Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew the validation for the same appropriate period referred to in subregulation (4), in the circumstances and on the conditions as prescribed in Document NAM-CATS-FCL 61: Provided that a validation, the privileges of which are to be exercised for the purpose of being employed as a pilot in Namibia, shall not be renewed for a period which exceeds a period of 24 months calculated from the date on which the validation was issued.

(7) The holder of a validation issued by the Director shall comply with the provisions prescribed in this Part and the requirements and conditions as prescribed in Document NAM-CATS-FCL 61.

(8) The Director may validate a flight instructor rating issued by an appropriate authority, to authorise the holder thereof to conduct training on a particular type of aircraft to which the rating pertains, if no holder of a flight instructor rating issued in terms of this Part is available to conduct such training.

#### **Credit for military service**

**61.01.11** (1) Pilots qualified in the Namibian Defence Force, may apply to the Director for the issuing of a pilot licence and rating prescribed in this Part.

(2) An applicant for a private pilot licence shall have -

- (a) passed that part of the theoretical knowledge examination which deals with air law;
- (b) undergone the skill 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 shall have -

- (a) passed the theoretical knowledge examination;
- (b) undergone the skill test; and
- (c) complied with all other requirements,

prescribed for the issuing of a commercial pilot licence or airline transport pilot licence, as the case may be, in terms of this Part.

(4) An application contemplated in subregulation (1) shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) employment of the applicant in the Namibian Defence 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) proof that the applicant has passed the theoretical knowledge examination, or part thereof, as the case may be;
  - (v) the skill test report as prescribed 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 Director shall credit the experience gained by an applicant in the Namibian Defence Force, towards the issuing of a pilot licence and rating.

#### **Conversion of pilot licence issued by appropriate authority**

**61.01.12** (1) The holder of a pilot licence and rating issued by an appropriate authority, may apply to the Director for a conversion of the licence and rating.

(2) An application for a conversion of the licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the pilot licence and rating to which the conversion pertains;

- (ii) an appropriate valid medical certificate;
- (iii) two recent passport size photographs of the applicant; and
- (iv) the appropriate fee as prescribed in Part 187.

(3) The Director may, subject to the conditions, rules, requirements, procedures or standards prescribed in Document NAM-CATS-FCL 61, convert the licence and rating.

(4) The licence and rating shall be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### **Competency**

**61.01.13** No holder of a pilot licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

### **Medical fitness**

**61.01.14** An applicant for, or the holder of, a pilot licence shall obtain an appropriate medical certificate issued in terms of Part 67.

### **Language**

**61.01.15** The holder of a pilot licence issued under this Part shall have sufficient ability in reading, speaking and understanding the English language to enable the holder to carry out his or her responsibilities as a pilot adequately.

### **Logbooks**

**61.01.16** (1) The holder of a pilot licence shall maintain a logbook and shall record therein all flight time spent as a pilot.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook shall be maintained, shall be as prescribed in Document NAM-CATS-FCL 61.

### **Curtailement of privileges of licence holders aged 60 years or more**

**61.01.17** No holder of a pilot licence who has attained the age of 60 years shall act as pilot-in-command of an aircraft engaged in any commercial air transport operations.

### **Retesting after failure**

**61.01.18** An applicant for the issuing of a pilot licence or the issuing, renewal or reissuing of a rating, who fails a theoretical knowledge examination, required for such licence or rating, may apply for retesting after the appropriate period specified in Document NAM-CATS-FCL 61.

### **Requirements for skill tests**

- 61.01.19** (1) A candidate for a skill test prescribed in this Part shall -
- (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 flight instructor or examiner prior to the skill test, if applicable;
  - (c) have successfully completed the appropriate training; and
  - (d) have acquired the appropriate experience.

(2) A candidate for a skill test prescribed in this Part shall have a training certificate, signed by a flight instructor who certifies that the candidate -

- (a) has received and logged training time within 60 days preceding the date of the skill test in preparation for the skill test;
- (b) is prepared for the skill 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, as the case may be, shall, prior to conducting the skill test concerned, ensure that the candidate -

- (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 skill test, proficiency check or other test or check as required by this Part, may be conducted in an approved simulator.

#### **Suspension and cancellation of licence and appeal**

**61.01.20** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a pilot licence, rating or validation if -

- (a) it is evident that the holder of the licence, rating or validation 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 suspension is necessary in the interests of aviation safety.

(2) The authorized officer, inspector or authorized person who has suspended a licence, rating or validation in terms of subregulation (1), shall deliver a report in writing to the Director stating the reasons why the a pilot licence, rating or validation was suspended.

(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 licence, rating or validation which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating or validation whose licence, rating or validation 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 the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

**Change of name or address**

- 61.01.21** (1) If a pilot licence and rating issued in terms of this Part -
- (a) does not correctly reflect the name or address of the holder thereof; or
  - (b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the day on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

- (a) made in the appropriate form as prescribed 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 Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

- (a) issue a new licence and rating 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 the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

**Voluntary surrender or replacement of licence**

**61.01.22** (1) The holder of a pilot licence and rating may voluntarily surrender the licence and rating for the purpose of -

- (a) the cancellation thereof;
- (b) the replacement thereof by a lower grade licence or rating; or
- (c) the removal of a rating therefrom.

(2) The holder of a pilot licence and rating who wishes to surrender the licence and rating as contemplated in subregulation (1), shall notify the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) The notification referred to in subregulation (2), shall be accompanied by -

- (a) the licence and rating;
- (b) in the case of a surrender for the purpose contemplated in subregulation (1)(b), proof of compliance with the requirements

prescribed in this Part for the issuing of the lower grade licence or rating;

- (i) two passport size photographs of the holder, if applicable; and
- (ii) the appropriate fee prescribed in Part 187.

(4) The Director shall, upon receipt of the notification referred to in subregulation (2) -

- (a) in the case of a surrender contemplated in subregulation (1)(a), cancel the licence and rating;
- (b) in the case of a surrender contemplated in subregulation (1)(b), replace the licence and rating with the appropriate lower grade licence and rating, if the holder complies with the requirements prescribed in this Part for the issuing of such lower grade licence or rating; and
- (c) in the case of a surrender contemplated in subregulation (1)(c), replace the licence and rating with a new licence and rating.

### **Duplicate pilot licence**

**61.01.23** (1) The holder of a pilot licence and rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

- (a) made in the appropriate form as prescribed 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.

(3) The Director shall -

- (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" thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith 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 shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

### **Crediting of flight time**

**61.01.24** (1) A student pilot shall be entitled to be credited with the total flight time during which he or she was instructed, towards the experience required for a private pilot licence or other applicable pilot licence.

- (2) (a) A private pilot shall be entitled to be credited with the total flight time during which he or she acted as pilot-in-command, towards the total flight time required for a higher grade pilot licence.
- (b) A private pilot, when acting as co-pilot in an aircraft normally required to be operated with a co-pilot, shall be entitled to be credited with not more than 50 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a commercial pilot licence: Provided that the flight time so credited shall not exceed 20 hours.
- (3) A commercial pilot or an airline transport pilot shall be entitled to be credited with the total flight time during which he or she acted as pilot-in-command.
- (4) A commercial pilot, when acting as co-pilot in -
- (a) an aircraft normally required to be operated with a co-pilot; or
- (b) in a multi-engine aircraft requiring a type rating by name not normally required to be operated with a co-pilot,
- shall be entitled to be credited with not more than 50 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a higher grade pilot licence.
- (5) A commercial pilot, when acting as a third pilot in an aircraft with a maximum certificated mass of 116 600 kilograms or more and who is the holder of the appropriate type rating for that aircraft, shall be entitled to be credited with not more than 33 per cent of the total flight time during which he or she acted as such, towards the total flight time required for a higher grade pilot licence.
- (6) An airline transport pilot shall be entitled to 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.
- (7) The holder of a microlight aeroplane pilot licence, a glider pilot licence or a gyroplane pilot licence, shall be entitled to be credited with not more than 25 hours flight time acquired in a microlight aeroplane, a glider or a gyroplane, towards the total flight time prescribed for the issuing of the appropriate higher grade pilot licence.
- (8) A graduate of an approved airline transport pilot integrated training course, shall be 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.
- (9) A graduate of an approved commercial pilot licence (instrument rating) integrated training course shall be 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.
- (10) An applicant for the issuing of a commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane), and an applicant for the issuing or renewal of a type rating for an aeroplane, shall have acquired the appropriate flight time required by this Part in aeroplanes, unless he or she is the holder of a valid pilot licence (helicopter), where, in any such case, he or she may -
- (a) have acquired 50 per cent of the required flight time in aeroplanes; and

- (b) have acquired the remaining 50 per cent of the required flight time in helicopters in the ratio of two helicopter hours equals one aeroplane hour.

(11) An applicant for the issuing of a commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter), and an applicant for the issuing or renewal of a type rating for a helicopter, shall have acquired the appropriate flight time required by this Part in helicopters, unless he or she is the holder of a valid pilot licence (aeroplane) where in any such case, he or she may -

- (a) have acquired 50 per cent of the required flight time in helicopters; and
- (b) have acquired the remaining 50 per cent of the required flight time in aeroplanes in the ratio of two aeroplane hours equals one helicopter hour.

(12) 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, shall be entitled to be credited with the instrument flight time thus acquired.

(13) Dual instruction time shall be counted in full towards the total flight time required for a higher grade pilot licence.

#### **Designation of pilots**

**61.01.25** The Director may designate a pilot to conduct the training and tests, in the circumstances and subject to the conditions, requirements, rules, procedures or standards, as prescribed in Document NAM-CATS-FCL 61.

#### **Designated examiners**

**61.01.26** (1) The Director may appoint a person as a designated examiner to -

- (a) conduct skill tests and issue skill test reports required for the issuing of pilot licences;
- (b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal and reissuing of ratings and certificates; and
- (c) issue temporary rating certificates.

(2) The privileges referred to in subregulation (1) shall be exercised and performed according to the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

(3) The Director shall sign and issue to each designated examiner a document which shall 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).

(4) Notwithstanding any provision to the contrary in this Part, a designated examiner may act as pilot-in-command and as flight instructor in any aircraft type for which he or she holds a valid group type rating.

**Documentation**

**61.01.27** The Director shall ensure that a pilot licence and rating is issued in such a manner that the holder's operating capacity and validity thereof may readily be determined by any appropriate authority.

**Register of licences**

**61.01.28** (1) The Director shall maintain a register of all pilot licences issued or validated, and ratings issued, renewed, reissued or validated, 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 licence;
- (b) the postal and residential address of the holder of the licence;
- (c) the telephone and telefax numbers 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 particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or validated, or rating was issued, renewed, reissued or validated, or cancelled, as the case may be, 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.

**Aviation training organisation**

**61.01.29** Training as required by this Part shall only be provided by -

- (a) an aviation training organisation approved in terms of Part 141; or
- (b) a foreign aviation training organisation approved by the Director.

**Integrated training**

**61.01.30** Any integrated training shall be conducted in accordance with the conditions, requirements, rules, procedures or standards as prescribed in Document NAM-CATS-FCL 61.

**Unauthorised conduct**

**61.01.31** (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

- (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 Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

- (a) disqualification in the subject concerned;
- (b) disqualification in any or all subjects already passed; and
- (c) disbarment from taking further examinations for a period not exceeding 12 months.

#### **Duties of pilot**

**61.01.32** A pilot shall -

- (a) carry the pilot licence and rating issued to him or her, on his or her person when exercising the privileges thereof;
- (b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and
- (c) produce such licence and rating to the authorised representative of an appropriate authority if so requested by such representative.

#### **Repeal of existing regulations**

**61.01.33** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 1, 2, 3, 4, 5, 7, 8, 9 and 25 of the Air Navigation Regulations, 1976, as amended, relating to pilots, are hereby repealed.

**PART 61**

**PERSONNEL : PILOT LICENSING  
(VOLUME II)**

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- 61.15.10 Rating for special purposes
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**SUBPART 2****STUDENT PILOT LICENCE****Requirements for student pilot licence**

- 61.02.1** An applicant for the issue of a student pilot licence shall -
- (a) be not less than 16 years of age;
  - (b) in case of a glider student licence be not less than 14 years of age provided that the holder of a glider student pilot licence may not fly solo until he or she attains the age of 16; and
  - (c) hold at least a valid Class 2 medical certificate issued in terms of Part 67.

**Application for student pilot licence**

- 61.02.2** An application for a student pilot licence shall be -
- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Issuing of student pilot licence**

- 61.02.3** (1) The Director shall issue a student pilot licence if the applicant - complies with the requirements referred to in regulation 61.02.1.
- (2) A student pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.
- (3) Upon the issuing of a student pilot licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

**Training**

**61.02.4** The holder of a student pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61, prior to his or her first solo flight.

**Theoretical knowledge examination**

**61.02.5** The holder of a student pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61, prior to his or her first solo cross-country flight.

**Certificate of competency**

- 61.02.6** (1) If, on going solo, the holder of a student pilot licence is not the holder of 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, wherein it is certified 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) shall be valid for a period of three months calculated from the date on which such certificate was issued.

#### **Period of validity**

**61.02.7** A student pilot licence shall be valid for the period for which the medical certificate held by the holder of the licence is valid

#### **Privileges and limitations of student pilot licence**

**61.02.8** (1) The holder of a valid student pilot licence shall only be entitled to fly solo for the purpose of training for the applicable pilot licence -

- (a) in the type of aircraft in which he or she is undergoing training;
- (b) after being authorised thereto and while under supervision, as prescribed in subregulation (2);
- (c) without carrying any passengers;
- (d) on a flight other than an international flight; and
- (e) in VMC by day.

(2) A student pilot shall not fly -

- (a) unless authority is granted in writing in his or her presence, for each flight separately, or for such sequence of flights as prescribed in Document NAM-CATS-FCL 61, as the case may be, when such flight, or sequence of flights, is about to commence, by a flight instructor who conducts the training or supervises a solo flight;
- (b) unless each flight is personally supervised by a flight instructor;
- (c) the appropriate exercise of the syllabus as prescribed in Document NAM-CATS-FCL 61, unless a flight instructor is the pilot-in-command.

- (3) (a) Except in an emergency, no student pilot shall land or take-off in an aeroplane, other than a microlight aeroplane, from an area other than an aerodrome.
- (b) If a student pilot does execute an emergency landing in an aeroplane, other than a microlight aeroplane, on an area other than an aerodrome, only a licensed pilot may fly the aircraft from the area.

#### **Reissue**

**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 61.02.7, may apply to the Director for the reissuing of such licence.

(2) The Director shall reissue 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 61.02.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 3****PRIVATE PILOT LICENCE (AEROPLANE)****Requirements for private pilot licence (aeroplane)**

- 61.03.1** An applicant for the issue a private pilot licence (aeroplane) shall -
- (a) be not less than 17 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid radiotelephony operator's Licence;
  - (d) hold a valid student pilot licence;
  - (e) have acquired the experience referred to in regulation 61.03.2;
  - (f) have successfully completed the training referred to in regulation 61.03.3;
  - (g) have passed the theoretical knowledge examination referred to in regulation 61.03.4; and
  - (h) have undergone the skill test referred to in regulation 61.03.5.

**Experience**

**61.03.2** An applicant for the issue of a private pilot licence (aeroplane) shall have completed not less than 45 hours of flight time in a school approved in accordance with Part 141 as a pilot of an aeroplane, of which -

- (a) at least 25 hours shall be accumulated under dual instruction with a Category A flight instructor;
- (b) at least 10 hours shall be accumulated in solo flight under supervision of the flight instructor, of which five hours shall be cross-country flight time including at least one cross-country flight of 150 nautical miles with not less than two full-stop landings at different aerodromes; and
- (c) a maximum of five hours may be acquired in a simulator.

**Training**

**61.03.3** An applicant for the issue of a private pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.03.4** An applicant for the issue of a private pilot licence (aeroplane) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.03.5** (1) An applicant for the issue of a private pilot licence (aeroplane) shall have demonstrated to a Category A, Grade II or Grade I flight instructor, or a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed 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).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.03.4 and within the 90 days immediately preceding the date of application.

**Application for private pilot licence (aeroplane)**

**61.03.6** An application for the issue of a private pilot licence (aeroplane) shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of private pilot licence (aeroplane)**

**61.03.7** (1) The Director shall issue a private pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.03.1.

(2) A private pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a private pilot licence (aeroplane), the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her student pilot licence to the Director for cancellation.

**Period of validity**

**61.03.8** A private pilot licence (aeroplane) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.03.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of private pilot licence (aeroplane)**

**61.03.9** (1) The holder of a valid private pilot licence (aeroplane) shall be entitled to act, but not for remuneration, as pilot-in-command or co-pilot of any aeroplane engaged in non-revenue flights for which he or she is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.03.10(1), if the holder holds the appropriate valid rating.

(3) 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 an aeroplane, in which case the flight is deemed to be a non-revenue flight.

**Ratings for special purposes**

**61.03.10** (1) The ratings for special purposes associated with a private pilot licence (aeroplane) are -

- (a) an instrument rating;
- (b) a night rating;
- (c) a flight test rating;
- (d) a tug pilot rating; and
- (e) a safety pilot rating.

(2) An application for any rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 31, 32, 34, or 40.

### **Maintenance of competency**

**61.03.11** (1) The holder of a private pilot licence (aeroplane) shall 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 on which such passengers are to be transported, executed not less than three take-offs and three landings in an aeroplane of the same type or similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a similar type simulator appropriate to the type.

(2) The holder of a private pilot licence (aeroplane) shall not act as pilot-in-command of an aeroplane transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three take-offs and three landings by night in an aeroplane of the same type or similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a similar type simulator appropriate to the type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a private pilot licence (aeroplane) shall 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 Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator, or in an aeroplane, in IMC or simulated IMC;  
or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 4****PRIVATE PILOT LICENCE (HELICOPTER)****Requirements for private pilot licence (helicopter)**

- 61.04.1** An applicant for the issue of a private pilot licence (helicopter) shall -
- (a) be not less than 17 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid restricted radiotelephony operator's certificate;
  - (d) hold a valid student pilot licence;
  - (e) have acquired the experience referred to in regulation 61.04.2;
  - (f) have successfully completed the training referred to in regulation 61.04.3;
  - (g) have passed the theoretical knowledge examination referred to in regulation 61.04.4; and
  - (h) have undergone the skill test referred to in regulation 61.04.5.

**Experience**

**61.04.2** An applicant for the issue of a private pilot licence (helicopter) shall have completed not less than 45 hours of flight time in school approve in accordance with Part 141 as a pilot of a helicopter of which -

- (a) at least 25 hours shall be accumulated under dual instruction with a Category B flight instructor;
- (b) at least 10 hours shall be accumulated in solo flight under supervision of the flight instructor, of which five hours shall be cross-country flight time including at least one cross-country flight of 100 nm with not less than two full-stop landings at two different aerodromes; and
- (c) a maximum of five hours may be acquired in a simulator.

**Training**

**61.04.3** An applicant for the issue of a private pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.04.4** An applicant for the issue of a private pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.04.5** (1) An applicant for the issue of a private pilot licence (helicopter) shall have demonstrated to a Category B, Grade II or Grade I flight instructor, or a designated examiner, the ability to perform as pilot-in-command of a helicopter, the procedures and manoeuvres as prescribed 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).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.04.4 and within the 90 days immediately preceding the date of application.

**Application for private pilot licence (helicopter)**

**61.04.6** An application for the issue of a private pilot licence (helicopter) shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

#### **Issuing of private pilot licence (helicopter)**

**61.04.7** (1) The Director shall issue a private pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.04.1.

(2) A private pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a private pilot licence (helicopter), the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her student pilot licence to the Director for cancellation.

#### **Period of validity**

**61.04.8** A private pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.04.11; and
- (c) he or she holds an appropriate valid type rating.

#### **Privileges of private pilot licence (helicopter)**

**61.04.9** (1) The holder of a valid private pilot licence (helicopter) shall be entitled to act, but not for remuneration, as pilot-in-command or co-pilot of any helicopter engaged in non-revenue flights for which he or she is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.04.10(1), if the holder holds the appropriate valid rating.

(3) 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.

#### **Ratings for special purposes**

**61.04.10** (1) The ratings for special purposes associated with a private pilot licence (helicopter) are -

- (a) an instrument rating;
- (b) a night rating;
- (c) a flight test rating;

(2) An application for any rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 31, 32 or 33, as the case may be.

**Maintenance of competency**

**61.04.11** (1) The holder of a private pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers or cargo or a combination thereof, by day, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three circuits, including the take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator.

(2) The holder of a private pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding such flight on which such passengers are to be transported, 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 as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a private pilot licence (helicopter) shall 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 Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 5****COMMERCIAL PILOT LICENCE (AEROPLANE)****Requirements for commercial pilot licence (aeroplane)**

**61.05.1** An applicant for the issue of a commercial pilot licence (aeroplane) shall -

- (a) be not less than 18 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) hold a valid private pilot licence (aeroplane), unless the applicant has completed the integrated training referred to in regulation 61.01.30;
- (e) have acquired the experience referred to in regulation 61.05.2;
- (f) have successfully completed the training referred to in regulation 61.05.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.05.4; and
- (h) have undergone the skill test referred to in regulation 61.05.5.

**Experience**

**61.05.2** An applicant for the issue of a commercial pilot licence (aeroplane) shall have completed not less than -

- (a) 200 hours of flight time, which may include 10 hours of flight instruction time in a simulator; or
- (b) 150 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.30:

Provided that the total of 200 hours or 150 hours, as the case may be, shall include -

- (i) in the case of a total of 200 hours, 100 hours as pilot-in-command;
- (ii) in the case of a total of 150 hours, 70 hours as pilot-in-command;
- (iii) 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;
- (iv) five hours of night flying as pilot-in-command, including not less than five take-offs and five landings by night; and
- (v) 10 hours of instrument flight instruction, of which not more than five hours may be acquired in a simulator.

**Training**

**61.05.3** An applicant for the issue of a commercial pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.05.4** An applicant for the issue of a commercial pilot licence (aeroplanc) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.05.5** (1) An applicant for the issue of a commercial pilot licence (aeroplane) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed 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).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 36 months of passing the theoretical knowledge examination referred to in regulation 61.05.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in an aeroplane with variable pitch propellers, adjustable flaps and retractable undercarriage.

**Application for commercial pilot licence (aeroplane)**

**61.05.6** An application for the issue of a commercial pilot licence (aeroplane) shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of commercial pilot licence (aeroplane)**

**61.05.7** (1) The Director shall issue a commercial pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.05.1.

(2) A commercial pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a commercial pilot licence (aeroplane), the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and/or
- (b) surrender his or her private pilot licence (aeroplane) to the Director for cancellation.

**Period of validity**

**61.05.8** A commercial pilot licence (aeroplane) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.05.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of commercial pilot licence (aeroplane)**

**61.05.9** (1) The holder of a valid commercial pilot licence (aeroplane) shall, in the type of aeroplane for which he or she is rated, be entitled to -

- (a) exercise all the privileges of a private pilot licence (aeroplane);
- (b) act as pilot-in-command in any aeroplane operations other than commercial air transport operations;
- (c) act as pilot-in-command in commercial air transport operations in any aeroplane certificated for single-pilot operations;
- (d) act as co-pilot in commercial air transport operations in any aeroplane 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.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.05.10(1), if the holder holds the appropriate valid rating.

### **Ratings for special purposes and certificate**

**61.05.10** (1) The ratings for special purposes and certificate associated with a commercial pilot licence (aeroplane) are -

- (a) an instrument rating;
- (b) a Category A flight instructor rating;
- (c) an aeroplane simulator flight instructor certificate;
- (d) a flight test rating;
- (e) a tug pilot rating; and
- (f) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 18, 19, 20, 21, 32, 33, 34 or 39, as the case may be.

### **Maintenance of competency**

**61.05.11** (1) The holder of a commercial pilot licence (aeroplane) shall 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 on which such passengers are to be transported, executed not less than three take-offs and landings in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type.

(2) The holder of a commercial pilot licence (aeroplane) shall 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 on which such passengers are to be transported, executed not less than three take-offs and landings by night in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a commercial pilot licence (aeroplane) shall 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 Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in an aeroplane, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 6****COMMERCIAL PILOT LICENCE (HELICOPTER)****Requirements for commercial pilot licence (helicopter)**

**61.06.1** An applicant for the issue of a commercial pilot licence (helicopter) shall -

- (a) be not less than 18 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) hold a valid private pilot licence (helicopter);
- (e) have acquired the experience referred to in regulation 61.06.2;
- (f) have successfully completed the training referred to in regulation 61.06.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.06.4; and
- (h) have undergone the skill test referred to in regulation 61.06.5.

**Experience**

**61.06.2** An applicant for the issue of a commercial pilot licence (helicopter) shall have completed not less than -

- (a) 150 hours of flight time, which may include 10 hours of flight instruction time in a simulator; or
- (b) 100 hours of flight time, if he or she has successfully completed the integrated training referred to in regulation 61.01.30:

Provided that the total of 150 hours or 100 hours, as the case may be, shall include -

- (i) 35 hours as pilot-in-command;
- (ii) 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 shall be made;
- (iii) 10 hours of instrument instruction time of which not more than five hours may be acquired in a simulator; and
- (iv) 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.

**Training**

**61.06.3** An applicant for the issue of a commercial pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.06.4** An applicant for the issue of a commercial pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.06.5** (1) An applicant for the issue of a commercial pilot licence (helicopter) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of a helicopter, the procedures and manoeuvres as prescribed 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).

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 36 months of passing the theoretical knowledge examination referred to in regulation 61.06.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a helicopter.

**Application for commercial pilot licence (helicopter)**

**61.06.6** An application for the issue of a commercial pilot licence (helicopter) shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61 Annexure A of Vol. II; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of commercial pilot licence (helicopter)**

**61.06.7** (1) The Director shall issue a commercial pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.06.1.

(2) A commercial pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issue of a commercial pilot licence (helicopter), the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

(4) Shall surrender his or her commercial pilot licence (helicopter) to the Director for cancellation.

**Period of validity**

**61.06.8** A commercial pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.06.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of commercial pilot licence (helicopter)**

**61.06.9** (1) The holder of a valid commercial pilot licence (helicopter) shall, in the type of helicopter for which he or she is rated, be entitled to -

- (a) exercise all the privileges of a private pilot licence (helicopter);
- (b) act as pilot-in-command in any helicopter operations other than commercial air transport operations;

- (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.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.06.10(1), if the holder holds the appropriate valid rating.

#### **Ratings for special purposes and certificate**

**61.06.10** (1) The ratings for special purposes and certificate associated with a commercial pilot licence (helicopter) are -

- (a) an instrument rating;
- (b) a Category B flight instructor rating;
- (c) a helicopter simulator flight instructor certificate;
- (d) a night rating;
- (e) a flight test rating;
- (f) an external-load rating (helicopter);
- (g) a winching rating (helicopter);
- (h) a game or livestock cull rating (helicopter); and
- (i) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 17, 22, 23, 24, 25, 31, 32, 33, 35, 36, 37 or 38, as the case may be.

#### **Maintenance of competency**

**61.06.11** (1) The holder of a commercial pilot licence (helicopter) shall 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 on which such passengers are to be transported, executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator.

(2) The holder of a commercial pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, 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 as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of a commercial pilot licence (helicopter) shall 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 established by the Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 7****AIRLINE TRANSPORT PILOT LICENCE (AEROPLANE)****Requirements for airline transport pilot licence (aeroplane)**

**61.07.1** An applicant for the issue of an airline transport pilot licence (aeroplane) shall -

- (a) be not less than 21 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) hold a valid commercial pilot licence (aeroplane);
- (e) have acquired the experience referred to in regulation 61.07.2;
- (f) have successfully completed the training referred to in regulation 61.07.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.07.4; and
- (h) have undergone the skill test referred to in regulation 61.07.5.

**Experience**

**61.07.2** An applicant for the issue of an airline transport pilot licence (aeroplane) shall have completed, in aeroplanes, not less than 1500 hours of flight time, of which -

- (a) 250 hours shall be as pilot-in-command or not less than 100 hours as pilot-in-command and 150 hours as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;
- (b) 200 hours shall be cross-country flight time, of which not less than 100 hours shall be as pilot-in-command or as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;
- (c) 75 hours shall be instrument time, of which not more than 30 hours may be acquired in a simulator;
- (d) 100 hours shall be night flight time as pilot-in-command or as co-pilot; and
- (e) not more than 100 hours may be acquired in a simulator.

**Training**

**61.07.3** An applicant for the issue of an airline transport pilot licence (aeroplane) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.07.4** An applicant for the issue of an airline transport pilot licence (aeroplane) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.07.5** (1) An applicant for the issue of an airline transport pilot licence (aeroplane) shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of an aeroplane, the procedures and manoeuvres as prescribed 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 shall have undergone the skill test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.07.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a multi-engine aeroplane which is required to be operated with a co-pilot and which has variable pitch propellers or turbine engines, adjustable flaps and retractable undercarriage.

#### **Application for airline transport pilot licence (aeroplane)**

**61.07.6** An application for the issue of an airline transport pilot licence (aeroplane) shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

#### **Issuing of airline transport pilot licence (aeroplane)**

**61.07.7** (1) The Director shall issue an airline transport pilot licence (aeroplane) if the applicant complies with the requirements referred to in regulation 61.07.1.

(2) An airline transport pilot licence (aeroplane) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airline transport pilot licence (aeroplane), the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her commercial pilot licence (aeroplane) to the Director for cancellation.

#### **Period of validity**

**61.07.8** An airline transport pilot licence (aeroplane) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.07.11;
- (c) he or she holds an appropriate valid type rating; and
- (d) he or she holds a valid instrument rating.

#### **Privileges of airline transport pilot licence (aeroplane)**

**61.07.9** (1) The holder of a valid airline transport pilot licence (aeroplane) shall be entitled to -

- (a) exercise all the privileges of a commercial pilot licence (aeroplane);
- (b) act as pilot-in-command or co-pilot of an aeroplane in air transport operations; and
- (c) exercise all the privileges referred to in this subregulation under IFR.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.07.10(1), if the holder holds the appropriate valid rating.

#### **Ratings for special purposes and certificate**

**61.07.10** (1) The ratings for special purposes and certificate associated with an airline transport pilot licence (aeroplane) are -

- (a) a Category A flight instructor rating;
- (b) an aeroplane simulator flight instructor certificate;
- (c) a flight test rating;
- (d) a tug pilot rating, and
- (e) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 18, 19, 20, 21, 32, 33, 34, 38 or 39, as the case may be.

#### **Maintenance of competency**

**61.07.11** (1) The holder of an airline transport pilot licence (aeroplane) shall 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 on which such passengers are to be transported, executed not less than three take-offs and three landings in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type.

(2) The holder of an airline transport pilot licence (aeroplane) shall 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 on which such passengers are to be transported, executed not less than three take-offs and three landings by night in an aeroplane of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator of a similar type: Provided that if the holder complies with the provisions of this subregulation, such holder shall be exempt from the provisions of subregulation (1).

(3) The holder of an airline transport pilot licence (aeroplane) shall 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 Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in an aeroplane, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 8****AIRLINE TRANSPORT PILOT LICENCE (HELICOPTER)****Requirements for airline transport pilot licence (helicopter)**

**61.08.1** An applicant for the issue of an airline transport pilot licence (helicopter) shall -

- (a) be not less than 21 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid radiotelephony operator's Licence;
- (d) hold a valid commercial pilot licence (helicopter);
- (e) have acquired the experience referred to in regulation 61.08.2;
- (f) have successfully completed the training referred to in regulation 61.08.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.08.4; and
- (h) have undergone the skill test referred to in regulation 61.08.5.

**Experience**

**61.08.2** An applicant for the issue of an airline transport pilot licence (helicopter) shall have completed, in helicopters, not less than 1000 hours of flight time, of which -

- (a) 250 hours shall be as pilot-in-command or not less than 100 hours as pilot-in-command and the necessary additional hours as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;
- (b) 200 hours shall be cross-country flight time, of which not less than 100 hours shall be as pilot-in-command or as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command;
- (c) 30 hours shall be instrument time, of which not more than 10 hours may be acquired in a simulator;
- (d) 50 hours shall be night flight time as pilot-in-command or as co-pilot; and
- (e) not more than 100 hours may be acquired in a simulator.

**Training**

**61.08.3** An applicant for the issue of an airline transport pilot licence (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.08.4** An applicant for the issue of an airline transport pilot licence (helicopter) shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.08.5** (1) An applicant for the issue of an airline transport pilot licence (helicopter) shall have demonstrated to a designated examiner, the ability to perform as

pilot-in-command of a helicopter the procedures and manoeuvres as prescribed 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 shall have undergone the skill test referred to in subregulation (1) within 60 months of passing the theoretical knowledge examination referred to in regulation 61.08.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a helicopter which is required to be operated with a co-pilot, or in a simulator.

#### **Application for airline transport pilot licence (helicopter)**

**61.08.6** An application for the issue of an airline transport pilot licence (helicopter) shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

#### **Issuing of airline transport pilot licence (helicopter)**

**61.08.7** (1) The Director shall issue an airline transport pilot licence (helicopter) if the applicant complies with the requirements referred to in regulation 61.08.1.

(2) An airline transport pilot licence (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airline transport pilot licence (helicopter), the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her commercial pilot licence (helicopter) to the Director for cancellation.

#### **Period of validity**

**61.08.8** An airline transport pilot licence (helicopter) shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.08.11;
- (c) he or she holds an appropriate valid type rating; and
- (d) he or she holds a valid instrument rating.

#### **Privileges of airline transport pilot licence (helicopter)**

**61.08.9** (1) The holder of a valid airline transport pilot licence (helicopter) shall be entitled to -

- (a) exercise all the privileges of a commercial pilot licence (helicopter); and
- (b) act as pilot-in-command or co-pilot of a helicopter in air transport operations.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.08.10(1), if the holder holds the appropriate valid rating.

#### **Ratings for special purposes and certificate**

**61.08.10** (1) The ratings for special purposes and certificate associated with an airline transport pilot licence (helicopter) are -

- (a) a Category B flight instructor rating;
- (b) a helicopter simulator flight instructor certificate;
- (c) a night rating;
- (d) a flight test rating;
- (e) an external-load rating (helicopter);
- (f) a winching rating (helicopter);
- (g) a game or livestock cull rating (helicopter); and
- (h) an agricultural pilot rating.

(2) An application for any rating or the certificate referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 22, 23, 24, 25, 31, 32, 33, 35, 36, 37, 38 or 39, as the case may be.

#### **Maintenance of competency**

**61.08.11** (1) The holder of an airline transport pilot licence (helicopter) shall 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 on which such passengers are to be transported, executed not less than three circuits, including take-off and landing, in a helicopter of the same type or a similar type as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator or a simulator type.

(2) The holder of an airline transport pilot licence (helicopter) shall not act as pilot-in-command of a helicopter transporting passengers by night, unless he or she holds a night rating and has, within the 90 days immediately preceding the flight on which such passengers are to be transported, 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 as prescribed in Document NAM-CATS-FCL 61, as that in which such passenger flight is to be undertaken, or in a simulator: Provided that if the holder complies with the provisions of this subregulation, such pilot shall be exempt from the provisions of subregulation (1).

(3) The holder of an airline transport pilot licence (helicopter) shall 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 the Director or any appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in a helicopter, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 9****MICROLIGHT AEROPLANE PILOT LICENCE****Requirements for microlight aeroplane pilot licence**

**61.09.1** An applicant for the issue of a microlight aeroplane pilot licence shall -

- (a) be not less than 16 years of age;
- (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
- (c) hold a valid radiotelephony operator's Licence;
- (d) hold a valid student pilot licence;
- (e) have acquired the experience referred to in regulation 61.09.2;
- (f) have successfully completed the training referred to in regulation 61.09.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.09.4; and
- (h) have undergone the skill test referred to in regulation 61.09.5.

**Experience**

**61.09.2** An applicant for the issue of a microlight aeroplane pilot licence shall have completed not less than 25 hours of flight time as a pilot of a microlight aeroplane, of which at least 10 hours shall be solo flight time, and which shall include -

- (a) one triangular cross-country flight, whether dual or under supervision, and one solo triangular cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
- (b) one triangular 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.

**Training**

**61.09.3** An applicant for the issue of a microlight aeroplane pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.09.4** An applicant for the issue of a microlight aeroplane pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.09.5** (1) An applicant for the issue of a microlight aeroplane pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a microlight aeroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a microlight aeroplane pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.09.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a microlight aeroplane.

**Application for microlight aeroplane pilot licence**

**61.09.6** An application for the issue of a microlight aeroplane pilot licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of microlight aeroplane pilot licence**

**61.09.7** (1) The Director shall issue a microlight aeroplane pilot licence if the applicant complies with the requirements referred to in regulation 61.09.1.

(2) A microlight aeroplane pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a microlight aeroplane pilot licence the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her student pilot licence to the Director for cancellation.

**Period of validity**

**61.09.8** A microlight aeroplane pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.09.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of a microlight aeroplane pilot licence**

**61.09.9** (1) The holder of a microlight aeroplane pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any microlight aeroplane engaged in non-revenue flights for which he or she is type rated, in VMC by day -

- (a) on an international flight, if the prior approval for such flight has been obtained in writing from the appropriate authority of the State to be entered; and
- (b) within controlled airspace, if -
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) continuous radio watch is maintained;
  - (iii) such two-way radio communication as the said unit may require, is established; and
  - (iv) in the case of an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such microlight aeroplane is within such aerodrome traffic zone.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.09.10(1), if the holder holds the appropriate valid rating.

**Rating for special purposes**

**61.09.10** (1) The rating for special purposes associated with a microlight aeroplane pilot licence is a Grade I microlight aeroplane flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 26.

**Maintenance of competency**

**61.09.11** The holder of a microlight aeroplane pilot licence shall not act as pilot-in-command of a microlight aeroplane transporting a passenger 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 take-offs and three landings in a microlight aeroplane of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 10****GLIDER PILOT LICENCE****Requirements for glider pilot licence**

- 61.10.1** An applicant for the issue of a glider pilot licence shall -
- (a) be not less than 16 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid radiotelephony operator's certificate;
  - (d) hold a valid student pilot licence;
  - (e) have acquired the experience referred to in regulation 61.10.2;
  - (f) have successfully completed the training referred to in regulation 61.10.3;
  - (g) have passed the theoretical knowledge examination referred to in regulation 61.10.4; and
  - (h) have undergone the skill test referred to in regulation 61.10.5.

**Experience**

**61.10.2** An applicant for the issue of a glider pilot licence shall 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 shall be solo flight time during which he or she shall perform not less than 20 launches and landings: Provided that if the applicant is the holder of a pilot licence issued in terms of Subpart 3, 5 or 7, as the case may be, he or she shall have completed not less than three hours of flight time, of which not less than one hour shall be solo flight time during which he or she shall perform not less than 10 take-offs and landings.

**Training**

**61.10.3** An applicant for the issue of a glider pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.10.4** An applicant for the issue of a glider pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.10.5** (1) An applicant for the issue of a glider pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a glider, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a glider pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.10.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a Glider.

**Application for glider pilot licence**

**61.10.6** An application for the issuing of a glider pilot licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

### Issuing of glider pilot licence

**61.10.7** (1) The Director shall issue a glider pilot licence if the applicant complies with the requirements referred to in regulation 61.10.1.

(2) A glider pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a glider pilot licence the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her student pilot licence to the Director for cancellation.

### Period of validity

**61.10.8** A glider pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.10.11; and
- (c) he or she holds an appropriate valid type rating.

### Privileges of glider pilot licence

**61.10.9** (1) The holder of a glider pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any glider for which he or she is type rated, in VMC.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for any of the special purposes referred to in regulation 61.10.10(1), in a glider which has been certificated for such use and if the holder holds the appropriate valid rating.

(3) 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.

### Ratings for special purposes

**61.10.10** (1) The ratings for special purposes associated with a glider pilot licence are -

- (a) a glider flight instructor rating; and
- (b) a cloud flying rating.

(2) An application for the ratings referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 27 or 34, as the case may be.

### Maintenance of competency

**61.10.11** The holder of a glider pilot licence shall not act as pilot-in-command of a glider transporting a passenger 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 take-offs and three landings in a glider of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 11****FREE BALLOON PILOT LICENCE****Requirements for free balloon pilot licence**

- 61.11.1** An applicant for the issue of a free balloon pilot licence shall -
- (a) be not less than 16 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid radiotelephony operator's certificate;
  - (d) have acquired the experience referred to in regulation 61.12.2;
  - (e) have successfully completed the training referred to in regulation 61.12.3;
  - (f) have passed the theoretical knowledge examination referred to in regulation 61.12.4; and
  - (g) have undergone the skill test referred to in regulation 61.12.5.

**Experience**

**61.11.2** An applicant for the issue of a free balloon pilot licence shall have completed not less than 16 hours aloft with not less than eight ascents under dual instruction with a Grade I free balloon flight instructor.

**Training**

**61.11.3** An applicant for the issue of a free balloon pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.12.4** An applicant for the issue of a free balloon pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.11.5** (1) An applicant for the issue of a free balloon pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a free balloon, the procedures and manoeuvres as prescribed 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.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.12.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a free balloon.

**Application for free balloon pilot licence**

- 61.11.6** An application for the issuing of a free balloon pilot licence shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of free balloon pilot licence**

**61.11.7** (1) The Director shall issue a free balloon pilot licence if the applicant complies with the requirements referred to in regulation 61.12.1.

(2) A free balloon pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a free balloon pilot licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

**Period of validity**

**61.11.8** A free balloon pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.12.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of free balloon pilot licence**

**61.11.9** (1) The holder of a valid free balloon pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any free balloon engaged in non-revenue flights for which the holder is type rated, in VMC by day.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.12.10(1), if the holder holds the appropriate valid rating.

**Rating for special purposes**

**61.11.10** (1) The rating for special purposes associated with a free balloon pilot licence is a Grade I free balloon flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 28.

**Maintenance of competency**

**61.11.11** The holder of a free balloon pilot licence shall 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 on which such passengers are to be transported, executed not less than three ascents in a free balloon of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 12****FREE BALLOON PILOT LICENCE FOR COMMERCIAL PURPOSES****Requirements for free balloon pilot licence for commercial purposes**

**61.12.1** An applicant for the issuing of a free balloon pilot licence for commercial purposes shall -

- (a) be not less than 18 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) hold a valid free balloon pilot licence;
- (e) have acquired the experience referred to in regulation 61.12.2;
- (f) have successfully completed the training referred to in regulation 61.12.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.12.4; and
- (h) have undergone the skill test referred to in regulation 61.12.5.

**Experience**

**61.12.2** An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have completed not less than 50 hours aloft.

**Training**

**61.12.3** An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.12.4** An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.12.5** (1) An applicant for the issuing of a free balloon pilot licence for commercial purposes shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a free balloon, the procedures and manoeuvres as prescribed 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 shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.12.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a free balloon.

**Application for free balloon pilot licence for commercial purposes**

**61.12.6** An application for the issuing of a free balloon pilot licence for commercial purposes shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of free balloon pilot licence for commercial purposes**

**61.12.7** (1) The Director shall issue a free balloon pilot licence for commercial purposes if the applicant complies with the requirements referred to in regulation 61.12.1.

(2) A free balloon pilot licence for commercial purposes shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a free balloon pilot licence for commercial purposes the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

**Period of validity**

**61.12.8** A free balloon pilot licence for commercial purposes shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.12.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of free balloon pilot licence for commercial purposes**

**61.12.9** (1) The holder of a valid free balloon pilot licence for commercial purposes shall be entitled to -

- (a) exercise all the privileges of a free balloon pilot licence; and
- (b) act as pilot-in-command in commercial air transport operations, in any free balloon which has been certificated for use in such commercial air transport operations and for which the holder is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.12.10(1), if the holder holds the appropriate valid rating.

**Rating for special purposes**

**61.12.10** (1) The rating for special purposes associated with a free balloon pilot licence for commercial purposes is a Grade I free balloon flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 28.

**Maintenance of competency**

**61.13.11** The holder of a free balloon pilot licence for commercial purposes shall 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 on which such passengers are to be transported, executed not less than three ascents in a free balloon of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 13****AIRSHIP PILOT LICENCE****Requirements for airship pilot licence**

- 61.13.1** An applicant for the issuing of an airship pilot licence shall -
- (a) be not less than 17 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid restricted radiotelephony operator's certificate;
  - (d) hold a valid student pilot licence;
  - (e) have acquired the experience referred to in regulation 61.13.2;
  - (f) have successfully completed the training referred to in regulation 61.13.3;
  - (g) have passed the theoretical knowledge examination referred to in regulation 61.13.4; and
  - (h) have undergone the skill test referred to in regulation 61.13.5.

**Experience**

**61.13.2** An applicant for the issuing of an airship pilot licence shall have completed not less than 16 hours aloft with not less than eight ascents under dual instruction with a Grade I airship flight instructor.

**Training**

**61.13.3** An applicant for the issuing of an airship pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.13.4** An applicant for the issuing of an airship pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.13.5** (1) An applicant for the issuing of an airship pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airship pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.13.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in an airship.

**Application for airship pilot licence**

- 61.13.6** An application for the issuing of an airship pilot licence shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of airship pilot licence**

- 61.13.7** (1) The Director shall issue an airship pilot licence if the applicant -
- (a) complies with the requirements referred to in regulation 61.13.1.
- (2) An airship pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.
- (3) Upon the issuing of a an airship pilot licence the holder thereof shall -
- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
  - (b) surrender his or her student pilot licence to the Director for cancellation.

**Period of validity**

- 61.13.8** An airship pilot licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -
- (a) he or she holds a valid Class 2 medical certificate issued in terms of Part 67;
  - (b) he or she complies with the provisions of regulation 61.13.11; and
  - (c) he or she holds an appropriate valid type rating.

**Privileges of airship pilot licence**

- 61.13.9** (1) The holder of a valid airship pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any airship engaged in non-revenue flights for which the holder is type rated, in VMC by day.
- (2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.13.10(1), if the holder holds the appropriate valid rating.

**Rating for special purposes**

- 61.13.10** (1) The rating for special purposes associated with an airship pilot licence is a Grade I airship flight instructor rating.
- (2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 29.

**Maintenance of competency**

- 61.13.11** The holder of an airship pilot licence shall not act as pilot-in-command of an airship transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in an airship of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 14****AIRSHIP PILOT LICENCE FOR COMMERCIAL PURPOSES****Requirements for airship pilot licence for commercial purposes**

**61.14.1** An applicant for the issuing of an airship pilot licence for commercial purposes shall -

- (a) be not less than 18 years of age;
- (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
- (c) hold a valid general radiotelephony operator's certificate;
- (d) hold a valid airship pilot licence;
- (e) have acquired the experience referred to in regulation 61.14.2;
- (f) have successfully completed the training referred to in regulation 61.14.3;
- (g) have passed the theoretical knowledge examination referred to in regulation 61.14.4; and
- (h) have undergone the skill test referred to in regulation 61.14.5.

**Experience**

**61.14.2** An applicant for the issuing of an airship pilot licence for commercial purposes shall have completed not less than 50 hours aloft.

**Training**

**61.14.3** An applicant for the issuing of an airship pilot licence for commercial purposes shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.14.4** An applicant for the issuing of an airship pilot licence for commercial purposes shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.14.5** (1) An applicant for the issuing of an airship pilot licence for commercial purposes shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of an airship, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an airship pilot licence for commercial purposes.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.14.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in an airship.

**Application for airship pilot licence for commercial purposes**

**61.14.6** An application for the issuing of an airship pilot licence for commercial purposes shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

#### **Issuing of airship pilot licence for commercial purposes**

**61.14.7** (1) The Director shall issue an airship pilot licence for commercial purposes if the applicant complies with the requirements referred to in regulation 61.14.1.

(2) An airship pilot licence for commercial purposes shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of an airship pilot licence for commercial purposes the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

#### **Period of validity**

**61.14.8** An airship pilot licence for commercial purposes shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.14.11; and
- (c) he or she holds an appropriate valid type rating.

#### **Privileges of airship pilot licence for commercial purposes**

**61.14.9** (1) The holder of a valid airship pilot licence for commercial purposes shall be entitled to -

- (a) exercise all the privileges of an airship pilot licence; and
- (b) act as pilot-in-command in commercial air transport operations, in any airship which has been certificated for use in such commercial air transport operations and for which the holder is type rated.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.14.10(1), if the holder holds the appropriate valid rating.

#### **Rating for special purposes**

**61.14.10** (1) The rating for special purposes associated with an airship pilot licence for commercial purposes is a Grade I airship flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 29.

#### **Maintenance of competency**

**61.14.11** The holder of an airship pilot licence for commercial purposes shall not act as pilot-in-command of an airship transporting passengers unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported, executed not less than three ascents in an airship of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 15****GYROPLANE PILOT LICENCE****Requirements for gyroplane pilot licence**

- 61.15.1** An applicant for the issuing of a gyroplane pilot licence shall -
- (a) be not less than 17 years of age;
  - (b) hold at least a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) hold a valid restricted radiotelephony operator's certificate;
  - (d) hold a valid student pilot licence;
  - (e) have acquired the experience referred to in regulation 61.15.2;
  - (f) have successfully completed the training referred to in regulation 61.15.3;
  - (g) have passed the theoretical knowledge examination referred to in regulation 61.15.4; and
  - (h) have undergone the skill test referred to in regulation 61.15.5.

**Experience**

**61.15.2** An applicant for the issuing of a gyroplane pilot licence shall have completed not less than 25 hours of flight time as a pilot of a gyroplane of which at least 10 hours shall be solo flight time, and which shall include -

- (a) one triangular cross-country flight, whether dual or under supervision, and one solo triangular cross-country flight, each of a duration of not less than 90 minutes flown at normal cruising speed; and
- (b) one triangular 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.

**Training**

**61.15.3** An applicant for the issuing of a gyroplane pilot licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.15.4** An applicant for the issue of a gyroplane pilot licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.15.5** (1) An applicant for the issuing of a gyroplane pilot licence shall have demonstrated to a designated examiner, the ability to perform, as pilot-in-command of a gyroplane, the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a gyroplane pilot licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 12 months of passing the theoretical knowledge examination referred to in regulation 61.16.4 and within the 90 days immediately preceding the date of application.

(3) The skill test shall be conducted in a gyroplane.

**Application for gyroplane pilot licence**

**61.16.6** An application for the issuing of a gyroplane pilot licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of gyroplane pilot licence**

**61.15.7** (1) The Director shall issue a gyroplane pilot licence if the applicant -

- (a) complies with the requirements referred to in regulation 61.15.1.

(2) A gyroplane pilot licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) Upon the issuing of a gyroplane pilot licence the holder thereof shall -

- (a) forthwith affix his or her signature in ink in the space on the licence provided for such purpose; and
- (b) surrender his or her student pilot licence to the Director for cancellation.

**Period of validity**

**61.15.8** A gyroplane pilot licence shall be valid for an indefinite period: Provided that the privileges of such licence shall not be exercised by the holder thereof unless -

- (a) he or she holds at least a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of regulation 61.15.11; and
- (c) he or she holds an appropriate valid type rating.

**Privileges of gyroplane pilot licence**

**61.15.9** (1) The holder of a valid gyroplane pilot licence shall be entitled to act, but not for remuneration, as pilot-in-command of any gyroplane engaged in non-revenue flights for which the holder is type rated -

- (a) on an international flight, if the prior approval for such flight been obtained in writing from the aviation authority of the State to be entered; and
- (b) within controlled airspace, if -
  - (i) prior permission has been obtained from the responsible air traffic service unit to enter such airspace;
  - (ii) continuous radio watch is maintained;
  - (iii) such two-way radio communication as the said unit may require, is established; and
  - (iv) in the case of an aerodrome traffic zone, the appropriate radio position reporting procedure is complied with while such gyroplane is within such aerodrome traffic zone.

(2) The holder of the licence shall be entitled to exercise the privileges of the licence for the special purposes referred to in regulation 61.15.10(1), if the holder holds the appropriate valid rating.

#### **Rating for special purposes**

**61.15.10** (1) The rating for special purposes associated with a gyroplane pilot licence is a Grade I gyroplane flight instructor rating.

(2) An application for the rating referred to in subregulation (1) shall be made in accordance with the regulations in Subpart 30.

#### **Maintenance of competency**

**61.15.11** The holder of a gyroplane pilot licence shall not act as pilot-in-command of a gyroplane transporting a passenger 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 take-offs and three landings in a gyroplane of the same type as that in which such passenger flight is to be undertaken.

**PART 61**

**PERSONNEL : PILOT LICENSING  
(VOLUME III)**

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**SUBPART 36 : WINCHING RATING (HELICOPTER)**

- 61.36.1 Requirements for winching rating (helicopter)
- 61.36.2 Experience
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- 61.36.4 Application for winching rating (helicopter)
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- 61.37.1 Requirements for game or livestock cull rating (helicopter)
- 61.37.2 Experience
- 61.37.3 Training
- 61.37.4 Application for game or livestock cull rating (helicopter)

- 61.37.5 Issuing of game or livestock cull rating (helicopter)
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**SUBPART 38 : AGRICULTURAL PILOT RATING**

- 61.38.1 Requirements for agricultural pilot rating
- 61.38.2 Experience
- 61.38.3 Skill test
- 61.38.4 Application for agricultural pilot rating
- 61.38.5 Issuing of agricultural pilot rating
- 61.38.6 Privileges
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**SUBPART 39 : CLOUD FLYING RATING**

- 61.39.1 Requirements for cloud flying rating
- 61.39.2 Experience
- 61.39.3 Training
- 61.39.4 Skill test
- 61.39.5 Application for cloud flying rating
- 61.39.6 Issuing of cloud flying rating
- 61.39.7 Period of validity
- 61.39.8 Privileges
- 61.39.9 Maintenance of competency

**SUBPART 40 : SAFETY PILOT RATING**

- 61.40.1 Requirements for safety pilot rating
- 61.40.2 Experience
- 61.40.3 Application for pilot rating
- 61.40.4 Issuing of safety pilot rating
- 61.40.5 Privileges
- 61.40.6 Period of validity

**SUBPART 16****TYPE RATINGS****Requirements for type rating**

- 61.16.1** An applicant for the issue of a type rating shall -
- (a) hold a valid pilot licence;
  - (b) have successfully completed the training referred to in regulation 61.16.2;
  - (c) have passed the theoretical knowledge examination referred to in regulation 61.16.3; and
  - (d) have undergone the skill test referred to in regulation 61.16.4.

**Training**

**61.16.2** An applicant for the issue of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.16.3** An applicant for the issue of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.16.4** (1) An applicant for the issue of a type rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 61.16.3 and within the 90 days immediately preceding the date of application.

(3) Notwithstanding the provisions of subregulation (1), an applicant for the issuing of a type rating who is the holder of an airline transport pilot licence (acroplane), shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres referred to in regulation 61.17.5, with a degree of competency appropriate to the privileges granted to the holder of an instrument rating.

(4) The skill test shall have been conducted in an aircraft appropriate to the pilot licence held by the applicant, or in a simulator.

**Application for type rating**

- 61.16.5** (1) An application for the issue of a type rating shall be -
- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

(2) If an applicant wishes to apply for a type rating in respect of more than one type of aircraft, a separate application shall be made in respect of each type of aircraft.

(3) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.16.1, a temporary type rating certificate.

- (2), shall -
- (4) A temporary type rating certificate referred to in subregulation
- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

#### Issuing of type rating

**61.16.6** (1) The Director shall issue a type rating to an applicant who complies with the requirements referred to in regulation 61.16.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(3) The rating shall specify the category, class and type of aircraft in respect of which the holder of such rating is entitled to exercise the privileges thereof.

#### Period of validity

**61.16.7** (1) A type rating by name shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

(2) A group type rating issued to the holder of a private pilot licence, shall be 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 renewal or reissue of the rating.

(3) A group type rating issued to the holder of a pilot licence other than a private pilot licence, shall be valid for a period of 24 months calculated from the date of issue, renewal or reissue of the rating.

#### Privileges

**61.16.8** (1) Subject to the provisions of subregulation (2), no person shall act as pilot-in-command of an aircraft, unless he or she is the holder of an appropriate valid type rating.

(2) A person who receives training for the purpose of applying for a 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;
- (b) no passengers or cargo are transported in the aircraft; and
- (c) the training is conducted by an appropriately type rated flight instructor.

(3) The holder of a valid type rating shall be entitled to act as pilot-in-command of the type of aircraft for which the holder is rated: Provided that the holder of a valid type rating, endorsed for co-pilot, shall only be entitled to act as co-pilot in such aircraft.

(4) The holder of a group type rating for piston-engine aeroplanes shall be entitled to exercise the privileges of the rating, if such holder holds a type rating for -

- (a) single-engine aeroplanes, in all single-engine aeroplanes with a maximum certificated mass of 2 700 kilograms or less, endorsed in the logbook of such holder; and
- (b) single-engine and multi-engine aeroplanes, in all single-engine and multi-engine aeroplanes with a maximum certificated mass of 5 700 kilograms or less, endorsed in the logbook of such holder.

(5) The holder of a type rating by name for a piston-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issuing of such rating, was conducted: Provided that if such holder holds more than one type rating for -

- (a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all aeroplanes for which he or she is type rated; or
- (b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(6) The holder of a type rating by name for a turbo propeller aeroplane, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issuing of such rating, was conducted: Provided that if such holder holds more than one type rating for -

- (a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all single-engine aeroplanes for which he or she is type rated; or
- (b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(7) The holder of a type rating by name for a turbojet aeroplane, shall be entitled to exercise the privileges of the rating in the type of aeroplane in which the skill test for the issue of such rating, was conducted: Provided that if such holder holds more than one type rating for -

- (a) single-engine aeroplanes, and the skill test was conducted in the type of aeroplane with the highest maximum certificated mass, such holder shall be entitled to exercise the privileges of the rating in all single-engine aeroplanes for which he or she is type rated; or
- (b) single-engine and multi-engine aeroplanes, and the skill test was conducted in a multi-engine aeroplane, such holder shall be entitled to exercise the privileges of the rating in the single-engine and multi-engine aeroplanes for which he or she is type rated.

(8) The holder of a group type rating for gliders, shall be entitled to exercise the privileges of the rating in all gliders endorsed in the logbook of such holder.

(9) The holder of a group type rating for microlight aeroplanes, shall be entitled to exercise the privileges of the rating in all microlight aeroplanes endorsed in the logbook of such holder.

(10) The holder of a group type rating for free balloons, shall be entitled to exercise the privileges of the rating in all free balloons endorsed in the logbook of such holder.

(11) The holder of a type rating by name for any other aircraft, shall be entitled to exercise the privileges of the rating in all types of aircraft endorsed in the logbook of such holder.

#### **Notification for addition of type to group type rating**

**61.16.9** (1) The holder of a group type rating who wishes to add an aircraft type to the rating, shall complete the appropriate training referred to in regulation 61.16.2.

(2) The flight instructor who conducts the training referred to in subregulation (1) shall, upon successful completion of such training by the holder of the rating, endorse the logbook of such holder, indicating the aircraft type in respect of which such holder received such training, whereupon such holder shall be entitled to exercise the privileges of the rating in respect of such aircraft type added to such rating.

(3) The endorsement referred to in subregulation (2) shall be made in accordance with the requirements as prescribed in Document NAM-CATS-FCL 61.

(4) if the holder of the rating has failed to successfully complete the training referred to in subregulation (1), the flight instructor shall -

- (a) not endorse the logbook of such holder; and
- (b) notify the Director of the failure within seven days from the date of such failure.

(5) A notification for the addition of an aircraft type to a group type rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61;
- (b) accompanied by a copy of the relevant page of the logbook of the holder which contains the endorsement referred to in subregulation (2).

(6) The notification referred to in subregulation (5) shall be submitted by the holder of the rating within seven days from the date on which the endorsement referred to in subregulation (2) was made in the logbook of such holder.

#### **Notification for addition of variant to type rating by name**

**61.16.10** (1) The holder of a type rating by name who wishes to add an aircraft variant to the rating, shall -

- (a) complete the appropriate training referred to in regulation 61.16.2; and
- (b) undergo the skill test referred to in regulation 61.16.4(1) or (3), as the case may be, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

- (a) issue the skill test report.
- (b) endorse the logbook of such holder, indicating the aircraft variant in respect of which such holder is entitled to exercise the privileges of such rating,

whereupon such holder shall be entitled to exercise such privileges.

(3) The endorsement referred to in subregulation (2)(b) shall be made in accordance with the requirements as prescribed in Document NAM-CATS-FCL 61.

(4) If the result of the skill test contemplated in subregulation (1)(b) reveals that the holder of the rating has failed to achieve the minimum standard required to exercise the privileges of such rating in respect of the aircraft variant to be added, the designated examiner shall -

- (a) submit the skill test report to the Director within seven days from the date on which the holder was tested; and
- (b) not endorse the logbook of such holder.

(5) A notification for the addition of an aircraft variant to a type rating by name shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) the skill test report referred to in subregulation (2)(a); and
  - (ii) a copy of the relevant page of the logbook of the holder which contains the endorsement referred to in subregulation (2)(b).

(6) The notification referred to in subregulation (5) shall be submitted by the holder of the rating within seven days from the date on which the endorsement referred to in subregulation (2)(b) was made in the logbook of such holder.

### **Renewal**

**61.16.11** (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by designated examiner. Provided that the provisions of regulation 61.17.5(3) shall not apply to the holder of a valid airline transport pilot licence (acroplane) and type rating on the date of commencement of the regulations in this Part, who has conducted the skill test for the issue of the licence and rating in a piston-engine acroplane with a maximum certificated mass of 5 700 kilograms or less.

(2) The designated examiner, shall, upon compliance with the requirements prescribed in subregulation (1), by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.16.8, the or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
  - (b) not endorse the logbook of the holder of the rating.
- (4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.
- (5) The designated examiner may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.
- (6) A temporary type rating certificate referred to in subregulation (5), shall -
- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.
- (7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).
- (8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.
- (9) Subject to the provisions of subregulation (10), the renewal of a type rating by name shall be deemed to be a renewal of a group type rating.
- (10) The renewal of a type rating by name for a single-engine aeroplane, shall be deemed to be a renewal of a group type rating for single-engine aeroplanes.
- (11) The renewal of an instrument rating in terms of regulation 61.17.11, shall be deemed to be a renewal of a type rating in terms of this regulation.

### Reissue

- 61.16.12** (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 61.16.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a pilot for the purposes of complying with the requirements prescribed in subregulation (2).
- (2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.17.5(1), conducted by a designated examiner.
- (3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -
- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (b) endorse the logbook of such holder.
- (4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.16.8, the flight instructor or designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) The flight instructor or designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2), a temporary type rating certificate.

(9) A temporary type rating certificate referred to in subregulation (8), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is reissued by the Director, whichever period is the lesser period.

(10) If a period of 60 months has lapsed after the date of expiry of the type rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.16.1.

(11) The provisions of regulation 61.16.5 shall apply *mutatis mutandis* to an application referred to in subregulation (10).

**SUBPART 17****INSTRUMENT RATING****Requirements for instrument rating**

- 61.17.1** An applicant for the issue of an instrument rating shall -
- (a) hold a valid private pilot licence (acroplane), commercial pilot licence (acroplane), private pilot licence (helicopter) or commercial pilot licence (helicopter);
  - (b) hold a general radiotelephony operator's certificate;
  - (c) have acquired the experience referred to in regulation 61.17.2;
  - (d) have successfully completed the training referred to in regulation 61.17.3;
  - (e) have passed the theoretical knowledge examination referred to in regulation 61.17.4; and
  - (f) have undergone the skill test referred to in regulation 61.17.5.

**Experience**

- 61.17.2** An applicant for the issue of an instrument rating shall 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 shall be in an aeroplane or helicopter, as the case may be; and
  - (b) 40 hours of instrument time in aeroplanes or helicopters, of which not more than 20 hours, or where a simulator is used, 30 hours, may be instrument ground time.

**Training**

**61.17.3** An applicant for the issuing of an instrument rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.17.4** An applicant for the issuing of an instrument rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.17.5** (1) An applicant for the issue of an instrument rating shall have demonstrated to a designated examiner, the ability to perform as pilot the procedures and manoeuvres as prescribed 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 shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.17.4 and within the 90 days immediately preceding the date of application.

(3) The skill test for a multi-engine aeroplane instrument rating shall have been conducted in a multi-engine aeroplane, or in a simulator: Provided that the holder of an instrument rating whose skill test was undertaken in a multi-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less, may not exercise the privileges of the instrument rating in a multi-engine aeroplane with a maximum certificated mass exceeding 5 700 kilograms.

(4) The skill test for a single-engine aeroplane instrument rating shall have been conducted in a single-engine aeroplane, or in a simulator: Provided that the holder of an instrument rating whose skill test was undertaken in a single-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less, may not exercise the privileges of the instrument rating in a multi-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less.

(5) The skill test for a helicopter instrument rating shall have been conducted in a helicopter certificated for instrument flying, or in a simulator.

#### **Application for instrument rating**

**61.17.6** (1) An application for the issue of an instrument rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.17.1, a temporary instrument rating certificate.

(3) A temporary instrument rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is issued by the Director, whichever period is the lesser period.

#### **Issuing of instrument rating**

**61.17.7** (1) The Director shall issue an instrument rating if the applicant -

- (a) complies with the requirements referred to in regulation 61.17.1.

(2) An instrument rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.17.8** An instrument rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

#### **Rating required by person flying under IFR**

**61.17.9** No person shall act in any capacity as pilot of an aeroplane or helicopter under IFR unless such person is the holder of a valid instrument rating appropriate to the type of aeroplane or helicopter to be flown under IFR.

#### **Privileges**

**61.17.10** The holder of a valid instrument rating shall be entitled to -

- (a) pilot an aircraft in compliance with IFR and in IMC by day and by night;
- (b) carry out an approach and a landing in IMC with the aid of NDB, VOR, ILS or other approved aids; and
- (c) act as safety pilot in an aircraft in respect of which such pilot holds the appropriate type rating.

**Renewal**

**61.17.11** (1) To renew an instrument rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1), by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.17.10, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The designated examiner may issue to an applicant who meets the requirement referred to in subregulation (1), a temporary instrument rating certificate.

(6) A temporary instrument rating certificate referred to in subregulation (5), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant -

- (a) complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Reissue**

**61.17.12** (1) The holder of an instrument rating which has expired due to the lapse of the period referred to in regulation 61.17.8, who wishes to apply for the reissue of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a pilot for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.17.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.17.10, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) The designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2) a temporary instrument rating certificate.

(9) A temporary instrument rating certificate referred to in subregulation (8), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary instrument rating certificate was issued or until the date on which the instrument rating is reissued by the Director, whichever period is the lesser period.

(10) If a period of 60 months has lapsed after the date of expiry of the instrument rating, the holder of the expired rating may apply to the Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.17.1.

(11) The provisions of regulation 61.17.6 shall apply *mutatis mutandis* to an application referred to in subregulation (10).

### **Maintenance of competency**

**61.17.13** The holder of an instrument rating shall 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 Director or by an appropriate authority -

- (a) executed at least two instrument approaches in a simulator or in an appropriate aircraft, in IMC or simulated IMC; or
- (b) undergone the skill test referred to in regulation 61.17.5.

**SUBPART 18****GRADE I AEROPLANE FLIGHT INSTRUCTOR RATING****Requirements for Grade I aeroplane flight instructor rating**

**61.18.1** An applicant for the issue of a Grade I aeroplane flight instructor rating shall -

- (a) hold a valid airline transport pilot licence (aeroplane);
- (b) hold a valid Grade II aeroplane flight instructor rating;
- (c) have acquired the experience referred to in regulation 61.18.2;
- (d) have successfully completed the training referred to in regulation 61.18.3;
- (e) have complied with the theoretical knowledge requirements referred to in regulation 61.18.4; and
- (f) have undergone the skill test referred to in regulation 61.18.5.

**Experience**

**61.18.2** An applicant for the issue of a Grade I aeroplane flight instructor rating shall have at least three years experience as a Grade II aeroplane flight instructor, during which he or she shall have given not less than 1 500 hours of flight instruction.

**Training**

**61.18.3** An applicant for the issue of a Grade I aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge requirements**

**61.18.4** An applicant for the issue of a Grade I aeroplane flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.18.5** (1) An applicant for the issue of a Grade I aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a multi-engine aeroplane which is required to be operated with a co-pilot and which has variable pitch propellers or turbine engines, adjustable flaps and retractable undercarriage, or in a simulator.

**Application for Grade I aeroplane flight instructor rating**

**61.18.6** An application for the issue of a Grade I aeroplane flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of Grade I aeroplane flight instructor rating**

**61.18.7** (1) The Director shall issue a Grade I aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.18.1.

(2) A Grade I aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.18.8** A Grade I aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.18.12.

**Privileges**

**61.18.9** The holder of a valid Grade I aeroplane flight instructor rating shall be entitled to -

- (a) conduct the training required for the issue of Grade I aeroplane flight instructor ratings;
- (b) exercise all the privileges of a Grade II aeroplane flight instructor rating;
- (c) conduct proficiency checks and issue proficiency check reports required for the renewal of -
  - (i) type ratings; and
  - (ii) Grade II aeroplane flight instructor ratings;
- (d) issue temporary type rating certificates.

**Renewal**

**61.18.10** (1) To renew a Grade I aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner: Provided that the provisions of regulation 61.18.5(3) shall not apply to the holder of a valid Grade I aeroplane flight instructor rating on the date of commencement of the regulations in this Part, who has conducted the skill test for the issue of the rating in a piston-engine aeroplane with a maximum certificated mass of 5 700 kilograms or less.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.18.9, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 6; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1)

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.18.11** (1) The holder of a Grade I aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.18.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.18.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.18.9, the designated examiner shall -

- (a) submit the skill test report to the Director;
- (b) endorse the logbook of the holder of the expired rating accordingly; and
- (c) indicate whether the reissue of a Grade II aeroplane flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade II aeroplane flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) 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 Director for the reissue of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.18.1.

(10) The provisions of regulation 61.18.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

**Maintenance of competency**

**61.18.12** (1) The holder of a Grade I aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

- (a) undergo the proficiency check referred to in regulation 61.18.10(1); or
- (b) apply for the reissuing of a Grade II aeroplane flight instructor rating in terms of regulation 61.19.11.

**SUBPART 19****GRADE II AEROPLANE FLIGHT INSTRUCTOR RATING****Requirements for Grade II aeroplane flight instructor rating**

**61.19.1** An applicant for the issue of a Grade II aeroplane flight instructor rating shall -

- (a) hold a valid commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane);
- (b) hold a valid Grade III aeroplane flight instructor rating;
- (c) have acquired the experience referred to in regulation 61.19.2;
- (d) have successfully completed the training referred to in regulation 61.19.3;
- (e) have complied with the theoretical knowledge requirements referred to in regulation 61.19.4; and
- (f) have undergone the skill test referred to in regulation 61.19.5.

**Experience**

**61.19.2** An applicant for the issue of a Grade II aeroplane flight instructor rating shall have given not less than 200 hours of flight instruction as a Grade III aeroplane flight instructor.

**Training**

**61.19.3** An applicant for the issue of a Grade II aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge requirements**

**61.19.4** An applicant for the issue of a Grade II aeroplane flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.19.5** (1) An applicant for the issue of a Grade II aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade II aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade II aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in an aeroplane with variable pitch propellers, adjustable flaps and retractable undercarriage, or in a simulator, unless otherwise approved by the Director.

**Application for Grade II aeroplane flight instructor rating**

**61.19.6** An application for the issue of a Grade II aeroplane flight instructor rating shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of Grade II aeroplane flight instructor rating**

**61.19.7** (1) The Director shall issue a Grade II aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.19.1.

(2) A Grade II aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.19.8** A Grade II aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.19.12.

**Privileges**

**61.19.9** The holder of a valid Grade II aeroplane flight instructor rating shall be entitled to -

- (a) exercise all the privileges of a Grade III aeroplane flight instructor rating;
- (b) conduct skill tests and issue skill test reports required for -
  - (i) the issuing of a private pilot licence (aeroplane); and
  - (ii) the issuing or reissuing of type ratings associated with a private pilot licence (aeroplane);
- (c) conduct proficiency checks and issue proficiency check reports required for the renewal of -
  - (i) type ratings associated with a private pilot licence (aeroplane); and
  - (ii) Grade III aeroplane flight instructor ratings;
- (d) issue temporary type rating certificates;
- (e) send the holder of a student pilot licence in respect of an aeroplane, on his or her initial solo flight;
- (f) conduct the training required for the issuing of a Grade III aeroplane flight instructor rating;
- (g) conduct training required for a notification for the addition of an aeroplane type or variant, as the case may be, to a type rating; and
- (h) conduct multi-engine training, if he or she holds the appropriate valid type rating, and has completed -
  - (i) the appropriate training as prescribed in Document NAM-CATS-FCL 61; and
  - (ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61.

**Renewal**

**61.19.10** (1) To renew a Grade II aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I aeroplane flight instructor or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.19.9, the flight instructor or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.19.11** (1) The holder of a Grade II aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.19.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade II aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.19.5(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.21.9, the designated examiner shall -

- (a) submit the skill test report to the Director;
- (b) endorse the logbook of the holder of the expired rating accordingly; and
- (c) indicate whether the reissue of a Grade III aeroplane flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade III aeroplane flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) 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 Director for the reissue of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.19.1.

(10) The provisions of regulation 61.19.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

#### **Maintenance of competency**

**61.19.12** (1) The holder of a Grade II aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

- (a) undergo the proficiency check referred to in regulation 61.19.10(1); or
- (b) apply for the reissuing of a Grade III aeroplane flight instructor rating in terms of regulation 61.19.10.

**SUBPART 20****GRADE III AEROPLANE FLIGHT INSTRUCTOR RATING****Requirements for Grade III aeroplane flight instructor rating**

**61.20.1** An applicant for the issue of a Grade III aeroplane flight instructor rating shall -

- (a) hold a valid commercial pilot licence (aeroplane) or airline transport pilot licence (aeroplane);
- (b) have successfully completed the training referred to in regulation 61.20.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.20.3; and
- (d) have undergone the skill test referred to in regulation 61.20.4.

**Training**

**61.20.2** An applicant for the issue of a Grade III aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.20.3** An applicant for the issue of a Grade III aeroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.20.4** (1) An applicant for the issue of a Grade III aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade III aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade III aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.20.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade III aeroplane flight instructor rating**

**61.20.5** An application for the issue of a Grade III aeroplane flight instructor rating shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of Grade III aeroplane flight instructor rating**

**61.20.6** (1) The Director shall issue a Grade III aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.20.1.

(2) A Grade III aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.20.7** A Grade III aeroplane flight instructor rating shall be valid for a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.20.11.

**Privileges and limitations**

**61.20.8** (1) The holder of a valid Grade III aeroplane flight instructor rating shall be entitled to -

- (a) exercise all the privileges of an aeroplane simulator flight instructor certificate;
- (b) give academic or practical instruction in aeroplanes in respect of which he or she holds a valid type rating;
- (c) give instrument instruction, if he or she holds a valid instrument rating; and
- (d) conduct multi-engine training, if he or she has completed -
  - (i) the appropriate training as prescribed in Document NAM-CATS-FCL 61;
  - (ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61; and
  - (iii) not less than 100 hours of flight time as a pilot in multi-engine aeroplanes.

(2) The training or instruction referred to in subregulation (1), shall only be conducted or given under the supervision of a Grade I or a Grade II aeroplane flight instructor, who is the holder of the appropriate valid rating.

**Renewal**

**61.20.9** (1) To renew a Grade III aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II aeroplane flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.20.8, the flight instructor or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### **Reissue**

**61.20.10** (1) The holder of a Grade III aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.20.7, who wishes to apply for the reissue of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade III aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.20.4 (1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissue of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant -

- (a) complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.20.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.20.1.

(9) The provisions of regulation 61.20.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

### **Maintenance of competency**

**61.20.11** The holder of a Grade III aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 21****AEROPLANE SIMULATOR FLIGHT INSTRUCTOR CERTIFICATE****Requirements for aeroplane simulator flight instructor certificate**

**61.21.1** An applicant for the issue of an aeroplane simulator flight instructor certificate shall -

- (a) hold or have held -
  - (i) a valid commercial pilot licence (aeroplane) or airline transport pilot licence (aeroplane); or
  - (ii) a valid aeroplane flight instructor rating;
- (b) have successfully completed the training referred to in regulation 61.21.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.21.3; and
- (d) have undergone the skill test or the proficiency check, as the case may be, referred to in regulation 61.21.4.

**Training**

**61.21.2** An applicant for the issue of an aeroplane simulator flight instructor certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application.

**Theoretical knowledge examination**

**61.21.3** An applicant for the issue of an aeroplane simulator flight instructor certificate shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application.

**Skill test**

**61.21.4** (1) Subject to the provisions of subregulation (4), an applicant for the issuing of an aeroplane simulator flight instructor certificate shall have demonstrated to a designated examiner, the ability to perform as an aeroplane simulator flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of an aeroplane simulator flight instructor certificate.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.21.3, and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a type specific simulator.

(4) An applicant who has held a valid aeroplane flight instructor rating within the 60 months immediately preceding the date of application, shall have undergone the proficiency check referred to in regulation 61.21.9(1).

**Application for aeroplane simulator flight instructor certificate**

**61.21.5** An application for the issue of an aeroplane simulator flight instructor certificate shall be -

- (a) made to the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

#### **Issuing of aeroplane simulator flight instructor certificate**

**61.21.6** (1) The Director shall issue an aeroplane simulator flight instructor certificate if the applicant complies with the requirements referred to in regulation 61.21.1

(2) An aeroplane simulator flight instructor certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.21.7** An aeroplane simulator flight instructor certificate shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the certificate: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.21.11.

#### **Privileges**

**61.21.8** The holder of a valid aeroplane simulator flight instructor certificate shall be entitled to give the simulator instruction for which he or she has been approved.

#### **Renewal**

**61.21.9** (1) To renew an aeroplane simulator flight instructor certificate, the holder of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by Grade I or a Grade II aeroplane flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the certificate -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.21.8, the flight instructor or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the certificate.

(4) An application for the renewal of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of such certificate;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the certificate if the applicant complies with the requirements referred to in subregulation (1).

(6) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.21.10** (1) The holder of an aeroplane simulator flight instructor certificate which has expired due to the lapse of the period referred to in regulation 61.21.7, who wishes to apply for the reissuing of the expired certificate, may, with the approval of the Director and subject to such conditions as the Director may determine, act as an aeroplane simulator flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.21.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired certificate -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired certificate if the applicant complies with the requirements referred to in subregulation (2).

(6) The certificate shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.21.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired certificate.

(8) If a period of 60 months has lapsed after the date of expiry of the certificate, the holder of the expired certificate may apply to the Director for the reissuing of the certificate and the Director shall reissue the certificate if the applicant complies with the requirements referred to in regulation 61.21.1.

(9) The provisions of regulation 61.21.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

### Maintenance of competency

**61.21.11** (1) The holder of an aeroplane simulator flight instructor certificate shall not exercise the privileges of the certificate unless he or she has given at least 10 hours of simulator instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall undergo the proficiency check referred to in regulation 61.21.9(1).

**SUBPART 22****GRADE I HELICOPTER FLIGHT INSTRUCTOR RATING****Requirements for Grade I helicopter flight instructor rating**

**61.22.1** An applicant for the issuing of a Grade I helicopter flight instructor rating shall -

- (a) hold a valid airline transport pilot licence (helicopter);
- (b) hold a valid Grade II helicopter flight instructor rating;
- (c) have acquired the experience referred to in regulation 61.22.2;
- (d) have successfully completed the training referred to in regulation 61.22.3;
- (e) have complied with the theoretical knowledge requirements referred to in regulation 61.22.4; and
- (f) have undergone the skill test referred to in regulation 61.22.5.

**Experience**

**61.22.2** An applicant for the issuing of a Grade I helicopter flight instructor rating shall have at least three years experience as a Grade II helicopter flight instructor, during which he or she shall have given not less than 1 500 hours of flight instruction.

**Training**

**61.22.3** An applicant for the issuing of a Grade I helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge requirements**

**61.22.4** An applicant for the issuing of a Grade I helicopter flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.22.5** (1) An applicant for the issuing of a Grade I helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a helicopter which is required to be operated with a co-pilot, or in a simulator.

**Application for Grade I helicopter flight instructor rating**

**61.22.6** An application for the issuing of a Grade I helicopter flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -

- (i) a copy of the airline transport pilot licence (helicopter) held by the applicant;
- (ii) a copy of a summary of the logbook of the applicant;
- (iii) proof of compliance with the theoretical knowledge requirements referred to in regulation 61.22.4;
- (iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (v) the appropriate fee as prescribed in Part 187.

#### **Issuing of Grade I helicopter flight instructor rating**

**61.22.7** (1) The Director shall issue a Grade I helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.22.1.

(2) A Grade I helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.22.8** A Grade I helicopter flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue or renewal of the rating.

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.22.12.

#### **Privileges**

**61.22.9** The holder of a valid Grade I helicopter flight instructor rating shall be entitled to -

- (a) conduct the training required for the issuing of Grade I helicopter flight instructor ratings;
- (b) exercise all the privileges of a Grade II helicopter flight instructor rating;
- (c) conduct proficiency checks and issue proficiency check reports required for the renewal of -
  - (i) type ratings; and
  - (ii) Grade II helicopter flight instructor ratings;
- (d) issue temporary type rating certificates; and
- (e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

#### **Renewal**

**61.22.10** (1) To renew a Grade I helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.22.9, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### Reissue

**61.22.11** (1) The holder of a Grade I helicopter flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.22.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.22.5 (1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.22.9, the designated examiner shall -

- (a) submit the skill test report to the Director;
- (b) endorse the logbook of the holder of the expired rating accordingly; and
- (c) indicate whether the reissuing of a Grade II helicopter flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade II helicopter flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.22.1.

(10) The provisions of regulation 61.22.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

### **Maintenance of competency**

**61.23.12** (1) The holder of a Grade I helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

- (a) undergo the proficiency check referred to in regulation 61.22.10(1); or
- (b) apply for the reissuing of a Grade II helicopter flight instructor rating in terms of regulation 61.23.11.

**SUBPART 23****GRADE II HELICOPTER FLIGHT INSTRUCTOR RATING****Requirements for Grade II helicopter flight instructor rating**

**61.23.1** An applicant for the issue of a Grade II helicopter flight instructor rating shall -

- (a) hold a valid commercial pilot licence (helicopter) or airline transport pilot licence (helicopter);
- (b) hold a valid Grade III helicopter flight instructor rating;
- (c) have acquired the experience referred to in regulation 61.23.2;
- (d) have successfully completed the training referred to in regulation 61.23.3;
- (e) have complied with the theoretical knowledge requirements referred to in regulation 61.23.4; and
- (f) have undergone the skill test referred to in regulation 61.23.5.

**Experience**

**61.23.2** An applicant for the issue of a Grade II helicopter flight instructor rating shall have given not less than 200 hours of flight instruction as a Grade III helicopter flight instructor.

**Training**

**61.23.3** An applicant for the issue of a Grade II helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge requirements**

**61.23.4** An applicant for the issue of a Grade II helicopter flight instructor rating shall have complied with the theoretical knowledge requirements as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.23.5** (1) An applicant for the issue of a Grade II helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade II helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade II helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade II helicopter flight instructor rating**

**61.23.6** An application for the issuing of a Grade II helicopter flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of Grade II helicopter flight instructor rating**

**61.23.7** (1) The Director shall issue a Grade II helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.25.1.

(2) A Grade II helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.23.8** A Grade II helicopter flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.23.12.

**Privileges**

**61.23.9** The holder of a valid Grade II helicopter flight instructor rating shall be entitled to -

- (a) exercise all the privileges of a Grade III helicopter flight instructor rating;
- (b) conduct skill tests and issue skill test reports required for -
  - (i) the issuing of a private pilot licence (helicopter); and
  - (ii) the issuing or reissuing of type ratings associated with a private pilot licence (helicopter);
- (c) conduct proficiency checks and issue proficiency check reports required for the renewal of -
  - (i) type ratings associated with a private pilot licence (helicopter); and
  - (ii) Grade III helicopter flight instructor ratings;
- (d) issue temporary type rating certificates;
- (e) send the holder of a student pilot licence in respect of a helicopter, on his or her initial solo flight;
- (f) conduct the training required for the issuing of a Grade III helicopter flight instructor rating;
- (g) conduct training required for a notification for the addition of a helicopter variant to a type rating; and
- (h) conduct multi-engine or multi-rotor training, if he or she holds the appropriate valid type rating, and has completed -
  - (i) the appropriate training as prescribed in Document NAM-CATS-FCL 61; and
  - (ii) the multi-engine instructor skill test as prescribed in Document NAM-CATS-FCL 61.

**Renewal**

**61.23.10** (1) To renew a Grade II helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such

rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I helicopter flight instructor or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.23.9, the flight instructor or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1);

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.23.11** (1) The holder of a Grade II helicopter flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.23.8, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade II helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.23.5 (1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.23.9, the designated examiner shall -

- (a) submit the skill test report to the Director;
- (b) endorse the logbook of the holder of the expired rating accordingly; and
- (c) indicate whether the reissuing of a Grade III helicopter flight instructor rating is recommended, if applicable.

(8) The Director may reissue a Grade III helicopter flight instructor rating by virtue of a recommendation contemplated in subregulation (7)(c).

(9) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.23.1.

(10) The provisions of regulation 61.23.6 shall apply *mutatis mutandis* to an application made in terms of subregulation (9).

### **Maintenance of competency**

**61.23.12** (1) The holder of a Grade II helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall -

- (a) undergo the proficiency check referred to in regulation 61.23.10(1); or
- (b) apply for the reissuing of a Grade III helicopter flight instructor rating in terms of regulation 61.24.10.

**SUBPART 24****GRADE III HELICOPTER FLIGHT INSTRUCTOR RATING****Requirements for Grade III helicopter flight instructor rating**

**61.24.1** An applicant for the issue of a Grade III helicopter flight instructor rating shall -

- (a) hold a valid commercial pilot licence (helicopter) or airline transport pilot licence (helicopter);
- (b) have successfully completed the training referred to in regulation 61.24.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.24.3; and
- (d) have undergone the skill test referred to in regulation 61.24.4.

**Training**

**61.24.2** An applicant for the issue of a Grade III helicopter flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.24.3** An applicant for the issuing of a Grade III helicopter flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.24.4** (1) An applicant for the issue of a Grade III helicopter flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade III helicopter flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade III helicopter flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.24.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade III helicopter flight instructor rating**

**61.24.5** An application for the issue of a Grade III helicopter flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the pilot licence held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.24.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade III helicopter flight instructor rating**

**61.24.6** (1) The Director shall issue a Grade III helicopter flight instructor rating if the applicant complies with the requirements referred to in regulation 61.24.1.

(2) A Grade III helicopter flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.24.7** A Grade III helicopter flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.24.11.

**Privileges and limitations**

**61.24.8** (1) The holder of a valid Grade III helicopter flight instructor rating shall be entitled to -

- (a) exercise all the privileges of a helicopter simulator flight instructor certificate;
- (b) give academic or practical instruction in single-engine, single-rotor helicopters in respect of which he or she holds a valid type rating;
- (c) give instrument instruction, if he or she holds a valid instrument rating; and
- (d) give night flight instruction, if he or she holds a valid night rating.

(2) The training or instruction referred to in subregulation (1), shall only be conducted or given under the supervision of a Grade I or a Grade II helicopter flight instructor, who is the holder of the appropriate valid rating.

**Renewal**

**61.24.9** (1) To renew a Grade III helicopter flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II helicopter flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.24.8, the flight instructor or designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.24.10** (1) The holder of a Grade III helicopter flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.24.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade III helicopter flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.24.4 (1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.24.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.24.1.

(9) The provisions of regulation 61.24.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

### **Maintenance of competency**

**61.24.11** The holder of a Grade III helicopter flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 25****HELICOPTER SIMULATOR FLIGHT INSTRUCTOR CERTIFICATE****Requirements for helicopter simulator flight instructor certificate**

**61.25.1** An applicant for the issue of a helicopter simulator flight instructor certificate shall -

- (a) hold or have held -
  - (i) a valid commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter); or
  - (ii) a valid helicopter flight instructor rating;
- (b) have successfully completed the training referred to in regulation 61.25.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.25.3; and
- (d) have undergone the skill test or the proficiency check, as the case may be, referred to in regulation 61.25.4.

**Training**

**61.25.2** An applicant for the issue of a helicopter simulator flight instructor certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application.

**Theoretical knowledge examination**

**61.25.3** An applicant for the issue of a helicopter simulator flight instructor certificate shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61: Provided that the applicant shall not be required to comply with the provisions of this regulation if he or she has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application.

**Skill test**

**61.25.4** (1) Subject to the provisions of subregulation (4), an applicant for the issuing of a helicopter simulator flight instructor certificate shall have demonstrated to a designated examiner, the ability to perform as a helicopter simulator flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a helicopter simulator flight instructor certificate.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.25.3, and within the 90 days immediately preceding the date of application.

(3) The skill test shall have been conducted in a type specific simulator.

(4) An applicant who has held a valid helicopter flight instructor rating within the 60 months immediately preceding the date of application, shall have undergone the proficiency check referred to in regulation 61.25.9(1).

**Application for helicopter simulator flight instructor certificate**

**61.25.5** An application for the issuing of a helicopter simulator flight instructor certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the pilot licence or helicopter flight instructor rating held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.25.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

#### **Issuing of helicopter simulator flight instructor certificate**

**61.25.6** (1) The Director shall issue a helicopter simulator flight instructor certificate if the applicant complies with the requirements referred to in regulation 61.25.1.

(2) A helicopter simulator flight instructor certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.25.7** A helicopter simulator flight instructor certificate shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the certificate: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.25.11.

#### **Privileges**

**61.25.8** The holder of a valid helicopter simulator flight instructor certificate shall be entitled to give the simulator instruction for which he or she has been approved.

#### **Renewal**

**61.25.9** (1) To renew a helicopter simulator flight instructor certificate, the holder of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a Grade I or Grade II helicopter flight instructor, or a designated examiner.

(2) The flight instructor or designated examiner, as the case may be, shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the certificate -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(3) If the result of the proficiency check contemplated in subregulation (1) reveals that the holder of the certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.25.9, the flight instructor or designated examiner shall -

- (a) submit a proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the certificate.

(4) An application for the renewal of the certificate shall, within the 90 days immediately preceding the date of expiry of such certificate, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -

- (i) a copy of such certificate;
- (ii) a copy of a summary of the logbook of the applicant;
- (iii) the proficiency check report referred to in subregulation (2)(a); and
- (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the certificate if the applicant complies with the requirements referred to in subregulation (1).

(6) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.25.10** (1) The holder of a helicopter simulator flight instructor certificate which has expired due to the lapse of the period referred to in regulation 61.25.7, who wishes to apply for the reissuing of the expired certificate, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a helicopter simulator flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.25.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired certificate -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -

- (i) a copy of such expired certificate;
- (ii) a copy of a summary of the logbook of the applicant;
- (iii) the skill test report referred to in subregulation (3)(a); and
- (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired certificate if the applicant complies with the requirements referred to in subregulation (2).

(6) The certificate shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill test contemplated in subregulation (2) reveals that the holder of the expired certificate has failed to maintain the minimum standard required to exercise the privileges referred to in regulation 61.25.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired certificate.

(8) If a period of 60 months has lapsed after the date of expiry of the certificate, the holder of the expired certificate may apply to the Director for the reissuing of the certificate and the Director shall reissue the certificate if the applicant complies with the requirements referred to in regulation 61.25.1.

(9) The provisions of regulation 61.25.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

**Maintenance of competency**

**61.25.11** (1) The holder of a helicopter simulator flight instructor certificate shall not exercise the privileges of the certificate unless he or she has given at least 10 hours of simulator instruction within the preceding 12 months.

(2) If the holder has failed to comply with the provisions of subregulation (1), such holder shall undergo the proficiency check referred to in regulation 61.25.9(1).

**SUBPART 26****GRADE I MICROLIGHT AEROPLANE FLIGHT INSTRUCTOR RATING****Requirements for Grade I microlight aeroplane flight instructor rating**

**61.26.1** An applicant for the issue of a Grade I microlight aeroplane flight instructor rating shall -

- (a) hold a valid microlight aeroplane pilot licence;
- (b) have successfully completed the training referred to in regulation 61.26.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.26.3; and
- (d) have undergone the skill test referred to in regulation 61.26.4.

**Training**

**61.26.2** An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.26.3** An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.26.4** (1) An applicant for the issuing of a Grade I microlight aeroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I microlight aeroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I microlight aeroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.26.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade I microlight aeroplane flight instructor rating**

**61.26.5** An application for the issue of a Grade I microlight aeroplane flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the commercial microlight aeroplane pilot licence held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.26.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade I microlight aeroplane flight instructor rating**

**61.26.6** (1) The Director shall issue a Grade I microlight aeroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.26.1.

(2) A Grade I microlight aeroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.26.7** A Grade I microlight aeroplane flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.26.11.

**Privileges**

**61.26.8** The holder of a valid Grade I microlight aeroplane flight instructor rating shall be 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;
- (c) issue temporary type rating certificates;
- (d) send the holder of a student pilot licence in respect of a microlight aeroplane, on his or her initial solo flight; and
- (e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

**Renewal**

**61.26.9** (1) To renew a Grade I microlight aeroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.26.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.26.10** (1) The holder of a Grade I microlight aeroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.26.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I microlight aeroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.26.4 (1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.26.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.28.1.

(9) The provisions of regulation 61.26.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

#### **Maintenance of competency**

**61.26.11** The holder of a Grade 1 microlight aeroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 27****GLIDER FLIGHT INSTRUCTOR RATING****Requirements for glider flight instructor rating**

- 61.27.1** An applicant for the issue of a glider flight instructor rating shall -
- (a) hold a valid glider pilot licence;
  - (b) have successfully completed the training referred to in regulation 61.27.2;
  - (c) have passed the theoretical knowledge examination referred to in regulation 61.27.3; and
  - (d) have undergone the skill test referred to in regulation 61.27.4.

**Training**

**61.27.2** An applicant for the issue of a glider flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.27.3** An applicant for the issue of a glider flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.27.4** (1) An applicant for the issue of a glider flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a glider flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a glider flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.27.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for glider flight instructor rating**

**61.27.5** An application for the issue of a glider flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the glider pilot licence held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.27.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of glider flight instructor rating**

**61.27.6** (1) The Director shall issue a glider flight instructor rating if the applicant complies with the requirements referred to in regulation 61.27.1.

(2) A glider flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.27.7** A glider flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.27.11.

**Privileges**

**61.27.8** The holder of a valid glider flight instructor rating shall be 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;
- (c) issue temporary type rating certificates;
- (d) send the holder of a student pilot licence in respect of a glider, on his or her initial solo flight; and
- (e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

**Renewal**

**61.27.9** (1) To renew a glider flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.28.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.27.10** (1) The holder of a glider flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.27.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a glider flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.27.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.27.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.27.1.

(9) The provisions of regulation 61.27.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

#### **Maintenance of competency**

**61.27.11** The holder of a glider flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 28****GRADE I FREE BALLOON FLIGHT INSTRUCTOR RATING****Requirements for Grade I free balloon flight instructor rating**

**61.28.1** An applicant for the issue of a Grade I free balloon flight instructor rating shall -

- (a) hold a valid free balloon pilot licence for commercial purposes;
- (b) have successfully completed the training referred to in regulation 61.28.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.28.3; and
- (d) have undergone the skill test referred to in regulation 61.28.4.

**Training**

**61.28.2** An applicant for the issue of a Grade I free balloon flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.28.3** An applicant for the issue of a Grade I free balloon flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.28.4** (1) An applicant for the issue of a Grade I free balloon flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I free balloon flight instructor the procedures and manocuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I free balloon flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.28.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade I free balloon flight instructor rating**

**61.28.5** An application for the issuing of a Grade I free balloon flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the free balloon pilot licence for commercial purposes held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.28.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade I free balloon flight instructor rating**

**61.28.6** (1) The Director shall issue a Grade I free balloon flight instructor rating if the applicant complies with the requirements referred to in regulation 61.28.1;

(2) A Grade I free balloon flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.28.7** A Grade I free balloon flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.27.11.

**Privileges**

**61.28.8** The holder of a valid Grade I free balloon flight instructor rating shall be 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;
- (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 Director in terms of regulation 61.01.26.

**Renewal**

**61.28.9** (1) To renew a Grade I free balloon flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.28.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by-

- (i) a copy of such rating;
- (ii) a copy of a summary of the logbook of the applicant;
- (iii) the proficiency check report referred to in subregulation (2)(a); and
- (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.28.10** (1) The holder of a Grade I free balloon flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.28.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I free balloon flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.28.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
- (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.28.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.28.1.

(9) The provisions of regulation 61.28.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

#### **Maintenance of competency**

**61.28.11** The holder of a Grade I free balloon flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 29****GRADE I AIRSHIP FLIGHT INSTRUCTOR RATING****Requirements for Grade I airship flight instructor rating**

**61.29.1** An applicant for the issue of a Grade I airship flight instructor rating shall -

- (a) hold a valid airship pilot licence for commercial purposes;
- (b) have successfully completed the training referred to in regulation 61.29.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.29.3; and
- (d) have undergone the skill test referred to in regulation 61.29.4.

**Training**

**61.29.2** An applicant for the issue of a Grade I airship flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.29.3** An applicant for the issuing of a Grade I airship flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.29.4** (1) An applicant for the issue of a Grade I airship flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I airship flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I airship flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.29.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade I airship flight instructor rating**

**61.29.5** An application for the issuing of a Grade I airship flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the airship pilot licence for commercial purposes held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.29.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade I airship flight instructor rating**

**61.29.6** (1) The Director shall issue a Grade I airship flight instructor rating if the applicant complies with the requirements referred to in regulation 61.29.1;

(2) A Grade I airship flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.29.7** A Grade I airship flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.29.11.

**Privileges**

**61.29.8** The holder of a valid Grade I airship flight instructor rating shall be 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;
- (c) issue temporary type rating certificates;
- (d) send the holder of a student pilot licence in respect of an airship, on his or her initial solo flight; and
- (e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

**Renewal**

**61.29.9** (1) To renew a Grade I airship flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.29.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.29.10** (1) The holder of a Grade I airship flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.29.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I airship flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.29.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
- (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.29.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.29.1.

(9) The provisions of regulation 61.29.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

#### **Maintenance of competency**

**61.29.11** The holder of a Grade I airship flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 30****GRADE I GYROPLANE FLIGHT INSTRUCTOR RATING****Requirements for Grade I gyroplane flight instructor rating**

**61.30.1** An applicant for the issuing of a Grade I gyroplane flight instructor rating shall -

- (a) hold a valid commercial gyroplane pilot licence;
- (b) have successfully completed the training referred to in regulation 61.30.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 61.30.3; and
- (d) have undergone the skill test referred to in regulation 61.30.4.

**Training**

**61.30.2** An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Theoretical knowledge examination**

**61.30.3** An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.30.4** (1) An applicant for the issuing of a Grade I gyroplane flight instructor rating shall have demonstrated to a designated examiner, the ability to perform as a Grade I gyroplane flight instructor the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a Grade I gyroplane flight instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 61.30.3, and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for Grade I gyroplane flight instructor rating**

**61.30.5** An application for the issuing of a Grade I gyroplane flight instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of the commercial gyroplane pilot licence held by the applicant;
  - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.30.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade I gyroplane flight instructor rating**

**61.30.6** (1) The Director shall issue a Grade I gyroplane flight instructor rating if the applicant complies with the requirements referred to in regulation 61.30.1.

(2) A Grade I gyroplane flight instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.30.7** A Grade I gyroplane flight instructor rating shall be valid for -

- (a) a period of 12 months calculated from the date of issue of the rating; and
- (b) a period of three years calculated from the date of renewal or reissue of the rating;

Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.30.11.

**Privileges**

**61.30.8** The holder of a valid Grade I gyroplane flight instructor rating shall be 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;
- (c) issue temporary type rating certificates;
- (d) send the holder of a student pilot licence in respect of a gyroplane, on his or her initial solo flight; and
- (e) act as an examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 61.01.26.

**Renewal**

**61.30.9** (1) To renew a Grade I gyroplane flight instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 61, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 61; and
- (b) 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 61.30.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

### Reissue

**61.30.10** (1) The holder of a Grade I gyroplane flight instructor rating which has expired due to the lapse of the period referred to in regulation 61.30.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a Grade I gyroplane flight instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 61.30.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

(7) If the result of the skill 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 61.30.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 61.30.1.

(9) The provisions of regulation 61.30.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

### **Maintenance of competency**

**61.30.11** The holder of a Grade I gyroplane flight instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight instruction within the preceding 12 months.

**SUBPART 31****NIGHT RATING****Requirements for night rating**

- 61.31.1** An applicant for the issuing of a night rating shall -
- (a) hold a valid pilot licence and type rating;
  - (b) have acquired the experience referred to in regulation 61.31.2;
  - (c) have passed the theoretical knowledge examination referred to in regulation 61.31.3; and
  - (d) have undergone the skill test referred to in regulation 61.31.4.

**Experience**

- 61.31.2** An applicant for the issuing of a night rating shall have completed -
- (a) instrument instruction for not less than -
    - (i) 10 hours in the case of aeroplanes and helicopters, conducted by a Category A or a Category B flight instructor who holds a valid instrument rating, of which not more than two hours may be accumulated in a simulator;
    - (ii) five hours in the case of microlight aeroplanes, gliders, airships or gyroplanes, conducted by an appropriate Category C flight instructor who holds a valid night rating;
  - (b) under the supervision of a Category A, a Category B or a Category C flight instructor -
    - (i) in the case of a night rating for an aeroplane, not less than five take-offs and five landings in an aeroplane by night;
    - (ii) in the case of a night rating for a helicopter, not less than 15 circuits, including take-off and landing, in a helicopter by night; or
    - (iii) in the case of night rating for a microlight aeroplane, glider, airship or gyroplane, not less than five take-offs and five landings in a microlight aeroplane, glider, airship or gyroplane, as the case may be, by night; and
  - (c) a dual cross-country flight by night -
    - (i) in the case of a night rating for aeroplanes, consisting of at least three legs of not less than 50 nm each; or
    - (ii) in the case of a night rating for helicopters, consisting of not less than 10 take-offs and 10 landings by night, including a triangular flight of which the three legs shall not be less than 25 nm each, in the type of aircraft for which the night rating is required.

**Theoretical knowledge examination**

**61.31.3** An applicant for the issuing of a night rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.31.4** (1) An applicant for the issuing of a night rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as prescribed 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 applicant shall have undergone the skill test referred to in subregulation (1), within 24 months of passing the theoretical knowledge examination referred to in regulation 61.31.3 and within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for night rating**

**61.31.5** (1) An application for the issuing of a night rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the pilot licence and type rating held by the applicant;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 61.31.3;
  - (iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.31.1, a temporary night rating certificate.

(3) A temporary night rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary night rating certificate was issued or until the date on which the night rating is issued by the Director, whichever period is the lesser period.

**Issuing of night rating**

**61.31.6** (1) The Director shall issue a night rating if the applicant complies with the requirements prescribed in regulation 61.31.1.

(2) A night rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Period of validity**

**61.31.7** A night rating shall be valid for the period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.31.9.

**Privileges**

**61.31.8** The holder of a valid night rating shall be 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.

**Maintenance of competency**

**61.31.9** No person shall act as pilot-in-command of an aircraft transporting passengers by night, unless he or she has, within the 90 days immediately preceding the flight on which such passengers are to be transported -

- (a) if he or she is the holder of a private pilot licence (aeroplane), a commercial pilot licence (aeroplane) or an airline transport pilot licence (aeroplane) executed not less than three take-offs and three landings;
- (b) if he or she is the holder of a private pilot licence (helicopter), a commercial pilot licence (helicopter) or an airline transport pilot licence (helicopter), executed not less than three circuits, including take-off and landing;
- (c) if he or she is the holder of a microlight aeroplane pilot licence, a glider pilot licence, an airship pilot licence, an airship pilot licence for commercial purposes, a gyroplane pilot licence, executed not less than three take-offs and three landings,

by night in an aircraft of the same type as that in which such passenger flight is to be undertaken.

**SUBPART 32****CLASS I FLIGHT TEST RATING****Requirements for Class I flight test rating**

- 61.32.1** An applicant for the issuing of a Class I flight test rating shall -
- (a) be not less than 21 years of age;
  - (b) hold a valid private pilot licence, a valid commercial pilot licence or a valid 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) have acquired the experience referred to in regulation 61.32.2; and
  - (e) have successfully completed the training referred to in regulation 61.32.3.

**Experience**

- 61.32.2** An applicant for the issuing of a Class I flight test rating shall -
- (a) if the privileges of the rating are to be exercised as copilot of a prototype aircraft, have completed not less than 1 000 hours of flight time as pilot-in-command of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148; or
  - (b) if the privileges of the rating are to be exercised as pilot-in-command of a prototype aircraft, have completed not less than 1 500 hours of flight time of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148.

**Training**

**61.32.3** An applicant for the issuing of a Class I flight test rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for Class I flight test rating**

- 61.32.4** (1) An application for the issuing of a Class I flight test rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by -
    - (i) a certified true copy of the pilot licence held by the applicant;
    - (ii) a valid Class 1 medical certificate issued in terms of Part 67;
    - (iii) a copy of a summary of the logbook of the applicant;
    - (iv) original or certified proof that the applicant has successfully completed the appropriate training referred to in regulation 61.32.3; and
    - (v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.32.1, a temporary Class I flight test rating certificate.

(3) A temporary Class I flight test rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary Class I flight test rating certificate was issued or until the date on which the Class I flight test rating is issued by the Director, whichever period is the lesser period.

#### **Issuing of Class I flight test rating**

**61.32.5** (1) The Director shall issue a Class I flight test rating if the applicant complies with the requirements referred to in regulation 61.32.1.

(2) A Class I flight test rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.32.6** A Class I flight test rating shall be valid for a period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.32.9.

#### **Privileges**

**61.32.7** The holder of a valid Class I flight test rating shall be entitled to act as 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 Director, for the purpose of issuing, validating or rendering effective a certificate of airworthiness of such aircraft.

#### **Maintenance of competency**

**61.32.8** No person shall 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 pilot-in-command of prototype aircraft.

**SUBPART 33****CLASS II FLIGHT TEST RATING****Requirements for Class II flight test rating**

- 61.33.1** An applicant for the issuing of a Class II flight test rating shall -
- (a) be not less than 21 years of age;
  - (b) hold a valid private pilot licence, a valid commercial pilot licence or a valid 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) have acquired the experience referred to in regulation 61.33.2; and
  - (e) have successfully completed the training referred to in regulation 61.33.3.

**Experience**

- 61.33.2** An applicant for the issuing of a Class II flight test rating shall -
- (a) if the privileges of the rating are to be exercised as co-pilot of a prototype aircraft, have completed not less than 1 000 hours of flight time as pilot-in-command of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148; or
  - (b) if the privileges of the rating are to be exercised as pilot-in-command of a prototype aircraft, have completed not less than 1 500 hours of flight time of an aircraft, which may include 100 hours on test flights flown in accordance with a production acceptance test procedure established in terms of Part 148.

**Training**

**61.33.3** An applicant for the issuing of a Class II flight test rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for Class II flight test rating**

- 61.33.4** (1) An application for the issuing of a Class II flight test rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by -
    - (i) a certified true copy of the pilot licence held by the applicant;
    - (ii) a valid Class 1 medical certificate issued in terms of Part 67;
    - (iii) a copy of a summary of the logbook of the applicant;
    - (iv) original or certified proof that the applicant has successfully completed the appropriate training referred to in regulation 61.33.3; and
    - (v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.33.1, a temporary Class II flight test rating certificate.

(3) A temporary Class II flight test rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary Class II flight test rating certificate was issued or until the date on which the Class II flight test rating is issued by the Director, whichever period is the lesser period.

#### **Issuing of Class II flight test rating**

**61.33.5** (1) The Director shall issue a Class II flight test rating if the applicant complies with the requirements referred to in regulation 61.33.1.

(2) A Class II flight test rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.33.6** A Class II flight test rating shall be valid for a period for which the pilot licence held by the holder of the rating is valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.33.8.

#### **Privileges**

**61.33.7** The holder of a valid Class II flight test rating shall be entitled to act as 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 Director, for approval purposes.

#### **Maintenance of competency**

**61.33.8** No person shall 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 pilot-in-command of prototype aircraft.

**SUBPART 34****TUG PILOT RATING****Requirements for tug pilot rating**

- 61.34.1** An applicant for the issuing of a tug pilot rating shall -
- (a) hold a valid private pilot licence, commercial pilot licence or airline transport licence;
  - (b) hold an appropriate valid type rating for the aircraft in respect of which the applicant will act as a tug pilot; and
  - (c) have acquired the experience referred to in regulation 61.34.2.

**Experience**

**61.34.2** An applicant for the issuing of a tug pilot rating shall have completed not less than 60 hours of flight time as pilot-in-command of the type of aircraft in respect of which the applicant will act as a tug pilot.

**Application for tug pilot rating**

- 61.34.3** (1) An application for the issuing of a tug pilot rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by -
    - (i) a certified true copy of the private pilot licence and type rating held by the applicant;
    - (ii) a copy of a summary of the logbook of the applicant; and
    - (iii) the appropriate fee as prescribed in Part 187.
- (2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.34.1, a temporary tug pilot rating certificate.
- (3) A temporary tug pilot rating certificate referred to in subregulation (2), shall -
- (a) be issue on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary tug pilot rating certificate was issued or until the date on which the tug pilot rating is issued by the Director, whichever period is the lesser period.

**Issuing of tug pilot rating**

**61.34.4** (1) The Director shall issue a tug pilot rating if the applicant complies with the requirements referred to in regulation 61.34.1.

**Privileges**

**61.34.5** The holder of a tug pilot rating shall be entitled to act as a tug pilot in the type of aircraft for which the holder is rated.

**Period of validity**

**61.34.6** A tug pilot rating shall be valid for the period for which the pilot licence held by the holder of the rating, is valid.

**SUBPART 35****EXTERNAL-LOAD RATING (HELICOPTER)****Requirements for external-load rating (helicopter)**

**61.35.1** An applicant for the issuing of an external-load rating (helicopter) shall -

- (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 helicopter external-load operations;
- (c) have acquired the experience referred to in regulation 61.35.2; and
- (d) have successfully completed the appropriate training referred to in regulation 61.35.3.

**Experience**

**61.35.2** An applicant for the issuing of an external-load rating (helicopter) shall have completed not less than 100 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in helicopter external-load operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid external-load rating (helicopter).

**Training**

**61.35.3** An applicant for the issuing of an external-load rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for external-load rating (helicopter)**

**61.35.4** (1) An application for the issuing of an external-load rating (helicopter) shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the pilot licence and type rating held by the applicant;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) proof of completion of the training referred to in regulation 61.35.3; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.35.1, a temporary external-load rating (helicopter) certificate.

(3) A temporary external-load rating (helicopter) certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary external-load rating (helicopter) certificate was issued or until the date on which the external-load rating (helicopter) is issued by the Director, whichever period is the lesser period.

**Issuing of external-load rating (helicopter)**

**61.35.5** (1) The Director shall issue an external-load rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.35.1 is a fit and proper person.

(2) An external-load rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Privileges**

**61.35.6** The holder of an external-load rating (helicopter) shall be entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in helicopter external-load operations.

**Period of validity**

**61.35.7** An external-load rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the rating, are valid.

**SUBPART 36****WINCHING RATING (HELICOPTER)****Requirements for winching rating (helicopter)**

**61.36.1** An applicant for the issuing of a winching rating (helicopter) shall -

- (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 the experience referred to in regulation 61.36.2; and
- (d) have successfully completed the training referred to in regulation 61.36.3.

**Experience**

**61.36.2** An applicant for the issuing of a winching rating (helicopter) shall have completed not less than 100 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in winching operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid winching rating (helicopter).

**Training**

**61.36.3** An applicant for the issuing of a winching rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for winching rating (helicopter)**

**61.36.4** (1) An application for the issuing of a winching rating (helicopter) shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the pilot licence and type rating held by the applicant;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) proof of completion of the training referred to in regulation 61.36.3; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.36.1, a temporary winching rating (helicopter) certificate.

(3) A temporary winching rating (helicopter) certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary external-load rating (helicopter) certificate was issued or until the date on which the external-load rating (helicopter) is issued by the Director, whichever period is the lesser period.

**Issuing of external-load rating (helicopter)**

**61.36.5** (1) The Director shall issue an external-load rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.36.1 is a fit and proper person.

(2) An external-load rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Privileges**

**61.36.6** The holder of an external-load rating (helicopter) shall be entitled to act as pilot-in-command of the type of helicopter for which the holder is rated, engaged in helicopter external-load operations.

**Period of validity**

**61.36.7** An external-load rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the rating, are valid.

**SUBPART 37****GAME OR LIVESTOCK CULL RATING (HELICOPTER)****Requirements for game or livestock cull rating (helicopter)**

**61.37.1** An applicant for the issuing of a game or livestock cull rating (helicopter) shall -

- (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 game or livestock cull operations;
- (c) have acquired the experience referred to in regulation 61.37.2; and
- (d) have successfully completed the training referred to in regulation 61.37.3.

**Experience**

**61.37.2** An applicant for the issuing of a game or livestock cull rating (helicopter) shall have completed not less than 100 hours of flight time as pilot-in-command of the type of helicopter for which the applicant is rated, of which not less than five hours in game or livestock cull operations, shall have been undertaken under the supervision of a Category B flight instructor who holds an appropriate valid type rating and a valid game or livestock cull rating (helicopter).

**Training**

**61.37.3** An applicant for the issuing of a game or livestock cull rating (helicopter) shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Application for game or livestock cull rating (helicopter)**

**61.37.4** (1) An application for the issuing of a game or livestock cull rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the pilot licence and type rating held by the applicant;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) proof of completion of the training referred to in regulation 61.37.3; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) A designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.37.1, a temporary game or livestock cull rating (helicopter) certificate.

(3) A temporary game or livestock cull rating (helicopter) certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and

- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary game or livestock cull rating (helicopter) certificate was issued or until the date on which the game or livestock cull rating (helicopter) is issued by the Director, whichever period is the lesser period.

**Issuing of game or livestock cull rating (helicopter)**

**61.37.5** (1) The Director shall issue a game or livestock cull rating (helicopter) if the applicant complies with the requirements referred to in regulation 61.37.1.

(2) A game or livestock cull rating (helicopter) shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Privileges**

**61.37.6** The holder of a game or livestock cull rating (helicopter) shall be 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.

**Period of validity**

**61.37.7** A game or livestock cull rating (helicopter) shall be valid for the period for which the pilot licence and type rating held by the holder of the rating, are valid.

**SUBPART 38****AGRICULTURAL PILOT RATING****Requirements for agricultural pilot rating**

- 61.38.1** An applicant for the issuing of an agricultural pilot rating shall -
- (a) hold a valid commercial pilot licence or a valid airline transport pilot licence;
  - (b) hold an appropriate valid type rating for the aircraft in respect of which the applicant will carry out agricultural operations;
  - (c) hold a valid pest control operator's certificate issued in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947);
  - (d) have acquired the experience referred to in regulation 61.38.2; and
  - (e) have undergone the skill test referred to in regulation 61.38.3.

**Experience**

**61.38.2** (1) An applicant for the issuing of an agricultural pilot rating shall have completed not less than 300 hours of flight time, including not less than 30 hours of flight practice in agricultural operations, as pilot-in-command of the type of aircraft for which the applicant is rated.

(2) The flight practice referred to in subregulation (1) shall be undertaken under the supervision of a Grade I or a Grade II aeroplane or helicopter flight instructor, or a Grade I microlight aeroplane flight instructor, who holds an appropriate valid type rating and a valid agricultural pilot rating: Provided that such flight practice shall include at least 10 hours of dual instruction with the flight instructor.

**Skill test**

**61.38.3** (1) An applicant for the issuing of an agricultural pilot rating shall have demonstrated to a designated examiner, the ability to perform as pilot-in-command of the type of aircraft for which the applicant is rated, the procedures and manoeuvres as prescribed 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 shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test referred to in subregulation (1) shall be carried out in an aircraft which is equipped with dispensing apparatus and which is certificated for agricultural operations, or in a simulator.

**Application for agricultural pilot rating**

- 61.38.4** (1) An application for the issuing of an agricultural pilot rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
  - (b) accompanied by -
    - (i) a certified true copy of the pilot licence and type rating held by the applicant;

- (ii) the valid pest control operator's certificate held by the applicant;
- (iii) a copy of a summary of the logbook of the applicant;
- (iv) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
- (v) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.38.1, a temporary agricultural pilot rating certificate.

(3) A temporary agricultural pilot rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary agricultural pilot rating certificate was issued or until the date on which the agricultural pilot rating is issued by the Director, whichever period is the lesser period.

#### **Issuing of agricultural pilot rating**

**61.38.5** (1) The Director shall issue an agricultural pilot rating if the applicant complies with the requirements referred to in regulation 61.38.1.

(2) An agricultural pilot rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Privileges**

**61.38.6** The holder of an agricultural pilot rating shall be entitled to act as pilot-in-command of the type of aircraft for which the holder is rated, engaged in agricultural operations.

#### **Period of validity**

**61.38.7** An agricultural pilot rating shall be valid for the period for which -

- (a) the pilot licence and type rating held by the holder of the rating; and
- (b) the pest control operator's certificate held by the holder of the rating,

are valid.

**SUBPART 39****CLOUD FLYING RATING****Requirements for cloud flying rating**

**61.39.1** An applicant for the issuing of a cloud flying rating shall -

- (a) hold a valid glider pilot licence;
- (b) hold an appropriate valid type rating for the glider in respect of which the applicant will carry out cloud flying;
- (c) have acquired the experience referred to in regulation 61.39.2;
- (d) have successfully completed the training referred to in regulation 61.39.3; and
- (e) have undergone the skill test referred to in regulation 61.39.4.

**Experience**

**61.39.2** An applicant for the issuing of a cloud flying rating shall have completed at least 100 hours of flight time in the type of glider for which the applicant is rated.

**Training**

**61.39.3** An applicant for the issuing of a cloud flying rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 61.

**Skill test**

**61.39.4** (1) An applicant for the issuing of a cloud flying rating shall have demonstrated to a designated examiner, the ability to perform the procedures and manoeuvres as prescribed in Document NAM-CATS-FCL 61, with a degree of competency appropriate to the privileges granted to the holder of a cloud flying rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within the 90 days immediately preceding the date of application.

(3) The skill test may be conducted in a simulator.

**Application for cloud flying rating**

**61.39.5** (1) An application for the issuing of a cloud flying rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the glider pilot licence and type rating held by the applicant;
  - (ii) proof of completion of the training referred to in regulation 61.39.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.39.1, a temporary cloud flying rating certificate.

(3) A temporary cloud flying rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary cloud flying rating certificate was issued or until the date on which the cloud flying rating is issued by the Director, whichever period is the lesser period.

#### **Issuing of cloud flying rating**

**61.39.6** (1) The Director shall issue a cloud flying rating if the applicant complies with the requirements prescribed in regulation 61.39.1.

(2) A cloud flying rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

#### **Period of validity**

**61.39.7** A cloud flying rating shall be valid for the period for which the glider pilot licence and type rating held by the holder of the rating, are valid: Provided that the privileges of such rating shall not be exercised by the holder thereof unless he or she complies with the provisions of regulation 61.39.9.

#### **Privileges**

**61.39.8** The holder of a valid cloud flying rating shall be entitled to fly in IMC in the type of glider for which the holder is rated.

#### **Maintenance of competency**

**61.39.9** No person shall exercise the privileges of a cloud flying rating unless he or she has flown at least 2 hours in actual or simulated IMC within the preceding 12 months.

**SUBPART 40****SAFETY PILOT RATING****Requirements for cloud flying rating**

**61.40.1** An applicant for the issuing of a cloud flying rating shall -

- (a) hold a valid glider pilot licence;
- (b) hold an appropriate valid type rating for the glider in respect of which the applicant will carry out cloud flying;
- (c) have acquired the experience referred to in regulation 61.40.2.

**Experience**

**61.40.2** An applicant for the issuing of a safety pilot rating shall have completed not less than 100 hours flight time as pilot-in-command of the type of aircraft in respect of which the applicant will act as safety pilot.

**Application for safety pilot training**

**61.40.3** (1) An application for the issuing of a cloud flying rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) accompanied by -
  - (i) a certified true copy of the glider pilot licence and type rating held by the applicant;
  - (ii) proof of completion of the training referred to in regulation 61.40.3;
  - (iii) the skill test report as prescribed in Document NAM-CATS-FCL 61; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 61.40.1, a temporary cloud flying rating certificate.

(3) A temporary cloud flying rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary cloud flying rating certificate was issued or until the date on which the cloud flying rating is issued by the Director, whichever period is the lesser period.

**Issuing of safety pilot rating**

**61.40.4** (1) The Director shall issue a safety pilot rating if the applicant complies with the requirements prescribed in regulation 61.40.1.

(2) A Safety pilot rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 61.

**Privileges**

**61.40.5** The holder of a safety pilot rating shall be entitled to act, in the type of aircraft for which the holder is rated, as safety pilot to a pilot -

- (a) engaged in simulated safety pilot flying practice; or
- (b) who needs to be accompanied by a safety pilot in terms of these Regulations

**Period of validity**

**61.40.6** A safety pilot rating shall be valid for the period for which the pilot licence held by the holder of the rating, is valid.

**PART 63**

**PERSONNEL : FLIGHT ENGINEER LICENSING**

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

**63.01.1** This Part shall apply to -

- (a) the issuing of licences and ratings for flight engineers, the privileges and limitations of such licences and ratings, and matters related thereto; and
- (b) the validation of foreign flight engineer licences and ratings and the privileges and limitations of such validations.

**Authority to act as flight engineer**

**63.01.2** (1) No person shall act as a flight engineer of a Namibian registered aircraft unless such person holds a valid -

- (a) flight engineer licence and rating issued, renewed or reissued by the Director in terms of this Part; or
- (b) flight engineer licence and rating issued by an appropriate authority and validated by the Director in terms of this Part.

(2) No person shall act as a flight engineer of a foreign registered aircraft within Namibia unless such person holds a valid flight engineer licence and rating issued or validated by the State of Registry.

(3) The holder of a flight engineer licence shall not exercise privileges other than the privileges granted by the licence and appropriate rating held by such holder.

**Ratings for flight engineers**

**63.01.3** The flight engineer ratings are -

- (a) a type rating; and
- (b) a rating for special purposes.

**Type ratings**

**63.01.4** Type ratings comprise -

- (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**

**63.01.5** The rating for special purposes comprises a flight engineer instructor rating.

**Validation of licence issued by appropriate authority**

**63.01.6** (1) The holder of a licence and rating issued by an appropriate authority, who desires to act as a flight engineer of a Namibian registered aircraft, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63, for a validation of such licence and rating.

(2) The application for a validation referred to in subregulation (1) shall be accompanied by -

- (a) the appropriate fee as prescribed in Part 187;
- (b) a copy of the licence and rating to which the validation pertains;
- (c) a valid medical certificate; and
- (d) in the case of an application for the validation of a licence and rating for the purpose of being employed as a flight engineer in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence and rating issued by an appropriate authority may be validated by the Director -

- (a) subject to the same restrictions which apply to such licence and rating;
- (b) in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-FCL 63; and
- (c) on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(4) A validation issued by the Director shall be 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 licence and rating issued by the appropriate authority concerned; or
- (c) the period of validity of the valid medical certificate contemplated in subregulation (2)(c); or
- (d) the period of validity of the employment permit of the applicant, whichever period is the lesser period.

(5) The holder of a validation issued by the Director may, subject to the provisions of subregulation (6), apply to the Director for the renewal of the validation at least 21 days immediately preceding the date of expiry of such validation.

(6) The Director may renew the validation for the same appropriate period referred to in subregulation (4), in the circumstances and on the conditions as prescribed in Document NAM-CATS-FCL 63: Provided that a validation of which the privileges are to be exercised for the purpose of being employed as a flight engineer in Namibia, shall not be renewed for a period which exceeds a period of 24 months calculated from the date on which the validation was issued.

(7) The holder of a validation issued by the Director shall comply with the provisions prescribed in this Part and the requirements and conditions as prescribed in Document NAM-CATS-FCL 63.

(8) The Director may validate a flight engineer instructor rating issued by an appropriate authority, to authorise the holder thereof to conduct training on a particular type of aircraft to which the rating pertains, if no holder of a flight engineer instructor rating issued in terms of this Part is available to conduct such training.

#### **Credit for military service**

**63.01.7** (1) Flight engineers qualified in the Namibian Defence Force, may apply to the Director for the issuing of a flight engineer licence and rating prescribed in this Part.

- (2) An application contemplated in subregulation (1) shall be -
- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
  - (b) accompanied by -
    - (i) proof of -
      - (aa) the identity of the applicant;
      - (bb) the age of the applicant; and
      - (cc) employment of the applicant in the Namibian Defence Force;
    - (ii) a valid Class 1 medical certificate issued in terms of Part 67;
    - (iii) proof that the applicant has passed the theoretical knowledge examination, or part thereof, if the Director requires the passing of such theoretical knowledge examination, or part thereof;
    - (iv) two recent passport size photographs of the applicant; and
    - (v) the appropriate fee as prescribed in Part 187.

(3) The Director shall credit the theoretical knowledge, experience and skill, or part thereof, gained in military service by the applicant, towards the issuing of a flight engineer licence and rating.

#### **Conversion of flight engineer licence issued by appropriate authority**

**63.01.8** (1) The holder of a flight engineer licence and rating issued by an appropriate authority, may apply to the Director for a conversion of the licence and rating.

(2) An application for a conversion of the licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (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) The Director may, subject to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-FCL 63, convert the licence and rating.

(4) The licence and rating shall be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

#### **Competency**

**63.01.9** No holder of a flight engineer licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

#### **Medical fitness**

**63.01.10** An applicant for, or the holder of, a flight engineer licence shall obtain a Class 1 medical certificate issued in terms of Part 67.

**Language**

**63.01.11** The holder of a flight engineer licence issued under this Part shall 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.

**Logbooks**

**63.01.12** (1) The holder of a flight engineer licence shall maintain a logbook and shall record therein all flight time spent as a flight engineer.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook shall be maintained, shall be as prescribed in Document NAM-CATS-FCL 63.

**Retesting after failure**

**63.01.13** An applicant for the issuing of a flight engineer licence or the issuing, renewal or reissuing of a rating, who fails a theoretical knowledge examination, required for such licence or rating, may apply for retesting after the appropriate period specified in Document NAM-CATS-FCL 63.

**Suspension and cancellation of licence and appeal**

**63.01.14** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a flight engineer licence, rating or validation if -

- (a) it is evident that the holder of the licence, rating or validation 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 suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence, rating or validation in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the licence, rating or validation was suspended.

(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 licence, rating or validation which has been suspended.

(4) The holder of a licence, rating or validation whose licence, rating or validation 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 the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

**Change of name or address**

**63.01.15** (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 thereof; or
- (b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the day on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 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 Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

- (a) issue a new licence and rating 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 the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

**Duplicate flight engineer licence**

**63.01.16** (1) The holder of a flight engineer licence and rating which has been lost, destroyed or defaced to such an extent that the particulars thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) accompanied by -
  - (i) a valid Class 1 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 Director shall -

- (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" thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith 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 shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

### **Designation of examiners**

**63.01.17** (1) The Director may designate a flight engineer instructor as an examiner to -

- (a) conduct skill tests and issue skill test reports required for -
  - (i) the issuing of flight engineer licences; and
  - (ii) the issuing, renewal or reissuing of type ratings;
- (b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal or reissuing of flight engineer instructor ratings; and
- (c) issue temporary type rating certificates.

(2) The privileges 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-FCL 63.

(3) The Director shall sign and issue to each designated examiner a document which shall 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).

### **Duties of flight engineer**

**63.01.18** A flight engineer shall -

- (a) carry the flight engineer licence and rating issued to him or her, on his or her person when exercising the privileges thereof;
- (b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and
- (c) produce such licence and rating to the authorised representative of an appropriate authority if so requested by such representative.

**Register of licences**

**63.01.19** (1) The Director shall maintain a register of all flight engineer licences issued or validated, and ratings issued, renewed, reissued or validated, 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 licence;
- (b) the postal and residential address of the holder of the licence;
- (c) the telephone and telefax numbers 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 particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or validated, or rating was issued, renewed, reissued or validated, or cancelled, as the case may be, 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.

**Aviation training organisation**

**63.01.20** Training as required by this Part shall only be provided by -

- (a) an aviation training organisation approved in terms of Part 141; or
- (b) a foreign aviation training organisation recognised by the Director.

**Unauthorised conduct**

**63.01.21** (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

- (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 Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

- (a) disqualification in the subject concerned;
- (b) disqualification in any or all subjects already passed; and
- (c) debarment from taking further examinations for a period not exceeding 12 months.

**Repeal of existing regulations**

**63.01.22** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 1, 2, 3, 4, 5, 7, 8, 9 and 25 of the Air Navigation Regulations, 1976, as amended, relating to flight engineers, are hereby repealed.

**SUBPART 2****FLIGHT ENGINEER LICENCE****Requirements for flight engineer licence**

- 63.02.1** An applicant for the issuing of a flight engineer licence shall -
- (a) be not less than 18 years of age;
  - (b) hold a valid Class 1 medical certificate issued in terms of Part 67;
  - (c) have acquired the experience referred to in regulation 63.02.2;
  - (d) have successfully completed the training referred to in regulation 63.02.3;
  - (e) have passed the theoretical knowledge examination referred to in regulation 63.02.4;
  - (f) have undergone the skill test referred to in regulation 63.02.5; and
  - (g) have acquired or hold -
    - (i) a valid aircraft maintenance engineer licence;
    - (ii) an approved B.Sc Aeronautical Engineering degree and not less than six months of practical experience in maintaining multi-engine aircraft with a maximum certificated mass exceeding 11 400 kilograms; or
    - (iii) a valid airline transport pilot licence.

**Experience**

**63.02.2** An applicant for the issuing of a flight engineer licence shall have completed, under the supervision of a flight engineer instructor, not less than 40 hours of flight time performing the duties of a flight engineer, of which 20 hours may be acquired in a simulator.

**Training**

**63.02.3** An applicant for the issuing of a flight engineer licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

**Theoretical knowledge examination**

**63.02.4** An applicant for the issuing of a flight engineer licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

**Skill test**

**63.02.5** (1) An applicant for the issuing of a flight engineer licence shall have demonstrated to a designated examiner, the ability to perform as a flight engineer of an aircraft, the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of a flight engineer licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 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 the issuing of a flight engineer licence shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
  - (b) accompanied by the appropriate fee as prescribed in Part 187.

**Issuing of flight engineer licence**

**63.02.7** (1) The Director shall issue a flight engineer licence if the applicant complies with the requirements referred to in regulation 63.02.1.

(2) A flight engineer licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(3) Upon the issuing of a flight engineer licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

**Period of validity**

**63.02.8** A flight engineer licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 1 medical certificate issued in terms of Part 67; and
- (b) he or she holds a valid type rating.

**Privileges**

**63.02.9** The holder of a valid flight engineer licence shall be 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;
- (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 for which a flight engineer is not required, under the direct supervision of the pilot-in-command of that aircraft.

**SUBPART 3****TYPE RATINGS****Requirements for type rating**

**63.03.1** An applicant for the issuing of a type rating shall -

- (a) hold a valid flight engineer licence;
- (b) have successfully completed the training referred to in regulation 63.03.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 63.03.3; and
- (d) have undergone the skill test referred to in regulation 63.03.4.

**Training**

**63.03.2** An applicant for the issuing of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

**Theoretical knowledge examination**

**63.03.3** An applicant for the issuing of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

**Skill test**

**63.03.4** (1) An applicant for the issuing of a type rating shall have demonstrated to a designated examiner, the ability to perform the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 63.03.3 and within the 90 days immediately preceding the date of application.

**Application for type rating**

**63.03.5** (1) An application for the issuing of a type rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 63.03.1, a temporary type rating certificate.

(3) A temporary type rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

**Issuing of type rating**

**63.03.6** (1) The Director shall issue a type rating if the applicant complies with the requirements referred to in regulation 63.03.1.

(2) A type rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

**Period of validity**

**63.03.7** A type rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

**Privileges**

**63.03.8** The holder of a valid type rating shall be entitled to act as a flight engineer in the type of aircraft for which the holder is rated.

**Renewal**

**63.03.9** (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-FCL 63, conducted by a flight engineer instructor.

(2) The flight engineer instructor shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 63; and
- (b) 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 63.03.8, the flight engineer instructor shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The flight engineer instructor may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.

(6) A temporary type rating certificate referred to in subregulation (5), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and

- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

### Reissue

**63.03.10** (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 63.03.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a flight engineer for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 63.03.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 63; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(7) If the result of the skill 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 63.03.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) The designated examiner shall issue to an applicant who meets the requirements referred to in subregulation (2), a temporary type rating certificate.

- (8), shall -
- (9) A temporary type rating certificate referred to in subregulation
- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
  - (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is reissued by the Director, whichever period is the lesser period.

**SUBPART 4****FLIGHT ENGINEER INSTRUCTOR RATING****Requirements for flight engineer instructor rating**

- 63.04.1** An applicant for the issuing of a flight engineer instructor rating shall -
- (a) hold a valid flight engineer licence;
  - (b) have successfully completed the training referred to in regulation 63.04.2;
  - (c) have passed the theoretical knowledge examination referred to in regulation 63.04.3; and
  - (d) have undergone the skill test referred to in regulation 63.04.4.

**Training**

**63.04.2** An applicant for the issuing of a flight engineer instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-FCL 63.

**Theoretical knowledge examination**

**63.04.3** An applicant for the issuing of a flight engineer instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-FCL 63.

**Skill test**

**63.04.4** (1) An applicant for the issuing of a flight engineer instructor rating shall have demonstrated to a designated examiner the ability to perform as a flight engineer instructor the duties and procedures as prescribed in Document NAM-CATS-FCL 63, with a degree of competency appropriate to the privileges granted to the holder of a flight engineer instructor rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1), within 36 months of passing the theoretical knowledge examination referred to in regulation 63.04.3, and within the 90 days immediately preceding the date of application.

**Application for flight engineer instructor rating**

**63.04.5** An application for the issuing of a flight engineer instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) accompanied by -
  - (i) a copy of the flight engineer 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 63.04.3;
  - (iv) the skill test report as prescribed in Document NAM-CATS-FCL 63; and
  - (v) the appropriate fee as prescribed in Part 187.

**Issuing of flight engineer instructor rating**

**63.04.6** (1) The Director shall issue a flight engineer instructor rating if the applicant complies with the requirements referred to in regulation 63.04.1.

(2) A flight engineer instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

#### **Period of validity**

**63.04.7** A flight engineer instructor rating shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the rating.

#### **Privileges of flight engineer instructor rating**

**63.04.8** The holder of a valid flight engineer instructor rating shall be 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 Director in terms of regulation 63.01.18.

#### **Renewal**

**63.04.9** (1) To renew a flight engineer instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-FCL 63, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-FCL 63; and
- (b) 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 63.04.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (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.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

**Reissue**

**63.04.10** (1) The holder of a flight engineer instructor rating which has expired due to the lapse of the period referred to in regulation 63.04.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a flight engineer instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, undergone the skill test referred to in regulation 63.04.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-FCL 63; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-FCL 63; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-FCL 63.

(7) If the result of the skill 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 63.04.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 63.04.1.

(9) The provisions of regulation 63.04.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

**Maintenance of competency**

**63.04.11** The holder of a flight engineer instructor rating shall not exercise the privileges of the rating unless he or she has given at least 10 hours of flight engineer instruction within the preceding 12 months.

**PART 64**

**PERSONNEL : CABIN CREW LICENSING**

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

**64.01.1** This Part shall apply to the issuing of licences and ratings for cabin crew members, the privileges and limitations of such licences and ratings, and matters related thereto.

**Authority to act as cabin crew member**

**64.01.2** (1) No person shall act as a cabin crew member of a Namibian registered aircraft unless such person holds a valid cabin crew member licence and rating issued by the Director in terms of this Part.

(2) The holder of a cabin crew member licence and rating shall not exercise privileges other than the privileges granted by the licence and rating held by such cabin crew member.

**Ratings for cabin crew members**

**64.01.3** The cabin crew member ratings are -

- (a) a type rating; and
- (b) a rating for special purposes.

**Type rating**

**64.01.4** The type rating comprises a rating by name for each type of aircraft.

**Rating for special purposes**

**64.01.5** The rating for special purposes comprises a cabin crew instructor rating.

**Competency**

**64.01.6** No holder of a cabin crew member licence and rating shall exercise the privileges granted by the licence and rating unless such holder maintains competency by complying with the appropriate requirements prescribed in this Part.

**Medical fitness**

**64.01.7** An applicant for, or the holder of, a cabin crew member licence shall obtain a Class 2 medical certificate issued in terms of Part 67.

**Language**

**64.01.8** The holder of a cabin crew member licence issued under this Part shall 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 cabin crew member.

**Logbooks**

**64.01.9** (1) The holder of a cabin crew member licence shall maintain a logbook and shall record therein all flight time spent 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 shall be maintained, shall be as prescribed in Document NAM-CATS-CCL.

**Suspension and cancellation of licence and appeal**

**64.01.10** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, a cabin crew member licence or rating, if -

- (a) it is evident that the holder of the licence or rating 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 suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence or rating in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why the licence or rating was suspended.

(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 licence, rating or validation which has been suspended.

(4) The holder of a licence or rating whose licence or rating 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 the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence or rating.

**Change of name or address**

**64.01.11** (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 thereof; or
- (b) contains a photograph which is no longer a recognisable image of the holder thereof, such holder shall, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence and rating.

(2) An application for the issuing of a new licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-CCL; 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 Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;

- (iii) two recent passport size photographs of the applicant; and
- (iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

- (a) issue a new licence and rating 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 the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

#### **Duplicate cabin crew member licence**

**64.01.12** (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 thereon are illegible, shall apply to the Director for the issuing of a duplicate licence and rating.

(2) An application for the issuing of a duplicate licence and rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-CCL; 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 Director shall -

- (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" thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith 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 shall take all reasonable steps to obtain such original licence and rating and surrender it forthwith to the Director.

#### **Duties of cabin crew member**

**64.01.13** A cabin crew member shall -

- (a) carry the cabin crew member licence and rating issued to him or her, on his or her person when exercising the privileges thereof;
- (b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person; and
- (c) produce such licence and rating to the authorised representative of an appropriate authority if so request by such representative.

**Designation of examiners**

**64.01.14** (1) The Director may designate a cabin crew instructor as an examiner to -

- (a) conduct skill tests and issue skill test reports required for -
  - (i) the issuing of cabin crew member licences; and
  - (ii) the issuing, renewal or reissuing of type ratings;
- (b) conduct skill tests or proficiency checks and issue skill test reports or proficiency check reports required for the issuing, renewal or reissuing of cabin crew instructor ratings; and
- (c) issue temporary type rating certificates.

(2) The privileges 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-CCL.

(3) The Director shall sign and issue to each designated examiner a document which shall 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).

**Register of licences**

**64.01.15** (1) The Director shall maintain a register of all cabin crew member licences issued, and ratings issued, renewed or reissued, 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 licence;
- (b) the postal and residential address of the holder of the licence;
- (c) the telephone and telefax numbers of the holder of the licence;
- (d) the date on which the licence was issued;
- (e) the number of the licence issued;
- (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 particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued, or rating was issued, renewed or reissued, or cancelled, as the case may be, 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.

**Aviation training organisation**

**64.01.16** Training as required by this Part shall only be provided by -

- (a) an aviation training organisation approved in terms of Part 141; or
- (b) a foreign aviation training organisation recognised by the Director.

**Unauthorised conduct**

**64.01.17** (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

- (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 Director to do so.

(3) Any unauthorised conduct referred to in subregulations (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) cancellation of that licence.

**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 shall -
- (a) be not less than 18 years of age;
  - (b) hold a valid Class 2 medical certificate issued in terms of Part 67;
  - (c) have acquired the experience referred to in regulation 64.02.2;
  - (d) have successfully completed the training referred to in regulation 64.02.3;
  - (e) have passed the theoretical knowledge examination referred to in regulation 64.02.4; and
  - (f) have undergone the skill test referred to in regulation 64.02.5.

**Experience**

**64.02.2** An applicant for the issuing of cabin crew member licence shall have completed not less than 20 hours flight time as supernumery crew on board the type of aircraft on which the initial cabin crew training was conducted.

**Training**

**64.02.3** An applicant for the issuing of a cabin crew member licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

**Theoretical knowledge examination**

**64.02.4** An applicant for the issuing of a cabin crew member licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

**Skill test**

**64.02.5** (1) An applicant for the issuing of a cabin crew member licence shall have demonstrated to a designated examiner, the ability to perform as a cabin crew member of an aircraft, the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew member licence.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 64.02.4 and within the 90 days immediately preceding the date of application.

**Application for cabin crew member licence**

- 64.02.6** An application for the issuing of a cabin crew member licence shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and
  - (b) accompanied by -
    - (i) proof of -
      - (aa) the identity of the applicant; and
      - (bb) the age of the applicant;

- (ii) a valid Class 2 medical certificate issued in terms of Part 67;
- (iii) proof of the experience referred to in regulation 64.02.2;
- (iv) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.02.4;
- (v) the skill test report as prescribed in Document NAM-CATS-CCL;
- (vi) the appropriate fee as prescribed in Part 187; and
- (vii) two recent passport size photographs of the applicant.

#### **Issuing of cabin crew member licence**

**64.02.7** (1) The Director shall issue a cabin crew member licence if the applicant complies with the requirements referred to in regulation 64.02.1.

(2) A licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(3) Upon the issuing of a cabin crew member licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

#### **Period of validity**

**64.02.8** A cabin crew member licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she is the holder of a valid Class 2 medical certificate issued in terms of Part 67;
- (b) he or she holds a valid type rating; and
- (c) has not attained the age of 60 years.

#### **Privileges**

**64.02.9** The holder of a valid cabin crew member licence shall be entitled to act as a cabin crew member in any aircraft in respect of which he or she is the holder of a type rating.

**SUBPART 3****TYPE RATING****Requirements for type rating**

- 64.03.1** An applicant for the issuing of a type rating shall -
- (a) hold a valid cabin crew member licence;
  - (b) have successfully completed the training referred to in regulation 64.03.2;
  - (c) have passed the theoretical knowledge examination referred to in regulation 64.03.3; and
  - (d) have undergone the skill test referred to in regulation 64.03.4.

**Training**

**64.03.2** An applicant for the issuing of a type rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

**Theoretical knowledge examination**

**64.03.3** An applicant for the issuing of a type rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

**Skill test**

**64.03.4** (1) An applicant for the issuing of a type rating shall have demonstrated to a designated examiner, the ability to perform the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

(2) The applicant shall have undergone the skill test referred to in subregulation (1) within 12 months of passing the theoretical knowledge examination referred to in regulation 64.03.3 and within the 90 days immediately preceding the date of application.

**Application for type rating**

- 64.03.5** (1) An application for the issuing of a type rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and
  - (b) accompanied by -
    - (i) a copy of the cabin crew member licence held by the applicant;
    - (ii) proof that the applicant has passed the theoretical knowledge examination referred to in regulation 64.03.3;
    - (iii) the skill test report as prescribed in Document NAM-CATS-CCL; and
    - (iv) the appropriate fee as prescribed in Part 187.

(2) The designated examiner may issue to an applicant who meets the requirements referred to in regulation 64.03.1, a temporary type rating certificate.

(3) A temporary type rating certificate referred to in subregulation (2), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-CCL; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is issued by the Director, whichever period is the lesser period.

### Issuing of type rating

**64.03.6** (1) The Director shall issue a type rating if the applicant complies with the requirements referred to in regulation 64.03.1.

(2) A type rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

### Period of validity

**64.03.7** A type rating shall be valid for a period of 12 months calculated from the date of issue, renewal or reissue of the rating.

### Privileges

**64.03.8** The holder of a valid type rating shall be entitled to act as a cabin crew member in the type of aircraft for which the holder is rated.

### Renewal

**64.03.9** (1) To renew a type rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone a proficiency check as prescribed in Document NAM-CATS-CCL, conducted by a cabin crew instructor.

(2) The cabin crew instructor shall, upon compliance with the requirements prescribed in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-CCL; and
- (b) 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 64.03.8, the cabin crew instructor shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating in terms of this regulation, shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and
- (b) be accompanied by -
  - (i) a copy of such rating;
  - (ii) a copy of a summary of the logbook of the applicant;
  - (iii) the proficiency check report referred to in subregulation (2)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The cabin crew instructor may issue to an applicant who meets the requirements referred to in subregulation (1), a temporary type rating certificate.

(6) A temporary type rating certificate referred to in subregulation (5), shall -

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-CCL; and
- (b) remain valid for a period of not more than 30 days calculated from the date on which the temporary type rating certificate was issued or until the date on which the type rating is renewed by the Director, whichever period is the lesser period.

(7) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(8) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-CCL.

### Reissue

**64.03.10** (1) The holder of a type rating which has expired due to the lapse of the period referred to in regulation 64.03.7, who wishes to apply for the reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a cabin crew member for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, have undergone the skill test referred to in regulation 64.03.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-CCL; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(7) If the result of the skill 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 64.03.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 64.03.1.

(9) The provisions of regulation 64.03.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

**SUBPART 4****CABIN CREW INSTRUCTOR RATING****Requirements for cabin crew instructor rating**

- 64.04.1** An applicant for the issuing of a cabin crew instructor rating shall -
- (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 shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-CCL.

**Theoretical knowledge examination**

**64.04.3** An applicant for the issuing of a cabin crew instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-CCL.

**Skill test**

**64.04.4** (1) An applicant for the issuing of a cabin crew instructor rating shall have demonstrated to a designated examiner the ability to perform as a cabin crew instructor the duties and procedures as prescribed in Document NAM-CATS-CCL, with a degree of competency appropriate to the privileges granted to the holder of a cabin crew instructor rating.

(2) The applicant shall 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 shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; 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 skill test report as prescribed in Document NAM-CATS-CCL; and
    - (v) the appropriate fee as prescribed in Part 187.

**Issuing of cabin crew instructor rating**

**64.04.6** (1) The Director shall issue a cabin crew instructor rating if the applicant complies with the requirements referred to in regulation 64.04.1.

(2) A cabin crew instructor rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-CCL.

**Period of validity**

**64.04.7** A cabin crew instructor rating shall be valid for a period of three years calculated from the date of issue, renewal or reissue of the rating.

**Privileges of cabin crew instructor rating**

**64.04.8** The holder of a valid cabin crew instructor rating shall be 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 Director in terms of regulation 64.01.14.

**Renewal**

**64.04.9** (1) To renew a cabin crew instructor rating, the holder of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, have undergone the proficiency check as prescribed in Document NAM-CATS-CCL, conducted by a designated examiner.

(2) The designated examiner shall, upon compliance with the requirements referred to in subregulation (1) by the holder of the rating -

- (a) issue the proficiency check report as prescribed in Document NAM-CATS-CCL;
- (b) 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 64.04.8, the designated examiner shall -

- (a) submit the proficiency check report to the Director; and
- (b) not endorse the logbook of the holder of the rating.

(4) An application for the renewal of the rating shall, within the 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; and
- (b) accompanied by -
  - (i) a copy of such rating;
  - (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.

(5) The Director shall renew the rating if the applicant complies with the requirements referred to in subregulation (1).

(6) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-CCL.

### Reissue

**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 reissuing of the expired rating, may, with the approval of the Director and subject to such conditions as the Director may determine, act as a cabin crew instructor for the purpose of complying with the requirements prescribed in subregulation (2).

(2) The applicant shall, within the 90 days immediately preceding the date of application, undergone the skill test referred to in regulation 64.04.4(1), conducted by a designated examiner.

(3) The designated examiner shall, upon compliance with the requirements prescribed in subregulation (2) by the holder of the expired rating -

- (a) issue the skill test report as prescribed in Document NAM-CATS-CCL; and
- (b) endorse the logbook of such holder.

(4) An application for the reissuing of the expired rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-CCL; 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 skill test report referred to in subregulation (3)(a); and
  - (iv) the appropriate fee as prescribed in Part 187.

(5) The Director shall reissue the expired rating if the applicant complies with the requirements referred to in subregulation (2).

(6) The rating shall be reissued on the appropriate form as prescribed in Document NAM-CATS-CCL.

(7) If the result of the skill 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 64.04.8, the designated examiner shall -

- (a) submit the skill test report to the Director; and
- (b) not endorse the logbook of the holder of the expired rating.

(8) 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 Director for the reissuing of the rating and the Director shall reissue the rating if the applicant complies with the requirements referred to in regulation 64.04.1.

(9) The provisions of regulation 64.04.5 shall apply *mutatis mutandis* to an application made in terms of subregulation (8).

### Maintenance of competency

**64.04.11** The holder of a cabin crew instructor rating shall 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.

**PART 65**

**PERSONNEL : AIR TRAFFIC SERVICE  
PERSONNEL LICENSING**

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

**65.01.1** This Part shall apply to -

- (a) the issuing of air traffic service licences, ratings, validations and certificates for air traffic service personnel, the privileges and limitations of such licences, ratings, validations and certificates, and matters related thereto; and
- (b) the conversion of foreign air traffic service licences and ratings and the privileges and limitations of such conversions.

**Authority to provide air traffic service**

**65.01.2** (1) No person shall provide an air traffic service within any airspace in Namibia, unless such person holds a valid air traffic service licence and rating complying with the requirements in this Part and appropriate to the duties being performed.

(2) The holder of an air traffic service licence shall not exercise privileges other than the privileges granted by the licence and the appropriate valid rating held by such holder.

**Conversion of licence or rating issued by appropriate authority**

**65.01.3** (1) The holder of a licence or rating issued by an appropriate authority, who desires to obtain a licence or rating issued under this Part, shall apply to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL, for a conversion of such licence or rating.

(2) The application for a conversion referred to in subregulation (1) shall be accompanied by -

- (a) the appropriate fee as prescribed in Part 187;
- (b) a copy of the licence to which the conversion pertains;
- (c) a valid medical certificate; and
- (d) in the case of an application for the conversion of a licence or rating for the purpose of being employed as an air traffic service personnel member in Namibia, an employment permit and a letter of appointment from a Namibian employer who requires the services of the applicant.

(3) A licence or rating issued by an appropriate authority may be recognised by the Director subject to the same restrictions which apply to such licence or rating and in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-ATSPL.

(4) A licence or rating issued by an appropriate authority may be converted by the Director on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(5) The holder of a licence or rating issued by an appropriate authority and converted by the Director, shall at all times comply with the regulations in this Part and the requirements and conditions as prescribed in Document NAM-CATS-ATSPL.

**Medical fitness**

**65.01.4** An applicant for, or holder of, an air traffic service licence shall 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, shall be as prescribed in Document NAM-CATS-ATSP.L.

**Ratings and certificate**

**65.01.6** The air traffic service ratings and certificate are -

- (a) an air traffic service assistant rating;
- (b) an aerodrome control rating;
- (c) an approach control rating;
- (d) an area control rating;
- (e) an approach control (radar) rating;
- (f) an area control (radar) rating;
- (g) an air traffic service instructor (operational) rating; and
- (h) an air traffic service instructor (academic) certificate.

**Register of licences**

**65.01.7** (1) The Director shall maintain a register of all air traffic service licences issued or converted, ratings validated and certificates 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 licence;
- (b) the postal and residential address of the holder of the licence;
- (c) the telephone and telefax numbers of the holder of the licence;
- (d) the date on which the licence was issued or converted;
- (e) the number of the licence issued or converted;
- (f) particulars of the ratings, validations and certificate 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 particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence was issued or converted, or a rating was validated or a certificate was issued, or cancelled, as the case may be, 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.

**Language**

**65.01.8** Air traffic service personnel shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel.

**Designation of validation examiners and rating assessment examiners**

- 65.01.9** (1) The Director may designate an air traffic service instructor as -
- (a) a validation examiner to conduct proficiency checks and to issue certificates of competency and temporary validation certificates;
  - (b) a rating assessment examiner to conduct proficiency checks and to issue certificates of competency and temporary rating certificates.

(2) The privileges referred to in subregulation (1)(a) and (b) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS-ATSPL.

(3) The Director shall sign and issue to each designated validation examiner or designated rating assessment examiner a document which shall state the full name of such validation examiner or rating assessment examiner and contain a statement that -

- (a) such validation examiner or rating assessment examiner has been designated in terms of subregulation (1)(a) or (b), as the case may be; and
- (b) such validation examiner or rating assessment examiner is empowered to exercise the privileges referred to in subregulation (1)(a) or (b), as the case may be.

**Suspension and cancellation of licence and appeal**

**65.01.10** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air traffic service licence, rating, validation or certificate if -

- (a) it is evident that the holder of the licence, rating, validation or certificate 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 suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence, rating, validation or certificate 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 licence, rating, validation or certificate 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 licence, rating, validation or certificate which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating, validation or certificate who feels aggrieved by the suspension of the licence, rating, validation or certificate, 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, which acknowledgement shall reflect the name of the recipient at the Director's office and the date and time of receipt.

(7) 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.

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

(9) As soon as practicable, but within 14 days, after the receipt of an appeal, the Director shall adjudicate the appeal.

(10) 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.

(11) The Director shall, if a licence, rating, validation or certificate is suspended in terms of subregulation (1) and the holder thereof does not appeal against the suspension, adjudicate such suspension within 30 days from the date on which the period referred to in subregulation (4), has expired.

(12) 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 licence, rating, validation or certificate.

#### **Air traffic service training organisation**

**65.01.11** Training as required by this Part shall only be provided by -

- (a) an air traffic service training organisation approved in terms of Part 141; or
- (b) a foreign air traffic service training organisation recognised by the Director.

#### **Problematic use of psychoactive substances**

**65.01.12** No air traffic service personnel member shall -

- (a) engage in any kind of problematic use of substances;
- (b) use any psychoactive substance less than eight hours prior to the specified reporting time for operational duty or commencement of a shift;
- (c) commence an operational duty period with a blood alcohol level exceeding 0,02 gram per 100 millilitres;
- (d) use any psychoactive substance during the operational duty period or whilst on standby for operational duty;
- (e) commence an operational duty period while under the influence of any psychoactive substance.

**Credit for military service**

**65.01.13** (1) Air traffic service personnel qualified in the Namibian Defence Force, may apply to the Director for the issuing of an air traffic service licence and rating prescribed in this Part.

(2) An application contemplated in subregulation (1) shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) employment of the applicant in the Namibian Defence Force;
  - (ii) a valid Class 3 medical certificate issued in terms of Part 67;
  - (iii) proof that the applicant has passed the appropriate theoretical knowledge examination, or part thereof, if the Director requires the passing of such theoretical knowledge examination, or part thereof;
  - (iv) the appropriate fee as prescribed in Part 187; and
  - (v) two recent passport size photographs of the applicant.

(3) The Director shall credit the theoretical knowledge and experience, or part thereof, gained in military service by the applicant, towards the issuing of an air traffic service licence and rating.

**Unauthorised conduct**

**65.01.14** (1) No person shall provide another person with, or obtain from another person, any examination paper, or part or copy thereof, unless authorised by the Director to do so.

(2) During any written examination under this Part, no person shall -

- (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 Director to do so.

(3) Any unauthorised conduct referred to in subregulations (1) and (2) may result in -

- (a) disqualification in the subject concerned;
- (b) disqualification in any or all subjects already passed; and
- (c) debarment from taking further examinations for a period not exceeding 12 months.

**Change of name or address**

**61.01.15** (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 thereof; or
- (b) contains a photograph which is no longer a recognisable image of the holder thereof,

such holder shall, within 30 days from the date on which such name or address was changed, or such photograph became an unrecognisable image, apply to the Director for the issuing of a new licence or rating.

(2) An application for the issuing of a new licence or rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) the original licence or rating;
  - (ii) in the case of a change of name, a copy of the certificate issued in terms of the Marriage Act, 1961 (Act 25 of 1961), the court order or any other legal document which verifies the change of name;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(3) The Director shall -

- (a) issue a new licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) cancel and destroy the original licence or rating.

(4) Upon the issuing of a new licence the holder thereof shall forthwith affix his or her signature in ink in the space on the new licence provided for such purpose.

**Duplicate air traffic service licence**

**65.01.16** (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 thereon are illegible, shall apply to the Director for the issuing of a duplicate licence or rating.

(2) An application for the issuing of a duplicate licence or rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) a valid Class 3 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 Director shall -

- (a) issue a duplicate licence or rating if the applicant complies with the requirements referred to in subregulation (2); and
- (b) endorse the duplicate licence or rating with the word "DUPLICATE" thereon.

(4) Upon the issuing of a duplicate licence the holder thereof shall forthwith 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 or rating, the original licence or rating is found, the holder of the duplicate licence or rating shall take all reasonable steps to obtain such original licence or rating and surrender it forthwith to the Director.

#### **Duties of air traffic service personnel**

**65.01.17** An air traffic service personnel member shall -

- (a) carry the air traffic service licence and rating issued to him or her, on his or her person when exercising the privileges thereof; and
- (b) produce such licence and rating to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

#### **Repeal of existing regulations**

**65.01.18** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 2 and 3 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**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 shall -
- (a) be not less than 18 years of age;
  - (b) hold a valid Class 3 medical certificate issued in terms of Part 67;
  - (c) be a resident of Namibia;
  - (d) have successfully completed the training referred to in regulation 65.02.2; and
  - (e) have passed the theoretical knowledge examination referred to in regulation 65.02.3.

**Training**

**65.02.2** An applicant for the issuing of an air traffic service licence shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Theoretical knowledge examination**

**65.02.3** An applicant for the issuing of an air traffic service licence shall have passed the appropriate written examination as prescribed in Document NAM-CATS-ATSPL.

**Application for air traffic service licence**

- 65.02.4** An application for the issuing of an air traffic service licence shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) proof of -
      - (aa) the identity of the applicant; and
      - (bb) the age of the applicant;
    - (ii) a valid Class 3 medical certificate issued in terms of Part 67;
    - (iii) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
    - (iv) the appropriate fee as prescribed in Part 187; and
    - (v) two recent passport size photographs of the applicant.

**Issuing of air traffic service licence**

**65.02.5** (1) The Director shall issue an air traffic service licence if the applicant complies with the requirements referred to in regulation 65.02.1.

(2) A licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) Upon the issuing of a licence the holder thereof shall forthwith 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** An air traffic service licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she is the holder of a valid Class 3 medical certificate issued in terms of Part 67;
- (b) he or she holds the appropriate valid rating;
- (c) he or she continually exercises the particular rating in the normal course of duties of employment, which may not be less than seven consecutive shifts within three shift cycles;
- (d) he or she maintains competency by complying with the appropriate requirements prescribed in this Part.

**Privileges**

**65.02.7** The holder of a valid air traffic service licence shall be entitled to -

- (a) provide the air traffic service at the air traffic service unit for which the rating held by him or her is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL;
- (b) act as an air traffic service instructor (operational) if he or she is suitably rated; and
- (c) act as a validation examiner if he or she is -
  - (i) designated by the Director in terms of regulation 65.01.9 to act as such; and
  - (ii) in possession of an air traffic service instructor (operational) rating;
- (d) act as an air traffic service instructor (academic) if he or she holds the appropriate certificate;
- (e) act as a rating assessment examiner if he or she is -
  - (i) designated by the Director in terms of regulation 65.01.9 to act as such; and
  - (ii) in possession of an air traffic service instructor (academic) certificate.

**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 shall -

- (a) be not less than 18 years of age;
- (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 shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of air traffic service assistant rating**

**65.03.3** An application for the issuing of an air traffic service assistant rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
  - (ii) a copy of the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) proof of his or her age.

**Issuing of air traffic service assistant rating**

**65.03.4** (1) The Director shall issue an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of air traffic service assistant rating**

**65.03.5** An applicant for the validation of an air traffic service assistant rating shall, under the supervision of an air traffic service instructor (operational), have provided assistant services at the air traffic service unit for which the rating is sought for at least 50 hours but not more than 100 hours.

**Application for validation of air traffic service assistant rating**

**65.03.6** An application for the validation of an air traffic service assistant rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -

- (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
- (ii) a copy of 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 Director shall validate an air traffic service assistant rating if the applicant complies with the requirements referred to in regulation 65.03.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of air traffic service assistant rating**

**65.03.8** The holder of a valid air traffic service assistant rating shall be entitled to -

- (a) provide assistant services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such assistant services, as appropriate.

#### **Duration of validation or renewal**

**65.03.9** (1) An air traffic service assistant rating shall be validated or renewed for a period of 24 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.03.10 or 65.03.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of air traffic service assistant rating**

**65.03.10** (1) To revalidate an air traffic service assistant rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.03.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of air traffic service assistant rating**

**65.03.11** (1) To renew an air traffic service assistant rating which has expired due to the lapse of the period referred to in regulation 65.03.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.03.1 and if at least 50 per cent of the experience referred to in regulation 65.03.5 has been acquired.

(3) The provisions of regulations 65.03.3 and 65.03.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 4****AERODROME CONTROL RATING****Requirements for aerodrome control rating**

- 65.04.1** An applicant for the issuing of an aerodrome control rating shall -
- (a) be not less than 21 years of age;
  - (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 shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of aerodrome control rating**

- 65.04.3** An application for the issuing of an aerodrome control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
    - (ii) a copy of the air traffic service licence held by the applicant;
    - (iii) the appropriate fee as prescribed in Part 187; and
    - (iv) proof of his or her age.

**Issuing of aerodrome control rating**

**65.04.4** (1) The Director shall issue an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of aerodrome control rating**

**65.04.5** An applicant for the validation of an aerodrome control rating shall, under the supervision of an air traffic service instructor (operational), have provided aerodrome control services at the air traffic service unit for which the rating is sought for at least 100 hours but not more than 200 hours, 50 per cent of which may be provided on a simulator.

**Application for validation of aerodrome control rating**

- 65.04.6** An application for the validation of an aerodrome control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -

- (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
- (ii) a copy of 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 Director shall validate an aerodrome control rating if the applicant complies with the requirements referred to in regulation 65.04.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of aerodrome control rating**

**65.04.8** The holder of a valid aerodrome control rating shall be entitled to -

- (a) provide aerodrome control services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such aerodrome control services, as appropriate.

#### **Duration of validation or renewal**

**65.04.9** (1) An aerodrome control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.04.10 or 65.04.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of aerodrome control rating**

**65.04.10** (1) To revalidate an aerodrome control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.04.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of aerodrome control rating**

**65.04.11** (1) To renew an aerodrome control rating which has expired due to the lapse of the period referred to in regulation 65.04.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.04.1 and if at least 50 per cent of the experience referred to in regulation 65.04.5 has been acquired.

(3) The provisions of regulations 65.04.3 and 65.04.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 5****APPROACH CONTROL RATING****Requirements for approach control rating**

- 65.05.1** An applicant for the issuing of an approach control rating shall -
- (a) be not less than 21 years of age;
  - (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 shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of approach control rating**

- 65.05.3** An application for the issuing of an approach control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
    - (ii) a copy of the air traffic service licence held by the applicant;
    - (iii) the appropriate fee as prescribed in Part 187; and
    - (iv) proof of his or her age.

**Issuing of approach control rating**

**65.05.4** (1) The Director shall issue an approach control rating if the applicant complies with the requirements referred to in regulation 65.05.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of approach control rating**

**65.05.5** An applicant for the validation of an approach control rating shall, under the supervision of an air traffic service instructor (operational), have provided approach control services at the air traffic service unit for which the rating is sought for at least 200 hours but not more than 400 hours, 50 per cent of which may be provided on a simulator.

**Application for validation of approach control rating**

- 65.05.6** An application for the validation of an approach control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -

- (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
- (ii) a copy of 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 rating**

**65.05.7** (1) The Director shall validate an approach control rating if the applicant complies with the requirements referred to in regulation 65.05.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of approach control rating**

**65.05.8** The holder of a valid approach control rating shall be entitled to -

- (a) provide approach control services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such approach control services, as appropriate.

#### **Duration of validation or renewal**

**65.05.9** (1) An approach control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.05.10 or 65.05.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of approach control rating**

**65.05.10** (1) To revalidate an approach control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.05.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of approach control rating**

**65.05.11** (1) To renew an approach control rating which has expired due to the lapse of the period referred to in regulation 65.05.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.05.1 and if at least 50 per cent of the experience referred to in regulation 65.05.5 has been acquired.

(3) The provisions of regulations 65.05.3 and 65.05.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 6****AREA CONTROL RATING****Requirements for area control rating**

- 65.06.1** An applicant for the issuing of an area control rating shall -
- (a) be not less than 21 years of age;
  - (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 rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of area control rating**

- 65.06.3** An application for the issuing of an area control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
    - (ii) a copy of the air traffic service licence held by the applicant;
    - (iii) the appropriate fee as prescribed in Part 187; and
    - (iv) proof of his or her age.

**Issuing of area control rating**

**65.06.4** (1) The Director shall issue an area control rating if the applicant complies with the requirements referred to in regulation 65.06.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of area control rating**

**65.06.5** An applicant for the validation of an area control rating shall, under the supervision of an air traffic service instructor (operational), have provided area control services at the air traffic service unit for which the rating is sought for at least 200 hours but not more than 300 hours, 50 per cent of which may be provided on a simulator.

**Application for validation of area control rating**

- 65.06.6** An application for the validation of an area control rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -

- (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
- (ii) a copy of 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 rating**

**65.06.7** (1) The Director shall validate an area control rating if the applicant complies with the requirements referred to in regulation 65.06.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of area control rating**

**65.06.8** The holder of a valid area control rating shall be entitled to -

- (a) provide area control services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such area control services, as appropriate.

#### **Duration of validation or renewal**

**65.06.9** (1) An area control rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.06.10 or 65.06.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of area control rating**

**65.06.10** (1) To revalidate an area control rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.06.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of area control rating**

**65.06.11** (1) To renew an area control rating which has expired due to the lapse of the period referred to in regulation 65.06.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.06.2 and if at least 50 per cent of the experience referred to in regulation 65.06.5 has been acquired.

(3) The provisions of regulations 65.06.3 and 65.06.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 7****APPROACH CONTROL (RADAR) RATING****Requirements for approach control (radar) rating**

**65.07.1** An applicant for the issuing of an approach control (radar) rating shall -

- (a) be not less than 21 years of age;
- (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 (radar) rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of approach control (radar) rating**

**65.07.3** An application for the issuing of an approach control (radar) rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
  - (ii) a copy of the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) proof of his or her age.

**Issuing of approach control (radar) rating**

**65.07.4** (1) The Director shall issue an approach control (radar) rating if the applicant complies with the requirements referred to in regulation 65.07.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of approach control (radar) rating**

**65.07.5** An applicant for the validation of an approach control (radar) rating shall, under the supervision of an air traffic service instructor (operational), have provided approach control (radar) services, in conjunction with the approach control services referred to in Subpart 5, at the air traffic service unit for which the rating is sought for at least 50 hours but not more than 150 hours, 50 per cent of which may be provided on a simulator.

**Application for validation of approach control (radar) rating**

**65.07.6** An application for the validation of an approach control (radar) rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
  - (ii) a copy of 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 (radar) rating**

**65.07.7** (1) The Director shall validate an approach control (radar) rating if the applicant complies with the requirements referred to in regulation 65.07.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of approach control (radar) rating**

**65.07.8** The holder of a valid approach control (radar) rating shall be entitled to -

- (a) provide approach control (radar) services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such approach control (radar) services, as appropriate.

#### **Duration of validation or renewal**

**65.07.9** (1) An approach control (radar) rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.07.10 or 65.07.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of approach control (radar) rating**

**65.07.10** (1) To revalidate an approach control (radar) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.07.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of approach control (radar) rating**

**65.07.11** (1) To renew an approach control (radar) rating which has expired due to the lapse of the period referred to in regulation 65.07.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.07.1 and if at least 50 per cent of the experience referred to in regulation 65.07.5 has been acquired.

(3) The provisions of regulations 65.07.3 and 65.07.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 8****AREA CONTROL (RADAR) RATING****Requirements for area control (radar) rating**

- 65.08.1** An applicant for the issuing of an area control (radar) rating shall -
- (a) be not less than 21 years of age;
  - (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 (radar) rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of area control (radar) rating**

- 65.08.3** An application for the issuing of an area control (radar) rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
    - (ii) a copy of the air traffic service licence held by the applicant;
    - (iii) the appropriate fee as prescribed in Part 187; and
    - (iv) proof of his or her age.

**Issuing of area control (radar) rating**

**65.08.4** (1) The Director shall issue an area control (radar) rating if the applicant complies with the requirements referred to in regulation 65.08.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 months, calculated from the date on which such rating was issued.

**Requirements for validation of area control (radar) rating**

**65.08.5** An applicant for the validation of an area control (radar) rating shall, under the supervision of an air traffic service instructor (operational), have provided area control (radar) services, in conjunction with the area control services referred to in Subpart 6, at the air traffic service unit for which the rating is sought for at least 50 hours but not more than 150 hours, 50 per cent of which may be provided on a simulator.

**Application for validation of area control (radar) rating**

- 65.08.6** An application for the validation of an area control (radar) rating shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -

- (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a validation examiner;
- (ii) a copy of 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 (radar) rating**

**65.08.7** (1) The Director shall validate an area control (radar) rating if the applicant complies with the requirements referred to in regulation 65.08.5.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of area control (radar) rating**

**65.08.8** The holder of a valid area control (radar) rating shall be entitled to -

- (a) provide area control (radar) services at the air traffic service unit for which the rating is validated, in accordance with the requirements and standards as prescribed in Document NAM-CATS-ATSPL, if he or she has familiarised himself or herself with all information that is pertinent or current at such air traffic service unit; and
- (b) use such equipment to provide such area control (radar) services, as appropriate.

#### **Duration of validation or renewal**

**65.08.9** (1) An area control (radar) rating shall be validated or renewed for a period of 12 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is revalidated or renewed in accordance with the provisions of regulation 65.08.10 or 65.08.11, as the case may be.

(2) The rating shall expire if not revalidated within a period of 24 months, calculated from the date on which such rating was validated.

#### **Revalidation of area control (radar) rating**

**65.08.10** (1) To revalidate an area control (radar) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, have passed a proficiency check as prescribed in Document NAM-CATS-ATSPL, conducted by a validation examiner.

(2) Subject to the provisions of subregulation (3), the validation examiner shall -

- (a) provide the Director with the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL; and
- (b) sign the appropriate page of the licence of the holder of the rating.

(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 65.08.8, the validation examiner shall -

- (a) report such result to the Director; and
- (b) not sign the appropriate page of the licence of the holder of the rating.

**Renewal of area control (radar) rating**

**65.08.11** (1) To renew an area control (radar) rating which has expired due to the lapse of the period referred to in regulation 65.08.9, the holder of the expired rating shall apply to the Director for the renewal of such expired rating.

(2) Upon application for the renewal of an expired rating referred to in subregulation (1), the Director shall renew the rating if the applicant complies with the requirements referred to in regulation 65.08.1 and if at least 50 per cent of the experience referred to in regulation 65.08.5 has been acquired.

(3) The provisions of regulations 65.08.3 and 65.08.6 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**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 shall -

- (a) be not less than 21 years of age;
- (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 shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**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 shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) the appropriate certificate of competency as prescribed in Document NAM-CATS-ATSPL, signed by a rating assessment examiner;
  - (ii) a copy of the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) proof of his or her age.

**Issuing of air traffic service instructor (operational) rating**

**65.09.4** (1) The Director shall issue an air traffic service instructor (operational) rating if the applicant complies with the requirements referred to in regulation 65.09.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

(3) The rating shall expire if not validated within a period of 12 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 shall have at least five years practical experience as an air traffic controller.

**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 shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -

- (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.09.8;
- (ii) a copy of 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 instructor (operational) rating**

**65.09.7** (1) The Director shall validate an air traffic service instructor (operational) rating if -

- (a) the applicant complies with the requirements referred to in regulation 65.09.5; and
- (b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.09.8.

(2) The rating shall be validated on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

#### **Privileges of air traffic service instructor (operational) rating**

**65.09.8** (1) The holder of a valid air traffic service instructor (operational) rating shall be entitled to -

- (a) give operational instruction or on the job training on any of the valid ratings held by him or her;
- (b) act as a validation examiner in any of the valid ratings held by him or her, if designated by the Director in terms of regulation 65.01.9; and
- (c) issue to an air traffic controller or an air traffic service assistant who meets the appropriate requirements prescribed in this Part for the validation of a similar rating, a temporary validation certificate.

(1)(c), shall - (2) A temporary validation certificate referred to in subregulation

- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) remain valid for a period of not more than 60 days calculated from the date on which the temporary validation certificate was issued or until the date on which the appropriate rating is validated by the Director, whichever period is the lesser period.

#### **Duration of validation or renewal**

**65.09.9** (1) An air traffic service instructor (operational) rating shall be validated or renewed for a period of 24 months calculated from the date of validation of the rating or from the date of expiry of the rating if such rating is renewed in accordance with the provisions of regulation 65.09.10.

(2) The rating shall expire if not renewed within a period of 24 months, calculated from the date on which such rating was validated.

#### **Renewal of air traffic service instructor (operational) rating**

**65.09.10** (1) To renew an air traffic service instructor (operational) rating, the holder thereof shall within the 90 days immediately preceding the date of expiry of the rating, apply to the Director for the renewal of such rating.

(2) An application for a renewal of the rating shall be -

- (a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -

- (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.09.8;
- (ii) a copy of the air traffic service licence and rating held by the applicant; and
- (iii) the appropriate fee as prescribed in Part 187.

(3) The Director shall renew the rating if the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.09.8.

(4) The rating shall be renewed on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

**SUBPART 10****AIR TRAFFIC SERVICE INSTRUCTOR  
(ACADEMIC) CERTIFICATION****Requirements for air traffic service instructor (academic) certification**

**65.10.1** An applicant for the issuing of an air traffic service instructor (academic) certificate shall -

- (a) be not less than 21 years of age;
- (b) hold an air traffic service licence;
- (c) hold or have held all and have validated at least one of the air traffic service ratings prescribed in this Part;
- (d) have at least two years practical experience on the air traffic service rating which has been validated; and
- (e) 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 (academic) certificate shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-ATSPL.

**Application for issuing of air traffic service instructor (academic) certificate**

**65.10.3** An application for the issuing of an air traffic service instructor (academic) certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
- (b) accompanied by -
  - (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;
  - (ii) a copy of the air traffic service licence held by the applicant;
  - (iii) the appropriate fee as prescribed in Part 187; and
  - (iv) proof of his or her age.

**Issuing of air traffic service instructor (academic) certificate**

**65.10.4** (1) The Director shall issue an air traffic service instructor (academic) certificate if -

- (a) the applicant complies with the requirements referred to in regulation 65.10.1; and
- (b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.10.5.

(2) The certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

**Privileges of air traffic service instructor (academic) certificate**

**65.10.5** (1) The holder of an air traffic service instructor (academic) certificate shall be entitled to -

- (a) give academic or practical simulator instruction on any of the valid ratings which has been held by him or her;
  - (b) act as a rating assessment examiner in any of the ratings held by him or her, if designated by the Director in terms of regulation 65.01.9; and
  - (c) issue to an air traffic controller or an air traffic service assistant who meets the appropriate requirements prescribed in this Part for the issuing of a similar rating, a temporary rating certificate.
- (2) A temporary rating certificate referred to in subregulation (1)(c), shall -
- (a) be issued on the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) remain valid for a period of not more than 60 days calculated from the date on which the temporary rating certificate was issued or until the date on which the appropriate rating is issued by the Director, whichever period is the lesser period.

#### **Duration of certificate and renewal**

**65.10.6** An air traffic service instructor (academic) certificate shall 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 (academic) certificate**

**65.10.7** (1) To renew an air traffic service instructor (academic) certificate, the holder thereof shall within the 90 days immediately preceding the date of expiry of the certificate, apply to the Director for the renewal of such certificate.

- (2) An application for a renewal of the certificate shall be -
- (a) made in the appropriate form as prescribed in Document NAM-CATS-ATSPL; and
  - (b) accompanied by -
    - (i) proof of the applicant's competency to exercise the privileges referred to in regulation 65.10.5;
    - (ii) a copy of the air traffic service licence held by the applicant; and
    - (iii) the appropriate fee as prescribed in Part 187.
- (3) The Director shall renew the certificate if the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 65.10.5.
- (4) The certificate shall be renewed on the appropriate form as prescribed in Document NAM-CATS-ATSPL.

**PART 66**

**PERSONNEL : AIRCRAFT MAINTENANCE  
ENGINEER LICENSING**

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- 66.05.1 Requirements for licence and rating
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- 66.05.4 Experience
- 66.05.5 Application for licence or amendment thereof
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- 66.05.7 Period of validity
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- 66.09.1 Requirements for Grade Two aircraft maintenance instructor rating
- 66.09.2 Training
- 66.09.3 Theoretical knowledge examination
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- 66.09.7 Period of validity
- 66.09.8 Privileges of Grade Two aircraft maintenance instructor rating
- 66.09.9 Renewal of Grade Two aircraft maintenance instructor rating

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

**66.01.1** This Part shall apply to -

- (a) the issuing of licences and ratings for Namibian aircraft maintenance engineers, the privileges and limitations of such licences and ratings, and matters related thereto; and
- (b) the validation of foreign aircraft maintenance engineer licences and ratings and the privileges and limitations of such validations.

**Authority to act as aircraft maintenance engineer**

**66.01.2** (1) No person shall 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 Director in terms of this Part.

(2) The holder of an aircraft maintenance engineer licence shall 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:

- (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;
- (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 5 700 kilograms or less;
- (j) Group 10 - rotorcraft powered by turbine jet engines, with a maximum certificated mass exceeding 5 700 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:

- (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.

### 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 -
  - (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 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 -
  - (i) avionic equipment;
  - (ii) electrical equipment;
  - (iii) instrument equipment; or
  - (iv) combination of such equipment,installed in aircraft registered in Namibia.

(2) The categories of ratings for a Class I aircraft maintenance engineer licence are -

- (a) a Category B rating, for all types of -
  - (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 -
- (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;
  - (vii) the installation of avionic equipment, including or excluding equipment employing pulse techniques; or
  - (viii) the carrying out of welding processes,

in aircraft registered in Namibia.

- (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 shall be granted only in conjunction with a Category A rating for the type of rotorcraft in which the engine is installed.

(5) A Category C rating for a particular type of engine installed in an aeroplane shall be granted only in conjunction with a Category A rating for the type of aeroplane in which the engine is installed.

### Competency

**66.01.6** The holder of an aircraft maintenance engineer licence with the appropriate rating shall 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.

### Consumption of alcohol and drugs

**66.01.7** No aircraft maintenance engineer shall -

- (a) consume any liquor less than 12 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 0,00 gram per 100 millilitres;
- (c) consume alcohol during the duty period or whilst on standby for duty;
- (d) commence a duty period while under the influence of liquor or any drug having a narcotic effect.

### Language

**66.01.8** Aircraft maintenance engineers shall 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 issued by an appropriate authority, who desires to act as an aircraft maintenance engineer in the Republic, shall apply to the Director on the appropriate form as prescribed in Document NAM-CATS-AMEL, for the validation of such licence.

(2) An application for a validation referred to in subregulation (1), shall be accompanied by -

- (a) the appropriate fee as prescribed in Part 187; and
- (b) the licence to which the validation pertains.

(3) An aircraft maintenance engineer licence issued by an appropriate authority, may be validated by the Director subject to the same limitations which apply to the licence and in accordance with and subject to the requirements and conditions as prescribed in Document NAM-CATS-AMEL.

(4) An aircraft maintenance engineer licence issued by an appropriate authority, shall be validated by the Director -

- (a) in the appropriate form as prescribed in Document NAM-CATS-AMEL;
- (b) 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.

(5) The 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 Document NAM-CATS-AMEL.

(6) The holder of a validated aircraft maintenance engineer licence shall at all times comply with the regulations in this Part and the requirements and conditions as prescribed in Document NAM-CATS-AMEL.

#### **Register of licences**

**66.01.10** (1) The Director shall maintain a register of all aircraft maintenance engineer licences issued, validated, renewed or reissued 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 licence;
- (b) the postal address of the holder of the licence;
- (c) the date on which the licence was issued, validated, renewed or reissued;
- (d) particulars of the ratings held by the holder of the licence; and
- (e) the nationality of the holder of the licence.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the licence is issued, validated, renewed or reissued, 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.

#### **Designation of examiners**

**66.01.11** (1) The Director may, designate an examiner, in respect of the valid rating or ratings held by the examiner to -

- (a) issue to an applicant who meets the appropriate training and theoretical knowledge examination 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;
- (b) 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;
- (c) issue to an applicant who meets the appropriate training and theoretical knowledge examination 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; and
- (d) 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.

(2) The privileges 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-AMEL.

(3) The Director shall sign and issue to each designated examiner a document which shall 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).

#### **Suspension and cancellation of licence and appeal**

**66.01.12** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aircraft maintenance engineers licence, rating or validation if -

- (a) it is evident that the holder of the licence, rating or validation 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 suspension is necessary in the interests of aviation safety.

(2) The airworthiness inspector who has suspended a certificate, approval or authorization in terms of sub regulation (1), shall deliver a report in writing to the Director stating the reasons why the licence, rating or validation was suspended.

(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 licence, rating or validation which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a licence, rating or validation whose licence, rating or validation 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 the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the licence, rating or validation.

#### **Aviation training organisation**

**66.01.13** Training as required by this Part shall only be provided by the holder of an aviation training organisation approval issued in terms of Part 141.

**SUBPART 2****CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY A RATING)****Requirements for licence and rating**

**66.02.1** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, or an amendment thereof, shall -

- (a) be not less than 19 years of age;
- (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 a Class II aircraft maintenance engineer licence with a Category A rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**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, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.02.4** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.02.5** (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category A rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.02.3;
  - (iii) original or certified 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
  - (iv) the appropriate fee as prescribed in Part 187.

#### **Issuing of licence**

**66.02.6** (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category A rating, if the applicant complies with the requirements referred to in regulation 66.02.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of aeroplane or rotorcraft in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

#### **Period of validity**

**66.02.7** (1) A Class II aircraft maintenance engineer licence with a Category A rating, shall be 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 a licence shall be valid for the period for which the licence is valid.

#### **Privileges and limitations**

**66.02.8** (1) Subject to the provisions of subregulation (2), the holder of a valid Class II aircraft maintenance engineer licence with a Category A rating, shall be 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; 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 the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5700 kilograms, registered and operated in Namibia.

#### Renewal of licence

**66.02.9** (1) To renew a Class II aircraft maintenance engineer licence with a Category A rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

#### Reissue

**66.02.10** (1) The holder of a Class II aircraft maintenance engineer licence with a Category A rating, which has expired due to the lapse of the period referred to in regulation 66.02.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.02.1.

(3) The provisions of regulation 66.02.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 3****CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY C RATING)****Requirements for licence and rating**

**66.03.1** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, or an amendment thereof, shall -

- (a) be not less than 19 years of age;
- (b) have successfully completed the training referred to in regulation 66.03.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.03.3; and
- (d) have acquired the experience referred to in regulation 66.03.4.

**Training**

**66.03.2** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.03.3** (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.03.4** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.03.5** (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.03.3;
  - (iii) two recent passport size photographs of the applicant; and

(iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category C rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.03.3;
  - (iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of engine or engines for which application is being made; and
  - (iv) the appropriate fee as prescribed in Part 187.

### Issuing of licence

**66.03.6** (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category C rating, if the applicant complies with the requirements referred to in regulation 66.03.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of engine or engines in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

### Period of validity

**66.03.7** (1) A Class II aircraft maintenance engineer licence with a Category C rating, shall be 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 66.03.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

### Privileges and limitations

**66.03.8** (1) Subject to the provisions of subregulation (2), the holder of a valid Class II aircraft maintenance engineer licence with a Category C rating, shall be 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;
  - (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.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in the Republic.

### Renewal of licence

**66.03.9** (1) To renew a Class II aircraft maintenance engineer licence with a Category C rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be –

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

### Reissue

**66.03.10** (1) The holder of a Class II aircraft maintenance engineer licence with a Category C rating, which has expired due to the lapse of the period referred to in regulation 66.03.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.03.1.

(3) The provisions of regulation 66.03.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 4****CLASS II AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY W RATING)****Requirements for licence and rating**

**66.04.1** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, or an amendment thereof, shall -

- (a) be not less than 19 years of age;
- (b) have successfully completed the training referred to in regulation 66.04.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.04.3; and
- (d) have acquired the experience referred to in regulation 66.04.4.

**Training**

**66.04.2** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.04.3** (1) An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.04.4** An applicant for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.04.5** (1) An application for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.3;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class II aircraft maintenance engineer licence with a Category W rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.04.3;
  - (iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of equipment for which application is being made; and
  - (iv) the appropriate fee as prescribed in Part 187.

### Issuing of licence

**66.04.6** (1) The Director shall issue a Class II aircraft maintenance engineer licence with a Category W rating, if the applicant complies with the requirements referred to in regulation 66.04.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of equipment in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

### Period of validity

**66.04.7** (1) A Class II aircraft maintenance engineer licence with a Category W rating, shall be 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 66.04.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

### Privileges and limitations

**66.04.8** (1) Subject to the provisions of subregulation (2), the holder of valid Class II aircraft maintenance engineer licence with a Category W rating, shall be 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;
  - (ii) any adjustment, maintenance or modification of such equipment; and
  - (iii) any installation of such equipment in aircraft and the replacement of components and parts of such

equipment: Provided that no equipment shall be dismantled for the purpose of making internal replacements.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in the Republic.

#### **Renewal of licence**

**66.04.9** (1) To renew a Class II aircraft maintenance engineer licence with a Category W rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

#### **Reissue**

**66.04.10** (1) The holder of a Class II aircraft maintenance engineer licence with a Category W rating, which has expired due to the lapse of the period referred to in regulation 66.04.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.04.1.

(3) The provisions of regulation 66.04.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 5****CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY B RATING)****Requirements for licence and rating**

**66.05.1** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, or an amendment thereof, shall -

- (a) be not less than 21 years of age;
- (b) have successfully completed the training referred to in regulation 66.05.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.05.3; and
- (d) have acquired the experience referred to in regulation 66.05.4.

**Training**

**66.05.2** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.05.3** (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.05.4** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.05.5** (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.05.3;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category B rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.05.3;
  - (iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of aeroplane or rotorcraft for which applicant is being made; and
  - (iv) the appropriate fee as prescribed in Part 187.

### Issuing of licence

**66.05.6** (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category B rating, if the applicant complies with the requirements referred to in regulation 66.05.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of aeroplane or rotorcraft in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

### Period of validity

**66.05.7** (1) A Class I aircraft maintenance engineer licence with a Category B rating, shall be 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 66.05.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

### Privileges and limitations

**66.05.8** The holder of a valid Class I aircraft maintenance engineer licence with a Category B rating, shall be entitled to 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 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.

### Renewal of licence

**66.05.9** (1) To renew a Class I aircraft maintenance engineer licence with a Category B rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

### Reissue

**66.05.10** (1) The holder of a Class I aircraft maintenance engineer licence with a Category B rating, which has expired due to the lapse of the period referred to in regulation 66.05.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.05.1.

(3) The provisions of regulation 66.05.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 6****CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY D RATING)****Requirements for licence and rating**

**66.06.1** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, or an amendment thereof, shall -

- (a) be not less than 21 years of age;
- (b) have successfully completed the training referred to in regulation 66.06.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.06.3; and
- (d) have acquired the experience referred to in regulation 66.06.4.

**Training**

**66.06.2** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.06.3** (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.06.4** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.06.5** (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.06.3;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category D rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.06.3;
  - (iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of engine or engines for which application is being made; and
  - (iv) the appropriate fee as prescribed in Part 187.

#### **Issuing of licence**

**66.06.6** (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category D rating, if the applicant complies with the requirements referred to in regulation 66.06.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of engine or engines in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

#### **Period of validity**

**66.06.7** (1) A Class I aircraft maintenance engineer licence with a Category D rating, shall be 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 66.06.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

#### **Privileges and limitations**

**66.06.8** The holder of a valid Class I aircraft maintenance engineer licence with a Category D rating, shall be entitled to 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.

**Renewal of licence**

**66.06.9** (1) To renew a Class I aircraft maintenance engineer licence with a Category D rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

**Reissue**

**66.06.10** (1) The holder of a Class I aircraft maintenance engineer licence with a Category D rating, which has expired due to the lapse of the period referred to in regulation 66.06.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.06.1.

(3) The provisions of regulation 66.06.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 7****CLASS I AIRCRAFT MAINTENANCE ENGINEER LICENCE  
(CATEGORY X RATING)****Requirements for licence and rating**

**66.07.1** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, or an amendment thereof, shall -

- (a) be not less than 19 years of age;
- (b) have successfully completed the training referred to in regulation 66.07.2;
- (c) have passed the theoretical knowledge examination referred to in regulation 66.07.3; and
- (d) have acquired the experience referred to in regulation 66.07.4.

**Training**

**66.07.2** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.07.3** (1) An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.07.4** An applicant for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for licence or amendment thereof**

**66.07.5** (1) An application for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the age of the applicant; and
    - (cc) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.07.3;
  - (iii) two recent passport size photographs of the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) An application for the amendment of a Class I aircraft maintenance engineer licence with a Category X rating, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the licence held by the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.07.3;
  - (iii) original or certified proof of the servicing and overhaul experience record of the applicant in respect of the type of equipment, instruments or welding processes for which application is being made; and
  - (iv) the appropriate fee as prescribed in Part 187.

### Issuing of licence

**66.07.6** (1) The Director shall issue a Class I aircraft maintenance engineer licence with a Category X rating, if the applicant complies with the requirements referred to in regulation 66.07.1.

(2) The licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

(3) The rating shall specify the type of equipment, instruments or welding processes in respect of which the holder of such rating is entitled to exercise the privileges thereof.

(4) Upon the issuing of a licence the holder thereof shall forthwith affix his or her signature in ink in the space on the licence provided for such purpose.

### Period of validity

**66.07.7** (1) A Class I aircraft maintenance engineer licence with a Category X rating, shall be 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 66.07.9.

(2) Any amendment of a licence shall be valid for the period for which the licence is valid.

### Privileges and limitations

**66.07.8** (1) Subject to the provisions of subregulation (2), the holder of a valid Class I aircraft maintenance engineer licence with a Category X rating, shall be entitled to 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 thereof;
- (c) the installation, overhaul, repair or modification of variable-pitch propellers, and replacements thereof;
- (d) the installation, overhaul, repair or modification of the specified instruments;
- (e) the installation, overhaul, repair or modification of the specified electrical equipment, and replacements thereof;

- (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 thereof; and
- (i) the carrying out of the specified welding processes.

(2) The holder of the licence shall, until such holder attains the age of 21, only be entitled to exercise the privileges of such licence in Namibia and in respect of aircraft with a maximum certificated mass of less than 5 700 kilograms, registered and operated in Namibia.

### Renewal of licence

**66.07.9** (1) To renew a Class I aircraft maintenance engineer licence with a Category X rating, the holder thereof shall, within the 24 months preceding the date of expiry of the licence, have served for not less than six months as a licensed aircraft maintenance engineer or as an aircraft maintenance engineer in a supervisory capacity.

(2) An application for the renewal of the licence shall, within 90 days immediately preceding the date of expiry of such licence, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) a certified true copy of the 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 Director shall renew the licence if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The licence shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

### Reissue

**66.07.10** (1) The holder of a Class I aircraft maintenance engineer licence with a Category X rating, which has expired due to the lapse of the period referred to in regulation 66.07.7, may apply to the Director for the reissuing of the expired licence.

(2) Upon application for the reissuing of the expired licence, the Director shall reissue such licence if the applicant complies with the requirements referred to in regulation 66.07.1.

(3) The provisions of regulation 66.07.5 shall apply *mutatis mutandis* to an application referred to in subregulation (1).

**SUBPART 8****GRADE ONE AIRCRAFT MAINTENANCE INSTRUCTOR RATING****Requirements for Grade One aircraft maintenance instructor rating**

**66.08.1** An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall -

- (a) be not less than 21 years of age;
- (b) hold a valid aircraft maintenance engineer licence;
- (c) hold at least one valid rating;
- (d) have successfully completed the training referred to in regulation 66.08.2;
- (e) have passed the theoretical knowledge examination referred to in regulation 66.08.3; and
- (f) have acquired the experience referred to in regulation 66.08.4.

**Training**

**66.08.2** An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.08.3** (1) An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.08.4** An applicant for the issuing of a Grade One aircraft maintenance instructor rating shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for Grade One aircraft maintenance instructor rating**

**66.08.5** An application for the issuing of a Grade One aircraft maintenance instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the age of the applicant;
    - (bb) compliance with the requirements referred to in regulation 66.08.1(d), (e) and (f); and
    - (cc) the applicant's competency to exercise the privileges referred to in regulation 66.08.8;
  - (ii) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and
  - (iii) the appropriate fee as prescribed in Part 187.

**Issuing of Grade One aircraft maintenance instructor rating**

**66.08.6** (1) The Director shall issue a Grade One aircraft maintenance instructor rating if -

- (a) the applicant complies with the requirements referred to in regulation 66.08.1; and
- (b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 66.08.8.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

**Period of validity**

**66.08.7** A Grade One aircraft maintenance instructor rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

**Privileges of Grade One aircraft maintenance instructor rating**

**66.08.8** The holder of a Grade One aircraft maintenance instructor rating shall be 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 Director in terms of regulation 66.01.11.

**Renewal of Grade One aircraft maintenance instructor rating**

**66.08.9** (1) To renew a Grade One aircraft maintenance instructor rating, the holder thereof shall, 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) An application for the renewal of the rating shall, within 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) 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 -

- (aa) compliance with the provisions of subregulation (1); and
- (bb) the applicant's competency to exercise the privileges referred to in regulation 66.08.8.

(3) The Director shall renew the rating if -

- (a) the applicant complies with the requirements referred to in subregulations (1) and (2); and
- (b) the Director is satisfied that the applicant is competent to exercise the privileges referred to in regulation 66.08.8.

(4) The rating shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

(5) The renewal of the rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

**SUBPART 9****GRADE TWO AIRCRAFT MAINTENANCE INSTRUCTOR RATING****Requirements for Grade Two aircraft maintenance instructor rating**

**66.09.1** An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall -

- (a) be not less than 21 years of age;
- (b) hold a valid aircraft maintenance engineer licence;
- (c) hold at least one valid rating;
- (d) have successfully completed the training referred to in regulation 66.09.2;
- (e) have passed the theoretical knowledge examination referred to in regulation 66.09.3; and
- (f) have acquired the experience referred to in regulation 66.09.4.

**Training**

**66.09.2** An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall have successfully completed the appropriate training as prescribed in Document NAM-CATS-AMEL.

**Theoretical knowledge examination**

**66.09.3** (1) An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall have passed the appropriate written examination as prescribed in Document NAM-CATS-AMEL.

(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-AMEL.

**Experience**

**66.09.4** An applicant for the issuing of a Grade Two aircraft maintenance instructor rating shall comply with the requirements for the appropriate experience as prescribed in Document NAM-CATS-AMEL.

**Application for Grade Two aircraft maintenance instructor rating**

**66.09.5** An application for the issuing of a Grade Two aircraft maintenance instructor rating shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) accompanied by -
  - (i) original or certified proof of -
    - (aa) the identity of the applicant;
    - (bb) the servicing and overhaul experience record of the applicant;
  - (ii) original or certified proof that the applicant has passed the theoretical knowledge examination referred to in regulation 66.09.3;
  - (iii) a certified true copy of the aircraft maintenance engineer licence held by the applicant; and
  - (iv) the appropriate fee as prescribed in Part 187.

**Issuing of Grade Two aircraft maintenance instructor rating**

**66.09.6** (1) The Director shall issue a Grade Two aircraft maintenance instructor rating if the applicant complies with the requirements referred to in regulation 66.09.1.

(2) The rating shall be issued on the appropriate form as prescribed in Document NAM-CATS-AMEL.

**Period of validity**

**66.09.7** A Grade Two aircraft maintenance instructor rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

**Privileges of Grade Two aircraft maintenance instructor rating**

**66.09.8** The holder of a Grade Two aircraft maintenance instructor rating shall be entitled to give academic or practical instruction on any of the valid ratings held by him or her.

**Renewal of Grade Two aircraft maintenance instructor rating**

**66.09.9** (1) To renew a Grade Two aircraft maintenance instructor rating, the holder thereof shall, 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) An application for the renewal of the rating shall, within 90 days immediately preceding the date of expiry of such rating, be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AMEL; and
- (b) 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 Director shall renew the rating if the applicant complies with the requirements referred to in subregulations (1) and (2).

(4) The rating shall be renewed in the appropriate form as prescribed in Document NAM-CATS-AMEL.

(5) The renewal of the rating shall be valid for the period for which the aircraft maintenance engineer licence is valid.

**PART 67**

**PERSONNEL : MEDICAL CERTIFICATION**

**LIST OF REGULATIONS**

- 67.00.1      Applicability
- 67.00.2      Classes of medical certificates
- 67.00.3      Designation of body or institution
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- 67.00.7      Issuing of medical certificate
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- 67.00.10     Appeal
- 67.00.11     Period of validity of medical records
- 67.00.12     Medical confidentiality
- 67.00.13     Repeal of existing regulations

**Applicability**

**67.00.1** This Part shall apply to the issuing of medical certificates in respect of flight crew, cabin crew and air traffic service personnel.

**Classes of medical certificates**

**67.00.2** (1) The classes of medical certificates are -

(a) Class 1 -

- (i) airline transport pilot : aeroplane and helicopter;
- (ii) commercial pilot : aeroplane and helicopter;
- (iii) flight test rating;
- (iv) airship pilot for commercial purposes;
- (v) free balloon pilot for commercial purposes; and
- (vi) flight engineer;

(b) Class 2 -

- (i) private pilot : aeroplane and helicopter;
- (ii) student pilot;
- (iii) cabin crew member;
- (iv) microlight aeroplane pilot;
- (v) glider pilot;
- (vi) gyroplane pilot;
- (vii) free balloon pilot; and
- (viii) airship pilot; and

(c) Class 3 -

- (i) air traffic controller; and
- (ii) air traffic service assistant.

(2) A flight crew member who holds a valid Class 1 medical certificate referred to in subregulation (1)(a), shall be deemed to hold a valid Class 2 medical certificate referred to in subregulation (1)(b).

(3) Upon expiry of a Class 1 medical certificate referred to in subregulation (1)(a), such medical certificate shall be deemed to be valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in subregulation (1)(b), as specified in regulation 67.00.6.

(4) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2 or 3 medical certificate shall be as prescribed in Document NAM-CATS-MR.

**Designation of body or institution**

**67.00.3** (1) The Director may designate a body or institution to -

- (a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;
- (b) determine standards for such examinations or tests and for the training of such aviation medical examiners;
- (c) issue, amend, suspend or withdraw medical certificates and keep all records, registers, books or documents regarding such examinations or tests; and
- (d) subject to the provisions of regulation 67.00.8, advise the Director on any matter relating to such examinations, tests or aviation medical examiners and on the training in first aid of flight crew and cabin crew.

(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.

(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-MR.

(4) Any medical practitioner employed by the body or institution designated in terms of subregulation (1), shall not be disqualified by virtue of such designation from being designated as an aviation medical examiner.

#### **Designation of aviation medical examiners**

**67.00.4** (1) The Director may, after consultation with the designated body or institution, designate aviation medical examiners to perform medical examinations or tests required for the issuing of medical certificates.

(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-MR.

(3) The Director shall sign and issue to each designated aviation medical examiner a document which shall 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 67.00.7, issue such medical certificate; or
  - (iii) defer the issuing of such medical certificate pending an appropriate instruction from the designated body or institution.

#### **Period of validity of medical certificates**

**67.00.5** (1) A Class 1 medical certificate shall be issued for a period not exceeding -

- (a) 12 calendar months, calculated from the day on which the medical certificate was issued, where the applicant is less than 40 years of age; and
- (b) six calendar months, calculated from the day on which the medical certificate was issued, where the applicant is 40 years of age or more.

(2) A Class 2 and 3 medical certificate shall be issued for a period not exceeding -

- (a) 24 calendar months, calculated from the day on which the medical certificate was issued, where the applicant is less than 40 years of age; and
- (b) 12 calendar months, calculated from the day on which the medical certificate was issued, where the applicant is 40 years of age or more.

(3) Notwithstanding the provisions of subregulations (1) and (2), a designated aviation medical examiner may -

- (a) if medical indications require that -
  - (i) medical examinations or tests be performed at shorter intervals; or
  - (ii) additional examinations or tests be performed; or
- (b) when the safe performance of the duties essential to the operation of an aircraft, of the holder of such medical certificate, depends on compliance with any special limitation,

endorse the medical certificate with such requirement or limitation.

#### **Application for medical certificate**

**67.00.6** (1) An application for the issuing of a medical certificate shall be made on the appropriate form as prescribed in Document NAM-CATS-MR.

(2) An applicant who attends a medical examination or test for the issuing of a medical certificate shall -

- (a) produce proof of his or her identity; and
- (b) produce for inspection any licence held for which the certificate is required and the most recent medical certificate held, if any.

(3) Subject to the provisions of regulations 67.00.3(1)(c) and 67.00.4(3)(b)(iii), an applicant who complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(4), shall be entitled to a medical certificate.

#### **Issuing of medical certificate**

**67.00.7** (1) A medical certificate shall be issued by the designated aviation medical examiner concerned on the appropriate form as prescribed in Document NAM-CATS-MR.

(2) The designated aviation medical examiner concerned shall, within 60 days from the date on which the medical certificate was issued, submit the original application together with any appropriate -

- (a) supporting medical reports; and
- (b) results of medical examinations or tests performed,

to the designated body or institution for verification purposes.

(3) On receipt of the documents referred to in subregulation (2), the designated body or institution shall verify that the holder of the medical certificate complies with the appropriate medical requirements and standards referred to in regulation 67.00.2(4).

(4) A medical certificate issued by a designated aviation medical examiner, shall remain in force, subject to any requirement or limitation endorsed thereon and for the period for which it was issued: Provided that the designated body or institution 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 regulation 67.00.2(4), cancel the medical certificate; or
- (b) (i) if medical conclusion requires that -
  - (aa) medical examinations or tests be performed at shorter intervals; or

(bb) additional examinations or tests be performed; or

(ii) 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.

(5) For the purposes of subregulation (2), the words "original application" includes any incomplete application.

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

**67.00.8** (1) The holder of a medical certificate shall -

- (a) carry such medical certificate on his or her person when carrying out the duties as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be;
- (b) not 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, as the case may be -
  - (i) while he or she is aware of any medical condition which could affect the validity of such medical certificate;
  - (ii) while he or she is receiving medical treatment, unless otherwise provided for in Document NAM-CATS-MR;
  - (iii) if the holder has entered the thirtieth week of pregnancy, unless -
    - (aa) the medical certificate is issued in respect of an air traffic service licence; or
    - (bb) a suitable medical practitioner and a designated aviation medical examiner certify that such holder who has entered the twenty-ninth week of pregnancy, is fit to continue to act as a pilot-in-command, or in any other capacity as a flight crew member or a cabin crew member, for a further period, which period shall not exceed six weeks from the date on which such holder has entered the thirtieth week of pregnancy;
  - (iv) if the holder has given birth in the preceding eight weeks; or
  - (v) after such medical certificate has expired;
- (c) without undue delay, notify the designated aviation medical examiner who issued such medical certificate, of any -
  - (i) injury;
  - (ii) hospitalisation;
  - (iii) surgical operation or invasive procedure;
  - (iv) regular use of medication;
  - (v) pregnancy;
  - (vi) absence due to illness for a period of more than 21 days; or
  - (vii) psychiatric treatment,

which renders such holder unable to comply with the appropriate medical requirements and standards referred to in regulation 67.00.2(4).

(2) For the purposes of subregulation (1)(c), the holder of a medical certificate shall, before such holder resumes the exercising of the privileges of the licence held by him or her, furnish the designated aviation medical examiner who issued such medical certificate, with proof that he or she has fully recovered from the decrease in medical fitness.

### **Foreign medical assessments**

**67.00.9** (1) The Director may, in consultation with the designated body or institution, recognise any foreign medical report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating a foreign flight crew member licence, air traffic service licence or cabin crew member licence.

(2) If, because of duty in a State or territory outside Namibia, deferral of the issuing of a Namibian medical certificate for a flight crew member or a cabin crew member, as the case may be, has to be made, such deferral shall not exceed -

- (a) a single period of six months in the case of a flight crew member of an aircraft used in operations other than commercial air transport operations; or
- (b) two consecutive periods, each of three months, in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial air transport operations:

Provided that the flight crew member or cabin crew member concerned -

- (i) obtains in that State or territory, in either instance, a valid medical certificate after examination by an appropriate authority; and
- (ii) undergoes the appropriate medical examination as soon as he or she returns to Namibia.

### **Appeal**

**67.00.10** (1) An applicant for, or the holder of, a medical certificate who feels aggrieved by -

- (a) a decision by the designated body or institution in terms of regulation 67.00.7(4)(a) to cancel his or her medical certificate;
- (b) a decision by a designated aviation medical examiner, declaring him or her unfit or temporarily unfit;
- (c) any endorsement made by the designated body or institution in terms of regulation 67.00.7(4)(b) on his or her medical certificate; or
- (d) any endorsement made by a designated aviation medical examiner in terms of regulation 67.00.5(3) on his or her medical certificate,

may appeal against such decision or endorsement to the Director, within 30 days after he or she becomes aware of such decision or endorsement.

(2) An appellant shall deliver his or her appeal in writing, stating the reasons why, in the opinion of the appellant, the decision or endorsement should be varied or set aside.

(3) The Director shall acknowledge receipt of an appeal, which acknowledgement shall reflect the name of the recipient at the Director's office and the date and time of receipt.

(4) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the designated aviation medical examiner concerned or the designated body or institution, as the case may be, and shall furnish proof of such submission for the information of the Director.

(5) The designated aviation medical examiner concerned or the designated body or institution, as the case may be, may, within seven days of receipt of the copy of the appeal referred to in subregulation (3), deliver his, her or its written reply to such appeal to the Director.

(6) The Director may, after consideration of any nomination made by the appellant, designate a panel of medical practitioners to assist him or her in adjudicating the appeal.

(7) The panel referred to in subregulation (6) shall consist of at least two medical practitioners who are registered in terms of section 13 of the Medical and Dental Professions Act, 1993, one of whom shall have obtained a post-graduate qualification in aviation medicine, and the other shall be a specialist in the field of medicine concerned.

(8) As soon as practicable, but within 14 days, after the receipt of an appeal, the Director shall adjudicate the appeal.

(9) The Director may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the designated aviation medical examiner concerned or the designated body or institution, as the case may be, 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.

(10) The Director may, subject to such conditions which the Director may determine, confirm, vary or set aside the decision or endorsement referred to in subregulation (1).

#### **Period of validity of medical records**

**67.00.11** The records of a medical examination shall, for the purpose of issuing a medical certificate, be 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.

#### **Medical confidentiality**

**67.00.12** (1) Subject to the provisions of subregulation (2), all information provided by or on behalf of an applicant for a medical certificate, which is personal medical information, shall be confidential, and shall be used only in respect of the medical certificate and the entire medical certification process, unless otherwise authorised by the applicant.

(2) Any medical practitioner employed by the designated body or institution shall ensure the protection of information referred to in subregulation (1) which is kept by such designated body or institution: Provided that when medical information appears to be fraudulent, false or misleading, or when such medical information will jeopardise aviation safety, or when it is necessary for the purpose of an appeal in terms of regulation 67.00.10, the medical practitioner shall release to the Director such information for appropriate investigation and action.

#### **Repeal of existing regulations**

**67.00.13** Subject to the provisions of regulation 183.00.2, the regulations in Chapter 6 of the Air Navigation Regulations, 1976, as amended, are hereby repealed.

**PART 91**

**RULES OF THE AIR AND GENERAL  
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**SUBPART 1****GENERAL****Applicability**

**91.01.1** (1) Subject to the provisions of subregulation (2), this Part shall apply to -

- (a) aircraft operated within Namibia;
- (b) aircraft registered in Namibia and operated internationally;
- (c) persons acting as crew members of aircraft registered in Namibia; and
- (d) persons who are on board an aircraft operated under this Part.

(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) the operation of powered paragliders, in Part 98;
- (c) the operation of gyroplanes, in Part 100;
- (d) the operation of unmanned free balloons, kites, rockets and remotely piloted aircraft, in Part 101;
- (e) the operation of free balloons and airships, in Part 102;
- (f) the operation of microlight aeroplanes, in Part 103;
- (g) the operation of gliders, in Part 104;
- (h) the operation of parachutes, in Part 105;
- (i) the operation of hang gliders, in Part 106;
- (j) the operation of amateur-built aircraft, in Part 107;
- (k) helicopters engaged in external-load operations, in Part 133; and
- (l) aircraft engaged in agricultural operations, in Part 137.

**Authority of pilot-in-command**

**91.01.2** All persons on board an aircraft shall obey all lawful commands given by the pilot-in-command of the aircraft for the purpose of securing the safety of such aircraft and of persons or property carried therein.

**Authority of personnel to taxi aeroplanes**

**91.01.3** No owner, operator or pilot-in-command, as the case may be, of an aeroplane, shall permit the taxiing of, and no person shall taxi, an aeroplane on the movement area of an aerodrome unless the person at the controls of the aeroplane -

- (a) is the holder of a valid pilot licence; or
- (b) has received instruction in the taxiing of an aeroplane from, and has been declared competent to taxi an aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;
- (c) if the person uses a radio apparatus, such person is authorised to use the radio apparatus; and
- (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 aeroplane movements at such aerodrome.

**Turning helicopters rotors**

**91.01.4** No person engaged in helicopter operations, shall permit helicopter rotors to be turned under power without -

- (a) a qualified pilot; or
- (b) if the helicopter is stationary on the ground, a person who has received the relevant instruction and has been declared competent to control the helicopter while stationary on the ground, by a Category B flight instructor,

at the controls of such helicopter.

**Search and rescue information**

**91.01.5** The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aircraft will be flown, is available on board the aircraft.

**Information on emergency and survival equipment carried**

**91.01.6** (1) The owner or operator, as the case may be, of an aircraft, shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the aircraft.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 91.

**Method of carriage of persons**

**91.01.7** No person shall be in any part of an aircraft in 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 therein; and
- (b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aircraft is in flight.

**Admission to flight deck**

**91.01.8** (1) No person other than the assigned flight crew, shall 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 shall not interfere with the operation of the aircraft.

(3) Any person carried on the flight deck, shall be made familiar with the applicable procedures.

**Unauthorised carriage**

**91.01.9** No person shall conceal himself, herself, animals or cargo on board an aircraft.

**Electronic devices**

**91.01.10** (1) Subject to the provisions of subregulation (2), no owner, operator or pilot-in-command, as the case may be, of an aircraft, or person, shall permit the operation of, or operate on board, the aircraft during flight time, any electronic device which may adversely affect the performance of the systems or equipment of the aircraft.

(2) The Director may, in Document NAM-CATS-OPS 91, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aircraft in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

**Endangering safety**

**91.01.11** No person shall, through any act or omission -

- (a) endanger the safety of an aircraft or person therein; or
- (b) cause or permit an aircraft to endanger the safety of any person or property.

**Preservation of documents**

**91.01.12** The owner or operator, as the case may be, of an aircraft, who is required to retain any of the documents for the specified period referred to in Subpart 3, shall retain such documents for such specified period irrespective of the fact that such owner or operator, before the expiry of such period, ceases to be the owner or operator of the aircraft.

**Instruments and equipment**

**91.01.13** All instruments and equipment required by these Regulations to be installed in an aircraft, shall be serviceable and operable except as provided for in the MEL, if any.

**Repeal of existing regulations**

**91.01.14** Subject to the provisions of regulation 183.00.2, the regulations in -

- (a) Chapters 10, 11 and 16 of the Air Navigation Regulations, 1976, as amended; and
- (b) Chapters 1, 2, 3, 4, 5, 10 and 11 of the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, as amended,

are hereby repealed.

**SUBPART 2****CREW MEMBERS****Composition of crew**

**91.02.1** (1) The number and composition of the crew shall not be less than the number and composition specified in the certificate of airworthiness, the aircraft flight manual referred to in regulation 91.03.2 or any other document associated with the certificate of airworthiness.

(2) The crew members shall -

- (a) be competent and qualified to perform the duties assigned to them; and
- (b) hold the appropriate valid crew member licences and ratings.

(3) Any flight crew member operating the radio installation in an aircraft, shall be the holder of a valid radiotelephony operator certificate or an equivalent document authorising such member to operate the type of radio transmitting equipment to be used.

(4) In the case of multi-pilot crew, the owner or operator, as the case may be, of an aircraft, shall 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.

**Crew member emergency duties**

**91.02.2** (1) The owner or operator and, where appropriate, the pilot-in-command of a multi-crew aircraft, shall assign to each 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) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

**Crew member responsibilities**

**91.02.3** (1) No person shall act as a crew member of an aircraft -

- (a) while under the influence of any psychoactive substance;
- (b) within 24 hours, following scuba diving by such crew member;
- (c) within 48 hours, following blood donation by such 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) No crew member shall -

- (a) engage in any kind of problematic use of substances;

- (b) use any psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;
- (c) commence flight duty with a blood alcohol level exceeding 0,04 gram per 100 millilitres; or
- (d) within 8 hours;
- (c) use any psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aircraft, unless the accident or incident was not related to his or her duties.

(3) Subject to the provisions of subregulation (4), no person shall act as a flight crew member of an aircraft if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible aggregate of -

- (a) in the case of pilots -
  - (i) eight hours within one calendar day;
  - (ii) 100 hours within 30 consecutive calendar days; and
  - (iii) 1 000 hours within one calendar year,
 unless otherwise specified in an approved flight time and duty scheme; and
- (b) in the case of flight instructors conducting *ab initio* training, six hours of flight instruction within one calendar day.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit referred to in subregulation (3), the flight crew member shall inform the operator accordingly.

### Recency

**91.02.4** (1) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by day, unless such pilot has, 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 type or similar type of aircraft as prescribed in Document NAM-CATS-OPS 91, as that in which such flight is to be undertaken, or approved in a simulator of some type.

(2) A pilot shall not act as pilot-in-command of an aircraft carrying passengers by night, unless the pilot has, within the 90 days immediately preceding the flight, carried out at least three take-offs and three landings by night, in the same type or similar type of aircraft as prescribed in Document NAM-CATS-OPS 91, as that in which such flight is to be undertaken, or in an approved simulator.

(3) A pilot shall not act as pilot-in-command of an aircraft on an instrument approach to an aerodrome in IMC unless the pilot has, within the 90 days immediately preceding such approach, by means of an instrument approach procedure or procedures established by the Director or an appropriate authority -

- (a) executed at least two actual approaches with reference to flight instruments only; or
- (b) executed at least two approaches, either under actual or simulated conditions, with reference to flight instruments only; or
- (c) executed at least one actual approach with reference to flight instruments only and one approach in a simulator for the purpose of practising instrument approach procedure; or
- (d) undergone the appropriate skill test as prescribed in Part 61.

**Crew members at duty stations**

**91.02.5** (1) In the case of a multi-crew aircraft -

- (a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;
- (b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);
- (c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;
- (d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c):

Provided that -

- (i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aircraft or for physiological needs; and
- (ii) at least one suitably qualified pilot remains at the controls of the aircraft at all times;
- (e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aircraft.

(2) In the case of a single-pilot aircraft, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aircraft.

**Laws, regulations and procedures**

**91.02.6** (1) In an emergency situation which endangers the aircraft, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

- (a) take any action which he or she considers necessary under the circumstances; and
- (b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

**Duties of pilot-in-command regarding flight preparation**

**91.02.7** (1) The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that -

- (a) the aircraft is airworthy;
- (b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;

- (c) the aircraft has been released to service in accordance with the provisions of Part 43;
  - (d) the mass of the aircraft does not exceed the maximum certificated mass calculated from the performance information provided in the aircraft flight manual referred to in regulation 91.03.2, in terms of which the performance operating limitations referred to in Subpart 9 are complied with;
  - (e) the load carried by the aircraft is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in the aircraft flight manual referred to in regulation 91.03.2;
  - (f) a flight plan referred to in regulation 91.03.4, has been properly completed and filed with the appropriate air traffic service unit, if such flight plan is required in terms of regulation 91.03.4;
  - (g) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;
  - (h) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 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, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;
  - (k) the aerodrome operating minima are not less than the operating minima of the aerodrome being operated and alternates 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) the status of the aircraft and the relevant airborne systems are appropriate for the specific flight to be undertaken;
  - (m) the external surfaces are clear of 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;
  - (n) according to the information available to him or her, the weather at the aerodromes concerned and, in respect of an aeroplane, the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;
  - (o) the RVR or visibility in the take-off direction of the aircraft is equal to, or better than, the applicable minimum;
  - (p) the crew members are properly qualified for the specific operation to be undertaken;
  - (q) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 91, if such approaches are planned; and
  - (r) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.
- (2) The pilot-in-command of an aircraft shall -
- (a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources 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; and
  - (c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

#### **Duties of pilot-in-command regarding flight operations**

- 91.02.8** (1) The pilot-in-command of an aircraft shall be responsible for -
- (a) the operation and safety of the aircraft;
  - (b) the conduct and safety of crew members and passengers carried; and
  - (c) the maintenance of discipline by all persons on board.
- (2) The pilot-in-command shall have the authority -
- (a) to give such commands he or she deems necessary in the interest of the safety of the aircraft, persons or property; and
  - (b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aircraft, persons or property.
- (3) The pilot-in-command shall -
- (a) ensure that the pre-flight inspection has been 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 the 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 unserviceabilities allowed by the CDL or MEL, where applicable;
  - (c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;
  - (d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary,

- all persons on board the aircraft are secured in their seats by means of the seat belts or shoulder harnesses provided;
- (e) report any accident or incident involving the aircraft in accordance with the provisions of the Regulations Relating to Aircraft Accidents, 2000;
  - (f) report any dangerous goods accident or incident involving the aircraft in accordance with the provisions of Part 92;
  - (g) if the 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 crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with the Regulations Relating to Aircraft Accidents, 2000;
  - (h) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and
  - (i) 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.
- (4) The pilot-in-command shall ensure that -
- (a) oxygen is available to crew members and passengers if flights in a non-pressurised aircraft are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and
  - (b) 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 harmful affect passengers.
- (5) The pilot-in-command shall 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) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.
- (6) The pilot-in-command or, in his or her absence, the owner or operator of the aircraft, shall report any act of unlawful interference with the operation of such aircraft, or the authority of the pilot-in-command -
- (a) if the act of unlawful interference occurs within Namibia; or
  - (b) if the act of unlawful interference occurs in a Namibian registered aircraft within or over the territory of a foreign State,

to the Director.

**SUBPART 3****DOCUMENTATION AND RECORDS****Documents to be carried on board**

**91.03.1** The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that the following documents, or certified true copies thereof, are carried on board the 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;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the journey logbook or general declaration;
  - (v) the aircraft radio station licence;
  - (vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);
  - (vii) if cargo is carried, a manifest and detailed declaration of the cargo;
  - (viii) the certificate of release to service;
  - (ix) the aircraft flight manual referred to in regulation 91.03.2, or an equivalent document;
  - (x) the mass and balance documentation referred to in regulation 91.07.11(9), if required;
  - (xi) the technical log, or similar document;
  - (xii) the MEL, if applicable;
  - (xiii) the noise certificate, if such certificate has been issued for the type of aircraft; and
  - (xiv) a list of visual signals for use by intercepting and intercepted aircraft;
  
- (b) if the aircraft is engaged in a domestic flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licence, ratings and medical certificate of each crew member;
  - (iv) the aircraft radio station licence;
  - (v) the certificate of release to service;
  - (vi) the aircraft flight manual referred to in regulation 91.03.2, or an equivalent document;
  - (vii) the mass and balance documentation referred to in regulation 91.07.11(9), if required;
  - (viii) the technical log, or similar document;
  - (ix) the MEL, if applicable;
  - (x) the noise certificate, if such certificate has been issued for the type of aircraft; and
  - (xi) the list of visual signals for use by intercepting and intercepted aircraft.

**Aircraft flight manual**

**91.03.2** (1) The owner or operator, as the case may be, of an aircraft, shall keep an approved and current aircraft flight manual for each aircraft of which he or she is the owner or operator.

(2) The crew members of the aircraft shall, on each flight, operate such aircraft in accordance with the aircraft flight manual, unless an emergency dictates otherwise.

### Aircraft checklist

**91.03.3** The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall, where applicable, establish and make available to the crew and other personnel in his or her employ needing the information, a checklist system for the aircraft, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

### Flight plan

**91.03.4** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that a flight plan is completed if required in terms of subregulation (4).

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 91.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) The flight plan shall be filed in respect of -

(a) all flights to be conducted in controlled or advisory airspace: Provided that this requirement shall not apply in respect of -

(i) a flight where the aircraft takes off and lands at the same aerodrome and remain within a 50 nm radius of such aerodrome without an intermediate landing;

(ii) a flight crossing an airway or advisory routes at right angles;

(iii) a VFR flight entering or departing from an aerodrome traffic zone or control zone, from or to an unmanned aerodrome and where no other controlled or advisory airspace will be entered during the flight; or

(iv) if dispensation has been granted by the Director;

(b) a flight for which the Director directs that a flight plan shall be filed;

(c) an international flight;

(d) all flights undertaken for the purposes of commercial air transport operations in terms of Part 121, 127 and 135; and

(e) a flight for which alerting action is required.

(5) An air traffic service unit may instruct a flight for which a flight plan is required in terms of subregulation (4) and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia, or to enter its airspace, until such time as the required flight plan has been filed.

(6) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall 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.

(7) The pilot-in-command of an aircraft shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(8) If a 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 flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(9) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(10) Subject to the provisions of subregulation (11), the pilot-in-command shall ensure that the aircraft adheres to the current flight plan filed for a controlled flight, unless 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 unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(11) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

- (a) If the aircraft is off track, action shall be taken forthwith to 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, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;
- (c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit, as soon as practicable; or
- (d) if the aircraft deviates from its altitude, action shall be taken forthwith to correct the altitude of the aircraft.

### Technical log

**91.03.5** (1) The owner, operator or pilot-in-command, as the case may be, of a Namibian registered aircraft, shall ensure that the aircraft carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 91, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aircraft, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The owner or operator shall retain the technical log for a period of two years calculated from the date of the last entry therein.

**Fuel and oil record**

**91.03.6** (1) The owner or operator, as the case may be, of an aircraft, shall maintain fuel and oil records for each flight undertaken by the aircraft under the control of such owner or operator for a period of 2 years.

(2) The pilot-in-command of the aircraft shall enter the fuel and oil records referred to in subregulation (1), in the technical log, or similar document.

**Certificate of release to service**

**91.03.7** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate -

- (a) a Namibian registered aircraft without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or
- (b) a foreign aircraft without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The owner, operator or pilot-in-command shall -

- (a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aircraft to which it relates and, in the case of a Namibian registered aircraft, a second copy shall be filed at the normal station of the aircraft; and
- (b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

**Flight recorder records**

**91.03.8** (1) The owner or operator, as the case may be, of an aircraft on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

- (a) in the case of an accident or incident involving such aircraft -
  - (i) for a period of not less than 60 days calculated from the date of the accident or incident; or
  - (ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

- (b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director.

(2) If the aircraft is required under this Part to be fitted with a flight data recorder, the owner or operator shall -

- (a) save the recording for the period of operating time as required by subregulation (1)(a) and (b); Provided that 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;

- (b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and
- (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, shall, within a reasonable time after being requested to do so by the 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 purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

- (a) used by the owner or operator for airworthiness or maintenance purposes;
- (b) de-identified; or
- (c) disclosed under secure procedures.

**SUBPART 4****INSTRUMENTS AND EQUIPMENT****Use of instruments and equipment by pilot**

**91.04.1** (1) Instruments in an aircraft which are used by a pilot, shall be arranged in such 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.

(2) If a single instrument or item of equipment in an aircraft is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) An aircraft shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

**Circuit protection devices**

**91.04.2** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft in which fuses are used, shall operate the aircraft unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall 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 shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall 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) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft by day unless such aircraft is equipped with an anti-collision light system.

(2) No owner, operator or pilot-in-command of an aeroplane, shall operate the aeroplane by night unless such aeroplane is equipped with -

- (a) an anti-collision light system;
- (b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;
- (c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and
- (d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;
- (e) navigation or position lights; and
- (f) two landing lights or a single light having two separately energised filaments.

(3) No owner, operator or pilot-in-command of a helicopter, shall operate the helicopter by night unless such helicopter is equipped with -

- (a) an anti-collision light system;
  - (b) lighting supplied from the electrical system of the helicopter to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such helicopter;
  - (c) lighting supplied from the electrical system of the helicopter to provide illumination in all passenger compartments, if any;
  - (d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;
  - (e) in the case of a flight by night within 10 nautical miles, a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; and
  - (f) in the case of a flight by night of more than 10 nautical miles, two landing lights or a single light having two separately energised filaments, which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.
- (4) No owner, operator or pilot-in-command of a seaplane or an amphibious aircraft, shall operate the seaplane or amphibious aircraft unless it is equipped with -
- (a) the instruments and equipment referred to in subregulation (1), (2) or (3), as the case may be; and
  - (b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.
- (5) The navigation lights to be displayed by aircraft by night, on the water or on the manoeuvring area of an aerodrome, shall be as prescribed in regulation 91.06.10.

#### **Flight, navigation and associated equipment for aircraft operated under VFR**

**91.04.4** No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft in accordance with VFR, unless such aircraft 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, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight; and
- (d) an airspeed indicator.

#### **Flight, navigation and associated equipment for aircraft operated under IFR**

**91.04.5** No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft in accordance with IFR, unless such aircraft 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 subscale settings, calibrated in hectopascals, millibars or inches of mercury, 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, including a warning indicator of pitot heater failure;
- (e) a vertical-speed indicator;
- (f) a stabilised direction indicator;
- (g) a turn-and-bank indicator, or a turn coordinator incorporating a slip indicator;
- (h) an attitude indicator;
- (i) a rate-of-climb and descent indicator;
- (j) a means of indicating, in the cockpit or on the flight deck, the outside air temperature in degrees Celsius; and
- (k) a chart holder in an easily readable position, which can be illuminated for operations by night.

#### **Additional equipment for single-pilot operation in accordance with IFR**

**91.04.6** No pilot-in-command of an aircraft shall conduct single-pilot IFR operations in the aircraft unless such aircraft has been certificated for such operations and is equipped with -

- (a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and
- (b) a headset with boom microphone, or equivalent, and a transmit button on the control wheel, joy stick or cyclic stick.

#### **Mach number indicator**

**91.04.7** No owner, operator or pilot-in-command, as the case may be, of an aircraft with speed limitations expressed in terms of Mach number, shall operate the aircraft unless such aircraft is equipped with a Mach number indicator.

#### **Radio altimeter**

**91.04.8** No pilot-in-command of a helicopter shall 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 means of warning, when operating below a preset height and with a visual warning capable of operating at a height selectable by the pilot-in-command.

#### **Equipment for operations in icing conditions**

**91.04.9** (1) No pilot-in-command of an aircraft shall operate the aircraft in forecast or actual icing conditions unless such aircraft is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the 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.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

**Flight recorder**

**91.04.10** (1) The owner or operator, as the case may be, of a Namibian registered aircraft which is required to be equipped with a flight recorder in terms of regulation 91.04.12 or 91.04.13, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 91.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in an aircraft shall be located in such 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.

(5) Where a flight recorder is installed, it shall not -

- (a) be a source of danger in itself;
- (b) prejudice the proper functioning of any essential service; and
- (c) in any way reduce the serviceability or airworthiness of the aircraft in which it is installed,

even if the flight recorder fails to function.

(6) The owner or operator of the aircraft shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 91.04.12 or 91.04.13, as the case may be.

(8) Each flight recorder container installed in the aircraft shall -

- (a) be bright orange or bright yellow;
- (b) have reflective tape affixed to the external surface to facilitate its location under water; and
- (c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The owner or operator of the aircraft shall -

- (a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and
- (b) record and retain the results of such check for a period of five years calculated from the date of such check.

**Foil data recorder**

**91.04.11** The owner or operator, as the case may be, of a Namibian registered aircraft which is required to be equipped with a flight recorder in terms of regulation 91.04.12 or 91.04.13, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2002.

**Cockpit voice recorder**

**91.04.12** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft specified in Document NAM-CATS-OPS 91, shall operate the aircraft unless such aircraft is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 91.04.10(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

- (a) voice communications transmitted from, or received on, the flight deck by radio;
- (b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;
- (c) voice communications of flight crew members on the flight deck using the interphone system of the aircraft, if installed;
- (d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker;
- (e) voice communications of flight crew members on the flight deck using the public address system of the aircraft, if installed; and
- (f) in the case of a helicopter to which subregulation (1) applies and which is not required to be equipped with a flight data recorder, the parameters necessary to determine main rotor speed.

(3) The cockpit voice recorder shall -

- (a) be capable of retaining information recorded during at least the last 30 minutes of the aircraft's operation;
- (b) start automatically to record prior to the aircraft moving under its own power, and continue to record until the termination of the flight when the aircraft is no longer capable of moving under its own power; and
- (c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 91.04.13.

(5) The pilot-in-command of an aircraft may commence a flight with the cockpit voice recorder inoperative: Provided that -

- (a) the pilot-in-command of the aircraft shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;
- (b) the aircraft is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;
- (c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and
- (d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

**Flight data recorder**

**91.04.13** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft specified in Document NAM-CATS-OPS 91, shall operate the aircraft

unless such aircraft is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 91.

(2) The flight data recorder shall be capable of retaining the data 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.

(3) The data obtained from a flight data recorder shall be obtained from aircraft sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the aircraft being capable of moving under its own power and shall stop automatically after the aircraft is incapable of moving under its own power.

(5) The pilot-in-command of an aircraft may commence a flight with the flight data recorder inoperative: Provided that -

- (a) the pilot-in-command of the aircraft shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;
- (b) the aircraft is not used in excess of six further consecutive flights with the flight data recorder unserviceable;
- (c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and
- (d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

#### **Seats, seat safety belts, harnesses and restraint devices**

**91.04.14** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the 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 a child;
- (c) a restraining belt for use in each passenger berth;
- (d) a restraint device for each passenger who is an infant;
- (e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the aircraft.

(3) If the pilot-in-command cannot see all the passenger seats in the aircraft from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) The conditions, rules, requirements, procedures or standards for seats, seat safety belts, harnesses and restraint devices shall be as prescribed in Document NAM-CATS-OPS 91.

#### **Stowage and security of articles, baggage and cargo**

**91.04.15** No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of the aircraft or its occupants, are secured -

- (a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or
- (b) in stowages designed to prevent movement likely to cause injury, damage or death.

#### **Standard first aid kit**

**91.04.16** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 91.

(2) The owner, operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

#### **First aid oxygen**

**91.04.17** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft in respect of which the carriage of a cabin crew member is required in terms of this Part, shall operate the aircraft unless such aircraft is equipped with the appropriate supply of first aid oxygen prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

#### **Supplemental oxygen in the case of pressurised aircraft**

**91.04.18** (1) No owner, operator or pilot-in-command, as the case may be, of a pressurised aircraft, shall operate the aircraft unless such aircraft is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

#### **Supplemental oxygen in the case of non-pressurised aircraft**

**91.04.19** (1) No owner, operator or pilot-in-command, as the case may be, of a non-pressurised aircraft, shall operate the aircraft at altitudes between 10 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aircraft is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 91.

### **Crew protective breathing equipment**

**91.04.20** (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2001, or in an unpressurised aeroplane with a maximum certificated mass exceeding 5 700 kilograms or a maximum approved passenger seating configuration of more than 19 seats, at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

- (a) is equipped with smoke goggles for the pilot and 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 the supplemental oxygen referred to in regulation 91.04.18 or 91.04.19.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 91.04.21: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

### **Hand fire extinguishers**

**91.04.21** No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 91.

### **Crash axes and crowbars**

**91.04.22** (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane with a maximum certificated mass exceeding 5 700 kilograms or a maximum approved passenger seating configuration of more than nine seats, shall operate the aeroplane unless such aeroplane 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 crash axe or crowbar shall be carried in the aeroplane and located in, or near, the most rearward galley area.

**Marking of break-in points**

**91.04.23** The owner or operator, as the case may be, of an aircraft, shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aircraft, such areas shall be marked in accordance with the requirements as prescribed in Part 47.

**Megaphones**

**91.04.24** (1) No owner, operator or pilot-in-command, as the case may be, of an aeroplane with a maximum approved passenger seating configuration of more than 60 seats, or a helicopter with a maximum approved passenger seating configuration of more than 19 seats, and which is carrying one or more passengers, shall operate the aeroplane or helicopter unless such aeroplane or helicopter is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 91.

**Emergency lighting**

**91.04.25** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft with a maximum approved passenger seating configuration of more than 19 seats, shall operate the aircraft unless such aircraft is equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 91.

**Automatic emergency locator transmitter**

**91.04.26** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless it is equipped with an automatic emergency locator transmitter.

(2) The owner, operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

- (a) is attached to the aircraft in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and
- (b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 91.

**Life jackets and other flotation devices**

**91.04.27** No owner, operator or pilot-in-command, as the case may be, of -

- (a) an aeroplane other than an aircraft referred to in paragraphs (b) and (c), shall operate the aeroplane -
  - (i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of the aeroplane 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) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with 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) a seaplane or an amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -

- (i) 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) a helicopter, shall operate the 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
- (ii) such helicopter is equipped with -
  - (aa) 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 whose care the infant is; and
  - (bb) flotation equipment to ensure a safe ditching.

#### **Life rafts and survival radio equipment for extended over-water flights**

**91.04.28** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft over water at a distance equivalent to -

- (a) 120 minutes at normal cruising speed or 400 miles, whichever is the lesser, away from land, if such aircraft has four engines;
- (b) 90 minutes at normal cruising speed or 300 miles, whichever is the lesser, away from land, if such aircraft has three turbine engines; or
- (c) 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, in the case of an aircraft other than the aircraft referred to in paragraphs (a) and (b),

unless such aircraft is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 91.

#### **Survival equipment**

**91.04.29** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft over areas where search and rescue would be especially difficult, unless such aircraft is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 91.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 91.

#### **Seaplanes, amphibious aeroplanes and amphibious helicopters**

**91.04.30** No owner, operator or pilot-in-command, as the case may be, of a seaplane, amphibious aeroplane or amphibious helicopter, shall operate the seaplane, amphibious aeroplane or amphibious helicopter on water, unless it is equipped with -

- (a) 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
- (b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

#### **Windshield wipers**

**91.04.31** The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall not operate the aircraft unless such aircraft is equipped with a windshield wiper or equivalent system for each required pilot station, where applicable.

#### **Traffic alert and collision avoidance system**

**91.04.32** (1) Any traffic alert and collision avoidance system installed in a Namibian registered aircraft, shall be approved by the Director.

(2) The owner, operator or pilot-in-command, as the case may be, operating an aircraft equipped with an operable traffic alert and collision avoidance system, shall have the system on and operating.

**SUBPART 5****COMMUNICATION AND NAVIGATION EQUIPMENT****Communication equipment**

**91.05.1** (1) Except with the prior approval of the Director, no owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft, unless such aircraft is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 121.5 MHz.

(3) The radio communication equipment installed in the aircraft shall be of a type as prescribed in Document NAM-CATS-OPS 91.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 91.

**Navigation equipment**

**91.05.2** (1) No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, the prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The aircraft shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such aircraft to proceed with such flight.

(3) No person shall operate an aircraft in airspace where minimum navigation performance specifications apply, unless the aircraft is equipped with navigation equipment which complies with the minimum navigation performance specifications as prescribed in Document NAM-CATS-OPS 91, in the form of regional supplementary procedures.

(4) In an aircraft required to be operated by two pilots, the navigation equipment referred to in subregulation (3) shall be visible and usable by each pilot seated at his or her duty station.

(5) For unrestricted operation in airspace where minimum navigation performance specifications apply, an aircraft shall be equipped with two approved independent long-range navigation systems.

(6) For operation in airspace where minimum navigation performance specifications apply along notified special routes, an aircraft shall be equipped with one approved long-range navigation system, unless otherwise specified.

**SUBPART 6****RULES OF THE AIR****DIVISION ONE : FLIGHT RULES****Landing and take-off**

**91.06.1** No pilot-in-command shall 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.

**Dropping objects, spraying or dusting**

**91.06.2** Except in an emergency or unless granted special permission by the Director, no person shall drop an article from an aircraft in flight other than -

- (a) fine sand or clean water used as ballast; or
- (b) chemical substances for the purpose of spraying or dusting.

**Picking up objects**

**91.06.3** The pilot-in-command of an aircraft in flight shall not permit objects to be picked up, except -

- (a) with the prior approval of the Director; or
- (b) if certificated to do so under aerial work operations or external-load operations in terms of Part 133.

**Towing**

**91.06.4** The pilot-in-command of an aircraft in flight shall not permit anything to be towed by the aircraft, except -

- (a) with the prior approval of the Director; or
- (b) if certificated to do so under aerial work operations.

**Operation of vehicle- or vessel-towed aircraft**

**91.06.5** (1) Except with the prior approval of the Director and subject to such conditions as he or she may impose, the pilot-in-command of an aircraft which is intended, for purposes of flight, to be towed by a vehicle or vessel travelling on the surface or to be moored on the surface, shall not -

- (a) fly such aircraft higher than 150 feet above the surface on which the towing vehicle or vessel is travelling or to which such aircraft is moored;
- (b) fly such aircraft 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) shall not apply to the winching or towing of gliders at the aerodrome of departure.

**Proximity and formation flights**

**91.06.6** No pilot-in-command shall fly an aircraft -

- (a) in such proximity to other aircraft so as to create a collision hazard;
- (b) in formation, except by arrangement with the pilot-in-command of each aircraft in the formation.

**Right of way**

**91.06.7** (1) The pilot-in-command of an aircraft which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of an aircraft which is obliged, by the provisions of this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When two aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When two aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

- (a) The pilot-in-command of a power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) the pilot-in-command of an airship shall give way to gliders and balloons;
- (c) the pilot-in-command of a glider shall give way to balloons;
- (d) the pilot-in-command of a power-driven aircraft shall 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 pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft 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 shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of an aircraft in flight or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.

- (7) (a) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall 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.

- (b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a power-driven heavier-than-air aircraft shall give way to gliders.

(8) The pilot-in-command of an aircraft about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of an aircraft who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) 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 therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

### **Following line features**

**91.06.8** The pilot-in-command of 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 or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

### **Aircraft speed**

**91.06.9** (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly an aircraft at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly an aircraft within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

- (a) 160 knots, in the case of a reciprocating-engine aircraft;  
or
- (b) 200 knots, in the case of a turbine-powered aircraft.

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aircraft may be flown at the minimum safe indicated air speed.

### **Lights to be displayed by aircraft**

**91.06.10** The lights which have to be displayed by aircraft by night, on water or on the manoeuvring area of an aerodrome, shall be as prescribed in NAM-CATS-OPS 91.

### **Taxi rules**

**91.06.11** (1) Aircraft which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of an aircraft shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing an aircraft shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) An aircraft shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, an aircraft or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce the speed or stop such aircraft or vehicle.

(6) If danger of collision exists between an aircraft or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

- (a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;
- (b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;
- (c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When an aircraft is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, an aircraft or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

#### **Operation on and in vicinity of aerodrome**

**91.06.12** (1) The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome, shall comply 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: Provided that 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 into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;
- (e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided

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 shall conform with the traffic pattern at such aerodrome; and

- (f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst 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 service 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; or
- (b) if this is 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 shall 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 and 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 this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command of an aircraft who is unable to communicate by radio, shall, 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 he or she has the consent of the appropriate air traffic service unit to do otherwise.

### Signals

**91.06.13** The pilot-in-command of an aircraft in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 91, take such action as may be required by the interpretation of the signal as prescribed in Document NAM-CATS-OPS 91.

### Water operations

**91.06.14** (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of an aircraft operated on the water shall comply with the provisions thereof.

(2) The pilot-in-command of an aircraft in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When two aircraft or an aircraft and a vessel are approaching one another and there is a risk of collision, the pilot-in-command of the aircraft shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of an aircraft which has another aircraft or a vessel on its right shall give way so as to keep well clear.

(5) The pilot-in-command of an aircraft approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the aircraft to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the aircraft overtaking shall alter the heading of the aircraft to keep well clear.

(7) The pilot-in-command of an aircraft landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

### **Reporting position**

**91.06.15** The pilot-in-command of an aircraft -

- (a) flying in controlled airspace;
- (b) flying in advisory airspace; or
- (c) Flying on routes defined by significant and/or compulsory reporting points; or
- (d) on a flight for which alerting action is being provided,

shall ensure 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 meteorological any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, 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 Director in terms of Part 175, for that area.

### **Mandatory radio communication in controlled airspace**

**91.06.16** The pilot-in-command of an aircraft to be operated in or crossing a controlled airspace shall ensure that, before the aircraft enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aircraft is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

- (a) 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 shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and
- (b) in the case of radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 91, are complied with.

### **Mandatory radio communication in advisory airspace**

**91.06.17** The pilot-in-command of an aircraft to be operated in advisory airspace shall ensure that, before the aircraft approaches or enters such airspace -

- (a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or
- (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 intention of the pilot-in-command of the aircraft to enter the airspace, and such pilot-in-command shall ensure that, while the aircraft is within the advisory airspace and until it departs therefrom, 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:

Provided that in the case of a radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 91, are complied with.

#### **Compliance with air traffic control clearance and instructions**

**91.06.18** The pilot-in-command of an aircraft shall -

- (a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;
- (b) not operate the aircraft contrary to an air traffic control instruction 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 control unit of the deviation, as soon as practicable.

#### **Prohibited areas**

**91.06.19** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

- (a) specify a height above the ground surface of such area; or
- (b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any aircraft whatsoever in the airspace above a prohibited area -

- (a) below the height specified in terms of subregulation (1)(a); or
- (b) below the altitude specified in terms of subregulation (1)(b),

as the case may be, in respect of the prohibited area in question.

### **Restricted areas**

**91.06.20** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted area and shall, when so declaring an area to be a restricted area, specify in the notice in question -

- (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 a restricted area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), 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 (1)(b).

### **Danger Areas**

**91.06.21** (1) The Director may, by notice in an AIP, AIP SUP or a NOTAM, declare any area to be a danger area and shall, when so declaring an area to be a danger area, specify in the notice in question the nature and extent of the dangerous activity or activities in respect of the area in question.

(2) No person shall fly any aircraft in any danger area.

## **DIVISION TWO : VISUAL FLIGHT RULES**

### **Visibility and distance from cloud**

**91.06.22** (1) Every VFR flight shall be so conducted by the pilot-in-command that the aircraft is flown -

- (a) with visual reference to identifiable objects on the surface by day;
- (b) by night, with less than three eighths of cloud -
  - (i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or
  - (ii) with visual reference to identifiable objects on the surface;
- (c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aircraft; and
- (d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 91: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

- (2) When authorised by an air traffic service unit -
  - (a) lower flight visibilities to 1 500 m may be permitted for flights operating in Class G airspace -
    - (i) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or
    - (ii) in circumstances in which the probability of encounters with other traffic would normally be low, such as areas of low volume traffic and aerial work at low levels; and
  - (b) helicopters may operate in Class G airspace in less than 1 500 m flight visibility, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

### **Special VFR weather minima**

**91.06.23** A pilot-in-command may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 91.06.22, within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only;
- (c) clear of clouds;
- (d) with a ceiling of at least 500 feet and visibility of at least 1 500 m;
- (e) in an aircraft 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.

### **Responsibility to ascertain whether VFR flight is permitted**

**91.06.24** Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of the aircraft shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

## **DIVISION THREE : INSTRUMENT FLIGHT RULES**

### **Compliance with IFR**

**91.06.25** If the pilot-in-command of an aircraft conducts a flight above FL 200, he or she shall fly such aircraft in compliance with IFR as prescribed in this Subpart.

### **Aircraft equipment**

**91.06.26** No operator or pilot-in-command, as the case may be, of an aircraft which is required to operate in compliance with IFR, shall operate the aircraft unless such aircraft is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the provisions of Subpart 5.

### **Change from IFR flight to VFR flight**

**91.06.27** (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,

shall, 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) When an aircraft operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

#### **IFR procedures**

**91.06.28** (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of an aircraft flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 91.06.26, the pilot-in-command of an aircraft may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

### **DIVISION FOUR : AIRCRAFT ENGAGED IN OPERATIONS OTHER THAN SCHEDULED INTERNATIONAL COMMERCIAL AIR TRANSPORT OPERATIONS**

#### **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**

**91.06.30** (1) The pilot-in-command of an intercepted aircraft shall carry out the instruction of the pilot-in-command of an intercepting aircraft, as prescribed in these Regulations.

(2) When an aircraft is intercepted, the pilot-in-command shall forthwith establish radio communication with the pilot-in-command of the intercepting aircraft on 121,5 MHz, if the aircraft is so equipped, and if radio communication has not already been established.

(3) When the pilot-in-command of the intercepting aircraft cannot establish radio communication or communication in any other practical way with the pilot-in-command of the intercepted aircraft, he or she shall use the visual signals as prescribed in Document NAM-CATS-OPS 91.

(4) The visual signals shall be used as follows:

- (a) When an aircraft has been intercepted for identification purposes only, the pilot-in-command of the intercepting aircraft shall use the second series to show that the aircraft may proceed;
- (b) when an aircraft is to be led away from a prohibited or restricted area, the pilot-in-command of the intercepting aircraft shall use the appropriate part of the first series, and he or she shall use the second series when the purpose has been achieved and the aircraft is released;

- (c) when an aircraft is required to land, the pilot-in-command of the intercepting aircraft shall initially use the appropriate part of the first series, followed by the third series when in the vicinity of the designated landing area;
- (d) when the pilot-in-command of the intercepted aircraft considers the landing area designated as unsuitable for the aircraft type, he or she shall use the fourth series to indicate this, upon which new instructions shall be given by the pilot-in-command of the intercepting aircraft;
- (e) when an intercepted aircraft is in distress, the pilot-in-command shall use the distress signals, where practical.

#### **DIVISION FIVE : AIR TRAFFIC RULES**

##### **Air traffic service procedures**

**91.06.31** The pilot-in-command of an aircraft to be operated in controlled airspace shall -

- (a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 91.03.4;
- (b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 91.06.16; and
- (c) comply with air traffic control clearances and instructions:

Provided that -

- (i) the pilot-in-command of an aircraft may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall 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 shall not be applied until authorised by the responsible air traffic service unit.

##### **Priority**

**91.06.32** An air traffic service unit may, with regard to arrivals and departures, give priority to aircraft operating in accordance with flight plan clearance over aircraft not so engaged.

#### **DIVISION SIX : HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES**

##### **Minimum heights**

**91.06.33** (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of an aircraft -

- (a) shall fly the aircraft over built-up areas or over an 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 such aircraft;

- (b) when flown elsewhere than specified in paragraph (a), shall fly the aircraft at a height less than 500 feet above the ground or water; and
- (c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of an aircraft shall by night, in IMC, or when operated in accordance with IFR, fly the aircraft -

- (a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or
- (b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight.

#### **Semi-circular rule**

**91.06.34** (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of an aircraft in level flight, shall fly at an appropriate flight level selected according to magnetic track from the table as prescribed in Document NAM-CATS-OPS 91.

(2) Aircraft flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

#### **Standard instrument approach to and departure from aerodrome**

**91.06.35** When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of an aircraft shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

**SUBPART 7****FLIGHT OPERATIONS****Routes and areas of operation**

**91.07.1** The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that -

- (a) operations are only conducted along such routes, or within such areas, for which approval or authorisation has been obtained, where required;
- (b) the performance of the aircraft intended to be used, is adequate to comply with minimum flight altitude requirements; and
- (c) the equipment of the aircraft intended to be used, complies with the minimum requirements for the planned operation.

**Minimum flight altitudes**

**91.07.2** (1) No pilot-in-command shall operate an aircraft at flight altitudes below -

- (a) flight altitudes established by the operator or pilot-in-command, which provide for the required terrain clearance, taking into account the performance operating limitations referred to in Subpart 9; and
- (b) the minimum altitudes 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), shall be as prescribed in Document NAM-CATS-OPS 91.

(3) Where the minimum flight altitudes established by the appropriate authority of a foreign State, are higher than the minimum flight altitudes prescribed in this regulation, the minimum flight altitudes established by such appropriate authority shall apply in respect of a Namibian registered aircraft flying in the airspace of the foreign State concerned.

**Use of aerodromes**

**91.07.3** (1) No pilot-in-command shall use, and no owner or operator shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aircraft and operation concerned.

(2) Except in an emergency, no pilot-in-command of an aircraft shall take-off or land by night, unless the place of take-off or landing is equipped with approved night flying facilities.

**Helicopter landings and take-offs**

**91.07.4** (1) No pilot-in-command of a helicopter shall land at, or take-off from, any place unless the place is so situated 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) No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local authority, unless such building, structure or place has been approved for the purpose by the Director: Provided that this restriction shall not apply -

- (a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land, which is suitable for such purpose and in respect of which helicopter the pilot-in-command is the holder of a valid commercial or airline transport pilot licence (helicopter), or, in the case of the holder of a private pilot licence (helicopter), with the written permission of the Director, unless specifically prohibited by the local authority;
- (b) to a helicopter engaged in an emergency medical service operation, or undertaking a flight necessary for the exercising of any power in terms of any law.

(3) A local authority may, after consultation with the Director, extend the scope of the provisions of subregulation (2)(a) to include other places in its area of jurisdiction.

(4) The Director may, in the interests 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 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 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.

(5) Nothing in this regulation shall be 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) No pilot-in-command of an aircraft shall 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 shall be 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 required aircraft performance criteria are complied with; and
- (d) the flight crew are qualified to conduct the type of approach.

(3) In determining or establishing the aerodrome operating minima applicable to any particular operation, the operator or pilot-in-command shall take into account -

- (a) the type, performance and handling characteristics of the aircraft;
- (b) the composition of the flight crew, their competence and experience;
- (c) the dimensions and characteristics of the runways or touchdown and lift-off 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.

#### **Threshold crossing height**

**91.07.6** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall establish operational procedures designed to ensure that the aircraft being used to conduct precision approaches, crosses the threshold by a safe margin with such aircraft in the landing configuration and attitude.

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

#### **Pre-flight selection of aerodromes**

**91.07.7** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall select destination or alternate aerodromes in accordance with regulation 91.07.5 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aircraft concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 91.03.4, a take-off alternate aerodrome, if it would not be possible for the aircraft to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

- (a) one hour flight time at one-engine cruising true air speed according to the aircraft flight manual referred to in regulation 91.03.2, in still air standard conditions based on the actual take-off mass for a twin-engine aircraft;
- (b) two hours flight time at one-engine inoperative cruising true air speed according to the aircraft flight manual referred to in regulation 91.03.2, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aircraft;
- (c) if the aircraft flight manual referred to in regulation 91.03.2, does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command of a helicopter, shall 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 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 operator or pilot-in-command of an aeroplane, shall select at least one destination alternate aerodrome for each IFR flight, unless -

- (a) two suitable non-intersecting runways are available at the destination aerodrome; and
- (b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before 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; or
- (c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

- (a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, 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) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 91.03.4.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in regulation 91.03.4.

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the aircraft at the aerodrome.

#### **Planning minima for IFR flights**

**91.07.8** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in regulation 91.07.5.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, 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 as follows:

- (a) Planning minima for a destination aerodrome -
  - (i) RVR or visibility specified in accordance with regulation 91.07.5; and
  - (ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and
- (b) planning minima for a destination alternate aerodrome shall be as prescribed in Document NAM-CATS-OPS 91.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 91.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 91, and in accordance with the ETOPS approval obtained by the operator.

#### **Meteorological conditions**

**91.07.9** (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of an aircraft shall not -

- (a) commence take-off; or
- (b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aircraft, be at or above the applicable aerodrome operating minima -

- (i) at the destination aerodrome; or
- (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of an aircraft shall not 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, shall, at the appropriate time, be such as to render compliance with the provisions prescribed in this Part possible.

#### **VFR operating minima**

**91.07.10** The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that -

- (a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 6; and
- (b) special VFR flights are not commenced when the ceiling is less than 3 km, and not otherwise conducted when the ceiling is less than the ceiling prescribed in regulation 91.06.22(d).

**Mass and balance**

**91.07.11** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall, where applicable, ensure that, during any phase of 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.

(2) The operator or pilot-in-command shall 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, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aircraft shall 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 operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aircraft, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 91.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aircraft, shall be determined by the operator or pilot-in-command of such aircraft.

(7) The operator or pilot-in-command shall 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 prescribed in Document NAM-CATS-OPS 91.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 91.

**Fuel and oil supply**

**91.07.12** The pilot-in-command of an aircraft shall not commence a flight unless he or she is satisfied that the aircraft carries at least the planned amount of fuel and oil to complete the flight safely, taking into account operating and meteorological conditions, the expected delays and the fuel and oil requirements as prescribed in Document NAM-CATS-OPS 91.

**Refueling or defueling with passengers on board**

**91.07.13** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that the aircraft is not refueled or defueled with AVGAS 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 shall be taken and the aircraft shall 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) No person shall smoke in a Namibian registered aircraft when carrying passengers.

(2) No person shall smoke in a foreign registered aircraft, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aircraft is in Namibian airspace.

(3) In an aircraft in which smoking is permitted, smoking shall nevertheless be prohibited -

- (a) when the aircraft is on the ground;
- (b) during take-off; and
- (c) during an approach to land.

(4) In all Namibian registered aircraft, notices shall be displayed in a prominent place in all passenger and crew compartments, indicating to what extent, and when, smoking is permitted or prohibited.

**Instrument approach and departure procedures**

**91.07.15** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that only 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) Notwithstanding the provisions prescribed in subregulation (1), a pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

- (a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and
- (b) the final approach is flown visually or in accordance with the established instrument approach procedure.

**Noise abatement procedures**

**91.07.16** (1) No person shall operate an aircraft contrary to noise abatement procedures established for an aerodrome in terms of the provisions of Part 139.

(2) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

**Submission of flight plan**

**91.07.17** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 91.03.4, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or supporting services. Such costs shall be no less than five hundred Namibian dollars (N\$500).

**Seats, safety belts and harnesses**

**91.07.18** (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of an aircraft shall 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.

(2) The pilot-in-command shall ensure that multiple occupancy of aircraft seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

#### **Passenger seating**

**91.07.19** The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aircraft.

#### **Passenger briefing**

**91.07.20** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall 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.

(2) The operator or pilot-in-command shall ensure that, before take-off -

- (a) passengers are briefed, to the extent applicable, on -
  - (i) the prohibition of smoking;
  - (ii) when the back of the seat is to be in the upright position and the tray table stowed;
  - (iii) the location and use of floor proximity escape path markings;
  - (iv) the stowage of carry-on baggage;
  - (v) any restrictions on the use of electronic devices;
  - (vi) the location and the contents of the safety briefing card, if applicable;
  - (vii) when and how oxygen equipment is to be used, if the carriage of oxygen is required;
  - (viii) the location and use of life jackets;
  - (ix) the location and method of opening emergency exits; and
  - (x) when seat belts are to be fastened; and
- (b) passengers receive, to the extent applicable, a demonstration of -
  - (i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
  - (ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and
  - (iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

- (a) the prohibition of smoking; and
- (b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

- (a) the prohibition of smoking;
- (b) the use of safety belts or safety harnesses;
- (c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
- (d) the re-stowage of carry-on baggage; and
- (e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

- (a) the prohibition of smoking; and
- (b) the use of safety belts or safety harnesses.

### **Emergency equipment**

**91.07.21** (1) The owner, operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that emergency equipment, carried or installed in the aircraft in order to meet the requirements prescribed 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 shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

### **Illumination of emergency exits**

**91.07.22** The pilot-in-command of an aircraft, which is equipped with an emergency lighting system referred to in regulation 91.04.25, shall ensure that when the aircraft is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

- (a) the emergency lighting system is switched on; or
- (b) the normal cabin lighting system is switched off and the emergency lighting is armed.

### **Use of supplemental oxygen**

**91.07.23** (1) The pilot-in-command of an aircraft shall ensure that flight crew members engaged in performing duties essential to the safe operation of an aircraft in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of supersonic aeroplanes, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

### **Approach and landing conditions**

**91.07.24** Before commencing an approach to land, the pilot-in-command of an aircraft shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touchdown and lift-off area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aircraft flight manual referred to in regulation 91.03.2, or a similar document.

### **Commencement and continuation of approach**

**91.07.25** (1) When operating in IMC and in accordance with IFR, the pilot-in-command of an aircraft may commence an approach regardless of the reported RVR

or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown and lift-off area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive an RVR value by converting the reported visibility in accordance with the provisions as prescribed in Document NAM-CATS-OPS 91.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

#### **In-flight simulation of emergency situations**

**91.07.26** The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that no person, simulates emergency situations in the aircraft affecting the flight characteristics of such aircraft when passengers are on board such aircraft.

#### **Starting engines**

**91.07.27** (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of an aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of an aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

#### **Aerobatic flights**

**91.07.28** (1) No pilot-in-command of an aircraft shall engage in aerobatic flight so as to endanger air traffic.

(2) Unless prior approval has been obtained from the Director for each flight, no pilot-in-command of an aircraft shall engage in aerobatic flight -

- (a) in the vicinity of air traffic service routes;
- (b) within five nautical miles of an aerodrome unless at a height not less than 4 000 feet above ground level;
- (c) unless 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; or
- (d) over any densely inhabited area or public gathering.

#### **Aviation events**

**91.07.29** (1) No person shall conduct an aviation event, and no person shall operate an aircraft in an aviation event, unless the organiser of the event obtains the prior approval of the Director.

(2) Application to the Director for approval to conduct an aviation event shall -

- (a) be made at least 30 days prior to the aviation event; and
  - (b) contain the following information about the proposed aviation event:
    - (i) Name, position, and address of the organiser;
    - (ii) place, date and time;
    - (iii) type;
    - (iv) details of the organisation and key persons to be employed;
    - (v) details of the flying programme;
    - (vi) detailed plan and description of the site with sufficient detail to show compliance with the safety requirements prescribed in this regulation;
    - (vii) details of control methods to be used for the safety of the spectators; and
    - (viii) details of the emergency services provided.
- (3) Each pilot-in-command of an aircraft participating in an aviation event shall -
- (a) not perform aerobatic flight below 500 feet above the surface;
  - (b) for display flights, other than a display of agricultural operations or helicopter operations, operate at a height of at least 100 feet above the surface;
  - (c) fly the aircraft aligned with reference to a display line sufficiently distanced from spectators so as not to create a hazard to person or property on the surface;
  - (d) not carry any passengers;
  - (e) not fly over any spectator area;
  - (f) not conduct any manoeuvre between the display line and any spectator area; and
  - (g) with the exception of a helicopter in the hover or hover taxiing, not initiate any manoeuvre in the direction of any spectator area.
- (4) For the purposes of this regulation, "aviation event" means an event to be conducted below the minimum safe altitudes prescribed under this Part which is -
- (a) an air show or practice for an air show;
  - (b) an air race or practice for an air race;
  - (c) an aerobatic competition; or
  - (d) aerobatic training or practice.

**SUBPART 8****ALL WEATHER OPERATIONS****Aerodrome operating minima**

**91.08.1** The aerodrome operating minima are the aerodrome operating minima referred to in regulation 91.07.5, and the minima prescribed in Subpart 6 shall apply *mutatis mutandis*.

**General operating rules for low-visibility operations**

**91.08.2** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that no Category II or III operations are conducted with the aircraft unless -

- (a) such aircraft is certificated for operations with decision heights below 200 feet or no decision height, and equipped in accordance with the provisions of this Part;
- (b) a suitable system for recording approach or automatic-landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) the operations are approved by the Director; and
- (d) decision height is determined by means of a radio altimeter.

(2) The pilot-in-command shall not conduct low-visibility take-offs with RVR of less than 150 m for Category A, B, C and D aeroplanes, or RVR of less than 200 m for Category E aeroplanes, unless approved by the Director.

(3) The categories referred to in subregulation (2), are established on the basis of 1.3 times the stall speed of the aeroplanes in the landing configuration at maximum certificated landing mass and are as follows:

- (a) Category A - less than 91 knots indicated airspeed;
- (b) Category B - 91 knots indicated airspeed or more, but less than 121 knots indicated airspeed;
- (c) Category C - 121 knots indicated airspeed or more, but less than 141 knots indicated airspeed;
- (d) Category D - 141 knots indicated airspeed or more, but less than 166 knots indicated airspeed; and
- (e) Category E - 166 knots indicated airspeed or more, but less than 211 knots indicated airspeed.

**Aerodrome considerations for low-visibility operations**

**91.08.3** (1) No pilot-in-command of an aircraft shall use an aerodrome for Category II or III operations, unless the aerodrome is approved for such operations by the appropriate authority of the State in which the aerodrome is located.

(2) The operator or pilot-in-command, as the case may be, of an aircraft intended to be used in low-visibility operations, shall verify that low-visibility procedures have been established, and are in force, at the aerodromes where low-visibility operations are to be conducted.

**Training and qualifications for low-visibility operations**

**91.08.4** The owner or operator, as the case may be, of an aircraft, shall ensure that, prior to conducting low-visibility take-off or Category II and III operations -

- (a) each flight crew member -
  - (i) has completed the training and checking requirements as prescribed in Document NAM-CATS-OPS 91, including simulator training in operating to the limiting values of RVR and decision height appropriate to the owner's or operator's Category II or III approval; and
  - (ii) is qualified in accordance with the requirements as prescribed in Document NAM-CATS-OPS 91; and
- (b) the flight crew qualifications are specific to the operations and aircraft types.

#### **Operating procedures for low-visibility operations**

**91.08.5** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall establish procedures and instructions to be used for low-visibility take-offs and Category II and III operations.

- (2) The pilot-in-command shall be satisfied that -
  - (a) the status of the visual and non-visual facilities is sufficient prior to commencing a low-visibility take-off or a Category II or III approach;
  - (b) appropriate low-visibility procedures are in force according to information received from an air traffic service unit, before commencing a low-visibility take-off or a Category II or III approach; and
  - (c) the flight crew members are properly qualified to carry out a low-visibility take-off with RVR of less than 150 m in a Category A, B, C and D aeroplane, or 200 m in a Category E aeroplane, or a Category II or III approach.

#### **Minimum equipment for low-visibility operations**

**91.08.6** (1) The operator of an aircraft shall determine the minimum equipment which shall be serviceable at the commencement of a low-visibility take-off or a Category II or III approach, in accordance with the aircraft flight manual referred to in regulation 91.03.2.

(2) The pilot-in-command shall be satisfied that the status of the aircraft and the relevant airborne systems thereof, is appropriate for the specific operation to be conducted.

**SUBPART 9****AIRCRAFT PERFORMANCE OPERATING LIMITATIONS****General provisions**

**91.09.1** (1) The operator or pilot-in-command, as the case may be, of an aircraft, shall ensure that the aircraft is operated in accordance with -

- (a) the terms and conditions of the certificate of airworthiness issued in respect of such aircraft;
- (b) the operating limitations, the markings and placards as prescribed by the State of Registry; and
- (c) the mass limitations prescribed in Part 21.

(2) In complying with subregulation (1), the operator or pilot-in-command shall take account of airframe configuration, environmental conditions, runway characteristics and the operation of systems which may have an effect on the performance of the aircraft, when appropriate.

**Helicopter operating limitations**

**91.09.2** (1) Performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which may permit a safe forced landing to be executed in the event of an engine failure.

(2) The provisions of subregulation (1) shall apply *mutatis mutandis* to performance Class 2 helicopters prior to the defined point after take-off, and after the defined point before landing.

(3) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in built-up urban areas.

**Helicopter performance classification**

**91.09.3** (1) For performance purposes, helicopters are classified as follows:

- (a) Class 1 helicopter - a helicopter with performance such that, in case of critical power unit failure, the helicopter is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;
- (b) Class 2 helicopter - 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 prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required; and
- (c) Class 3 helicopter - 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.

(2) The Director may, for performance purposes, classify any type of helicopter in Document NAM-CATS-OPS 91, as a Class 1, Class 2 or Class 3 helicopter.

**Aeroplane performance classification**

**91.09.4** (1) For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplane -

- (i) a multi-engine aeroplane powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
  - (ii) a multi-engine turbojet-powered aeroplane;
- (b) a Class B aeroplane – a propeller-driven aeroplane with a maximum approved passenger seating configuration of nine seats or less, or a maximum certificated mass of 5 700 kilograms or less; and
  - (c) a Class C aeroplane – an aeroplane powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms.

(2) The Director may, for performance purposes, classify any type of aeroplane in Document NAM-CATS-OPS 91, as a Class A, Class B or Class C aeroplane.

**SUBPART 10****AIRCRAFT MAINTENANCE****General**

**91.10.1** No owner, operator or pilot-in-command, as the case may be, of an aircraft, shall operate the aircraft unless such aircraft is maintained and released to service in accordance with the regulations in Part 43.

**SUBPART 11****EMERGENCY MEDICAL SERVICE OPERATIONS****Requirements for emergency medical service operations**

**91.11.1** (1) The operator of an aircraft engaged in a commercial emergency medical service operation, shall not operate the aircraft unless such operator is the holder of -

- (a) a valid air operator certificate issued in terms of Part 121, Part 127 or Part 135, as the case may be; and
- (b) a licence issued in terms of section 31 of the Hospital and Health Facilities Act, 1994 (Act 36 of 1994).

(2) The operator of an aircraft engaged in an emergency medical service operation other than a commercial emergency medical service operation, shall not operate the aircraft unless such operator -

- (a) conducts the emergency medical service operation in accordance with an approved manual of procedure; and
- (b) is the holder of a licence issued in terms of section 31 of the Hospital and Health Facilities Act, 1994.

**Manual of procedure**

**91.11.2** (1) The operator of an aircraft engaged in an emergency medical service operation shall compile a manual of procedure setting out the manner in which such operator is to operate the emergency medical service operation: Provided that if the operator is engaged in a commercial emergency medical service operation, the operations manual of the operator referred to in Part 121, 127 or 135, as the case may be, shall be deemed to be the manual of procedure for the purposes of this Subpart.

(2) The operator shall, prior to commencing an emergency medical service operation, submit the manual of procedure in duplicate to the Director for approval.

(3) The structure and contents of the manual of procedure shall be as prescribed in Document NAM-CATS-OPS 91.

(4) If the Director is satisfied that the operator will operate the emergency medical service operation in accordance with the provisions in this Part, the Director shall certify in writing, on both copies of the manual of procedure, that such manual of procedure has been approved, and shall return one copy of such manual of procedure to the operator.

(5) The operator shall submit any amendment to the manual of procedure in duplicate to the Director for approval.

(6) If the Director is satisfied that the operator will continue to comply with the provisions of this Subpart, the Director shall certify in writing on both copies of the amendment to the manual of procedure that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

(7) The operator shall at all times operate the emergency medical service operation in accordance with the approved manual of procedure, or an approved amendment thereto.

(8) The operator shall -

- (a) ensure that all operations personnel are able to understand the language used in those sections of the approved manual of procedure which pertain to their duties;

- (b) ensure that every flight is conducted in accordance with the approved manual of procedure and that those parts of the manual which are required for the conduct of a flight, are easily accessible to the flight crew and medical personnel on board the aircraft;
- (c) make the manual of procedure available for the use and guidance of operations personnel;
- (d) provide the flight crew and medical personnel with their own personal copy of the sections of the approved manual of procedure which are relevant to the duties assigned to them;
- (e) keep the approved manual of procedure up to date; and
- (f) keep the approved manual of procedure in a safe place.

(9) The approved manual of procedure shall be reviewed every six months and updated, if necessary.

### **Operational procedures**

**91.11.3** The operator of an aircraft engaged in an emergency medical service operation shall ensure that medical personnel are briefed and are familiar with -

- (a) the danger areas around an aircraft;
- (b) standard helicopter and aeroplane safety rules;
- (c) look-out assistance for obstructions, wires and debris;
- (d) the location and operation of safety equipment, fire extinguishers, emergency exits and ELT;
- (e) the location and operation of aircraft electrical master switches and fuel shut-off valves;
- (f) the location and operation of oxygen emergency shut-off valves;
- (g) the correct stowage of medical equipment;
- (h) patient loading and unloading procedures;
- (i) hot-loading policy and hot-unloading procedures;
- (j) aircraft emergency procedures pertaining to emergency medical service flights, securing oxygen, securing loose equipment, seat belts, forced-landing drills and patient evacuation;
- (k) overdue actions - emergency plans;
- (l) communications in an emergency;
- (m) survival instructions;
- (n) a clear understanding of the day and night flying limitations;
- (o) an understanding of basic aerodrome requirements;
- (p) the requirements for the use of *ad hoc* landing sites; and
- (q) crowd control and flight crew and medical personnel duties.

### **Instruments and equipment**

**91.11.4** The operator of an aircraft engaged in an emergency medical service operation shall ensure that any major or minor modification to the aircraft or equipment and the maintenance thereof, is done in accordance with the regulations in Part 43.

**PART 92****RULES OF THE AIR AND GENERAL OPERATING  
RULES: CONVEYANCE OF DANGEROUS GOODS**

**LIST OF REGULATIONS**

- 92.00.1      Applicability
- 92.00.2      Conveyance of dangerous goods forbidden
- 92.00.3      Exemption
- 92.00.4      Classification, division and listing of dangerous goods
- 92.00.5      Designated body or institution
- 92.00.6      Designation of dangerous goods inspectors
- 92.00.7      Powers of dangerous goods inspectors
- 92.00.8      Training
- 92.00.9      Validation of foreign certificate
- 92.00.10     Packing and packaging
- 92.00.11     Responsibility of shipper
- 92.00.12     Labelling and marking
- 92.00.13     Dangerous goods transport document
- 92.00.14     Acceptance procedures
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- 92.00.17     Storage and loading
- 92.00.18     Loading restrictions in cabin or on flight deck
- 92.00.19     Separation and segregation
- 92.00.20     Securing of dangerous goods
- 92.00.21     Loading in cargo aircraft
- 92.00.22     Dangerous goods accident and incident reporting
- 92.00.23     Dangerous goods accident and incident investigation
- 92.00.24     Dangerous goods accident and incident information
- 92.00.25     Notification of undeclared or misdeclared dangerous goods
- 92.00.26     Retention of documents
- 92.00.27     Dangerous goods carried by passengers or crew members
- 92.00.28     Information to passengers

**Applicability**

- 92.00.1** (1) This Part shall apply to -
- (a) any aircraft used for the conveyance of dangerous goods;
  - (b) any person who -
    - (i) offers dangerous goods for conveyance by air;
    - (ii) conveys dangerous goods by air; or
    - (iii) accepts dangerous goods for conveyance by air or conveyed by air;
  - (c) any passenger or crew member on board or to be taken on board an aircraft; and
  - (d) any state official acting in the performance or execution of his or her official duties when on board a civil aircraft.
- (2) This Part shall not apply in respect of -
- (a) 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 agricultural, horticultural, forestry or pollution control operations; or
    - (iv) for purposes of game and livestock management during a flight;
  - (b) 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: Provided that articles and substances intended as replacements for such articles and substances, shall be conveyed in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;
  - (c) 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
  - (d) articles and substances intended for the personal use of passengers and crew members to the extent as prescribed in Document NAM-CATS-DG.

**Conveyance of dangerous goods forbidden**

**92.00.2** No person shall offer for conveyance in an aircraft, convey in an aircraft or accept for conveyance in an aircraft -

- (a) the dangerous goods specifically identified by name or by generic description in Document NAM-CATS-DG as being forbidden for conveyance by air under any circumstances;
- (b) the dangerous goods identified in Document NAM-CATS-DG as being forbidden for conveyance by air under normal circumstances;

- (c) any 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.

### **Exemption**

**92.00.3** (1) The 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 regulation 92.00.2(b), in the case of -

- (a) extreme urgency;
- (b) other forms of conveyance being inappropriate; or
- (c) full compliance with the provisions of this Part being contrary to aviation safety.

(2) The Director may grant an exemption referred to in subregulation (1), under such conditions and for such period which the Director may determine, but only after the applicant has made every effort to achieve the overall level of safety required by the Act, this Part and Document NAM-CATS-DG.

(3) In the event of an exemption being granted for a period exceeding 90 days, the Director shall, within 30 days from the date on which the exemption has been granted, publish the full particulars thereof in the *Gazette*.

### **Classification, division and listing of dangerous goods**

**92.00.4** The classes, divisions and listing of dangerous goods shall be as prescribed in Document NAM-CATS-DG.

### **Designated body or institution**

**92.00.5** (1) The body or institution designated under the Regulations Regarding the Investigation of Aircraft Accidents, 2000 shall, in addition to the powers and duties referred to in regulation 12.01.2 -

- (a) promote the safety of the conveyance of dangerous goods by air and an awareness thereof; and
- (b) advise the Director on any matter connected with the safe conveyance of dangerous goods by air.

(2) 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-DG.

### **Designation of dangerous goods inspectors**

**92.00.6** (1) The Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.7.

(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-DG.

(3) The Director shall sign and issue to each designated dangerous goods inspector a document which shall state the full name of such inspector and contain 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 92.00.7.

**Powers of dangerous goods inspectors**

**92.00.7** (1) A designated dangerous goods inspector may -

- (a) enter and inspect any -
  - (i) aerodrome or hangar;
  - (ii) premises where goods intended for conveyance by air are made, produced or manufactured or where goods or baggage intended for conveyance by air are packed, held or received or where goods or baggage are received after being conveyed by air; and
  - (iii) aircraft, vehicle, freight container or unit load device used for the conveyance of dangerous 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) request any person to produce or furnish him or her with all documents and information 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 any baggage, consignment, freight container or unit load device contains goods which may not, in terms of the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG, be conveyed by air, or goods which constitute a danger or potential danger to persons, aircraft or any other property, may inspect such baggage, consignment, freight container or unit load device and, if he or she deems it necessary in the interests of aviation safety, order that such goods be detained and not be loaded in an aircraft.

(3) A designated dangerous goods inspector may at any time -

- (a) search -
  - (i) any baggage, consignment, freight container or unit load device presented or accepted for conveyance by air;
  - (ii) any baggage, consignment, freight container or unit load device received after being conveyed 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 have been or are to be conveyed by air, and a search referred to in subparagraph (iii) shall be conducted with strict regard to decency and order and a person shall be searched only by a person of the same gender;

- (b) satisfy himself or herself that the mass, quantity or composition of any -
  - (i) goods or baggage offered or presented for conveyance in any consignment;
  - (ii) passengers' baggage;
  - (iii) freight container or unit load device;
  - (iv) stores conveyed by the 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) 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 conveyance by air or which has been conveyed 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 opinion, are not in a good condition, or the storage or use of which he or she deems to be dangerous and order any such dangerous goods to be destroyed forthwith, in which case the owner of goods so condemned, shall have no claim against such inspector or against the State for the loss thereof and shall, in connection with the destruction of explosives, be responsible for any expense incurred.

### Training

92.00.8

(1) Any -

- (a) shipper of dangerous goods, including a packer and shipper's agent;
- (b) operator; or
- (c) person -
  - (i) which performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;
  - (ii) located at an aerodrome, which performs the act of processing passengers on behalf of an operator;
  - (iii) not located at an aerodrome, which performs the act of checking in passengers on behalf of an operator;
  - (iv) other than an operator, involved in processing cargo; or
  - (v) engaged in the security screening of passengers and their baggage,

shall ensure that the following categories of personnel in his, her or its employ successfully complete initial dangerous goods training and refresher dangerous goods training:

- (aa) Cargo personnel;
- (bb) personnel engaged in the ground handling, storage and loading of dangerous goods;
- (cc) passenger handling personnel;

- (dd) security personnel who deal with the screening of passengers and their baggage;
- (ee) crew members;
- (ff) packers;
- (gg) shippers; and
- (hh) shippers' agents.

(2) Training as required by this Part shall only be provided by -

- (a) a dangerous goods training organisation approved in terms of Part 141; or
- (b) a foreign dangerous goods training organisation recognised by the Director.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training shall be as prescribed in Document NAM-CATS-DG.

(4) Any person, employee or agency referred to in subregulation (1), shall complete refresher dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding refresher dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the refresher dangerous goods training referred to in subregulation (3), the dangerous goods training organisation concerned shall issue to the candidate a certificate in the handling of dangerous goods to be conveyed by air.

#### **Validation of foreign certificates**

**92.00.9** (1) The Director may validate any foreign certificate issued in the handling of dangerous goods to be conveyed by air, if the holder of the certificate -

- (a) has obtained such certificate from a recognised foreign training organisation; and
- (b) has successfully completed the refresher dangerous goods training referred to in regulation 92.00.8(3).

(2) The provisions of regulation 92.00.8(4) and (5) shall apply *mutatis mutandis* to the holder of a certificate referred to in subregulation (1).

#### **Packing and packaging**

**92.00.10** (1) A shipper shall ensure that all dangerous goods which the shipper prepares or offers for conveyance 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 shall ensure that any packaging used for the conveyance 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 constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of conveyance by air.

(3) A shipper shall 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 conveyance by air.

(4) A shipper shall 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 shall 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) No receptacle used for the conveyance of dangerous goods by air shall 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 conveyance of dangerous goods by air, is re-used by the shipper, all necessary measures shall be taken by the shipper to prevent contamination of subsequent dangerous goods conveyed therein.

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper shall ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

(9) A shipper shall ensure that no harmful quantity of any dangerous substance adhere to the outside of a package.

#### **Responsibility of shipper**

**92.00.11** (1) A shipper shall ensure that dangerous goods offered for conveyance by air, are not dangerous goods identified as forbidden for conveyance by air in terms of regulation 92.00.2 and are -

- (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 shall 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 conveyed by air, is trained in accordance with the provisions of regulation 92.00.8.

#### **Labelling and marking**

**92.00.12** (1) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package thus offered 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, shall ensure that such package thus offered is marked with the proper shipping name, UN shipping number, class of hazard, subsidiary risk and any authorisation reference of the contents of the package in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

- (3) (a) Any person who offers any package containing dangerous goods for conveyance by air, shall 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.

- (b) No packaging shall be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document NAM-CATS-DG.

#### **Dangerous goods transport document**

**92.00.13** (1) Any person who offers dangerous goods for conveyance by air, shall, unless otherwise provided for in Document NAM-CATS-DG, complete and 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 shall 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 conveyance 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 conveyance 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 conveyance by air in terms of regulation 92.00.2.

#### **Acceptance procedures**

**92.00.14** (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall not accept such dangerous goods for conveyance 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 of the package, overpack or freight container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document NAM-CATS-DG.

(2) The operator referred to in subregulation (1), shall develop and use an acceptance checklist to ensure that the provisions of subregulation (1) regarding the acceptance of dangerous goods for conveyance by air, are complied with.

(3) The acceptance checklist referred to in subregulation (2), shall comply with the requirements as prescribed in Document NAM-CATS-DG.

#### **Information to be provided**

**92.00.15** (1) The operator of an aircraft in which dangerous goods are to be conveyed shall 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.

(2) The operator referred to in subregulation (1), shall provide information to the crew members and employees concerned to enable such crew members and employees to carry out their duties with regard to the conveyance by air of dangerous goods, and such information shall include the information as prescribed in Document NAM-CATS-DG.

**Inspection for damage or leakage by operator**

**92.00.16** (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall inspect the exterior of each package and overpack containing dangerous goods and each freight container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight container, before loading such package, overpack and container in the aircraft or into a unit load device.

(2) The operator referred to in subregulation (1), shall 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) No damaged or leaking package, overpack, freight container or unit load device shall be loaded in an aircraft.

(4) If any package, overpack or freight container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight container in an aircraft, the operator shall remove or arrange for the removal of such package, overpack or freight container from the aircraft and shall ensure that the remainder of the consignment is in a proper condition for conveyance by air and that no other package, overpack or freight container has been contaminated.

(5) Each package or overpack containing dangerous goods, or a freight container or package containing radioactive materials, shall be inspected by the operator for signs of damage or leakage upon unloading such package, overpack or freight container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight container or unit load device were stowed in the aircraft, shall be inspected for damage or contamination.

(6) If a package, overpack or freight container containing radioactive materials is found to be damaged or leaking, the operator shall

- (a) take all necessary precautions to restrict access to such package, overpack or freight 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 shall decontaminate the aircraft immediately.

(8) The operator referred to in subregulation (1), shall remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and shall not release 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.

(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, shall -

- (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.

**Storage and loading**

**92.00.17** The operator of an aircraft in which dangerous goods are to be conveyed, shall 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**

**92.00.18** Unless otherwise provided for in Document NAM-CATS-DG, dangerous goods shall not be stowed in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

**Separation and segregation**

**92.00.19** (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall 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 referred to in subregulation (1), shall ensure that a package containing poison or an infectious substance, is stowed in an aircraft in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(3) The operator referred to in subregulation (1), shall 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**

**92.00.20** (1) The operator of an aircraft in which dangerous goods are to be conveyed, shall, when dangerous goods are loaded in the aircraft, protect such dangerous goods from being damaged, and shall secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the orientation of the packages.

(2) When securing packages containing radioactive materials, the operator shall ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.19(3), are complied with.

**Loading in cargo aircraft**

**92.00.21** Unless otherwise provided for in Document NAM-CATS-DG, a package or overpack containing dangerous goods and bearing a "cargo aircraft only" label, shall be loaded in a manner that any 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**

**92.00.22** (1) The operator of an aircraft involved in a dangerous goods accident or dangerous goods incident within Namibia, shall as soon as possible, but within 24 hours from such dangerous goods accident or dangerous goods incident, notify -

- (a) in the case of an accident, any air traffic service unit or the nearest police station; or
- (b) in the case of an incident, any air traffic service unit,

of such accident or incident, and such air traffic service unit or police station, as the case may be, shall immediately on receipt of the notification, notify -

- (i) the 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 outside Namibia, shall, as soon as practicable, notify -

- (a) the appropriate authority in the State or territory where the accident or incident has occurred, directly or through any air traffic service unit; and
- (b) the Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident referred to in subregulation (1) or (2) shall, in addition to the provisions of regulation 12.02.1(2) or 12.02.2(2), contain the particulars as prescribed in Document NAM-CATS-DG.

#### **Dangerous goods accident and incident investigation**

**92.00.23** The investigator-in-charge shall investigate all dangerous goods accidents and dangerous goods incidents of which the Director is notified in terms of regulation 92.00.22(1), and the Regulations Regarding Aircraft Accidents, 2000 shall apply *mutatis mutandis* to such investigation.

#### **Dangerous goods accident and incident information**

**92.00.24** In the case of a consignment for which a dangerous goods transport document is required in terms of this Part, the operator shall 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**

**92.00.25** The operator of an aircraft in which dangerous goods are conveyed within or outside Namibia, shall, within 48 hours after the discovery of -

- (a) any undeclared or misdeclared dangerous goods; or
- (b) dangerous goods not permitted in terms of regulation 92.00.27,

on board the aircraft or in the baggage of a passenger or crew member, notify the Director or the appropriate authority, as the case may be, of such discovery.

#### **Retention of documents**

**92.00.26** The operator of an aircraft in which dangerous goods are conveyed, shall ensure that at least one copy of all documents pertaining to a flight on which dangerous goods are conveyed, including the -

- (a) dangerous goods transport document;
- (b) acceptance checklist, if completion of the checklist is required; and
- (c) written information provided to the pilot-in-command in terms of regulation 92.00.15(1),

are retained for a period of 90 days, calculated from the date of such flight.

**Dangerous goods carried by passengers or crew members**

**92.00.27** No passenger or crew member shall 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**

**92.00.28** Any operator shall ensure that information regarding the types of goods that passengers are forbidden to carry on board an aircraft, is available to such passengers and such information shall 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) in aircraft boarding areas and baggage claim areas.

**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

**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
- (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.

**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 -

- (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.

**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

**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**

- 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.

**PART 101**

**RULES OF THE AIR AND GENERAL OPERATING  
RULES:  
OPERATION OF UNMANNED FREE BALLOONS,  
KITES, ROCKETS AND REMOTELY PILOTED  
AIRCRAFT**

**LIST OF REGULATIONS**

- 101.00.1    Applicability
- 101.00.2    Operating rules for kites and remotely piloted aircraft
- 101.00.3    Operating rules for captive and unmanned free balloons
- 101.00.4    Operating rules for rockets

**Applicability**

**101.00.1** This Part shall apply to the operation of unmanned free balloons, kites, rockets and remotely piloted 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.

**Operating rules for kites and remotely piloted aircraft**

**101.00.2** No person shall, without the prior approval of the Director and under such conditions which the Director may determine, operate a kite or a remotely piloted aircraft -

- (a) higher than 150 feet above the surface;
- (b) within a published controlled zone, air traffic zone or air traffic area;
- (c) closer than five nautical miles from the boundary of an aerodrome.

**Operating rules for captive and unmanned free balloons**

**101.00.3** No person shall, without the prior approval of the Director and under such conditions which the Director may determine, operate a captive or unmanned free balloon -

- (a) higher than 150 feet above the surface; or
- (b) within a published controlled zone, air traffic zone or air traffic area;
- (c) closer than five nautical miles from the boundary of an aerodrome.

**Operating rules for rockets**

**101.00.4** (1) No person shall fire a rocket within published controlled or advisory airspace or information routes.

(2) No person shall, without the prior approval of the Director and under such conditions which the Director may determine, fire any rocket in airspace other than controlled or advisory airspace, if such rocket will, or is likely to -

- (a) exceed a height of more than 2 000 feet above the surface; and
- (b) be fired closer than five nautical miles from the boundary of an aerodrome.

**PART 102**

**RULES OF THE AIR AND GENERAL OPERATING  
RULES:  
OPERATION OF FREE BALLOONS AND AIRSHIPS**

**LIST OF REGULATIONS****SUBPART I : 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

**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.

**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.

**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

**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.

**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
- (c) at least 500 feet beneath any ceiling.

**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

**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;
- (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**

**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 -

- (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

(2) Unless otherwise approved by the Director, no glider operation shall be conducted above FL 195.

**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

**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
  - (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**

**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:
    - (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;
- (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 -

- (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 -

- (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.

#### **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**

**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:

- (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.
- (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.

#### **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.

(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.

**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

**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.

**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
- (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**

**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.

**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

**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.
- (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.

**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.

**PART 121**

**CERTIFICATED AIRCRAFT OPERATORS  
AND OTHER FLIGHT OPERATIONS:  
AIR TRANSPORT OPERATIONS –  
LARGE AEROPLANES**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 121.01.1 Applicability
- 121.01.2 Authority of pilot-in-command
- 121.01.3 Authority of personnel to taxi large aeroplanes
- 121.01.4 Search and rescue information
- 121.01.5 Information on emergency and survival equipment carried
- 121.01.6 Method of carriage of persons
- 121.01.7 Admission to flight deck
- 121.01.8 Unauthorised carriage
- 121.01.9 Electronic devices
- 121.01.10 Endangering safety
- 121.01.11 Intoxication
- 121.01.12 Dry lease of large aeroplane
- 121.01.13 Wet lease of large aeroplane
- 121.01.14 Leasing of large aeroplane between two Namibian operators
- 121.01.15 Subchartering
- 121.01.16 Preservation of documents
- 121.01.17 Minimum equipment lists – Operators responsibilities
- 121.01.18 Operational Directives
- 121.01.19 Power to inspect

**SUBPART 2 : CREW MEMBERS**

- 121.02.1 Composition of crew
- 121.02.2 Crew member responsibilities
- 121.02.3 In-flight relief of flight crew members
- 121.02.4 Crew member emergency duties
- 121.02.5 Crew members at duty stations
- 121.02.6 Laws, regulations and procedures
- 121.02.7 Duties of pilot-in-command regarding flight preparation
- 121.02.8 Duties of pilot-in-command regarding flight operations

- 121.02.9 Recency, route and aerodrome qualifications
- 121.02.10 Cabin crew member complement
- 121.02.11 Operation on more than one type or variant by cabin crew member
- 121.02.12 Senior cabin crew member
- 121.02.13 Cabin crew member emergency evacuation stations
- 121.02.14 Seating of cabin crew members during flight
- 121.02.15 Flight time and duty scheme
- 121.02.16 Operation on more than one type or variant by flight crew
- 121.02.17 Operation of helicopters and aeroplanes

### **SUBPART 3 : TRAINING AND CHECKING**

#### **Division One : General**

- 121.03.1 Training of crew members
- 121.03.2 Initial training of crew members

#### **Division Two : Pilot and flight engineer training**

- 121.03.3 Conversion training
- 121.03.4 Differences training and familiarisation training
- 121.03.5 Upgrading to pilot-in-command
- 121.03.6 Recurrent training and checking
- 121.03.7 Pilot qualification to operate in either pilot's seat
- 121.03.8 Advanced qualification programme
- 121.03.9 Commanders holding a Commercial Pilot Licence

#### **Division Three : Training of cabin crew members**

- 121.03.10 Initial training
- 121.03.11 Type and differences training
- 121.03.12 Familiarisation flights
- 121.03.13 Recurrent training
- 121.03.14 Refresher training
- 121.03.15 Checking

#### **Division Four : Training of other personnel**

- 121.03.16 Training
- 121.03.17 Training of flight dispatchers

**SUBPART 4 : DOCUMENTATION AND RECORDS**

- 121.04.1 Documents to be carried on board
- 121.04.2 Documents to be retained on ground
- 121.04.3 Operations manual
- 121.04.4 Aeroplane operating manual
- 121.04.5 Aeroplane flight manual
- 121.04.6 Operational flight plan
- 121.04.7 Flight plan
- 121.04.8 Technical log
- 121.04.9 Aeroplane checklist
- 121.04.10 Fuel and oil record
- 121.04.11 Certificate of release to service
- 121.04.12 Flight recorder records
- 121.04.13 Flight time and duty period records
- 121.04.14 Records of emergency and survival equipment
- 121.04.15 Crew member training records
- 121.04.16 Journey log
- 121.04.17 Document storage periods
- 121.04.18 Production of documentation and records

**SUBPART 5 : INSTRUMENTS AND EQUIPMENT**

- 121.05.1 Approval of instruments and equipment
- 121.05.2 Use of instruments and equipment by pilot
- 121.05.3 Circuit protection devices
- 121.05.4 Aeroplane operating lights
- 121.05.5 Flight, navigation and associated equipment for aeroplanes operated under VFR
- 121.05.6 Flight, navigation and associated equipment for aeroplanes operated under IFR
- 121.05.7 Mach number indicator
- 121.05.8 Equipment for operations in icing conditions
- 121.05.9 Flight recorder

- 121.05.10 Foil data recorder
- 121.05.11 Cockpit voice recorder
- 121.05.12 Flight data recorder
- 121.05.13 Altitude alerting system
- 121.05.14 Ground proximity warning system
- 121.05.15 Airborne weather radar equipment
- 121.05.16 Cosmic radiation detection equipment
- 121.05.17 Flight crew interphone system
- 121.05.18 Crew member interphone system
- 121.05.19 Public address system
- 121.05.20 Windshield wipers
- 121.05.21 Seats, seat safety belts, harnesses and restraint devices
- 121.05.22 Stowage and security of articles, baggage and cargo
- 121.05.23 Internal doors and curtains
- 121.05.24 Standard first aid kit
- 121.05.25 Emergency medical kit
- 121.05.26 First aid oxygen
- 121.05.27 Supplemental oxygen in case of pressurised aeroplanes
- 121.05.28 Supplemental oxygen in case of non-pressurised aeroplanes
- 121.05.29 Crew protective breathing equipment
- 121.05.30 Handheld fire extinguishers
- 121.05.31 Crash axes and crowbars
- 121.05.32 Marking of break-in points
- 121.05.33 Megaphones
- 121.05.34 Emergency lighting
- 121.05.35 Automatic emergency locator transmitter
- 121.05.36 Life jackets and other flotation devices
- 121.05.37 Life rafts and survival radio equipment for extended over-water flights
- 121.05.38 Survival equipment
- 121.05.39 Seaplanes and amphibious aeroplanes
- 121.05.40 Communication equipment

- 121.05.41 Navigation equipment
- 121.05.42 Means of emergency evacuation
- 121.05.43 Traffic alert and collision avoidance system
- 121.05.44 Lavatory fire protection
- 121.05.45 Fasten seat belt and no smoking signs
- 121.05.46 Additional equipment for single pilot operation under IFR
- 121.05.47 Pressure-altitude reporting transponder
- 121.05.48 Microphones

#### **SUBPART 6 : AIR OPERATOR CERTIFICATE**

- 121.06.1 Requirement for air operator certificate
- 121.06.2 Quality assurance system
- 121.06.3 Personnel requirements
- 121.06.4 Accommodation
- 121.06.5 Application for air operator certificate or amendment thereof
- 121.06.6 Assessment of application and issue of certificate
- 121.06.7 Period of validity
- 121.06.8 Transferability
- 121.06.9 Changes in quality assurance system
- 121.06.10 Duties of holder of certificate
- 121.06.11 Statistical information
- 121.06.12 Documentation
- 121.06.13 Display of certificate
- 121.06.14 Advertisements
- 121.06.15 Renewal of certificate
- 121.06.16 Safety inspections and audits
- 121.06.17 Suspension and cancellation of certificate and appeal
- 121.06.18 Register of certificates

#### **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 thereof
- 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 and cancellation of permit and appeal
- 121.07.10 Register of permits
- 121.07.11 Definitions

#### **SUBPART 8 : FLIGHT OPERATIONS**

- 121.08.1 Routes and areas of operation
- 121.08.2 Establishment of procedures
- 121.08.3 Operational control and supervision
- 121.08.4 Competency of operations personnel
- 121.08.5 Use of aerodromes
- 121.08.6 Use of air traffic services
- 121.08.7 Minimum flight altitudes
- 121.08.8 Threshold crossing height
- 121.08.9 Pre-flight selection of aerodromes
- 121.08.10 Aerodrome operating minima
- 121.08.11 Planning minima for IFR flights
- 121.08.12 Meteorological conditions
- 121.08.13 VFR operating minima
- 121.08.14 Mass and balance
- 121.08.15 Smoking in large aeroplanes
- 121.08.16 Ditching
- 121.08.17 Fuel policy
- 121.08.18 Fuel and oil supply
- 121.08.19 Refueling or defueling with passengers on board
- 121.08.20 Instrument approach and departure procedures
- 121.08.21 Noise abatement procedures
- 121.08.22 Submission of flight plan

- 121.08.23 Seats, safety belts and harnesses
- 121.08.24 Passenger seating
- 121.08.25 Passenger briefing
- 121.08.26 Emergency equipment
- 121.08.27 Illumination of emergency exits
- 121.08.28 Use of supplemental oxygen
- 121.08.29 Approach and landing conditions
- 121.08.30 Commencement and continuation of approach
- 121.08.31 In-flight simulation of emergency situations
- 121.08.32 Starting engines
- 121.08.33 Carriage of infants and children
- 121.08.34 Carriage of persons with disability
- 121.08.35 Carriage of persons with reduced mobility
- 121.08.36 Limitations on carriage of infants, children and passengers with disability
- 121.08.37 Carriage of inadmissible passengers, deportees or persons in custody
- 121.08.38 Carry-on baggage
- 121.08.39 Securing of passenger cabin and galley
- 121.08.40 Passenger services
- 121.08.41 Accident prevention and flight safety programme
- 121.08.42 Extended range operations with twin-engined aeroplanes (ETOPS)
- 121.08.43 Operation in defined airspace with Reduced Vertical Separation Minima (RVSM)
- 121.08.44 Operation in area with specific navigation performance requirements
- 121.08.45 Assisting means of emergency evacuation
- 121.08.46 Ice and other contaminants
- 121.08.47 Cosmic radiation
- 121.08.48 Ground proximity detection
- 121.08.49 Occurrence Reporting
- 121.08.50 Accident Reporting

**SUBPART 9 : AEROPLANE PERFORMANCE OPERATING LIMITATIONS**

121.09.1 Aeroplane performance classification

121.09.2 Class A and Class C aeroplanes

**Division One : Class A Aeroplane**

121.09.3 General

121.09.4 Take-off

121.09.5 Net take-off flight path

121.09.6 En route with one engine inoperative

121.09.7 En route with two engines inoperative in case of aeroplanes with three or more engines

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

**Division Two : Class A and C aeroplane**

121.09.11 General

121.09.12 Take-off

121.09.13 Take-off flight path

121.09.14 En route

121.09.15 Landing at destination and alternate aerodromes

121.09.16 Landing on dry runways

121.09.17 Landing on wet and contaminated runways

**Division Three : Class C aeroplane**

121.09.18 General

121.09.19 Take-off

121.09.20 Take-off flight path

121.09.21 En route with all engines operative

121.09.22 En route with one engine inoperative

121.09.23 En route with two engines inoperative in case of aeroplanes with three or more engines

121.09.24 Landing at destination and alternate aerodromes

121.09.25 Landing on dry runways

121.09.26 Landing on wet and contaminated runways

**SUBPART 10 : AEROPLANE MAINTENANCE**

- 121.10.1 General
- 121.10.2 Operator's maintenance system
- 121.10.3 Maintenance responsibility
- 121.10.4 Maintenance management
- 121.10.5 Operator's maintenance management programme
- 121.10.6 Operator's maintenance management manual
- 121.10.7 Operator's aeroplane technical log
- 121.10.8 Maintenance records
- 121.10.9 Continued validity of air operator certificate in respect of maintenance system
- 121.10.10 Quality Assurance System

**SUBPART 11 : RULES OF THE AIR****Division One : Flight rules**

- 121.11.1 Landing and take-off
- 121.11.2 Right of way
- 121.11.3 Following line features
- 121.11.4 Acroplane speed
- 121.11.5 Lights to be displayed by large aeroplane
- 121.11.6 Taxi rules
- 121.11.7 Operation on and in vicinity of aerodrome
- 121.11.8 Signals
- 121.11.9 Water operations
- 121.11.10 Reporting position
- 121.11.11 Mandatory radio communication in controlled airspace
- 121.11.12 Mandatory radio communication in advisory airspace
- 121.11.13 Compliance with air traffic control clearance and instructions
- 121.11.14 Prohibited areas
- 121.11.15 Restricted areas
- 121.11.16 Danger areas

**Division Two : Visual flight rules**

- 121.11.17 Visibility and distance from cloud
- 121.11.18 Special VFR weather minima
- 121.11.19 Responsibility to ascertain whether VFR flight is permitted

**Division Three : Instrument flight rules**

- 121.11.19 Compliance with IFR
- 121.11.20 Aeroplane equipment
- 121.11.21 Change from IFR flight to VFR flight
- 121.11.22 IFR procedures

**Division Four : Air traffic rules**

- 121.11.23 Air traffic service procedures
- 121.11.24 Priority

**Division Five : Heights and instrument approach and departure procedures**

- 121.11.25 Minimum heights
- 121.11.26 Semi-circular rule
- 121.11.27 Standard instrument approach to and departure from aerodrome

**SUBPART 12 : ALL WEATHER OPERATIONS**

- 121.12.1 Aerodrome operating minima
- 121.12.2 General operating rules for low-visibility operations
- 121.12.3 Aerodrome considerations for low-visibility operations
- 121.12.4 Training and qualifications for low-visibility operations
- 121.12.5 Operating procedures for low-visibility operations
- 121.12.6 Minimum equipment for low-visibility operations

**SUBPART 13 : SECURITY**

- 121.13.1 Security requirements
- 121.13.2 Flight crew compartment security
- 121.13.3 Training programmes
- 121.13.4 Aeroplane search procedure checklist
- 121.13.5 Reporting acts of unlawful interference

**SUBPART I****GENERAL****Applicability**

**121.01.1** (1) This Part shall apply to -

- (a) large aeroplanes engaged in commercial air transport operations within Namibia;
- (b) large aeroplanes registered in Namibia and engaged in international commercial air transport operations;
- (c) the issue of air operator certificates for Namibian operators, and matters related thereto;
- (d) the issue of foreign air operator permits for foreign operators, and matters related thereto;
- (e) persons acting as crew members of large aeroplanes registered in Namibia; and
- (f) persons who are on board a large aeroplane operated under this Part.

(2) For the purposes of this Part, a large aeroplane registered in another State and operated by the holder of an air operator certificate issued in Namibia, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall *mutatis mutandis* apply to any large aeroplane operated in terms of this Part.

**Authority of pilot-in-command**

**121.01.2** All persons on board a large aeroplane shall obey all lawful commands given by the pilot-in-command of the aeroplane for the purpose of securing the safety of such aeroplane and of persons or property carried therein.

**Authority of personnel to taxi large aeroplanes**

**121.01.3** No operator or pilot-in-command, as the case may be, of a large aeroplane, shall permit the taxiing of, and no person shall taxi, the aeroplane on the movement area of an aerodrome unless the person at the controls of such aeroplane -

- (a) is the holder of a valid pilot licence; or
- (b) has received instruction in the taxiing of such aeroplane from, and has been declared competent to taxi such aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;
- (c) such person is authorised to use the radio apparatus; and
- (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 aeroplane movements at such aerodrome.

**Search and rescue information**

**121.01.4** The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aeroplane will be flown, is available on board such aeroplane.

**Information on emergency and survival equipment carried**

**121.01.5** (1) The operator of a large aeroplane shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the aeroplane.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 121.

**Method of carriage of persons**

**121.01.6** No person shall be in any part of a large aeroplane in 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 aeroplane -

- (a) for the purpose of taking action necessary for the safety of such aeroplane or of any person, animal or goods therein; and
- (b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aeroplane is in flight.

**Admission to flight deck**

**121.01.7** (1) The operator of a large aeroplane shall ensure that no person is admitted to, or carried on the flight deck of the aeroplane unless such person is -

- (a) a flight crew member assigned to the flight;
- (b) an authorised officer, inspector or authorised person; or
- (c) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 121.04.3.

(2) The final decision regarding the admission of any person to the flight deck shall be the responsibility of the pilot-in-command: Provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the flight deck shall not interfere with the operation of the aeroplane.

(4) Any person carried on the flight deck, shall be made familiar with the applicable safety procedures.

**Unauthorised carriage**

**121.01.8** No person shall conceal himself, herself, animals or cargo on board a large aeroplane.

**Electronic devices**

**121.01.9** (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a large aeroplane, shall permit the operation of, and no person shall operate on board the aeroplane during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such aeroplane.

(2) The Director may, in Document NAM-CATS-OPS 121, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aeroplane in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

**Endangering safety**

**121.01.10** No person shall, through any act or omission -

- (a) endanger the safety of a large aeroplane or person therein; or
- (b) cause or permit the aeroplane to endanger the safety of any person or property.

**Intoxication**

**121.01.11** (1) The operator of a large aeroplane shall not permit, and no person shall enter or be in, the aeroplane while under the influence of any alcohol or psychoactive substance, to the extent where the safety of such aeroplane or its occupants is, or is likely to be, endangered.

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1) -

- (a) is refused embarkation; or
- (b) if such person is on board, is restrained or disembarked.

**Dry lease of large aeroplane**

**121.01.12** (1) A Namibian operator who intends to dry lease a foreign registered large aeroplane for operations under this Part, shall -

- (a) ensure that the aeroplane can be operated and is operated in accordance with the requirements prescribed in this Part;
- (b) obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such aeroplane is -

- (a) type certificated in accordance with the requirements prescribed in Part 21;
- (b) maintained in accordance with the operator's maintenance system referred to in regulation 121.10.2;
- (c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from whom the foreign registered large aeroplane is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered large aeroplane may dry lease the aeroplane to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered large aeroplane, the Director may remove the aeroplane from the air operator certificate held by such operator: Provided that -

- (a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such aeroplane; and
- (b) such aeroplane is maintained according to an approved operator's maintenance system.

**Wet lease of large aeroplane**

**121.01.13** (1) A Namibian operator who intends to wet lease a foreign registered large aeroplane for operations under this Part, shall obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such aeroplane -

- (a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;
- (b) has been type certificated by the appropriate authority;
- (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
- (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and
- (e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).

(3) The operator referred to in subregulation (1) shall -

- (a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;
- (b) ensure that any law applicable to the maintenance and operation of the aeroplane to be wet leased, is complied with.

(4) The operator of a Namibian registered large aeroplane who intends to wet lease the aeroplane to any operator, other than an operator of another Contracting State, shall remain the operator of the aeroplane for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such aeroplane shall not be transferred to the appropriate authority of the State of the Operator.

**Leasing of large aeroplane between two Namibian operators**

**121.01.14** (1) A Namibian operator who intends to lease a large aeroplane and complete crew from another Namibian operator, shall become the operator of the aeroplane and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a large aeroplane leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which an aeroplane together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

- (a) the arrangement concerning the air operator certificate under which the flights with the leased aeroplane shall be operated; and
- (b) any deviation from the air operator certificate under which the flights with the leased aeroplane shall be operated.

**Subchartering**

**121.01.15** (1) In the exceptional circumstances as prescribed in Document

NAM-CATS-OPS 121, an operator may subcharter a large aeroplane and crew from any operator who holds a valid air operator certificate, or similar document, for the aeroplane, issued by an appropriate authority: Provided that -

- (a) the subcharter period does not exceed five consecutive days; and
- (b) the operator of the aeroplane so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 121.01.12(1)(a) and (2), 121.01.13(3) and (4)(c) and 121.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

#### **Preservation of documents**

**121.01.16** The operator of a large aeroplane, who is required to retain any of the documents for the specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the aeroplane concerned.

#### **Minimum equipment lists – operator’s responsibilities**

**121.01.17** (1) An operator shall establish, for each aeroplane, a Minimum Equipment List (MEL) approved by the Director. This shall be based upon, but no less restrictive than, the relevant Master Minimum Equipment List (MMEL) (if this exists) accepted by the Director.

(2) An operator shall not operate an aeroplane other than in accordance with the MEL unless permitted by the Director. Any such permission will in no circumstances permit operation outside the constraints of the MMEL.

#### **Operational Directives**

- 121.01.18**
- (a) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.
  - (b) Operational Directives state:
    - (1) The reason for issue;
    - (2) Applicability and duration; and
    - (3) Action required by the operator(s).
  - (c) Operational Directives are supplementary to the provisions of Part 121

#### **Power to inspect**

**121.01.19** An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any aeroplane operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck if, in his opinion, the safety of the aeroplane would thereby be endangered.

**SUBPART 2****CREW MEMBERS****Composition of crew**

**121.02.1** (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the aeroplane flight manual referred to in regulation 121.04.5.

(2) The operator of a large aeroplane shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 121.04.3.

(3) The operator shall ensure that the crew members -

- (a) are competent to perform the duties assigned to them; and
- (b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the aeroplane shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) For operations under IFR or at night in a large aeroplane, the operator shall ensure that the minimum flight crew is two pilots.

(7) The operator shall designate one pilot among the flight crew as pilot-in-command of the large aeroplane and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

**Crew member responsibilities**

**121.02.2** (1) No person shall act as a crew member of a large aeroplane -

- (a) while under the influence of any psychoactive substance;
- (b) within 24 hours, following scuba diving by such crew member;
- (c) within 48 hours, following blood donation by such 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 aeroplane 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 such aeroplane.

(2) No crew member shall -

- (a) engage in any kind of problematic use of substances;
- (b) use any alcohol or psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;

- (c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or
- (d) use any alcohol or psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aeroplane, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a large aeroplane if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 121.02.15.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

#### **In-flight relief of flight crew members**

**121.02.3** (1) The operator of a large aeroplane shall establish procedures in accordance with the provisions of this regulation, to prevent inexperienced flight crew members from doing duty together on the same flight.

(2) A flight crew member may be relieved in flight of his or her duties at the controls of a large aeroplane, by another suitably qualified flight crew member.

(3) A pilot assigned to the pilot-in-command station may be relieved by a relief pilot-in-command who -

- (a) is the holder of the appropriate valid pilot licence (aeroplane) and ratings;
- (b) has completed -
  - (i) the conversion training and checking, including type rating training, prescribed in Subpart 3;
  - (ii) the recurrent training and checking prescribed in Subpart 3; and
  - (iii) in the case of scheduled commercial air transport operations, recency, route and aerodrome qualifications referred to in regulation 121.02.9; and
- (c) may not operate below FL 200 unless he or she is the holder of the appropriate type rating and has been assigned to the pilot-in-command station.

(4) The co-pilot of a large aeroplane may be relieved by -

- (a) another suitably qualified pilot; or
- (b) a relief co-pilot who holds a valid commercial pilot licence (aeroplane) and instrument rating and who has completed -
  - (i) the conversion training and checking, including type rating training other than take-off and landing training, prescribed in Subpart 3;
  - (ii) the recurrent training and checking, other than take-off and landing training, prescribed in Subpart 3.

(5) A relief co-pilot referred to in subregulation (4) shall -

- (a) not operate as co-pilot below FL 200; and
- (b) shall simulate recency and refresher flying skill training at intervals not exceeding six months.

(6) A flight engineer may be relieved in flight by a flight crew member who holds a valid flight engineer licence, or by a suitably qualified flight crew member.

(7) When any additional crew member is carried to provide in-flight relief for the purpose of extending a flight time and duty period, such crew member shall hold qualifications which comply with the requirements of the operational duty which he or she is required to carry out during such in-flight relief period.

#### **Crew member emergency duties**

**121.02.4** (1) The operator and, where appropriate, the pilot-in-command of a large aeroplane shall assign to each 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) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) The operator shall prove to the satisfaction of the Director, that the crew members are competent to perform such functions, by means of an emergency evacuation demonstration carried out in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121.

(4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use.

(5) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

#### **Crew members at duty stations**

**121.02.5** (1) In the case of a multi-crew large aeroplane -

- (a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;
- (b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);
- (c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;
- (d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c):  
Provided that -
  - (i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aeroplane or for physiological needs; and
  - (ii) at least one suitably qualified pilot remains at the controls of such aeroplane at all times;
- (e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any

activities during critical phases of the flight other than those required for the safe operation of such aeroplane.

(2) In the case of a single-pilot large aeroplane, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aeroplane.

#### **Laws, regulations and procedures**

**121.02.6** (1) In an emergency situation which endangers a large aeroplane, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

- (a) take any action which he or she considers necessary under the circumstances; and
- (b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

#### **Duties of pilot-in-command regarding flight preparation**

**121.02.7** (1) The pilot-in-command of a large aeroplane shall not commence a flight unless he or she is satisfied that -

- (a) the aeroplane is airworthy;
- (b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;
- (c) the aeroplane has been released to service in accordance with the provisions of Part 43;
- (d) the mass of the aeroplane does not exceed the maximum certificated mass calculated from the performance information provided in the aeroplane flight manual referred to in regulation 121.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;
- (e) the load carried by the aeroplane is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such aeroplane flight manual;
- (f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;
- (g) a flight plan referred to in regulation 121.04.7, has been properly completed and filed with the appropriate air traffic service unit;
- (h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;
- (i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;
- (j) the search and rescue information, referred to in regulation 121.01.4, is available on board;

- (k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;
- (l) 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;
- (m) the status of the aeroplane and the relevant airborne systems are appropriate for the specific flight to be undertaken;
- (n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aeroplane, unless otherwise permitted in the aeroplane flight manual referred to in paragraph (d);
- (o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;
- (p) the RVR or visibility in the take-off direction of the aeroplane is equal to, or better than, the applicable minimum;
- (q) the crew members are properly qualified for the specific operation to be undertaken;
- (r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 121, if such approaches are planned;
- (s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 121, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and
- (t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command of a large aeroplane shall -

- (a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources 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; and
- (c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the

mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

#### **Duties of pilot-in-command regarding flight operations**

- 121.02.8** (1) The pilot-in-command of a large aeroplane shall be responsible for -
- (a) the operation and safety of the aeroplane;
  - (b) the conduct and safety of crew members and passengers carried; and
  - (c) the maintenance of discipline by all persons on board.
- (2) The pilot-in-command shall have the authority -
- (a) to give such commands he or she deems necessary in the interest of the safety of the aeroplane, persons or property; and
  - (b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aeroplane, persons or property.
- (3) The pilot-in-command shall -
- (a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aeroplane, the limitations contained in the aeroplane flight manual referred to in regulation 121.04.5, or equivalent certification document, are fully complied with at the appropriate times during a flight;
  - (b) decide whether or not to accept an aeroplane with unserviceabilities allowed by the CDL or MEL, where applicable;
  - (c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;
  - (d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aeroplane are secured in their seats by means of the seat belts or shoulder harnesses provided;
  - (e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 121.02.7(1)(f);
  - (f) report any accident or incident involving the aeroplane in accordance with the provisions of the Regulations Regarding the Investigation of Aircraft Accidents, 2000;

- (g) report any dangerous goods accident or incident involving the aeroplane in accordance with the provisions of Part 92;
  - (h) if the aeroplane 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 crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with the Regulations Regarding the Investigation of the Aircraft Accidents, 2000;
  - (i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and
  - (j) 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.
- (4) The pilot-in-command shall ensure that -
- (a) oxygen is available to crew members and passengers if flights in a non-pressurised aeroplane are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and
  - (b) 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.
- (5) The pilot-in-command shall 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 aeroplane;
  - (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) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.
  - (d) permit a flight data recorder or cockpit voice recorder to be disabled during flight.
- (6) The pilot-in-command or, in his or her absence, the operator of the aeroplane, shall report any act of unlawful interference with the operation of such aeroplane, or the authority of the pilot-in-command -
- (a) if the act of unlawful interference occurs within Namibia; or
  - (b) if the act of unlawful interference occurs in a Namibian registered aeroplane within or over the territory of a foreign State,

to the Director.

**Recency, route and aerodrome qualifications**

**121.02.9** (1) A pilot shall not act as pilot-in-command of a large aeroplane engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the aeroplane an adequate knowledge of -

- (a) the route to be flown;
- (b) the aerodromes to be used;
- (c) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and
- (d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

- (a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or
- (b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

**Cabin crew member complement**

**121.02.10** (1) If the certificate of airworthiness of a large aeroplane requires the carrying of one or more cabin crew members, the operator of the aeroplane shall not, when carrying one or more passengers, operate such aeroplane without carrying the minimum number of cabin crew as prescribed in Document NAM-CATS-OPS 121.

(2) Cabin crew members are carried for the purposes of performing duties relating to the safety of passengers and other duties 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: Provided that -

- (a) the number of passengers has been reduced in accordance with the procedures specified in the operations manual referred to in regulation 121.04.3; and
- (b) a report is submitted to the Director after completion of the flight.

**Operation on more than one type or variant by cabin crew member**

**121.02.11** (1) A cabin crew member shall not operate on more than three aeroplane types or variants: Provided that the Director may approve the operation on four aeroplane types or variants if the emergency and safety equipment and procedures for at least two of the aeroplane types or variants are similar.

(2) The types or variants of aeroplanes which are deemed to be similar in respect of emergency and safety equipment and procedures, are those listed in Document NAM-CATS-OPS 121.

**Senior cabin crew member**

**121.02.12** (1) The operator of a large aeroplane shall appoint a senior cabin crew member whenever more than one cabin crew member is carried on board the aeroplane.

(2) The senior cabin crew member shall be responsible to the pilot-in-command for the conduct of cabin operations and the coordination and performance of safety duties.

(3) The operator shall establish procedures to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member being unable to operate.

#### **Cabin crew member emergency evacuation stations**

**121.02.13** A cabin crew member assigned to perform evacuation duties in a large aeroplane, shall occupy the seat provided therefor during take-off and landing, or when so directed by the pilot-in-command for safety purposes.

#### **Seating of cabin crew members during flight**

**121.02.14** During take-off and landing, and whenever deemed necessary by the pilot-in-command in the interests of aviation safety, cabin crew members shall be seated at their assigned stations or seats, on all decks which are occupied by passengers.

#### **Flight time and duty scheme**

**121.02.15** (1) The operator of a large aeroplane shall -

- (a) establish a scheme for the regulation of flight time and duty periods for each crew member;
- (b) include the scheme in the operations manual referred to in regulation 121.04.3;
- (c) ensure that each crew member complies with the provisions of such scheme;
- (d) not cause or permit any crew member to be on flight duty in the aeroplane if such operator knows or has been made aware that such crew member -
  - (i) will exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or
  - (ii) 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 crew members and passengers; and
- (e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight time and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Operation on more than one type or variant by flight crew**

**121.02.16** (1) An operator shall ensure that a flight crew member does not operate on more than one type or variant, unless: the flight crew member is competent to do so.

(2) When considering operations of more than one type or variant, an operator shall ensure that the differences and/or similarities of the aeroplanes concerned justify such operations, taking account of the following:

- (a) The level of technology;
- (b) Operational procedures;
- (c) Handling characteristics.

(3) An Operator shall ensure that a flight crew member operating more than one type or variant complies with all of the requirements prescribed in Subpart 3 for each type or variant unless the Director has approved the use of credit(s) related to the training, checking and recent experience requirements.

(4) An operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual, for any operation on more than one type or variant covering:

- (a) The flight level crew members' minimum experience level;
- (b) The minimum experience level on one type or variant before beginning training for and operation of another type or variant;
- (c) The process whereby flight crew qualified on one type or variant will be trained and qualified on another type or variant; and
- (d) All applicable recent experience requirements for each type or variant.

#### **Operation of helicopters and aeroplanes**

**121.02.17** (1) When a flight crew member operates both helicopters and aeroplanes,:

- (a) An operator shall ensure that operations of helicopter and aeroplane are limited to one type of each.
- (b) The operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual.

**SUBPART 3****TRAINING AND CHECKING****DIVISION ONE : GENERAL****Training of crew members**

**121.03.1** (1) The operator of a large aeroplane shall establish and maintain a ground and flight training programme for crew members employed by such operator.

(2) The operator shall ensure that -

- (a) each crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 121;
- (b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation approved, by the Director; and
- (c) each crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of full-time and part-time employed crew members.

**Initial training of crew members**

**121.03.2** A crew member employed by the operator of a large aeroplane shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61, 63 or 64, as the case may be.

**DIVISION TWO : PILOT AND FLIGHT ENGINEER TRAINING****Conversion training**

- 121.03.3** (1) The operator of a large aeroplane shall ensure that -
- (a) a flight crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61 or 63, as the case may be, when changing from one type of aeroplane to another, for which a new type rating is required;
  - (b) a flight crew member completes the operator's type conversion course before commencing unsupervised line flying -
    - (i) when changing to an aeroplane for which a new type rating is required; or
    - (ii) when employed by such operator;
  - (c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 121.04.3, and as prescribed in Document NAM-CATS-OPS 121;
  - (d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 121.04.15;
  - (e) the minimum standards of qualification and experience required of flight crew members before undertaking type conversion training, are specified in the operations manual;
  - (f) each flight crew member undergoes the checks referred to in regulation 121.03.6(2) and the training and checks referred to in regulation 121.03.6(6) before commencing line flying under supervision;
  - (g) upon completion of line flying under supervision, the check referred to in regulation 121.03.6(4) is undertaken; and
  - (h) crew resource management training as prescribed in Document NAM-CATS-OPS 121, is included in the conversion course.

(2) In the case of changing from one type of aeroplane to another, the check referred to in regulation 121.03.6(2) may be combined with the type rating skill test prescribed in Part 61 or 63, as the case may be.

(3) The operator's type conversion course and the type rating course prescribed in Part 61 or 63, as the case may be, may be combined.

(4) The operator's type conversion course shall include the items, and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 121.

(5) When a flight crew member has not previously completed the operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

**Differences training and familiarisation training**

**121.03.4** (1) The operator of a large aeroplane shall ensure that a flight crew member completes differences training when -

- (a) operating a variant of the type of aeroplane currently operated; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge and training on an appropriate training device.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

- (a) operating another aeroplane of the same type or variant; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 121.04.3, when differences training or familiarisation training is required.

**Upgrading to pilot-in-command**

**121.03.5** (1) The operator of a large aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

- (a) a minimum level of experience is specified in the operations manual referred to in regulation 121.04.3; and
- (b) the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

- (a) training in a simulator, including line orientated flying training, or flying training in the aeroplane;
- (b) an operator proficiency check operating as pilot-in-command;
- (c) pilot-in-command responsibilities;
- (d) line training in command under supervision: Provided that a minimum of 10 sectors is required for pilots already qualified on the aeroplane type;
- (e) completion of a pilot-in-command line check referred to in regulation 121.03.6(4) and the recency, route and aerodrome qualifications referred to in regulation 121.02.9; and
- (f) the crew resource management training referred to in regulation 121.03.3(1)(h).

**Recurrent training and checking**

**121.03.6** (1) The operator of a large aeroplane shall ensure that -

- (a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of aeroplane for which the flight crew member is licensed and rated;

- (b) a recurrent training and checking programme is included in the operations manual referred to in regulation 121.04.3;
  - (c) recurrent training is conducted by -
    - (i) a competent person, in the case of ground and refresher training;
    - (ii) an appropriately type rated simulator aeroplane flight instructor, in the case of simulator training;
    - (iii) competent personnel, in the case of emergency and safety equipment training and checking; and
    - (iv) competent personnel, in the case of crew resource management training;
  - (d) recurrent checking is conducted by -
    - (i) a designated examiner, in the case of operator proficiency checks; and
    - (ii) an appropriately type rated flight instructor qualified as pilot-in-command, designated by the operator, in the case of line checks; and
  - (c) each flight crew member undergoes operator proficiency checks every six calendar months as part of a normal flight crew complement.
- (2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -
- (a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and
  - (b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.
- (3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(e), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.
- (4) The operator shall ensure that, in the case of a line check, each flight crew member undergoes the line check in the aeroplane to demonstrate his or her competency in carrying out normal line operations specified in the operations manual referred to in regulation 121.04.3.
- (5) Upon successful completion of a line check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.
- (6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.
- (7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.
- (8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

#### **Pilot qualification to operate in either pilot's seat**

**121.03.7** The operator of a large aeroplane shall ensure that -

- (a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and
- (b) the training and checking programme is -
  - (i) specified in the operations manual referred to in regulation 121.04.3; and
  - (ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 121.

#### **Advanced qualification programme**

**121.03.8** (1) The period of validity of the training referred to in regulation 121.03.6 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 121.03.3 to 121.03.6 inclusive.

#### **Commanders holding a commercial pilot licence**

**121.03.9** (1) An operator shall ensure that:

- (a) A Commercial Pilot Licence (CPL) holder does not operate as a commander of an aeroplane certificated in the Aeroplane Flight Manual for single pilot operations unless:
  - (i) When conducting passenger carrying operations under Visual Flight Rules (VFR) outside a radius of 50 nm from an aerodrome of departure, the pilot has a minimum of 500 hours total flight time on aeroplanes or holds a valid Instrument Rating; or
  - (ii) When operating on a multi-engine type under Instrument Flight Rules (IFR), the pilot has a minimum of 700 hours total flight time on aeroplanes which includes 400 hours as pilot-in-command of which 100 hours have been under IFR including 40 hours multi-engine operation. The 400 hours as pilot-in-command may be substituted by hours operating as co-pilot on the basis of two hours co-pilot is equivalent to one hour as pilot-in-command provided those hours were gained within an established multi-pilot crew system prescribed in the Operations Manual;

(2) In addition to sub-paragraph 1(a)(ii) above, when operating under IFR as a single pilot, the requirements prescribed in regulation 121.02.1 are satisfied; and

(3) In multi-pilot crew operations, in addition to sub-paragraph (1)(a) above, and prior to the pilot operating as commander, the command course prescribed in 121.03.5 is completed.

**DIVISION THREE : TRAINING OF CABIN CREW MEMBERS****Initial training**

**121.03.10** The operator of a large aeroplane shall ensure that each cabin crew member employed by such operator, successfully completes the initial training prescribed in Part 64 before undertaking aeroplane type and differences training.

**Type and differences training**

**121.03.11** (1) The operator of a large aeroplane shall ensure that each cabin crew member has completed the type training or differences training, specified in the operations manual referred to in regulation 121.04.3, before undertaking the duties assigned to them.

(2) A cabin crew member shall complete a type training course when assigned to act as a cabin crew member on a type of aeroplane other than the type for which the cabin crew member is rated.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member -

- (a) in a variant of the current type of aeroplane; or
- (h) in an aeroplane type with equipment, equipment location, or safety procedures which differ from the current aeroplane type or variant.

(4) The operator shall determine the content of the type and differences training course taking into account the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in regulation 121.04.15.

(5) The operator shall ensure that -

- (a) type training is conducted in a structured manner, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121;
- (b) differences training is conducted in a structured manner; and
- (c) type and differences training includes -
  - (i) the use of all emergency and survival equipment and all emergency procedures applicable to the aeroplane type or variant and involves training and practice in either a representative training device or in the actual aeroplane; and
  - (ii) crew resource management training as prescribed in Document NAM-CATS-OPS 121.

**Familiarisation flights**

**121.03.12** The operator of a large aeroplane shall ensure that, upon completion of type training or differences training, each cabin crew member undertakes familiarisation flights for 20 hours before acting as one of the minimum number of cabin crew referred to in regulation 121.02.10.

**Recurrent training**

**121.03.13** (1) The operator of a large aeroplane shall ensure that each cabin crew member undergoes recurrent training and checking, covering the actions assigned to a 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 prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall ensure that the recurrent training and checking programme includes the theoretical and practical instruction, as well as individual practice, as prescribed in Document NAM-CATS-OPS 121.

(3) Upon successful completion of the recurrent training and checking, the operator shall issue a certificate of competency to the cabin crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

### **Refresher training**

**121.03.14** (1) The operator of a large aeroplane shall ensure that each cabin crew member who has been absent from all flying duties for a period exceeding six months, completes the refresher training specified in the operations manual referred to in regulation 121.04.3, as prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall ensure that a cabin crew member who has not been absent from all flying duties, but has not acted as a cabin crew member on a particular aeroplane type or variant for a period of six months, completes -

- (a) refresher training in the aeroplane type or variant; or
- (b) two familiarisation sectors during commercial air transport operations in the aeroplane type or variant,

before undertaking duties in such aeroplane type or variant.

### **Checking**

**121.03.15** (1) The operator of a large aeroplane shall ensure that, during or following completion of the training referred to in regulations 121.03.10, 121.03.11 and 121.03.13, each cabin crew member undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.

(2) The checks referred to in subregulation (1) shall be performed by competent personnel.

(3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, aeroplane type and differences, and recurrent training, as prescribed in Document NAM-CATS-OPS 121.

**DIVISION FOUR : TRAINING OF OTHER PERSONNEL****Training**

**121.03.16** (1) The operator of a large aeroplane shall provide, where applicable, an initial, recurrent and refresher training course for -

- (a) a load master;
- (b) a parachute dispatcher;
- (c) a navigator; or
- (d) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 121.04.3.

**Training of flight dispatchers**

**121.03.17** (1) A flight dispatcher employed by the operator of a large aeroplane shall have successfully completed the initial training and demonstrated the appropriate skill as prescribed in Document NAM-CATS-OPS 121.

(2) The operator shall provide, where applicable, recurrent and refresher training for a flight dispatcher, which training shall be specified in the operations manual referred to in regulation 121.04.3.

**SUBPART 4****DOCUMENTATION AND RECORDS****Documents to be carried on board**

**121.04.1** The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that the following documents, or certified true copies thereof, are carried on board the aeroplane on each individual flight:

- (a) If the aeroplane is engaged in an international flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the journey logbook or general declaration;
  - (v) the aeroplane radio station licence;
  - (vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);
  - (vii) if cargo is carried, a manifest and detailed declaration of the cargo;
  - (viii) the certificate of release to service;
  - (ix) the aeroplane flight manual referred to in regulation 121.04.5, or similar document;
  - (x) the mass and balance documentation referred to in regulation 121.08.14(9);
  - (xi) the technical log, or similar document;
  - (xii) the MEL, if applicable;
  - (xiii) proof of third party liability insurance;
  - (xiv) the air operator certificate;
  - (xv) those parts of the operations manual which are required for the conduct of a flight; and which must be accessible to the crew during flight.
  - (xvi) the noise certificate, if such certificate has been issued for the type of aeroplane; and
  - (xvii) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;
  - (xviii) operational Flight Plan
  - (xix) details of the filed ATS flight plan;
  - (xx) appropriate NOTAM/AIS briefing documentation;
  - (xxi) appropriate meteorological information;
  - (xxii) notification of special categories of passenger such as security personnel, if not considered as crew, handicapped persons, inadmissible passengers, deportees and persons in custody;
  - (xxiii) notification of special loads including dangerous goods including when written information to the commander as prescribed in Part 92.
  
- (b) if the aeroplane is engaged in a domestic flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the aeroplane radio station licence;

- (v) the certificate of release to service;
- (vi) the aeroplane flight manual referred to in regulation 121.04.5, or similar document;
- (vii) the mass and balance documentation referred to in regulation 121.08.14(9);
- (viii) the technical log, or similar document;
- (ix) the MEL, if applicable;
- (x) the noise certificate, if such certificate has been issued for the type of aeroplane; and
- (xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

### **Documents to be retained on ground**

**121.04.2** (1) The operator of a large aeroplane shall ensure that, at least for the duration of each flight or series of flights -

- (a) information relevant to the flight or series of flights, and appropriate to the type of operation, is preserved on the ground and is retained until it has been duplicated at the place at which it will be stored in accordance with regulation 121.01.16; or
- (b) if the preservation and retention of such information contemplated in paragraph (a) is not practicable, such information is carried in a fire proof container in the aeroplane.

(2) The information referred to in subregulation (1) shall include -

- (a) a copy of the operational flight plan;
- (b) copies of the relevant parts of the technical log;
- (c) the mass and balance documentation referred to in regulation 121.08.14(9);
- (d) the special loads notification, if applicable; and
- (e) route specific NOTAM documentation, if specifically edited by the operator.

### **Operations manual**

**121.04.3** (1) The operator of a large aeroplane shall draw up an operations manual containing all information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that -

- (a) the operations manual complies with the provisions of subregulation (7);
- (b) the operator will comply with the provisions of regulation 121.06.10; and
- (c) the operator will not operate the commercial air transport operation concerned contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the large aeroplane in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

- (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
- (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;
- (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;
- (e) keep the operations manual up to date; and
- (f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 121.06.6.

(7) The structure and contents of the operations manual shall be as prescribed in Document NAM-CATS-OPS 121.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

#### **Aeroplane operating manual**

**121.04.4** (1) The operator of a large aeroplane shall compile and make available an aeroplane operating manual for use by the crew members employed by such operator.

(2) The aeroplane operating manual shall contain -

- (a) the normal, abnormal and emergency procedures relating to the aeroplane;
- (b) details of the aeroplane system; and
- (c) the checklists to be used by the crew members.

(3) The operator shall provide each crew member with a copy of those parts of the aeroplane operating manual which are relevant to the operational duties assigned to such crew member.

(4) The operator shall ensure that the aeroplane operating manual is provided in a hard copy or in an approved electronic format.

(5) The aeroplane operating manual may be included in the operations manual referred to in regulation 121.04.3.

#### **Aeroplane flight manual**

**121.04.5** (1) The operator of a large aeroplane shall keep an approved and current aeroplane flight manual for each large aeroplane of which he or she is the operator.

(2) The crew members of the aeroplane shall, on each flight, operate such aeroplane in accordance with the aeroplane flight manual, unless an emergency dictates otherwise.

(3) The aeroplane flight manual may be included in the aeroplane operating manual referred to in regulation 121.04.4.

### **Operational flight plan**

**121.04.6** (1) The operator of a large aeroplane shall ensure that an operational flight plan is completed for each flight undertaken by the aeroplane.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 121.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

### **Flight plan**

**121.04.7** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that a flight plan is completed, if so required in terms of regulation 91.03.4(4)

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 121.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aeroplane is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the aeroplane shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a 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 flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service

unit responsible for the controlled airspace in which such aeroplane is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

- (a) If the aeroplane is off track, action shall be taken forthwith to adjust the heading of such aeroplane 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, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;
- (c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or
- (d) if the aeroplane deviates from its altitude, action shall be taken forthwith to correct the altitude of such aeroplane.

#### **Technical log**

**121.04.8** (1) The operator or pilot-in-command, as the case may be, of a Namibian registered large aeroplane, shall ensure that the aeroplane carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 121, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aeroplane, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The operator shall retain the technical log for a period of five years calculated from the date of the last entry therein.

#### **Aeroplane checklist**

**121.04.9** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the aeroplane, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of the procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

**Fuel and oil record**

**121.04.10** (1) The operator of a large aeroplane shall maintain fuel and oil records for each flight undertaken by the aeroplane under the control of such operator for 3 months.

(2) The pilot-in-command of the aeroplane shall enter the fuel and oil records referred to in subregulation (1), in the technical log, or similar document.

**Certificate of release to service**

**121.04.11** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate -

- (a) a Namibian registered aeroplane without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or
- (b) a foreign registered aeroplane without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

- (a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aeroplane to which it relates and, in the case of a Namibian registered aeroplane, a second copy shall be filed at the normal station of such aeroplane; and
- (b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

**Flight recorder records**

**121.04.12** (1) The operator of a large aeroplane on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

- (a) in the case of an accident or incident involving such aeroplane -
  - (i) for a period of not less than 60 days calculated from the date of the accident or incident; or
  - (ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

- (b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law

(2) If the aeroplane is required under this Part to be fitted with a flight data recorder, the operator shall -

- (a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that 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;

- (b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and
- (c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the aeroplane on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the 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 purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

- (a) used by the operator for airworthiness or maintenance purposes;
- (b) de-identified; or
- (c) disclosed under secure procedures.

#### **Flight time and duty period records**

**121.04.13** (1) The operator of a large aeroplane shall -

- (a) maintain current flight time and duty period records of all crew members employed 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.

(2) A crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the limits prescribed in the flight time and duty scheme referred to in regulation 121.02.15.

#### **Records of emergency and survival equipment**

**121.04.14** (1) The operator of a large aeroplane shall compile a list of all the survival and emergency equipment to be carried in the aeroplane and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 121.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Crew member training records**

**121.04.15** (1) The operator of a large aeroplane shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of each cabin crew member for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

### **Journey log**

**121.04.16** (1) An operator shall retain the following information for each flight in the form of a Journey Log:

- (a) Aeroplane registration;
- (b) Date;
- (c) Name(s) of crew member(s);
- (d) Duty assignment of crew member(s);
- (e) Place of departure;
- (f) Place of arrival;
- (g) Time of departure (off-block time);
- (h) Time of arrival (on-block time);
- (i) Hours of flight;
- (j) Nature of flight;
- (k) Incidents, observations (if any); and
- (l) Commander's signature (or equivalent).

(2) An operator may be permitted not to keep an aeroplane journey log, or parts thereof, by the Director if the relevant information is available in other documentation.

(3) An operator shall ensure that all entries are made concurrently and that they are permanent in nature.

### **Document storage periods**

**121.04.17** An operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 121.

### **Production of documentation and records**

**121.04.18** (1) An operator shall:

- (a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and
- (b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.

(2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried on board.

**SUBPART 5****INSTRUMENTS AND EQUIPMENT****Approval of instruments and equipment**

**121.05.1** (1) The operator of a large aeroplane shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the aeroplane, 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 MEL.
- (2) The operator shall not be required to obtain approval for -
- (a) the fuses referred to in regulation 121.05.3;
  - (b) the electric torches referred to in regulation 121.05.4(2)(d);
  - (c) an accurate time-piece referred to in regulation 121.05.5(1)(b) or 121.05.6(1)(b);
  - (d) the first aid equipment referred to in regulation 121.05.24;
  - (e) the megaphones referred to in regulation 121.05.33;
  - (f) the survival equipment referred to in regulation 121.05.38;
  - (g) the sea anchors and equipment for the mooring, anchoring or manoeuvring of seaplanes and amphibious aeroplanes on water, referred to regulation 121.05.39;  
or
  - (h) the medical equipment referred to in regulation 121.05.25.

**Use of instruments and equipment by pilot**

**121.05.2** (1) Instruments in a large aeroplane, which are used by a pilot, shall be arranged in such 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.

(2) If a single instrument or item of equipment in the aeroplane is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The aeroplane shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

**Circuit protection devices**

**121.05.3** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, in which fuses are used, shall operate the aeroplane unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall 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 shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aeroplane flight manual referred to in regulation 121.04.5.

### **Aeroplane operating lights**

**121.05.4** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane by day unless such aeroplane is equipped with an anti-collision light system.

(2) No operator or pilot-in-command shall operate the aeroplane by night unless such aeroplane is equipped with -

- (a) an anti-collision light system;
- (b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;
- (c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and
- (d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;
- (e) navigation or position lights; and
- (f) two landing lights or a single light having two separately energised filaments.

(3) No operator or pilot-in-command of a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless it is equipped with -

- (a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and
- (b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a large aeroplane by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 121.11.5.

### **Flight, navigation and associated equipment for aeroplanes operated under VFR**

**121.05.5** (1) The operator of a large aeroplane shall not operate the aeroplane in accordance with VFR, unless such 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, millibars or inches of mercury, 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, including a warning indicator of pitot heater failure;
- (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 of the aeroplane shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, 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, including a warning indicator of pitot heater failure;
- (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) A large aeroplane which is operated by night, shall be equipped in accordance with the flight and navigation instruments referred to in regulation 121.05.6.

#### **Flight, navigation and associated equipment for aeroplanes operated under IFR**

**121.05.6** (1) The operator of a large aeroplane shall not operate the aeroplane in accordance with IFR, unless such 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, millibars or inches of mercury, 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, including a warning indicator of pitot heater failure;
- (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;
- (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius; and
- (j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators.

(2) The second pilot's station of the aeroplane shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, 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 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), the aeroplane shall be equipped with a single standby attitude indicator, capable of being seen 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) operates automatically after total failure of the normal electrical generating system; and
- (e) is appropriately illuminated during all phases of operation:

Provided that if the standby attitude instrument system is capable of being used through flight attitudes of 360 degrees of pitch and roll, the turn-and-slip indicators may be replaced by slip indicators.

(4) In complying with the provisions of subregulation (3), it shall be evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

(5) Where the standby attitude indicator referred to in subregulation (3), has its own dedicated power supply, there shall be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

#### **Mach number indicator**

**121.05.7** No operator or pilot-in-command, as the case may be, of a large aeroplane with speed limitations expressed in terms of Mach number, shall operate the aeroplane unless such aeroplane is equipped with a Mach number indicator.

#### **Equipment for operations in icing conditions**

**121.05.8** (1) No pilot-in-command of a large aeroplane shall operate the aeroplane in forecast or actual icing conditions unless such aeroplane is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the aeroplane in forecast or actual icing conditions by night unless such aeroplane is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

#### **Flight recorder**

**121.05.9** (1) The operator of a Namibian registered large aeroplane, which is required to be equipped with a flight recorder in terms of regulation 121.05.11 or 121.05.12, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 121.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in the aeroplane shall be located in such 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.

(5) Where a flight recorder is installed, it shall not -

- (a) be a source of danger in itself;
- (b) prejudice the proper functioning of any essential service; and
- (c) in any way reduce the serviceability or airworthiness of the aeroplane in which it is installed,

even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 121.05.11 or 121.05.12, as the case may be.

(8) Each flight recorder container installed in the aeroplane shall -

- (a) be bright orange or bright yellow;
- (b) have reflective tape affixed to the external surface to facilitate its location under water; and
- (c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

(9) The operator shall -

- (a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and
- (b) record and retain the results of such check for a period of five years calculated from the date of such check.

#### **Foil data recorder**

**121.05.10** The operator of a Namibian registered large aeroplane, which is required to be equipped with a flight recorder in terms of regulation 121.05.11 or 121.05.12, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2001.

#### **Cockpit voice recorder**

**121.05.11** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane specified in Document NAM-CATS-OPS 121, shall operate the aeroplane unless such aeroplane is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 121.05.9(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

- (a) voice communications transmitted from, or received on, the flight deck by radio;
- (b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;
- (c) voice communications of flight crew members on the flight deck 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 using the public address system of the aeroplane, if installed.

(3) The cockpit voice recorder shall -

- (a) be capable of retaining information recorded during at least the last 30 minutes of the aeroplane's operation;
- (b) start automatically to record prior to the aeroplane moving under its own power, and continue to record until the termination of the flight when such aeroplane is no longer capable of moving under its own power; and
- (c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 121.05.12.

(5) The pilot-in-command of the aeroplane may commence a flight with the cockpit voice recorder inoperative: Provided that -

- (a) the pilot-in-command of the aeroplane shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;
- (b) the aeroplane is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;
- (c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and
- (d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

### **Flight data recorder**

**121.05.12** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane specified in Document NAM-CATS-OPS 121, shall operate the aeroplane unless such aeroplane is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 121

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 25 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the aeroplane being capable of moving under its own power and shall stop automatically after such aeroplane is incapable of moving under its own power.

(5) The pilot-in-command of the aeroplane may commence a flight with the flight data recorder inoperative: Provided that -

- (a) the pilot-in-command of the aeroplane shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;
- (b) the aeroplane is not used in excess of six further consecutive flights with the flight data recorder unserviceable;
- (c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and
- (d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

#### **Altitude alerting system**

**121.05.13** The operator of a turbine propeller or turbojet large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with an altitude alerting system capable of alerting the flight crew -

- (a) upon approaching preselected altitude in either climb or descent in sufficient time to establish level flight at such preselected altitude; and
- (b) when deviating above or below a preselected altitude by at least an aural signal.

#### **Ground proximity warning system**

**121.05.14** (1) The operator of a turbine-powered large aeroplane with a maximum certificated mass exceeding 15 000 kilograms or authorised to carry more than 30 passengers, of which the certificate of airworthiness was first issued on or after 1 July 1979, shall not operate the aeroplane unless such aeroplane is equipped with a ground proximity warning system.

(2) The ground proximity warning system shall automatically provide, by means of aural signals, which may be supplemented by visual signals, timely and distinctive warnings to the flight crew members of sink rate, ground proximity, altitude loss after take-off or go-around, incorrect landing configuration and downward glide slope deviation.

#### **Airborne weather radar equipment**

**121.05.15** The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or in IMC in areas where thunderstorms or other potentially hazardous weather conditions, regarded as detectable with airborne weather radar, may be expected to exist along the route.

#### **Cosmic radiation detection equipment**

**121.05.16** The operator of a large aeroplane which is intended to be operated above 49 000 feet, shall ensure that the aeroplane is equipped with an instrument to measure and indicate continuously the dose rate of total cosmic radiation being received and the cumulative dose on each flight.

**Flight crew interphone system**

**121.05.17** The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane 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 member interphone system**

**121.05.18** (1) The operator of a large aeroplane with a maximum certificated mass exceeding 15 000 kilograms and a maximum approved passenger seating configuration of more than 19 seats, shall not operate the aeroplane unless such aeroplane is equipped with a crew member interphone system.

(2) The crew member interphone system shall -

- (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 crew compartment and -
  - (i) each passenger compartment;
  - (ii) each galley located on another level than on a passenger deck level; and
  - (iii) each isolated crew compartment;
- (c) be readily accessible for use from each of the required flight crew stations on the flight deck;
- (d) be readily accessible for use at the required cabin crew 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 crew members to alert the cabin crew and for use by cabin crew members 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 two flight crew members.

**Public address system**

**121.05.19** (1) The operator of a large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, shall not operate the aeroplane unless such aeroplane is equipped with a public address system.

(2) The public address system shall -

- (a) operate independently of the interphone systems referred to in regulations 121.05.17 and 121.05.18, 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 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 such 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.

### **Windshield wipers**

**121.05.20** The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a windshield wiper or equivalent system for each required pilot station.

### **Seats, seat safety belts, harnesses and restraint devices**

**121.05.21** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane 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 a child;
- (c) a restraining belt for use in each passenger berth;
- (d) a restraint device for each passenger who is an infant;
- (e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the aeroplane.

(3) If the pilot-in-command cannot see all the passenger seats in the aeroplane from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) All safety harnesses and safety belts shall have a single point release.

### **Stowage and security of articles, baggage and cargo**

**121.05.22** No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of such aeroplane or its occupants, are secured -

- (a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or
- (b) in stowages designed to prevent movement likely to cause injury, damage or death.

**Internal doors and curtains**

**121.05.23** The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with -

- (a) in the case of an aeroplane with a maximum approved passenger seating configuration of more than 19 seats, a door between the passenger compartments and the flight crew compartment with a locking device to prevent passengers from opening it without the permission of a flight crew member;
- (b) a readily accessible device for opening each door which separates a passenger compartment from another compartment that has emergency exit provisions;
- (c) if it is necessary to pass through a doorway or curtain separating the passenger cabin from other areas to reach any required emergency exit from each passenger seat, a device to secure such door or curtain in the open position;
- (d) a placard on each internal door or adjacent to a curtain which provides access to an emergency exit, to indicate that the door or curtain shall be secured open during take-off and landing; and
- (e) a device for any crew member to unlock any door which is normally accessible to passengers and which can be locked by passengers.

**Standard first aid kit**

**121.05.24** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 121.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

**Emergency medical kit**

**121.05.25** (1) The operator of a large aeroplane with a maximum approved passenger seating configuration of more than 30 seats, shall not operate the aeroplane unless such aeroplane is equipped with the appropriate emergency medical kit as prescribed in Document NAM-CATS-OPS 121, if any point on the planned route is more than 60 minutes of flight time, at normal cruising speed, from an aerodrome at which qualified medical assistance is available.

(2) The drugs contained in the emergency medical kit shall only be dispensed by a qualified doctor, nurse or similarly qualified person acting under the authority of the pilot-in-command of the aeroplane.

(3) The emergency medical kit shall be dust and moisture proof and shall be carried under security conditions, where practicable, on the flight deck.

(4) Personnel authorised by the operator shall carry out periodical inspections of all emergency medical kits to ensure that, as far as is practicable, the contents thereof are in a condition necessary for their intended use.

(5) The supplies in the emergency medical kit shall be replenished at regular intervals, in accordance with instructions contained on their labels, or as circumstances require.

**First aid oxygen**

**121.05.26** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, in respect of which the carriage of a cabin crew member is required in terms of this Part, shall operate the aeroplane unless such aeroplane is equipped with the appropriate supply of first aid oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

**Supplemental oxygen in case of pressurised aeroplanes**

**121.05.27** (1) No operator or pilot-in-command, as the case may be, of a pressurised large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

**Supplemental oxygen in case of non-pressurised aeroplanes**

**121.05.28** (1) No operator or pilot-in-command, as the case may be, of a non-pressurised large aeroplane, shall operate the aeroplane at altitudes between 10 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 121.

**Crew protective breathing equipment**

**121.05.29** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2002, or in an unpressurised aeroplane with a maximum approved passenger seating configuration of more than 19 seats, at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

- (a) is equipped with smoke goggles for the pilot and 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 the supplemental oxygen referred to in regulation 121.05.27 or 121.05.28.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 121.05.30: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

#### **Hand held fire extinguishers**

**121.05.30** No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 121.

#### **Crash axes and crowbars**

**121.05.31** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane 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 crash axe or crowbar shall be carried in the aeroplane and located in, or near, the most rearward galley area.

#### **Marking of break-in points**

**121.05.32** The operator of a large aeroplane shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aeroplane, such areas shall be marked in accordance with the requirements prescribed in Part 47.

#### **Megaphones**

**121.05.33** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane with a maximum approved passenger seating configuration of more than 60 seats, and which is carrying one or more passengers, shall operate the aeroplane unless such aeroplane is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Emergency lighting**

**121.05.34** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, shall operate the aeroplane unless such aeroplane is equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Automatic emergency locator transmitter**

**121.05.35** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

- (a) is attached to the aeroplane in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and
- (b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 121.

#### **Life jackets and other flotation devices**

**121.05.36** No operator or pilot-in-command, as the case may be, of -

- (a) a large aeroplane other than a large aeroplane referred to in paragraph (b), shall operate the aeroplane -
  - (i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of such aeroplane 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) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with 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; or

- (b) a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -
  - (i) 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.

#### **Life rafts and survival radio equipment for extended over-water flights**

**121.05.37** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane over water at a distance equivalent to -

- (a) 120 minutes at normal cruising speed or 400 miles, whichever is the lesser, away from land, if such aeroplane has four engines;

- (b) 90 minutes at normal cruising speed or 300 miles, whichever is the lesser, away from land, if such aeroplane has three turbine engines; or
- (c) 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, in the case of an aeroplane other than the aeroplane referred to in paragraphs (a) and (b),

unless such aeroplane is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Survival equipment**

**121.05.38** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane over areas where search and rescue would be especially difficult, unless such aeroplane is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 121.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Seaplanes and amphibious aeroplanes**

**121.05.39** No operator or pilot-in-command, as the case may be, of a large seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane on water, unless such seaplane or amphibious aeroplane is equipped with -

- (a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring such seaplane or amphibious aeroplane on water, appropriate to its size, mass and handling characteristics; and
- (b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

#### **Communication equipment**

**121.05.40** (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane, unless such aeroplane is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 121,5 MHz.

(3) The radio communication equipment installed in the aeroplane shall be of a type as prescribed in Document NAM-CATS-OPS 121.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 121.

#### **Navigation equipment**

**121.05.41** (1) No operator or pilot-in-command, as the case may be, of a large aeroplane, shall operate the aeroplane unless such aeroplane is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, the

prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The aeroplane shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such aeroplane to proceed with such flight.

(3) No person shall operate a large aeroplane in airspace where minimum navigation performance specifications apply, unless the aeroplane is equipped with navigation equipment which complies with the minimum navigation performance specifications as prescribed in Document NAM-CATS-OPS 121, in the form of regional supplementary procedures.

(4) In a large aeroplane required to be operated by two pilots, the navigation equipment referred to in subregulation (3) shall be visible and usable by each pilot seated at his or her duty station.

(5) For unrestricted operation in airspace where minimum navigation performance specifications apply, the aeroplane shall be equipped with two approved independent long-range navigation systems.

(6) For operation in airspace where minimum navigation performance specifications apply along notified special routes, the aeroplane shall be equipped with one approved long-range navigation system, unless otherwise specified.

#### **Means for emergency evacuation**

**121.05.42** (1) The operator of a large 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,

shall not operate the aeroplane unless such aeroplane has equipment or devices available at each exit to enable passengers and 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 a large aeroplane required to have a separate emergency exit for the flight crew and -

- (a) for which the lowest point of the emergency exit is more than 1,83 metres above the ground with the landing gear extended; or
- (b) for which 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,

there shall be a device to assist the flight crew members in reaching the ground safely in an emergency.

**Traffic alert and collision avoidance system**

**121.05.43** From 1 January 2003, the operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

**Lavatory fire protection**

**121.05.44** (1) No person may operate a passenger-carrying airplane unless each lavatory in the airplane is equipped with a smoke detector system or equivalent that provides a warning light in the cockpit or provides a warning light or audio warning in the passenger cabin which would be readily detected by a flight attendant, taking into consideration the positioning of flight attendants throughout the passenger compartment during various phases of flight.

(2) No person may operate a passenger-carrying airplane unless each lavatory in the airplane is equipped with a built-in fire extinguisher for each disposal receptacle for towels, paper, or waste located within the lavatory. The built-in fire extinguisher must be designed to discharge automatically into each disposal receptacle upon occurrence of a fire in the receptacle.

**Fasten seat belt and no smoking signs**

**121.05.45** An operator shall not operate an aeroplane in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin crew when seat belts shall be fastened and when smoking is not allowed.

**Additional equipment for single pilot operation under IFR**

**121.05.46** An operator shall not conduct single pilot IFR operations unless the aeroplane is equipped with an autopilot with at least altitude hold and heading mode.

**Pressure-altitude reporting transponder**

**121.05.47** The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a Pressure-altitude reporting transponder.

**Microphones**

**121.05.48** All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

**SUBPART 6****AIR OPERATOR CERTIFICATE****Requirement for air operator certificate**

**121.06.1** A Namibian operator shall not operate a large aeroplane except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

**Quality assurance system**

**121.06.2** (1) An operator shall establish one Quality Assurance System and designate one Quality Manager to monitor compliance with, and the adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the Accountable Manager to ensure corrective action as necessary.

(2) The Quality Assurance System must include a Quality Assurance Programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(3) The Quality Assurance System and the Quality Manager must be acceptable to the Director.

(4) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Notwithstanding sub-regulation (1) above, the Director may accept the nomination of two Quality Managers, one for operations and one for maintenance, provided that the operator has designated one Quality Management Unit to ensure that the Quality Assurance System is applied uniformly throughout the entire operation.

(6) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

**Personnel requirements**

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

- (a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator 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 operator;
  - (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 operator concerned; and
- (v) powers to report directly to the management of the operator 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) competent persons who are responsible for -
- (i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, aeroplane maintenance and aviation safety;
  - (ii) flight operations;
  - (iii) the maintenance system;
  - (iv) crew training; and
  - (v) ground operations; and
- (c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of aeroplane, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of aeroplane, covered by the application.

#### **Accommodation**

**121.06.4** The applicant shall ensure that -

- (a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;
- (b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and
- (c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 121.06.3(1)(b)(iii) and (c).

#### **Application for air operator certificate or amendment thereof**

**121.06.5** (1) An application for the issue of an air operator certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 121; and
- (b) accompanied by -
  - (i) the appropriate fee prescribed in Part 187;
  - (ii) the operations manual referred to in regulation 121.04.3;

- (iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of aeroplane, covered by the application; and
- (iv) in respect of the operator's maintenance system, and for each type of aeroplane to be operated -
  - (aa) the maintenance management manual referred to in regulation 121.10.6;
  - (bb) the operator's aeroplane maintenance programme referred to in regulation 121.10.5;
  - (cc) the aeroplane technical log referred to in regulation 121.10.7;
  - (dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and
  - (ee) the number of aeroplanes.

(3) An application for the issue of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(4) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

#### **Assessment of application and issue of certificate**

**121.06.6** (1) In considering an application for the issue of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) An applicant will not be granted an air operator certificate unless:

- (a) the aeroplanes operated have valid Certificates of Airworthiness issued in terms of Part 21;
- (b) the maintenance system referred in subpart 10 has been approved by the Director;
- (c) the applicant has satisfied the Director that he or she has the ability to
  - (i) establish and maintain an adequate organisation;
  - (ii) establish and maintain the quality system referred to in regulation 121.06.2.
  - (iii) comply with training programmes required in terms of subpart 3.
  - (iv) comply with maintenance requirements, consistent with the nature and extent of the operations specified;
  - (v) comply with requirements of regulation 121.06.3 and 121.06.4
- (d) the applicant has the financial capability of conducting a safe operation;
- (e) the applicant will not conduct the operation concerned contrary to any provision of the Aviation Act, 1962 (Act 74 of 1962) or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

(3) If the Director is not satisfied that the requirements of subregulation (2) have been met, the Director may require the conduct of one or more demonstration flights operated as if they were commercial air transport flights.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 121, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

- (a) the name and principal place of business of the operator;
- (b) the date on which the certificate 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 certificate.

### **Period of validity**

**121.06.7** (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issue or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate 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 121.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

### **Transferability**

**121.06.8** (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 121.06.9.

### **Changes in quality assurance system**

**121.06.9** (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 121.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) any particulars on the certificate;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identities of the persons referred to in regulation 121.06.3(1)(b); and
- (d) the conditions of the certificate,

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

(2) The provisions of regulation 121.06.5 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 operations manual, that it will continue to comply with the provisions of regulations 121.06.2 to 121.06.4 inclusive, after the implementation of such approved change.

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

**121.06.10** The holder of an air operator certificate shall -

- (1) (a) engage, employ or contract -
  - (i) adequate flight crew and cabin crew for the type of operation authorised, who are trained and checked in accordance with the regulations in Subpart 3;
  - (ii) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;
  - (iii) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;
- (2) ensure that -
  - (a) each flight is conducted in accordance with its approved operations manual;
  - (b) the type of aeroplane authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;
  - (c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;
  - (d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and
  - (e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.
  - (f) maintain each aircraft in accordance with the requirements of subpart 10.

**Statistical information**

**121.06.11** The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 12.

**Documentation**

**121.06.12** The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

**Display of certificate**

**121.06.13** The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**121.06.14** Any advertisement by an organisation indicating that it is the operator of a large aeroplane, shall reflect the number of the air operator certificate issued by the Director.

**Renewal of certificate**

**121.06.15** (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 121.06.5(1) and 121.06.6 shall apply *mutatis mutandis* to an application for renewal of a certificate made in terms of this regulation.

**Safety inspections and audits**

**121.06.16** (1) An applicant for the issue of an air operator certificate 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 121.06.5.

(2) The holder of an air operator certificate 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 certificate and appeal**

**121.06.17** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 121.06.16, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 121.06.16; or
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

#### **Register of certificates**

**121.06.18** (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

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

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

**SUBPART 7****FOREIGN AIR OPERATOR PERMIT****Requirement for foreign air operator permit**

**121.07.1** A foreign operator shall not operate a foreign registered large 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.

**Application for foreign air operator permit or amendment thereof**

**121.07.2** (1) An application for the issue of a foreign air operator permit shall be -

- (a) made to the Director in the appropriate form as prescribed 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 appropriate fee prescribed 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 shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(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, such operator shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

- (a) made in the appropriate form as prescribed 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 appropriate fee prescribed 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 shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The 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 Director is satisfied that the object of the operation or amended operation will be defeated if such application is not assessed within the 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 thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the 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 Offences Act, 1972.

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 121, under such conditions which the Director may determine.

(5) A foreign air operator permit shall 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 shall be valid -

- (a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issue thereof;
- (b) for the number of flights determined by the Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit 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 121.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

### **Transferability**

**121.07.5** A foreign air operator permit shall not be transferable.

### **Duties of holder of permit**

**121.07.6** The holder of a foreign air operator permit shall -

- (a) at all times during the operation within Namibia -
  - (i) comply with -
    - (aa) the appropriate requirements prescribed 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.

### **Renewal of permit**

**121.07.7** (1) The holder of a foreign air operator permit shall 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 shall apply *mutatis mutandis* to an application made in terms of this regulation.

### **Safety inspections and audits**

**121.07.8** The holder of a foreign air operator permit 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 permit and appeal**

**121.07.9** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 121.06.16, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 121.06.16; or
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

### **Register of permits**

**121.07.10** (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall 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) shall be recorded by the 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 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.

### Definitions

**121.07.11** For the purposes of the regulations in this Subpart -

- (a) “air operator certificate” means an air operator certificate issued by the State of the Operator; and
- (b) “declaration of competency” means a declaration, issued by the State of the Operator, containing -
  - (i) the name, nationality and principal place of business of the operator;
  - (ii) a description of the type of operation authorised;
  - (iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;
  - (iv) a confirmation that the operator’s international operations are conducted in accordance with the laws and regulations of the State of the Operator;
  - (v) the type of aeroplane authorised for operation;
  - (vi) the nationality and registration marks of each aeroplane authorised for operation;
  - (vii) the authorised area of operation; and
  - (viii) the period of validity of the declaration and the air operator certificate.

**SUBPART 8****FLIGHT OPERATIONS****Routes and areas of operation**

**121.08.1** (1) The operator of a large aeroplane shall ensure that operations are only conducted along such routes, or within such areas, for which -

- (a) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;
- (b) appropriate maps and charts are available;
- (c) approval or authorisation has been obtained, where required, from the appropriate authority concerned;
- (d) if a twin-engine aeroplane is used, adequate aerodromes are available within the time or distance limitations as prescribed in Document NAM-CATS-OPS 121; and
- (e) if a single-engine aeroplane or a multi-engine aeroplane capable of maintaining flight altitudes, is used, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall ensure that -

- (a) the performance of the aeroplane intended to be used, is adequate to comply with minimum flight altitude requirements; and
- (b) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation.

(3) The operator shall not, unless ETOPS approval in terms of regulation 121.08.42 has been obtained from the Director, operate a twin-engine large aeroplane with a maximum approved passenger seating configuration of more than 19 seats, over a route which contains a point further from an adequate and suitable aerodrome than the distance flown, under standard conditions in still air, in 60 minutes at the one-engine inoperative cruise speed.

**Establishment of procedures**

**121.08.2** The operator of a large aeroplane shall establish -

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

**Operational control and supervision**

**121.08.3** (1) The operator of a large aeroplane shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 121.04.3.

(2) When considering the approval referred to in subregulation (1), the Director shall give due consideration to the matters as prescribed in Document NAM-CATS-OPS 121.

**Competency of operations personnel**

**121.08.4** (1) The operator of a large aeroplane shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

- (a) are properly instructed;
- (b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and
- (c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the State in or over which operations are conducted.

#### **Use of aerodromes**

**121.08.5** (1) No pilot-in-command of a large aeroplane shall use, and no operator of the aeroplane shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aeroplane and operation concerned.

(2) Except in an emergency, no pilot-in-command of a large aeroplane shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

#### **Use of air traffic services**

**121.08.6** The operator of a large aeroplane shall ensure that air traffic services are used for all flights whenever available.

#### **Minimum flight altitudes**

**121.08.7** (1) The operator of a large aeroplane shall establish minimum flight altitudes and the methods to determine such minimum flight altitudes, which methods shall be approved by the Director, for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall 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 possible 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.
- (f) airspace restrictions

(3) In complying with the provisions of subregulation (2), the operator shall give due consideration to -

- (a) corrections for temperature and pressure variations from standard values;
- (b) the air traffic service requirements;
- (c) any contingencies which may reasonably occur along the planned route; and
- (d) aeroplane mass and configuration.

#### **Threshold crossing height**

**121.08.8** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall establish operational procedures designed to ensure that the aeroplane being used to conduct precision approaches, crosses the threshold by a safe margin with such aeroplane in the landing configuration and attitude.

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

#### **Pre-flight selection of aerodromes**

**121.08.9** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall select destination or alternate aerodromes in accordance with the provisions of regulation 121.08.10 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aeroplane concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 121.04.7, a take-off alternate aerodrome, if it would not be possible for the aeroplane to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

- (a) one hour of flight time at one-engine cruising true air speed according to the aeroplane flight manual referred to in regulation 121.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine aeroplane;
- (b) two hours of flight time at one-engine inoperative cruising true air speed according to such aeroplane flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aeroplanes;
- (c) if such aeroplane flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

- (a) two suitable non-intersecting runways are available at the destination aerodrome; and
- (b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, 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; or
- (c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists, in which case the provisions of regulation 121.08.17(3)(c)(iii) shall apply.

(6) The operator or pilot-in-command shall select two destination alternate aerodromes when -

- (a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, 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) no meteorological information can be obtained.

(7) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 121.04.7.

(8) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in subregulation (7).

(9) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the aeroplane at the aerodrome.

#### **Aerodrome operating minima**

**121.08.10** (1) The operator of a large aeroplane shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 121.

(3) The method of determining aerodrome operating minima which shall be approved by the Director shall take full account of:

- (a) the type, performance and handling characteristics of the aeroplane;
- (b) the composition of the flight crew, their competence and experience;
- (c) the dimensions and characteristics of the runways which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual aids.
- (e) the equipment available on the aeroplane for the purpose of navigation and/or control of the flight path during the approach to landing and the missed approach;
- (f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;
- (g) the means used to determine and report meteorological conditions; and
- (h) the obstacles in the climb-out areas and necessary clearance margins.

(4) 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.

#### **Planning minima for IFR flights**

**121.08.11** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, 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 referred to in regulation 121.08.10.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, 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 as follows:

- (a) Planning minima for a destination aerodrome -
  - (i) RVR or visibility specified in accordance with regulation 121.08.10; and
  - (ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and
- (b) planning minima for a destination alternate aerodrome as prescribed in Document NAM-CATS-OPS 121.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 121.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 121, and in accordance with the ETOPS approval obtained by the operator.

#### **Meteorological conditions**

**121.08.12** (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a large aeroplane shall not -

- (a) commence take-off; or
- (b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aeroplane, be at or above the applicable aerodrome operating minima -

- (i) at the destination aerodrome; or
- (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the aeroplane shall not 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, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

**VFR operating minima**

**121.08.13** The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that -

- (a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 11; and
- (b) special VFR flights are not commenced when the visibility is less than 3 km, and not otherwise conducted when the visibility is less than the visibility prescribed in regulation 121.11.17(d).

**Mass and balance**

**121.08.14** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that, during any phase of operation, the loading, mass and the centre of gravity of the aeroplane complies with the limitations specified in the aeroplane flight manual referred to in regulation 121.04.5, or the operations manual referred to in regulation 121.04.3, if the limitations therein are more restrictive.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the aeroplane 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 aeroplane, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aeroplane shall 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 operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aeroplane, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 121.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aeroplane, shall be determined by the operator or pilot-in-command of such aeroplane.

(7) The operator or pilot-in-command shall 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 prescribed in Document NAM-CATS-OPS 121.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 121.

**Smoking in large aeroplanes**

**121.08.15** (1) No person shall smoke in a Namibian registered large aeroplane when carrying passengers.

(2) No person shall smoke in a foreign registered large aeroplane, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aeroplane is in Namibian airspace.

## Ditching

**121.08.16** The operator of a large aeroplane with an approved passenger seating configuration of more than 30 seats on extended over-water flights, shall not operate the aeroplane unless such aeroplane has been certified as having adequate characteristics for ditching or has been approved as adequate for ditching.

## Fuel policy

**121.08.17** (1) The operator of a large aeroplane shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall 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 121.04.3, or current aeroplane-specific data;
- (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; and
  - (iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such aeroplane for a flight includes -

- (a) start up and taxi fuel;
- (b) trip fuel;
- (c) reserve fuel consisting of -
  - (i) contingency fuel as prescribed in Document NAM-CATS-OPS 121;
  - (ii) alternate fuel, if a destination alternate aerodrome is required;
  - (iii) two-hours isolated aerodrome holding fuel in situations where the destination is remote or no suitable alternate aerodrome exists;
  - (iv) final reserve fuel;
  - (v) additional fuel, if required by the type of operation; and
- (d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

- (a) trip fuel for the remainder of the flight to destination;
- (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 by the type of operation; and
- (c) extra fuel, if required by the pilot-in-command.

### Fuel and oil supply

**121.08.18** (1) The pilot-in-command of a large aeroplane shall not commence a flight unless he or she is satisfied that the aeroplane carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the following:

- (a) meteorological conditions forecast;
- (b) expected air traffic control routings and traffic delays
- (c) for IFR flight, one instrument approach at the destination aerodrome, including missed approach;
- (d) the procedure prescribed in the operations manual for loss of pressurisation, where applicable, or failure of one power unit while en route; and
- (e) any other conditions that may delay the landing of the aeroplane or increase fuel and/or oil consumption.

(2) If the usable fuel on board the aeroplane is less than the final reserve fuel, the pilot-in-command shall declare an emergency.

(3) The amount of fuel to be carried for each flight, shall be calculated according to the method as prescribed in Document NAM-CATS-OPS 121.

(4) The operator shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

### Refueling or defueling with passengers on board

**121.08.19** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that the aeroplane is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such aeroplane.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aeroplane shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aeroplane by the most practical and expeditious means available.

(3) When refuelling with passengers embarking, on board, or disembarking, two-way communication shall be maintained by the aeroplanes inter communication system or other suitable means between the ground crew supervising refuelling and the qualified personnel on board the aeroplane.

### Instrument approach and departure procedures

**121.08.20** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that only 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) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

- (a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and
- (b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation (1), if required: Provided that such instrument approach and departure procedures have been approved by -

- (a) the appropriate authority of the State in which the aerodrome to be used, is located; and
- (b) the Director.

#### **Noise abatement procedures**

**121.08.21** (1) The operator of a large aeroplane shall establish the operating procedures for noise abatement as prescribed in Document NAM-CATS-OPS 121.

(2) Take-off and climb procedures for noise abatement specified by the operator for any one aeroplane type shall be the same for all aerodromes.

(3) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

#### **Submission of flight plan**

**121.08.22** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 121.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services. Such costs shall be no less than five hundred Namibian dollars (N\$500).

#### **Seats, safety belts and harnesses**

**121.08.23** (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a large aeroplane shall ensure that each person on board the aeroplane, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aeroplane seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

#### **Passenger seating**

**121.08.24** The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aeroplane.

#### **Passenger briefing**

**121.08.25** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that -

- (a) passengers are verbally briefed about safety matters, parts or all of which may be given by an audio-visual presentation;
- (b) passengers are provided with a safety briefing card on which picture type instructions indicate the operation of emergency equipment and exits likely to be used by passengers; and
- (c) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

- (a) passengers are briefed, to the extent applicable, on -
    - (i) the prohibition of smoking;
    - (ii) when the back of the seat is to be in the upright position and the tray table stowed;
    - (iii) the location and use of floor proximity escape path markings;
    - (iv) the stowage of carry-on baggage;
    - (v) any restrictions on the use of electronic devices;
    - (vi) the location and the contents of the safety briefing card;
    - (vii) when and how oxygen equipment is to be used, if the carriage of oxygen is required;
    - (viii) the location and use of life jackets;
    - (ix) the location and method of opening emergency exits; and
    - (x) when seat belts are to be fastened; and
  - (b) passengers receive, to the extent applicable, a demonstration of -
    - (i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
    - (ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and
    - (iii) the location and use of life jackets.
- (3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -
- (a) the prohibition of smoking; and
  - (b) the use of safety belts or safety harnesses.
- (4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -
- (a) the prohibition of smoking;
  - (b) the use of safety belts or safety harnesses;
  - (c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
  - (d) the re-stowage of carry-on baggage; and
  - (e) any restrictions on the use of electronic devices.
- (5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -
- (a) the prohibition of smoking; and
  - (b) the use of safety belts or safety harnesses.

### **Emergency equipment**

**121.08.26** (1) The operator or pilot-in-command, as the case may be, of a large aeroplane, shall ensure that emergency equipment, carried or installed in the aeroplane in order to meet the requirements prescribed 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 aeroplane shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

**Illumination of emergency exits**

**121.08.27** The pilot-in-command of a large aeroplane, which is equipped with an emergency lighting system referred to in regulation 121.05.34, shall ensure that when the aeroplane is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

- (a) the emergency lighting system is switched on; or
- (b) the normal cabin lighting system is switched off and the emergency lighting is armed.

**Use of supplemental oxygen**

**121.08.28** (1) The pilot-in-command of a large aeroplane shall ensure that flight crew members engaged in performing duties essential to the safe operation of the aeroplane in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of a supersonic aeroplane, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

**Approach and landing conditions**

**121.08.29** Before commencing an approach to land, the pilot-in-command of a large aeroplane shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touchdown area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aeroplane flight manual referred to in regulation 121.04.5, or a similar document.

**Commencement and continuation of approach**

**121.08.30** (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a large aeroplane may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 121.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height, and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

**In-flight simulation of emergency situations**

**121.08.31** The operator or pilot-in-command, as the case may be, of a large

aeroplane, shall ensure that no person, and no person shall, simulate emergency situations in the aeroplane affecting the flight characteristics of such aeroplane when passengers are on board such aeroplane.

### **Starting engines**

**121.08.32** (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of a large aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of the aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

### **Carriage of infants and children**

**121.08.33** (1) The operator of a large aeroplane shall ensure that an infant is only carried when properly secured with a child restraint device, even when in the arms or on the lap of an adult passenger, or in an approved skycot: Provided that, in the case of a skycot, the skycot is -

- (a) restrained so as to prevent it from moving under the maximum accelerations or decelerations 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 skycot under the maximum accelerations or decelerations to be expected in flight.

(2) The operator shall 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 skycot will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(3) Infants shall not be seated in front of, or alongside, exits.

(4) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(5) Skycots may not be used during critical phases of flight or turbulence.

(6) Skycots shall 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, shall 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 shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat, approved for use in an aeroplane, provided it is secured to the aeroplane seat.

(10) A car-type infant seat referred to in subregulation (9) shall not be located in the same row or a row directly forward or aft of an emergency exit.

### **Carriage of persons with disability**

**121.08.34** (1) The operator of a large aeroplane shall establish procedures,

including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall 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 such passenger; and
- (d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to that passenger.

(3) In the case of the carriage of a stretcher patient in the aeroplane -

- (a) the stretcher shall be secured in such aeroplane so as to prevent it from moving under the maximum accelerations or decelerations likely to be experienced in flight and in an emergency alighting such as ditching;
- (b) the patient shall be secured by an approved harness to the stretcher or aeroplane structure; and
- (c) an able-bodied assistant shall accompany each stretcher patient.

(4) A mentally disturbed person shall not be carried in the aeroplane unless -

- (a) accompanied by an able-bodied assistant; and
- (b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.

(5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the 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) shall 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 shall be accompanied by an able-bodied assistant.

#### **Carriage of persons with reduced mobility**

**121.08.35** (1) The operator of a large aeroplane shall establish procedures for the carriage of persons with reduced mobility.

(2) The operator shall ensure that -

- (a) the pilot-in-command of the aeroplane is notified when a passenger with reduced mobility is to be carried on board; and

- (b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the aeroplane or obstruct access to emergency equipment.

#### **Limitations on carriage of infants, children and passengers with disability**

**121.08.36** (1) The maximum number of passengers with a disability, unaccompanied minors, or the combination of such passengers and minors, which may be carried by the operator of a large aeroplane, is limited to one per unit of 20 passenger capacity or part thereof to a maximum of 10 such passengers or minors.

(2) At least one able-bodied assistant shall be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination thereof, and such assistant shall be assigned with the responsibility of the safety of such passengers or minors: Provided that the passengers with a disability can assist themselves.

(3) In addition to the provisions of subregulation (2), for each single passenger with a disability who cannot assist himself or herself, an able-bodied assistant shall be assigned to solely assist such passenger.

(4) The operator may establish procedures, other than the procedures referred to in subregulations (1), (2) and (3), for the carriage of infants, children, and passengers with a disability: Provided that -

- (a) such procedures do not jeopardise aviation safety; and
- (b) prior approval has been obtained from the Director.

#### **Carriage of inadmissible passengers, deportees or persons in custody**

**121.08.37** (1) The operator of a large aeroplane shall establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane shall be notified by the operator of such aeroplane 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**

**121.08.38** (1) The operator of a large aeroplane shall establish adequate procedures to ensure that only such 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) shall be as prescribed in Document NAM-CATS-OPS 121.

#### **Securing of passenger cabin and galley**

**121.08.39** (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a large aeroplane shall ensure that -

- (a) all equipment, baggage and loose articles in the cabin and galleys 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 such aeroplane 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 shall 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 such aeroplane.

(3) For the purposes of subregulation (2), "approved stowage area" means -

- (a) the area under a passenger seat except alongside emergency exits; or
- (b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall 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**

**121.08.40** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall 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) shall 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), shall not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin shall 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 shall obstruct the aisles or exits of the aeroplane.

#### **Accident prevention and flight safety programme**

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

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

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

#### **Extended Range Operations by Aeroplanes with two turbine power-units (ETOPS)**

**121.08.42** (1) In approving an Extended Range Operations by aeroplanes with two turbine power units (ETOPS) the Director shall ensure that:

- (a) the airworthiness certification of the aeroplane type;
- (b) the reliability of the propulsion system; and
- (c) the operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programmes

provide the over-all level of safety acceptable to him or her. In making this assessment, the Director shall take account the route to be flown, the anticipated operating conditions and the location of adequate en-route alternate aerodromes.

(2) A flight to be conducted in accordance with subregulation 1 shall not be commenced unless, during the possible period of arrival, the required en-route alternate aerodrome(s) will be available and the available information indicates that the conditions at those aerodromes will be at or above the aerodrome operating minima approved for that operation.

### **Operation in defined airspace with Reduced Vertical Separation Minima (RVSM)**

**121.08.43** An operator shall not operate an aeroplane in defined portions of airspace where, based on Regional Air Navigation Agreement, a vertical separation minimum of 300m (1000ft) applies unless approved to do so by the Director (RVSM Approval)

### **Operations in areas with specific navigation performance requirements**

**121.08.44** An operator shall not operate an aeroplane in defined areas, or a defined portion of specified airspace, based on Regional Air Navigation Agreements where minimum navigation performance specifications are prescribed unless approved to do so by the Director (MNPS/RNP/RNAV Approval).

### **Assisting means for emergency evacuation**

**121.08.45** An operator shall establish procedures to ensure that before taxiing, take-off and landing, and when safe and practicable to do so, an assisting means for emergency evacuation that deploys automatically, is armed.

### **Ice and other contaminants**

**121.08.46** An operator shall establish procedures to be followed when ground de-icing and anti-icing and related inspections of the aeroplane(s) are necessary.

### **Ground proximity detection**

**121.08.48** When undue proximity to the ground is detected by any flight crew member or by a ground proximity warning system, the commander or the pilot to whom conduct of the flight has been delegated shall ensure that corrective action is initiated immediately to establish safe flight conditions.

### **Occurrence reporting**

#### **121.08.49 (1) Flight Incidents**

- (a) The operator or commander of an aeroplane shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.
- (b) Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occurring while he was responsible for the flight are recorded in the aeroplane's Technical Log.

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever an aeroplane in flight has been endangered by:

- (a) A near collision with any other flying device; or

- (b) Faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or
  - (c) A failure of ATS facilities.
- (4) Bird hazards and strikes
- (a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.
  - (b) A commander shall submit a written bird strike report after landing whenever an aeroplane for which he is responsible suffers a bird strike.
- (5) In-flight emergencies with dangerous goods on board. If an in-flight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic services unit of any dangerous goods on board.
- (6) Unlawful interference. Following an act of unlawful interference on board an aeroplane, a commander shall submit a report, as soon as practicable, to the director.
- (7) Irregularities of ground and navigational facilities and hazardous conditions. a commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:
- (a) An irregularity in a ground or navigational facility; or
  - (b) A meteorological phenomenon; or
  - (c) A volcanic ash cloud; or
  - (d) A high radiation level,

is encountered during flight.

#### **Accident reporting**

**121.08.50** An operator shall establish procedures to ensure that the nearest appropriate authority is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000), or death of any person or substantial damage to the aeroplane or property.

**SUBPART 9****AEROPLANE PERFORMANCE OPERATING LIMITATIONS****Aeroplane performance classification**

**121.09.1** (1) For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes -
  - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
  - (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes - propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less, and a maximum certificated mass of 5 700 kilograms or less;
- (c) Class C aeroplanes - aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
- (d) Class D aeroplanes - single-engine aeroplanes.

(2) The Director may, for performance purposes, classify any aeroplane in Document NAM-CATS-OPS 121, as a Class A or Class C aeroplane.

(3) The operator of a large aeroplane shall ensure that -

- (a) a Class A aeroplane is operated in accordance with the performance operating limitations prescribed in Division One; and
- (b) a Class C aeroplane is operated in accordance with the performance operating limitations prescribed in Division Three: Provided that a Class C aeroplane which does not comply with the requirements prescribed in Division Three for take-off and landing, shall be operated in accordance with the performance operating limitations prescribed in Division Two.

(4) Where specific design characteristics of an aeroplane prevents compliance with the regulations in Division One, Two or Three of this Subpart, the operator shall, notwithstanding the provisions of subregulation (1), ensure that the aeroplane is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart, is maintained and which is specifically approved by the Director.

(5) Notwithstanding the provisions of subregulation (2), the operator of a large aeroplane which does not comply with the performance operating limitations prescribed in Division One on the date of commencement of the Regulations, may until 1 July 2002 operate a Class A aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in Division Two.

**Class A and Class C aeroplanes**

**121.09.2** (1) The operator of a Class A or a Class C aeroplane shall ensure that the mass of the aeroplane, at the start of the take-off, is not greater than the mass at which the requirements prescribed 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 for such fuel jettisoning as is provided for in the particular provision.

(2) The operator shall ensure that the approved performance data contained in the aeroplane flight manual referred to in regulation 121.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division, supplemented as necessary with other approved data prescribed in such Division.

(3) The operator shall take due cognisance of the different types of runway surfaces, including grass and gravel, from or to which operations are conducted.

**DIVISION ONE : CLASS A AEROPLANE****General**

**121.09.3** (1) The operator of a Class A aeroplane shall ensure that, for determining compliance with the requirements prescribed in this Division, the approved performance data in the aeroplane flight manual referred to in regulation 121.04.5, are supplemented as necessary with other approved data, if the approved performance data in such aeroplane flight manual are insufficient in respect of -

- (a) accounting for reasonably expected adverse operating conditions such as take-off and landing on contaminated runways; and
- (b) consideration of engine failure in all flight phases.

(2) The operator shall ensure that, in the case of a wet or contaminated runway, performance data determined in accordance with an approved method, are used.

**Take-off**

**121.09.4** (1) The operator of a Class A aeroplane shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall comply with the following requirements when determining the maximum permitted take-off mass of the aeroplane at the aerodrome of departure:

- (a) The required accelerate-stop distance shall not exceed the accelerate-stop distance available;
- (b) the required take-off distance shall not exceed the take-off distance available, with a clearway distance used, not exceeding half of the take-off run available;
- (c) the required take-off run shall not exceed the take-off run available;
- (d) compliance with the provisions of this subregulation shall be shown using a single value of  $V_1$  for the rejected and continued take-off; and
- (e) on a wet or contaminated runway, these conditions shall be taken into account and the take-off mass shall be appropriately reduced to the take-off mass permitted for a take-off on a dry runway under the same conditions.

(3) When determining the maximum permitted take-off mass referred to in subregulation (2), the operator shall take into account -

- (a) the pressure altitude at the aerodrome;
- (b) the ambient temperature at the aerodrome;
- (c) the runway surface condition and the type of runway surface;
- (d) the runway slope in the direction of take-off;
- (e) brake energy;
- (f) tyre-speed limit;
- (g) pilot-reaction time;
- (h) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and
- (i) the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

**Net take-off flight path**

**121.09.5** (1) The operator of a Class A aeroplane shall ensure that the net take-off flight path clears all obstacles by a vertical distance of at least 35 feet or by a horizontal distance of at least 90 metres plus  $0,125 \times D$ , where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available.

(2) When complying with the provisions of subregulation (1), the operator shall take into account -

- (a) the mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude at the aerodrome;
- (c) the ambient temperature at the aerodrome;
- (d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and
- (e) failure to retract gear.

(3) When complying with the provisions of subregulation (1), track changes shall not be allowed up to the point on the net take-off flight path where a height of 50 feet above the take-off surface has been achieved and thereafter, up to a height of 400 feet, it is assumed that the aeroplane is banked by not more than 15 degrees : Provided that -

- (a) above 400 feet, height bank angles greater than 15 degrees, but not more than 25 degrees, may be scheduled; and
- (b) adequate allowance is made for the effect of bank angle on operating speeds and flight path, including the distance increments resulting from increased air speed.

(4) When complying with the provisions of subregulation (1) in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 300 metres, if the pilot is able to maintain the required navigation accuracy through the obstacle accountability area; or
- (b) 600 metres, for flights under all other conditions.

(5) When complying with the provisions of subregulation (1) in those cases where the intended flight path does require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 600 metres, if the pilot is able to maintain the required navigation accuracy through the obstacle accountability area; or
- (b) 900 metres for flights under all other conditions.

(6) The operator shall establish contingency procedures to satisfy the requirements prescribed in this regulation in order to provide a safe route, avoiding obstacles, to enable the aeroplane to land safely at the aerodrome of departure or at a take-off alternate aerodrome, if so required.

**En route with one engine inoperative**

**121.09.6** (1) The operator of a Class A aeroplane shall be able to demonstrate that the one-engine inoperative en route net flight path data for the aeroplane, shown in

the aeroplane flight manual referred to in regulation 121.04.5, appropriate to the meteorological conditions expected for the flight, comply with the provisions of subregulation (2) or (3) at all points along the planned route.

(2) The net flight path shall have a positive slope at 1 500 feet above the aerodrome, where the landing is assumed to be made after engine failure.

(3) At altitudes and under meteorological conditions where icing protection systems are operated, the effect of the use of such icing protection systems on the net flight path shall be taken into account.

(4) The slope of the net flight path shall be positive at an altitude of at least 1 000 feet above all terrain and obstructions along the route within 10 nautical miles on either side of the intended track.

(5) The net flight path shall permit the aeroplane to continue flight from the cruising altitude to an aerodrome where a landing can be made in accordance with regulation 121.09.9 or 121.09.10, as the case may be, the net flight path clearing vertically, by at least 2 000 feet, all terrain and obstructions along the route within 10 nautical miles on either side of the intended track in accordance with the provisions of subregulations (1) to (4) inclusive : Provided that -

- (a) the engine is assumed to fail at the most critical point along the route, and allowance is made for indecision and navigation error;
- (b) account is taken of the effects of winds on the flight path;
- (c) fuel jettisoning is permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used; and
- (d) the aerodrome where the aeroplane is assumed to land after engine failure, complies with the following criteria:
  - (i) The performance requirements at the expected landing mass are complied with; and
  - (ii) weather reports and forecasts, or any combination thereof, and field condition reports indicate that a safe landing can be accomplished at the estimated time of arrival.

(6) When complying with the provisions of this regulation, the operator may reduce the width margins referred to in subregulations (4) and (5), to five nautical miles, if the required navigation accuracy can be achieved.

#### **En route with two engines inoperative in case of aeroplanes with three or more engines**

**121.09.7** (1) The operator of a Class A aeroplane with three or more engines, shall be able to demonstrate that, at all points along the intended track, the aeroplane is not more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass are complied with, unless the aeroplane complies with the provisions of subregulations (2) to (6) inclusive.

(2) The two-engines inoperative en route net flight path data shall permit the aeroplane to continue the flight, in the expected meteorological conditions, from the point where two engines are assumed to fail simultaneously, to an aerodrome at which it is possible to land and come to a complete stop when using the prescribed procedure for a landing with two engines inoperative.

(3) The net flight path shall clear vertically, by at least 2 000 feet, all terrain and obstructions along the route within five nautical miles on either side of the intended track.

(4) At altitudes and under meteorological conditions where icing protection systems are operated, the effect of the use of such icing protection systems on the net flight path data shall be taken into account.

(5) The two engines shall be assumed to fail at the most critical point of that portion of the route where the aeroplane is more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements are complied with.

(6) The net flight path shall have a positive slope at an altitude of 1 500 feet above the aerodrome where the landing is assumed to be made after the failure of two engines.

(7) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

(8) The expected mass of the aeroplane at the point where the two engines are assumed to fail, shall not be less than the mass which would include sufficient fuel to proceed to an aerodrome where the landing is assumed to be made, to arrive there at an altitude of at least 1 500 feet directly over the landing area and thereafter, to fly level for 15 minutes.

#### **Landing at destination and alternate aerodromes**

**121.09.8** (1) The operator of a Class A aeroplane shall ensure that the landing mass of the aeroplane, determined in accordance with the provisions of regulation 121.09.2(1), does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

(2) For approaches, the operator shall 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 for a missed approach gradient of climb of at least 2,5 per cent in the approach configuration with one engine inoperative, or an approved alternative procedure.

#### **Landing on dry runways**

**121.09.9** (1) The operator of a Class A aeroplane shall ensure that the landing mass of the aeroplane determined in accordance with the provisions of regulation 121.09.2(1) for the estimated time of arrival, allows for a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the 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 shall take into account -

- (a) the altitude at the aerodrome; and
- (b) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component.

(3) For dispatching the aeroplane in accordance with subregulation (1), it shall be assumed that such aeroplane will land -

- (a) on the most favourable runway, in still air; and
- (b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

#### **Landing on wet and contaminated runways**

**121.09.10** (1) The operator of a Class A aeroplane shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.9.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, 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 per cent of the landing distance determined in accordance with approved contaminated landing distance data, or an equivalent thereof, 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 121.09.9(1), may be used if the aeroplane flight manual referred to in regulation 121.04.5, includes specific additional information on landing distances on wet runways.

**DIVISION TWO : CLASS A AND C AEROPLANE****General**

**121.09.11** The regulations in this Division shall apply to -

- (a) the operator of a Class A aeroplane which does not comply with the performance operating limitations prescribed in Division One, on the date of commencement of the Regulations, and who may, until 1 July 2000, operate the aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in this Division; and
- (b) the operator of a Class C aeroplane which does not comply with the requirements prescribed in Division Three for take-off and landing.

**Take-off**

**121.09.12** (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall ensure that the take-off distance required, as specified in the aeroplane flight manual referred to in regulation 121.04.5, when multiplied by a factor of 1.3, does not exceed the take-off run available.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

- (a) the mass of the aeroplane at the commencement of the take-off run; and
- (b) the requirements referred to in regulation 121.09.5(3).

**Take-off flight path**

**121.09.13** (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus  $0,125 \times D$ , where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as prescribed in subregulations (3) and (4).

(2) When complying with the provisions of subregulation (1), it is assumed that -

- (a) the take-off flight path begins at a height of 50 feet above the take-off surface at the end of the take-off distance referred to in regulation 121.09.12(2) and ends at a height of 1 500 feet above the take-off surface;
- (b) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;
- (c) failure of the critical engine occurs at the point of the all-engines take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur;

- (d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is equal to the average all-engines gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77; and
- (c) the gradient of the take-off flight path from the height reached in accordance with the provisions of paragraph (d), to the end of the take-off flight path, is equal to the one-engine-inoperative en route climb gradient shown in the aeroplane flight manual referred to in regulation 121.04.5.

(3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and
- (b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 600 metres for flights under conditions allowing visual course guidance navigation; or
- (b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account the requirements referred to in regulation 121.09.5(2).

#### **En route**

**121.09.14** (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, and in the event of the failure of one engine, with the remaining engine or engines operating within the maximum continuous power conditions specified, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 121.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) -

- (a) the aeroplane is assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute with all engines operating within the maximum continuous power conditions specified in such operations manual; and
- (b) the assumed en route gradient with one-engine-inoperative shall be at least the gross gradient minus 0,5 per cent gradient.

#### **Landing at destination and alternate aerodromes**

**121.09.15** The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

**Landing on dry runways**

**121.09.16** (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that the landing mass of the aeroplane, for the estimated time of arrival allows a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the 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 shall take into account -

- (a) the runway surface condition and the type of runway surface;
- (b) the runway slope in the direction of take-off; and
- (c) the requirements referred to in regulation 121.09.9(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it is assumed that such aeroplane will land -

- (a) on the most favourable runway, in still air; and
- (b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

**Landing on wet and contaminated runways**

**121.09.17** (1) The operator of a Class A or Class C aeroplane referred to in regulation 121.09.11, shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.16.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(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 121.09.16(1), may be used if the aeroplane flight manual referred to in regulation 121.04.5, includes specified additional information on landing distances on wet runways.

**DIVISION THREE : CLASS C AEROPLANE****General**

**121.09.18** (1) The operator of a Class C aeroplane shall ensure that, for determining compliance with the requirements prescribed in this Division, the approved performance data in the aeroplane flight manual referred to in regulation 121.04.5 are supplemented, as necessary, with other approved data if the approved performance data in such aeroplane flight manual are insufficient.

(2) A twin-engine Class C aeroplane which does not comply with the requirements prescribed in this Division for take-off and landing, shall be operated in accordance with the operating limitations prescribed in Division Two.

**Take-off**

**121.09.19** (1) The operator of a Class C aeroplane shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome at which the take-off is to be made.

(2) The operator shall ensure that, for a Class C aeroplane which has take-off field length data contained in the aeroplane flight manual referred to in regulation 121.04.5, which does not include engine-failure accountability, the distance from the start of the take-off roll required by the aeroplane to reach a height of 50 feet above the take-off surface with all engines operating within the maximum take-off power conditions specified, when multiplied by a factor of -

- (a) 1.33 for aeroplanes having two engines;
- (b) 1.25 for aeroplanes having three engines; or
- (c) 1.18 for aeroplanes having four engines,

does not exceed the take-off run available at the aerodrome of departure.

(3) The provisions of regulation 121.09.4(2) and (3) shall apply *mutatis mutandis* when determining the maximum permitted take-off mass of the aeroplane at the aerodrome of departure.

**Take-off flight path**

**121.09.20** (1) The operator of a Class C aeroplane shall ensure that the take-off flight path with one-engine-inoperative clears all obstacles by a vertical distance of at least 50 feet plus  $0,01 \times D$ , or by a horizontal distance of at least 90 m plus  $0,125 \times D$ , where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available.

(2) The take-off flight path referred to in subregulation (1), shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance referred to in regulation 121.09.19(2) or (3), as the case may be, and end at a height of 1 500 feet above the take-off surface.

(3) When complying with the provisions of subregulation (1), the operator shall take into account the requirements referred to in regulation 121.09.5(2) and the provisions of regulation 121.09.5(3), (4) and (5) shall apply *mutatis mutandis*.

(4) The operator shall establish contingency procedures to satisfy the requirements prescribed in this regulation in order to provide a safe route, avoiding obstacles, to enable the aeroplane to land safely at the aerodrome of departure or at a take-off alternate aerodrome, if so required.

**En route with all engines operative**

**121.09.21** The operator of a Class C aeroplane shall be able to demonstrate that the aeroplane will, in the meteorological conditions expected for the flight, at any point en route or on any planned diversion therefrom, be capable of a rate of climb of at least 300 feet per minute with all engines operating within the maximum continuous power conditions specified at -

- (a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion therefrom specified in, or calculated from, the information contained in the operations manual referred to in regulation 121.04.3; and
- (b) the minimum altitudes necessary for compliance with the provisions of regulations 121.09.22 and 121.09.23, as the case may be.

**En route with one engine inoperative**

**121.09.22** (1) The operator of a Class C aeroplane shall be able to demonstrate that the aeroplane will, in the meteorological conditions expected for the flight, in the event of any one engine becoming inoperative at any point en route or on any planned diversion therefrom, and with the other engine or engines operating within the maximum continuous power conditions specified, be capable of continuing the flight to an aerodrome at which the aeroplane can comply with the provisions of regulation 121.09.25 or 121.09.26, as the case may be, clearing obstacles within 10 nautical miles either side of the intended track, by a vertical interval of at least -

- (a) 1 000 feet, when the rate of climb is zero or greater; or
- (b) 2 000 feet, when the rate of climb is less than zero.

(2) The flight path shall have a positive slope at an altitude of 1 500 feet above the aerodrome where the landing is assumed to be made after the failure of one engine.

(3) For the purposes of this regulation the available rate of climb of the aeroplane shall be taken to be 150 feet per minute less than the rate of climb specified.

(4) When complying with the provisions of this regulation, the width margin specified in subregulation (1) may be reduced to 5 nautical miles if the required navigation accuracy can be achieved.

(5) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

**En route with two engines inoperative in case of aeroplanes with three or more engines**

**121.09.23** (1) The operator of a Class C aeroplane with three or more engines, shall be able to demonstrate that, at all points along the intended track, the aeroplane is not more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass are complied with, unless the aeroplane complies with the provisions of subregulations (2) to (6) inclusive.

(2) The two-engines inoperative flight path data shall permit the aeroplane to continue the flight, in the expected meteorological conditions, clearing all obstacles within 5 nautical miles either side of the intended track by a vertical interval of at least 2 000 feet, to an aerodrome at which the performance requirements applicable at the expected landing mass, are complied with.

(3) The two engines shall be assumed to fail at the most critical point of that portion of the route where the aeroplane is more than 90 minutes, at the all-engines long-range cruising true air speed at standard temperature in still air, away from an aerodrome at which the performance requirements applicable at the expected landing mass, are complied with.

(4) The expected mass of the aeroplane at the point where the two engines are assumed to fail, shall not be less than the mass which would include sufficient fuel to proceed to an aerodrome where the landing is assumed to be made, to arrive there at an altitude of at least 1 500 feet directly over the landing area and thereafter, to fly level for 15 minutes

(5) For the purposes of this regulation, the available rate of climb of the aeroplane shall be taken to be 150 feet per minute less than the rate of climb specified.

(6) Fuel jettisoning shall be permitted to an extent consistent with reaching the aerodrome with the required fuel reserves, if a safe procedure is used.

#### **Landing at destination and alternate aerodromes**

**121.09.24** The operator of a Class C aeroplane shall ensure that the landing mass of the aeroplane does not exceed the maximum certificated mass for the altitude and, if accounted for in the aeroplane flight manual referred to in regulation 121.04.5, the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

#### **Landing on dry runways**

**121.09.25** (1) The operator of a Class C aeroplane shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows for a full stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination and any alternate aerodrome.

(2) When complying with the provisions of subregulation (1), the operator shall take into account the requirements referred to in regulation 121.09.16(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it shall be assumed that such aeroplane will land -

- (a) on the most favourable runway in still air; and
- (b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits compliance with the provisions of subregulations (1), (2) and (3), is designated.

#### **Landing on wet and contaminated runways**

**121.09.26** (1) The operator of a Class C aeroplane shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 121.09.25.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available must be at least the required approved landing distance.

**SUBPART 10****AEROPLANE MAINTENANCE****General**

**121.10.1** (1) This Subpart prescribes the aeroplane maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a large aeroplane shall not operate the aeroplane unless such aeroplane is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

**Operator's maintenance system**

**121.10.2** (1) An applicant for the issue of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

- (a) the maintenance management manual referred to in regulation 121.10.6;
- (b) the operator's aeroplane maintenance programme referred to in regulation 121.10.5;
- (c) the aeroplane technical log referred to in regulation 121.10.7; and
- (d) the technical specifications of the maintenance arrangements referred to in regulation 121.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

**Maintenance responsibility**

**121.10.3** (1) The operator of a large aeroplane shall ensure the airworthiness of the aeroplane and the serviceability of both its operational and emergency equipment by -

- (a) the accomplishment of pre-flight inspections;
- (b) the rectification to an approved standard, of any defect and damage affecting safe operation, taking into account the MEL and the CDL, if available for the aeroplane type;
- (c) the accomplishment of all maintenance in accordance with the approved operator's aeroplane maintenance programme referred to in regulation 121.10.7;
- (d) the analysis of the effectiveness of such programme;
- (e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement issued or prescribed in terms of the Regulations; and
- (f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each aeroplane operated, remains valid in respect of -

- (a) the requirements prescribed in paragraph (1); and
- (b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (1) shall be performed in accordance with procedures approved by the Director.

### **Maintenance management**

**121.10.4** (1) The operator of a large aeroplane shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 121.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

### **Operator's maintenance management programme**

**121.10.5** (1) The operator of a large aeroplane shall establish an aeroplane maintenance programme according to which the aeroplane shall be maintained.

(2) The aeroplane management programme shall include -

- (a) details of the frequency of all maintenance required to be carried out; and
- (b) a reliability programme

(3) The aeroplane management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

### **Operator's maintenance management manual**

**121.10.6** (1) The operator of a large aeroplane shall compile a maintenance management manual which shall -

- (a) comply with the requirements prescribed in this Subpart and Subpart 6; and
- (b) contain the information as prescribed in Document NAM-CATS-OPS 121.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

### **Operator's aeroplane technical log**

**121.10.7** (1) The operator of a large aeroplane shall establish an aeroplane technical log system containing the following information for each aeroplane:

- (a) Particulars of each flight necessary to ensure continued flight safety;
- (b) the current certificate of release to service;

- (c) the current maintenance statement giving the aeroplane maintenance status of which maintenance required in terms of Part 43, is next due;
- (d) all outstanding deferred defects which affect the operation of the aeroplane; and
- (e) any necessary guidance instructions on maintenance support arrangements.

(2) The aeroplane technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Maintenance records**

**121.10.8** (1) The operator of a large aeroplane shall ensure that the aeroplane technical log referred to in regulation 121.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

- (a) All detailed maintenance records in respect of the aeroplane, and any aeroplane component fitted thereto, for 24 months after such aeroplane, or aeroplane component, has been released to service;
- (b) the total time and flight cycles, as appropriate, of the aeroplane and all life-limited aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service;
- (c) the time and flight cycles, as appropriate, since the last overhaul of the aeroplane, or aeroplane component subjected to an overhaul life, until the aeroplane or aeroplane component overhaul has been superseded by another overhaul of equivalent work scope and detail;
- (d) the current aeroplane inspection status to prove compliance with the aeroplane maintenance programme referred to in regulation 121.10.5, until the aeroplane or aeroplane component inspection has been superseded by another inspection of equivalent work scope and detail;
- (e) the current status of airworthiness directives applicable to the aeroplane and aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service; and
- (f) details of current modifications and repairs to the aeroplane, or any aeroplane component vital to flight safety, for 12 months after the aeroplane has been permanently withdrawn from service.

(3) The operator shall ensure that, if the aeroplane is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

#### **Continued validity of air operator certificate in respect of maintenance system**

**121.10.9** The operator of a large aeroplane shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

#### **Quality Assurance System**

**121.10.10** (1) For maintenance purposes, the operator's Quality Assurance System, as required by regulation 121.06.2, must additionally include at least the following functions:

- (a) Monitoring that the activities of regulation 121.10.3 are being performed in accordance with the accepted procedures;
- (b) Monitoring that all contracted maintenance is carried out in accordance with the contract; and
- (c) Monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

**SUBPART 11****RULES OF THE AIR****DIVISION ONE : FLIGHT RULES****Landing and take-off**

**121.11.1** No pilot-in-command shall use a place other than an aerodrome as a place of landing or take-off in a large aeroplane except

- (a) in the case of an emergency involving the safety of the aeroplane 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.

**Right of way**

**121.11.2** (1) The pilot-in-command of a large aeroplane which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a large aeroplane which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a large aeroplane and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a large aeroplane and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

- (a) The pilot-in-command of a large aeroplane shall give way to airships, gliders and balloons;
- (b) the pilot-in-command of a large aeroplane shall 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) A large aeroplane which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken aeroplane by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a large aeroplane in flight or operating on the ground or, in the case of a large seaplane or amphibious aeroplane, on water, shall give way to other aircraft landing or on final approach to land.

- (7) (a) When a large aeroplane and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall 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.
- (b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a large aeroplane shall give way to gliders.

(8) The pilot-in-command of a large aeroplane about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a large aeroplane who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) 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 therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

#### **Following line features**

**121.11.3** The pilot-in-command of a large aeroplane 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 or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

#### **Aeroplane speed**

**121.11.4** (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly a large aeroplane at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a large aeroplane within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

- (a) 160 knots, in the case of a reciprocating-engine aeroplane; or
- (b) 200 knots, in the case of a turbine-powered aeroplane:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aeroplane may be flown at the minimum safe indicated air speed.

#### **Lights to be displayed by large aeroplane**

**121.11.5** The lights which have to be displayed by a large aeroplane by night or on the manoeuvring area of an aerodrome, or, in the case of a large seaplane or amphibious aeroplane, on water, shall be as prescribed in NAM-CATS-OPS 121.

#### **Taxi rules**

**121.11.6** (1) Large aeroplanes which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of a large aeroplane shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing a large aeroplane shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) A large aeroplane shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, a large aeroplane or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce the speed or stop such aeroplane or vehicle.

(6) If danger of collision exists between a large aeroplane or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

- (a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;
- (b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;
- (c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When a large aeroplane is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, a large aeroplane or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

#### **Operation on and in vicinity of aerodrome**

**121.11.7** (1) The pilot-in-command of a large aeroplane operated on or in the vicinity of an aerodrome, shall comply 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;

- (d) land and take-off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;
- (e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided 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 shall conform with the traffic pattern at such aerodrome; and
- (f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aeroplane 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 service 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; or
- (b) if this is 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 shall also, whilst the aeroplane 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 and 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 this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command who is unable to communicate by radio, shall, 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 he or she has the consent of the appropriate air traffic service unit to do otherwise.

### Signals

**121.11.8** The pilot-in-command of a large aeroplane in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 121, take such action as may be required by the interpretation of such signal.

### Water operations

**121.11.9** (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of a large seaplane or amphibious aeroplane operated on the water, shall comply with the provisions thereof.

(2) The pilot-in-command of a large seaplane or amphibious aeroplane in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When a large seaplane or amphibious aeroplane and another aircraft, or a large seaplane or amphibious aeroplane and a vessel, are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of a large seaplane or amphibious aeroplane which has another aircraft or a vessel on its right, shall give way so as to keep well clear.

(5) The pilot-in-command of a large seaplane or amphibious aeroplane approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the seaplane or amphibious aeroplane to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the large seaplane or amphibious aeroplane overtaking shall alter the heading of such seaplane or amphibious aeroplane to keep well clear.

(7) The pilot-in-command of a large seaplane or amphibious aeroplane landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

### **Reporting position**

**121.11.10** The pilot-in-command of a large aeroplane -

- (a) flying in controlled airspace;
- (b) flying in advisory airspace; or
- (c) flying on routes defined by significant and/or compulsory reporting points; or
- (d) on a flight for which alerting action is being provided,

shall ensure 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 meteorological and any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, 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 Director in terms of Part 175, for that area.

### **Mandatory radio communication in controlled airspace**

**121.11.11** The pilot-in-command of a large aeroplane to be operated in or crossing a controlled airspace shall ensure that, before the aeroplane enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the aeroplane is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

- (a) the air traffic service unit may permit an aeroplane 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 shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and

- (b) in the case of radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 121, are complied with.

#### **Mandatory radio communication in advisory airspace**

**121.11.12** The pilot-in-command of a large aeroplane to be operated in advisory airspace shall ensure that, before the aeroplane approaches or enters such airspace -

- (a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or
- (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 intention of the pilot-in-command of the aeroplane to enter the airspace, and such pilot-in-command shall ensure that, while the aeroplane is within the advisory airspace and until it departs therefrom, 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:

Provided that in the case of a radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 121, are complied with.

#### **Compliance with air traffic control clearance and instructions**

**121.11.13** The pilot-in-command of a large aeroplane shall -

- (a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;
- (b) not operate the aeroplane contrary to an air traffic control instruction 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 control unit of the deviation, as soon as practicable.

**Prohibited areas**

**121.11.14** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

- (a) specify a height above the ground surface of such area; or
- (b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any large aeroplane in the airspace above a prohibited area -

- (a) below the height specified in terms of subregulation (1)(a); or
- (b) below the altitude specified in terms of subregulation (1)(b), as the case may be, in respect of the prohibited area in question.

**Restricted areas**

**121.11.15** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted area and shall, when so declaring an area to be a restricted area, specify in the notice in question -

- (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 a restricted area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any large aeroplane 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 (1)(b).

**Danger areas**

**121.11.16** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a danger area and shall, when so declaring an area to be a danger area, specify in the notice in question

- (a) the nature and extent of the dangerous activity or activities in respect of the area.

(2) No person shall fly any large aeroplane in the airspace above any danger area.

**DIVISION TWO : VISUAL FLIGHT RULES****Visibility and distance from cloud**

**121.11.17** (1) Every VFR flight shall be so conducted by the pilot-in-command of a large aeroplane that the aeroplane is flown -

- (a) with visual reference to identifiable objects on the surface by day;
- (b) by night, with less than three eighths of cloud -
  - (i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or
  - (ii) with visual reference to identifiable objects on the surface;
- (c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aeroplane; and
- (d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 121: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) When authorised by an air traffic service unit, lower flight visibilities than 1 500 m may be permitted for flights operating in Class G airspace -

- (a) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or
- (b) in circumstances in which the probability of encounters with other traffic would normally be low, such as in areas of low volume traffic and aerial work at low levels.

**Special VFR weather minima**

**121.11.18** The pilot-in-command of a large aeroplane may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 121.11.16, within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only;
- (c) clear of clouds;
- (d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;
- (e) in a large aeroplane 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.

**Responsibility to ascertain whether VFR flight is permitted**

**121.11.19** Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a large aeroplane shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

**DIVISION THREE : INSTRUMENT FLIGHT RULES****Compliance with IFR**

**121.11.19** If the pilot-in-command of a large aeroplane conducts a flight above FL 200, he or she shall fly the aeroplane in compliance with IFR as prescribed in this Subpart.

**Aeroplane equipment**

**121.11.20** No operator or pilot-in-command, as the case may be, of a large aeroplane, which is required to operate in compliance with IFR, shall operate the aeroplane unless such aeroplane is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the regulations in Subpart 5.

**Change from IFR flight to VFR flight**

**121.11.21** (1) The pilot-in-command of a large aeroplane, who elects to change the conduct of flight of the aeroplane from compliance with IFR to compliance with VFR, shall, 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) When a large aeroplane operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

**IFR procedures**

**121.11.22** (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a large aeroplane flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 121.11.21, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

**DIVISION FOUR : AIR TRAFFIC RULES****Air traffic service procedures**

**121.11.23** The pilot-in-command of a large aeroplane to be operated in controlled airspace shall -

- (a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 121.04.7;
- (b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of in regulation 121.11.11; and
- (c) comply with air traffic control clearances and instructions:

Provided that -

- (i) the pilot-in-command of a large aeroplane may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and
- (ii) the pilot-in-command of a large aeroplane may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

**Priority**

**121.11.24** An air traffic service unit may, with regard to arrivals and departures, give priority to a large aeroplane operating in accordance with flight plan clearance over aircraft not so engaged.

**DIVISION FIVE : HEIGHTS AND INSTRUMENT APPROACH  
AND DEPARTURE PROCEDURES**

**Minimum heights**

**121.11.25** (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a large aeroplane -

- (a) shall fly the aeroplane over built-up areas or over an 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 such aeroplane;
- (b) when flown elsewhere than specified in paragraph (a), shall fly the aeroplane at a height less than 500 feet above the ground or water; and
- (c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a large aeroplane shall by night, in IMC, or when operated in accordance with IFR, fly the aeroplane -

- (a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or
- (b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aeroplane in flight.

**Semi-circular rule**

**121.11.26** (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a large aeroplane in level flight, shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 121.

(2) Large aeroplanes flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

**Standard instrument approach to and departure from aerodrome**

**121.11.27** When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a large aeroplane shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

**SUBPART 12****ALL WEATHER OPERATIONS****Aerodrome operating minima**

**121.12.1** The aerodrome operating minima are the minima referred to in regulation 121.08.10.

**General operating rules for low-visibility operations**

**121.12.2** (1) An operator shall not conduct Category II or III operations unless:

- (a) Each aeroplane concerned is certificated for operations with decision heights below 200 ft, or no decision height, and equipped in accordance with NAM-CATS OPS 121.
- (b) A suitable system for recording approach and/or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) The operations are approved by the Director;
- (d) The flight crew consists of at least 2 pilots; and
- (e) Decision Height is determined by means of a radio altimeter.

(2) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, B and C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Director.

**Aerodrome considerations for low-visibility operations**

**121.12.3** (1) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the State in which the aerodrome is located.

(2) An operator shall verify that Low Visibility Procedures (LVP) have been established, and will be enforced, at those aerodromes where low visibility operations are to be conducted.

**Training and qualifications for low-visibility operations**

**121.12.4** An operator shall ensure that, prior to conducting Low Visibility Take-Off, Category II and III operations:

- (1) Each flight crew member:
  - (a) Completes the training and checking requirements prescribed in NAM-CATS OPS 121 including simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category II/III approval; an
  - (b) Is qualified in accordance with NAM-CATS OPS 121;
- (2) The training and checking is conducted in accordance with a detailed syllabus approved by the Director and included in the Operations Manual. This training is in addition to that prescribed in Subpart 3; and
- (3) The flight crew qualification is specific to the operation and the aeroplane type.

**Operating procedures for low visibility operations**

**121.12.5** (1) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations. These procedures must be included in the Operations Manual and contain the duties of flight crew members during taxiing, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

(2) The commander shall satisfy himself that:

- (a) The status of the visual and non-visual facilities is sufficient prior to commencing a Low Visibility Take-Off or a Category II or III approach;
- (b) Appropriate LVPs are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and
- (c) The flight crew members are properly qualified prior to commencing a Low Visibility Take-off in an RVR of less than 150 m (Category A, B and C aeroplanes) or 200 m (Cat D aeroplanes) or a Category II or III approach.

**Minimum equipment for low-visibility operations**

**121.12.6** (1) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the AFM or other approved document.

(2) The commander shall satisfy himself that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.

**SUBPART 13 : SECURITY****Security requirements**

**121.13.1** An operator shall ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes.

**Flight crew compartment security**

**121.13.2** If installed, the flight crew compartment door on all aeroplanes operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

**Training programmes**

**121.13.3** An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aeroplanes and to minimise the consequences of such events should they occur.

**Aeroplane search procedure checklist**

**121.13.4** An operator shall ensure that all aeroplanes carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

**Reporting acts of unlawful interference**

**121.13.5** Following an act of unlawful interference on board an aeroplane the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

**PART 127**

**CERTIFICATED AIRCRAFT OPERATORS  
AND OTHER FLIGHT OPERATIONS:  
AIR TRANSPORT OPERATIONS - HELICOPTERS**

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

- 127.01.1** (1) This Part shall apply to -
- (a) helicopters engaged in commercial air transport operations within Namibia;
  - (b) helicopters registered in Namibia and engaged in international commercial air transport operations;
  - (c) the issuing of air operator certificates for Namibian operators, and matters related thereto;
  - (d) the issuing of foreign air operator permits for foreign operators, and matters related thereto;
  - (e) persons acting as crew members of helicopters registered in Namibia; and
  - (f) persons who are 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, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall apply *mutatis mutandis* to any helicopter operated in terms of this Part.

**Authority of pilot-in-command**

**127.01.2** All persons on board a helicopter shall obey all lawful commands given by the pilot-in-command of the helicopter for the purpose of securing the safety of such helicopter and of persons or property carried therein.

**Turning helicopter rotors**

**127.01.3** The operator of a helicopter shall not permit helicopter rotors to be turned under power without -

- (a) a qualified pilot; or
- (b) if the helicopter is stationary on the ground, a person who has received the relevant instruction and has been declared competent to control the helicopter while stationary on the ground, by a Category B flight instructor, at the controls of such helicopter.

**Search and rescue information**

**127.01.4** The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the helicopter will be flown, is available on board such helicopter.

**Information on emergency and survival equipment carried**

**127.01.5** (1) The operator of a helicopter shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the helicopter.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

**Method of carriage of persons**

**127.01.6** No person shall be in any part of a helicopter in 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 helicopter -

- (a) for the purpose of taking action necessary for the safety of such helicopter or of any person, animal or goods therein; and
- (b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such helicopter is in flight.

**Admission to cockpit**

**127.01.7** (1) The operator of a helicopter shall ensure that no person is admitted to, or carried in the cockpit of the helicopter unless such person is -

- (a) a flight crew member assigned to the flight;
- (b) an authorised officer, inspector or authorised person; or
- (c) permitted by, and carried in accordance with, the instructions contained in the operations manual referred to in regulation 127.04.3.

(2) The final decision regarding the admission of any person to the cockpit shall be the responsibility of the pilot-in-command: Provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the cockpit shall not interfere with the operation of the helicopter.

(4) Any person carried in the cockpit, shall be made familiar with the applicable safety procedures.

**Unauthorised carriage**

**127.01.8** No person shall conceal himself, herself, animals or cargo on board a helicopter.

**Electronic devices**

**127.01.9** (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a helicopter, shall permit the operation of, and no person shall operate on board the helicopter during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such helicopter.

(2) The Director may, in Document NAM-CATS-OPS 127, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the helicopter in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

**Endangering safety**

**127.01.10** No person shall, through any act or omission -

- (a) endanger the safety of a helicopter or person therein; or
- (b) cause or permit the helicopter to endanger the safety of any person or property.

**Intoxication**

**127.01.11** (1) The operator of a helicopter shall not permit, and no person shall enter or be in, the helicopter while under the influence of any alcohol or psychoactive substance, to the extent where the safety of such helicopter or its occupants is, or is likely to be, endangered.

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1) -

- (a) is refused embarkation; or
- (b) if such person is already on board, is restrained or disembarked.

**Dry lease of helicopter**

**127.01.12** (1) A Namibian operator who intends to dry lease a foreign registered helicopter for operations under this Part, shall -

- (a) ensure that the helicopter can be operated and is operated in accordance with the requirements prescribed in this Part;
- (b) obtain prior approval from the Director to operate such helicopter.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such helicopter is -

- (a) type certificated in accordance with the requirements prescribed in Part 21;
- (b) maintained in accordance with the operator's maintenance system referred to in regulation 127.10.2;
- (c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the foreign registered helicopter is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered helicopter may dry lease the helicopter to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered helicopter, the Director may remove the helicopter from the air operator certificate held by such operator: Provided that -

- (a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such helicopter; and
- (b) such helicopter is maintained according to an approved operator's maintenance system.

**Wet lease of helicopter**

**127.01.13** (1) A Namibian operator who intends to wet lease a foreign registered helicopter for operations under this Part, shall obtain prior approval from the Director to operate such helicopter.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such helicopter -

- (a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;

- (b) has been type certificated by the appropriate authority;
  - (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
  - (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and
  - (e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).
- (3) The operator referred to in subregulation (1) shall -
- (a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;
  - (b) ensure that any law applicable to the maintenance and operation of the helicopter to be wet leased, is complied with.
- (4) The operator of a Namibian registered helicopter who intends to wet lease the helicopter to any operator, other than an operator of another Contracting State, shall remain the operator of the helicopter for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such helicopter shall not be transferred to the appropriate authority of the State of the Operator.

#### **Leasing of helicopter between two Namibian operators**

**127.01.14** (1) A Namibian operator who intends to lease a helicopter and complete crew from another Namibian operator, shall become the operator of the helicopter and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a helicopter leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which a helicopter together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

- (a) the arrangement concerning the air operator certificate under which the flights with the leased helicopter shall be operated; and
- (b) any deviation from the air operator certificate under which the flights with the leased helicopter shall be operated.

#### **Subchartering**

**127.01.15** (1) In the exceptional circumstances as prescribed in Document NAM-CATS-OPS 127, an operator may subcharter a helicopter and crew from any operator who holds a valid air operator certificate, or similar document, for the helicopter, issued by an appropriate authority: Provided that -

- (a) the subcharter period does not exceed five consecutive days; and
- (b) the operator of the helicopter so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 127.01.12(1)(a) and (2), 127.01.13(3) and (4) and 127.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

**Preservation of documents**

**127.01.16** The operator of a helicopter, who is required to retain any of the documents for a specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the helicopter concerned.

**Minimum equipment lists – operators responsibilities**

**127.01.17** (1) An operator shall establish, for each helicopter, a Minimum Equipment List (MEL) approved by the Director. This shall be based upon, but no less restrictive than, the relevant Master Minimum Equipment List (MMEL) (if this exists) accepted by the Director.

(2) An operator shall not operate an helicopter other than in accordance with the MEL unless permitted by the Director. Any such permission will in no circumstances permit operation outside the constraints of the MMEL.

**Operational Directives**

**127.01.18** (1) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.

(2) Operational Directives state:

- (a) The reason for issue;
- (b) Applicability and duration; and
- (c) Action required by the operator(s).

(3) Operational Directives are supplementary to the provisions of Part 127.

**Power to inspect**

**127.01.19** An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any helicopter operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck, if in his opinion, the safety of the helicopter would thereby be endangered.

**SUBPART 2****CREW MEMBERS****Composition of crew**

**127.02.1** (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the helicopter flight manual referred to in regulation 127.04.5.

(2) The operator of a helicopter shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 127.04.3.

(3) The operator shall ensure that the crew members -

- (a) are competent to perform the duties assigned to them; and
- (b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the helicopter shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) The operator shall ensure that -

- (a) in the case of operations under IFR or by night, when more than nine passengers are carried; or
- (b) in the case of any operation when more than 19 passengers are carried, the minimum flight crew is two pilots.

(7) Subject to the provisions of subregulation (6), a helicopter may be operated by a single pilot under IFR or by night, if the following requirements are complied with:

- (a) The helicopter shall be certificated for single-pilot IFR or night operations;
- (b) the operator shall include, in the operations manual referred to in regulation 127.04.3, a conversion and recurrent training programme for pilots which includes the additional requirements for a single-pilot operation;
- (c) the cockpit procedures shall include -
  - (i) engine management and emergency handling;
  - (ii) use of normal, abnormal and emergency checklists;
  - (iii) air traffic service communication;
  - (iv) departure and approach procedures;
  - (v) stability augmentation or automatic flight control management; and
  - (vi) simplified in-flight documentation;
- (d) the recurrent checks prescribed in Subpart 3, shall be performed in the single-pilot role in the type of helicopter in an environment representative of the operation;

- (e) the pilot concerned shall have a minimum of 50 hours of flight time on the specific type of helicopter under IFR, of which 10 hours shall be as pilot-in-command; and
- (f) the minimum required recent experience for a pilot engaged in a single-pilot operation under IFR or by night, shall be -
  - (i) under IFR:
    - (aa) Executed at least two actual approaches with reference to flight instruments only;
    - (bb) executed at least two approaches either under actual or simulated conditions with reference to flight instruments only;
  - (ii) at night when passengers are to be carried: Executed at least five circuits, including take-off and landing, by night in a helicopter of the same type as that in which such passenger-carrying flight is to be undertaken; or
  - (iii) the successful completion of the appropriate skill test prescribed in Part 61.

(8) If the requirements referred to in subregulation (7) are not complied with, the minimum flight crew of the helicopter shall be two pilots.

(9) The operator shall designate one pilot among the flight crew as pilot-in-command of the helicopter and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

#### **Crew member responsibilities**

- 127.02.2** (1) No person shall act as a crew member of a helicopter -
- (a) while under the influence of any psychoactive substance;
  - (b) within 24 hours, following scuba diving by such crew member;
  - (c) within 48 hours, following blood donation by such 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 helicopter 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 such helicopter.
- (2) No crew member shall -
- (a) engage in any kind of problematic use of substances;
  - (b) use any alcohol psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;
  - (c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or
  - (d) use any alcohol psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the helicopter, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a helicopter if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 127.02.14.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

#### **Crew member emergency duties**

**127.02.3** (1) The operator and, where appropriate, the pilot-in-command of a helicopter, operated by multi-crew, shall assign to each 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) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) The operator shall prove to the satisfaction of the Director, that the crew members are competent to perform such functions, by means of an emergency evacuation demonstration carried out in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127.

(4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of helicopter or new configuration of an existing helicopter is introduced for use.

(5) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

#### **Crew members at duty stations**

**127.02.4** (1) In the case of a multi-crew helicopter -

- (a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;
- (b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);
- (c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;
- (d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c):  
Provided that -
  - (i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the helicopter or for physiological needs; and
  - (ii) at least one suitably qualified pilot remains at the controls of the helicopter at all times;

- (e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of such helicopter.

(2) In the case of a single-pilot helicopter, the pilot-in-command shall, during all phases of the flight, remain at the controls of the helicopter.

#### **Laws, regulations and procedures**

**127.02.5** (1) In an emergency situation which endangers a helicopter, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

- (a) take any action which he or she considers necessary under the circumstances; and
- (b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

#### **Duties of pilot-in-command regarding flight preparation**

**127.02.6** (1) The pilot-in-command of a helicopter shall not commence a flight unless he or she is satisfied that -

- (a) the helicopter is airworthy;
- (b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;
- (c) the helicopter has been released to service in accordance with the provisions of Part 43;
- (d) the mass of the helicopter does not exceed the maximum certificated mass calculated from the performance information provided in the helicopter flight manual referred to in regulation 127.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;
- (e) the load carried by the helicopter is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such helicopter flight manual;
- (f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;
- (g) a flight plan referred to in regulation 127.04.7, has been properly completed and filed with the appropriate air traffic service unit;
- (h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;
- (i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;
- (j) the search and rescue information, referred to in regulation 127.01.4, is available on board;

- (k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;
- (l) 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;
- (m) the status of the helicopter and the relevant airborne systems are appropriate for the specific flight to be undertaken;
- (n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the helicopter, unless otherwise permitted in the helicopter flight manual referred to in paragraph (d);
- (o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the touchdown and lift-off area intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;
- (p) the RVR or visibility in the take-off direction of the helicopter is equal to, or better than, the applicable minimum;
- (q) the crew members are properly qualified for the specific operation to be undertaken;
- (r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 127, if such approaches are planned;
- (s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 127, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and
- (t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command shall -

- (a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources 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; and
- (c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

#### **Duties of pilot-in-command regarding flight operations**

- 127.02.7** (1) The pilot-in-command of a helicopter shall be responsible for -
- (a) the operation and safety of the helicopter;
  - (b) the conduct and safety of crew members and passengers carried; and
  - (c) the maintenance of discipline by all persons on board.
- (2) The pilot-in-command shall have the authority -
- (a) to give such commands he or she deems necessary in the interest of the safety of the helicopter, persons or property; and
  - (b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the helicopter, persons or property.
- (3) The pilot-in-command shall 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 thereof is required;
  - (c) the location and method of opening emergency exits;
  - (d) when seat belts are to be fastened;
  - (e) when smoking is prohibited; and
  - (f) when electronic devices may be used.
- (4) The pilot-in-command shall -
- (a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the helicopter, the limitations contained in the helicopter flight manual referred to in regulation 127.04.5, or similar document, are fully complied with at the appropriate times during a flight;
  - (b) decide whether or not to accept a helicopter with unservice abilities allowed by the CDL or MEL, where applicable;
  - (c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;
  - (d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the helicopter are secured in their seats by means of the seat belts or shoulder harnesses provided;

- (e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 127.02.7(1)(f);
  - (f) report any accident or incident involving the helicopter in accordance with the provisions of Part 12;
  - (g) report any dangerous goods accident or incident involving the helicopter in accordance with the provisions of Part 92;
  - (h) if the helicopter 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 crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with regulation 12.02.2;
  - (i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and
  - (j) 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
- (5) The pilot-in-command shall ensure that -
- (a) oxygen is available to crew members and passengers if flights in a non-pressurised helicopter are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and
  - (b) 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 shall 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 helicopter;
  - (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) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.
  - (d) permit a flight data recorder or cockpit voice recorder to be disabled during flight.
- (7) The pilot-in-command, or, in his or her absence, the operator of the helicopter, shall report any act of unlawful interference with the operation of such helicopter, or the authority of the pilot-in-command -
- (a) if the act of unlawful interference occurs within Namibia; or

- (b) if the act of unlawful interference occurs in a Namibian registered helicopter within or over the territory of a foreign State,

to the Director.

#### **Recency, route and aerodrome qualifications**

**127.02.8** (1) A pilot shall not act as pilot-in-command of a helicopter engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the helicopter an adequate knowledge of -

- (a) the route to be flown,
- (b) the aerodromes to be used;
- (c) the procedures applicable to flight paths over densely inhabited areas and areas of higher traffic density; and
- (d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

- (a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or
- (b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

#### **Cabin crew member complement**

**127.02.9** (1) If the certificate of airworthiness of a helicopter requires the carrying of one or more cabin crew members, the operator of the helicopter shall not, when carrying one or more passengers, operate such helicopter without carrying the minimum number of cabin crew as prescribed in Document NAM-CATS-OPS 127.

(2) Cabin crew members are carried for the purposes of performing duties relating to the safety of passengers and other duties 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: Provided that -

- (a) the number of passengers are reduced in accordance with the procedures specified in the operations manual referred to in regulation 127.04.3; and
- (b) a report is submitted to the Director after completion of the flight.

#### **Operation on more than one type or variant by cabin crew member**

**127.02.10** (1) A cabin crew member shall not operate on more than three helicopter types or variants: Provided that the Director may approve the operation on four helicopter types or variants if the emergency and safety equipment and procedures for at least two of the helicopter types or variants are similar.

(2) The types or variants of helicopters which are deemed to be similar in respect of emergency and safety equipment and procedures, are those listed in Document NAM-CATS-OPS 127.

**Senior cabin crew member**

**127.02.11** (1) The operator of a helicopter shall appoint a senior cabin crew member whenever more than one cabin crew member is carried on board the helicopter.

(2) The senior cabin crew member shall be responsible to the pilot-in-command for the conduct of cabin operations and the co-ordination and performance of safety duties.

(3) The operator shall establish procedures to select the next most suitably qualified cabin crew member to operate as senior cabin crew member in the event of the nominated senior cabin crew member being unable to operate.

**Cabin crew member emergency evacuation stations**

**127.02.12** A cabin crew member assigned to perform evacuation duties in a helicopter, shall occupy the seat provided therefor during take-off and landing, or when so directed by the pilot-in-command for safety purposes.

**Seating of cabin crew members during flight**

**127.02.13** During take-off and landing, and whenever deemed necessary by the pilot-in-command in the interests of aviation safety, cabin crew members shall be seated at their assigned stations or seats.

**Flight time and duty scheme**

**127.02.14** (1) The operator of a helicopter shall -

- (a) establish a scheme for the regulation of flight time and duty periods for each crew member;
- (b) include the scheme in the operations manual referred to in regulation 127.04.3;
- (c) ensure that each crew member complies with the provisions of such scheme;
- (d) not cause or permit any crew member to be on flight duty in the helicopter if such operator knows or has been made aware that such crew member -
  - (i) will exceed the flight time and duty periods referred to in subregulation (1)(a) while on flight duty; or
  - (ii) 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 helicopter or its crew members and passengers; and
- (e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 127.

**Operation on more than one type or variant by flight crew**

**127.02.15** (1) An operator shall ensure that a flight crew member does not operate on more than one type or variant, unless: the flight crew member is competent to do so.

(2) When considering operations of more than one type or variant, an operator shall ensure that the differences and/or similarities of the helicopter concerned justify such operations, taking account of the following:

- (a) The level of technology;
- (b) Operational procedures;
- (c) Handling characteristics.

(3) An Operator shall ensure that a flight crew member operating more than one type or variant complies with all of the requirements prescribed in Subpart 3 for each type or variant unless the Director has approved the use of credit(s) related to the training, checking and recent experience requirements.

(4) An Operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual, for any operation on more than one type of variant covering:

- (a) The flight level crew member's minimum experience level;
- (b) The minimum experience level on one type or variant before beginning training for and operation of another type or variant;
- (c) The process whereby flight crew qualified on one type or variant will be trained and qualified on another type or variant; and
- (d) All applicable recent experience requirements for each type or variant.

#### **Operation on helicopters and aeroplanes**

**121.02.16** (1) When a flight crew member operates both helicopters and aeroplanes;

- (a) An operator shall ensure that operations of helicopter and aeroplane are limited to one type of each.
- (b) The operator shall specify appropriate procedures and/or operational restrictions, approved by the Director, in the Operations Manual.

**SUBPART 3****TRAINING AND CHECKING****DIVISION ONE : GENERAL****Training of crew members**

**127.03.1** (1) The operator of a helicopter shall establish and maintain a ground and flight training programme for crew members employed by such operator.

(2) The operator shall ensure that -

- (a) each crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 127;
- (b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation recognised, by the Director; and
- (c) each crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of full-time as well as part-time employed crew members.

**Initial training of crew members**

**127.03.2** A crew member employed by the operator of a helicopter shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61 or 64, as the case may be.

**DIVISION TWO : PILOT TRAINING****Conversion training**

- 127.03.3 (1) The operator of a helicopter shall ensure that -
- (a) a flight crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61 when changing from one type of helicopter to another, for which a new type rating is required;
  - (b) a flight crew member completes the operator's type conversion course before commencing unsupervised operational flying -
    - (i) when changing to a helicopter for which a new type rating is required; or
    - (ii) when employed by such operator;
  - (c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 127.04.3, and as prescribed in Document NAM-CATS-OPS 127;
  - (d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 127.04.15;
  - (e) the minimum standards of qualification and experience required of flight crew members before undertaking type conversion training, are specified in the operations manual;
  - (f) each flight crew member undergoes the checks referred to in regulation 127.03.6(2) and the training and checks referred to in regulation 127.03.6(6) before commencing operational flying under supervision;
  - (g) upon completion of operational flying under supervision, the check referred to in regulation 127.03.6(4) is undertaken; and
  - (h) in the case of multi-crew operations, crew resource management training as prescribed in Document NAM-CATS-OPS 127, is included in the conversion course.

(2) In the case of changing from one type of helicopter to another, the check referred to in regulation 127.03.6(2) may be combined with the type rating skill test prescribed in Part 61.

(3) The operator's type conversion course and the type rating course prescribed in Part 61, may be combined.

(4) The operator's type conversion course shall include the items, and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 127.

(5) When a flight crew member has not previously completed the operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

**Differences training and familiarisation training**

**127.03.4** (1) The operator of a helicopter shall ensure that a flight crew member completes differences training when -

- (a) operating a variant of the type of helicopter currently operated; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

- (a) operating another helicopter of the same type or variant; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 127.04.3, when differences training or familiarisation training is required.

**Upgrading to pilot-in-command**

**127.03.5** (1) The operator of a helicopter shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

- (a) a minimum level of experience is specified in the operations manual referred to in regulation 127.04.3; and
- (b) for multi-crew operations, the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

- (a) if a for the purpose approved simulator is available, training in such simulator, including operational flying training, or flying training in the helicopter;
- (b) an operator proficiency check operating as pilot-in-command;
- (c) pilot-in-command responsibilities;
- (d) operational training in command under supervision: Provided that a minimum of 10 sectors is required for pilots already qualified on the helicopter type;
- (e) completion of a pilot-in-command operational check referred to in regulation 127.03.6(4);
- (f) in the case of scheduled commercial air transport operations, the recency, route and aerodrome qualifications prescribed in regulation 127.02.8; and
- (g) in the case of multi-crew operations, the crew resource management training referred to in regulation 127.03.3(1)(h).

**Recurrent training and checking**

**127.03.6** (1) The operator of a helicopter shall ensure that -

- (a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of helicopter for which the flight crew member is licensed and rated;

- (b) a recurrent training and checking programme is included in the operations manual referred to in regulation 127.04.3;
  - (c) recurrent training is conducted by -
    - (i) a competent person, in the case of ground and refresher training;
    - (ii) an appropriately type rated helicopter simulator flight instructor, in the case of simulator training;
    - (iii) competent personnel, in the case of emergency and safety equipment training and checking; and
    - (iv) competent personnel, in the case of crew resource management training;
  - (d) recurrent checking is conducted by -
    - (i) a designated examiner, in the case of operator proficiency checks; and
    - (ii) an appropriately type rated flight instructor qualified as pilot-in-command, designated by the operator, in the case of operational checks; and
  - (e) each flight crew member undergoes operator proficiency checks every six calendar months as part of a normal flight crew complement.
- (2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -
- (a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and
  - (b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.
- (3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(e), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.
- (4) The operator shall ensure that, in the case of an operational check, each flight crew member undergoes the operational check in the helicopter to demonstrate his or her competency in carrying out normal operations specified in the operations manual referred to in regulation 127.04.3.
- (5) Upon successful completion of an operational check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.
- (6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.
- (7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.
- (8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

**Pilot qualification to operate in either pilot's seat**

**127.03.7** The operator of a helicopter shall ensure that -

- (a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and
- (b) the training and checking programme is -
  - (i) specified in the operations manual referred to in regulation 127.04.3; and
  - (ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 127.

**Advanced qualification programme**

**127.03.8** (1) The period of validity of the training referred to in regulation 127.03.6 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 127.03.3 to 127.03.6 inclusive.

**DIVISION THREE : TRAINING OF CABIN CREW MEMBERS****Initial training**

**127.03.9** The operator of a helicopter shall ensure that each cabin crew member employed by such operator, successfully completes the initial training prescribed in Part 64 before undertaking helicopter type and differences training.

**Type and differences training**

**127.03.10** (1) The operator of a helicopter shall ensure that each cabin crew member has completed the type training or differences training, specified in the operations manual referred to in regulation 127.04.3 before undertaking the duties assigned to them.

(2) A cabin crew member shall complete a type training course when assigned to act as a cabin crew member on a type of helicopter other than the type for which the cabin crew member is rated.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member -

- (a) in a variant of the current type of helicopter; or
- (b) in a helicopter type with equipment, equipment location, or safety procedures which differ from the current helicopter type or variant.

(4) The operator shall determine the content of the type and differences training course taking into account the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in regulation 127.04.15.

(5) The operator shall ensure that -

- (a) type training is conducted in a structured manner, in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127;
- (b) differences training is conducted in a structured manner; and
- (c) type and differences training includes -
  - (i) the use of all emergency and survival equipment and all emergency procedures applicable to the helicopter type or variant and involves training and practice in either a representative training device or in the actual helicopter; and
  - (ii) crew resource management training as prescribed in Document NAM-CATS-OPS 127.

**Familiarisation flights**

**127.03.11** The operator of a helicopter shall ensure that, upon completion of type training or differences training, each cabin crew member undertakes familiarisation flights for 20 hours before acting as one of the minimum number of cabin crew referred to in regulation 127.02.9.

**Recurrent training**

**127.03.12** (1) The operator of a helicopter shall ensure that each cabin crew member undergoes recurrent training and checking, covering the actions assigned to a 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 prescribed in Document NAM-CATS-OPS 127.

(2) The operator shall ensure that the recurrent training and checking programme includes the theoretical and practical instruction, as well as individual practice, as prescribed in Document NAM-CATS-OPS 127.

(3) Upon successful completion of the recurrent training and checking, the operator shall issue a certificate of competency to the cabin crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

### **Refresher training**

**127.03.13** (1) The operator of a helicopter shall ensure that each cabin crew member who has been absent from all flying duties for a period exceeding six months, completes the refresher training specified in the operations manual referred to in regulation 127.04.3, as prescribed in Document NAM-CATS-OPS 127.

(2) The operator shall ensure that a cabin crew member who has not been absent from all flying duties, but has not acted as a cabin crew member on a particular helicopter type or variant for a period of six months, completes -

- (a) refresher training in the helicopter type or variant; or
- (b) two familiarisation sectors during commercial air transport operations in the helicopter type or variant, before undertaking duties in such helicopter type or variant.

### **Checking**

**127.03.14** (1) The operator of a helicopter shall ensure that, during or following completion of the training referred to in regulations 127.03.9, 127.03.10 and 127.03.12, each cabin crew member undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.

(2) The checks referred to in subregulation (1) shall be performed by competent personnel.

(3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, helicopter type and differences, and recurrent training, as prescribed in Document NAM-CATS-OPS 127.

**DIVISION FOUR :**  
**TRAINING OF OTHER**  
**PERSONNEL**

**Training**

**127.03.15** (1) The operator of a helicopter shall provide, where applicable, an initial, recurrent and refresher training course for -

- (a) a load master;
- (b) a winch operator;
- (c) a navigator; or
- (d) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 127.04.3.

**SUBPART 4****DOCUMENTATION AND RECORDS****Documents to be carried on board**

**127.04.1** The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that the following documents, or certified true copies thereof, are carried on board the helicopter on each individual flight:

- (a) If the helicopter is engaged in an international flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the helicopter journey log or general declaration;
  - (v) the helicopter radio station licence;
  - (vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);
  - (vii) if cargo is carried, a manifest and detailed declaration of the cargo;
  - (viii) the certificate of release to service;
  - (ix) the helicopter flight manual referred to in regulation 127.04.5, or similar document;
  - (x) the mass and balance documentation referred to in regulation 127.08.14(9), if required;
  - (xi) the MEL, if applicable;
  - (xii) proof of third party liability insurance;
  - (xiii) the air operator certificate;
  - (xiv) those parts of the operations manual which are required for the conduct of a flight, and which must be accessible to the crew during flight;
  - (xv) the noise certificate, if such certificate has been issued for the type of helicopter; and
  - (xvi) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;
  - (xvii) helicopter technical log
  
- (b) if the helicopter is engaged in a domestic flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licence, ratings and medical certificate of each crew member;
  - (iv) the helicopter radio station licence;
  - (v) the certificate of release to service;
  - (vi) the helicopter flight manual referred to in regulation 127.04.5, or similar document;
  - (vii) the mass and balance documentation referred to in regulation 127.08.14(9), if required;
  - (viii) the helicopter journey log;
  - (ix) the MEL, if applicable;
  - (x) the noise certificate, if such certificate has been issued for the type of helicopter; and
  - (xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

**Documents to be retained on ground**

**127.04.2** (1) The operator of a helicopter engaged in a scheduled commercial air transport operation, shall ensure that -

- (a) a copy of the relevant parts of the helicopter journey log;
- (b) the mass and balance documentation referred to in regulation 127.08.14(9), if required;
- (c) the passenger list or cargo manifest;
- (d) the special loads notification, if applicable; and
- (e) a general declaration, if the helicopter is engaged in an international flight,

are retained in a safe place at the first point of departure in respect of each flight undertaken by the helicopter.

(2) The documents referred to in subregulation (1), shall be retained for a period of at least 90 days.

**Operations manual**

**127.04.3** (1) The operator of a helicopter shall draw up an operations manual containing all the information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that -

- (a) the operations manual complies with the provisions of subregulation (7);
- (b) the operator will comply with the provisions of regulation 127.06.10; and
- (c) the operator will not operate the commercial air transport operation contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the helicopter in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

- (a) ensure that all operations personnel are able to understand the language used in those sections of the operations manual which pertain to their duties;
- (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;
- (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;
- (e) keep the operations manual up to date; and
- (f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 127.06.6.

(7) The structure and contents of the operations manual shall be as prescribed in Document NAM-CATS-OPS 127.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

### **Helicopter journey log**

**127.04.4** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall retain the information as prescribed in Document NAM-CATS-OPS 127, for each flight in the form of a helicopter journey log.

(2) The helicopter journey log shall be kept up-to-date and maintained in a legible manner.

(3) The operator or pilot-in-command shall not be required to keep a helicopter journey log, or part thereof, if the information referred to in subregulation (1), is available in other documentation.

(4) Completed helicopter journey logs shall be retained to provide a continuous record of the last six months' operations.

### **Helicopter flight manual**

**127.04.5** (1) The operator of a helicopter shall keep an approved and current helicopter flight manual for each helicopter of which he or she is the operator.

(2) The crew members of the helicopter shall, on each flight, operate such helicopter in accordance with the helicopter flight manual, unless an emergency dictates otherwise.

### **Operational flight plan**

**127.04.6** (1) The operator of a helicopter shall ensure that an operational flight plan is completed for each flight undertaken by the helicopter.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 127.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 127.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

### **Flight plan**

**127.04.7** (1) The operator or pilot-in-command, as the case may be, of a helicopter shall ensure that a flight plan is completed if required in terms of subregulation (4).

(2) The items to be contained in the flight plan referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the helicopter is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the helicopter shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a 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 flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which the helicopter is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

- (a) If the helicopter is off track, action shall be taken forthwith to adjust the heading of such helicopter 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, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;
- (c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or
- (d) if the helicopter deviates from its altitude, action shall be taken forthwith to correct the altitude of such helicopter.

### **Helicopter checklist**

**127.04.8** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the helicopter, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of the procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

#### **Fuel and oil record**

**127.04.9** (1) The operator of a helicopter shall maintain fuel and oil records for each flight undertaken by the helicopter under the control of such operator.

(2) The operator shall retain the fuel and oil records for a period of three months.

#### **Certificate of release to service**

**127.04.10** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate -

- (a) a Namibian registered helicopter without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or
- (b) a foreign registered helicopter without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

- (a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the helicopter to which it relates and, in the case of a Namibian registered helicopter, a second copy shall be filed at the normal station of such helicopter; and
- (b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

#### **Flight recorder records**

**127.04.11** (1) The operator of a helicopter on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

- (a) in the case of an accident or incident involving such helicopter -
  - (i) for a period of not less than 60 days calculated from the date of the accident or incident, or
  - (ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

- (b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law.

(2) If a helicopter is required under this Part to be fitted with a flight data recorder, the operator shall -

- (a) save the recording for the period of operating time as required by subregulation (1)(a) and (b): Provided that 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;
- (b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and
- (c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the helicopter on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the 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 purposes other than for the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

- (a) used by the operator for airworthiness or maintenance purposes;
- (b) de-identified; or
- (c) disclosed under secure procedures.

#### **Flight time and duty period records**

**127.04.12** (1) The operator of a helicopter shall -

- (a) maintain current flight time and duty period records of all crew members employed 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.

(2) A crew member in part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the limits prescribed in the flight and duty scheme referred to in regulation 127.02.14.

#### **Records of emergency and survival equipment**

**127.04.13** (1) The operator of a helicopter shall compile a list of all the survival and emergency equipment to be carried in the helicopter and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 127.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 127.

**Crew member training records**

**127.04.14** (1) The operator of a helicopter shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of each cabin crew member for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

**Document Storage Periods**

**127.04.15** An Operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 121.

**Production of Documentation And Records**

**127.04.16** (1) An operator shall:

- (a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and
- (b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.

(2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried

**Helicopter Technical log**

**127.04.17** (1) The operator or pilot-in-command, as the case may be, of a Namibian registered large helicopter, shall ensure that the helicopter carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 127, at all times.

**SUBPART 5****INSTRUMENTS AND EQUIPMENT****Approval of instruments and equipment**

**127.05.1** (1) The operator of a helicopter shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the helicopter, 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 MEL.
- (2) The operator shall not be required to obtain approval for -
- (a) the fuses referred to in regulation 127.05.3;
  - (b) the electric torches referred to in regulation 127.05.4(2)(d);
  - (c) an accurate time-piece referred to in regulation 127.05.5(1)(b) or 127.05.6(1)(b);
  - (d) the first aid equipment referred to in regulation 127.05.20;
  - (e) megaphones referred to in regulation 127.05.24;
  - (f) the survival equipment referred to in regulation 127.05.29; and
  - (g) sea anchors and equipment for the mooring, anchoring or manoeuvring of amphibious helicopters on water, referred to regulation 127.05.31.

**Use of instruments and equipment by pilot**

**127.05.2** (1) Instruments in a helicopter which are used by a pilot, shall be arranged in such 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.

(2) If a single instrument or item of equipment in the helicopter is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The helicopter shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

**Circuit protection devices**

**127.05.3** (1) No operator or pilot-in-command, as the case may be, of a helicopter in which fuses are used, shall operate the helicopter unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall 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 shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the helicopter flight manual referred to in regulation 127.04.5.

**Helicopter operating lights**

**127.05.4** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter by day unless such helicopter is equipped with an anti-collision light system.

(2) No operator or pilot-in-command of a helicopter shall operate the helicopter by night unless such helicopter is equipped with -

- (a) an anti-collision light system;
- (b) lighting supplied from the electrical system of the helicopter to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such helicopter;
- (c) lighting supplied from the electrical system of the helicopter to provide illumination in all passenger compartments, if any; and
- (d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;
- (e) in the case of a flight by night within 10 nautical miles, a light or lights providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs; and
- (f) in the case of a flight by night of more than 10 nautical miles, two landing lights or a single light having two separately energised filaments which are capable of providing adequate illumination both forward and downward to facilitate safe approaches, landings and take-offs.

(3) No operator or pilot-in-command of an amphibious helicopter shall operate the amphibious helicopter unless it is equipped with -

- (a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and
- (b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a helicopter by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 127.11.10.

**Flight, navigation and associated equipment for helicopters operated under VFR**

**127.05.5** (1) The operator of a helicopter shall not operate the helicopter in accordance with VFR, unless such helicopter is equipped with -

- (a) a magnetic compass;
- (b) an accurate time-piece indicating the time in hours, minutes, and seconds;
- (c) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) an airspeed indicator;
- (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 in the cockpit the outside air temperature in degrees Celsius.

Provided that a helicopter with a maximum certificated mass of 2 730 kilograms or less, does not have to comply with the provisions of paragraphs (g) and (h).

(2) If two pilots are required to operate the helicopter, the second pilot's station shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, 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 direction indicator.

Provided that a helicopter with a maximum certificated mass of 2 730 kilograms or less, does not have to comply with the provisions of paragraphs (c) and (f).

(3) A helicopter which is operated by night in accordance with VFR -

- (a) outside a radius of 15 nautical miles from its point of departure;
- (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,

shall be equipped with a radio altimeter with an audio warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.

#### **Flight, navigation and associated equipment for helicopters operated under IFR**

**127.05.6** (1) The operator of a helicopter shall not operate the helicopter in accordance with IFR, unless such helicopter is equipped with -

- (a) a magnetic compass;
- (b) an accurate time-piece indicating the time in hours, minutes and seconds;
- (c) two sensitive pressure altimeters with subscale settings, calibrated in hectopascals, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) in the case of a helicopter with a maximum certificated mass exceeding 5 700 kilograms, a radio altimeter with an audio warning operating below a preset 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 a turn coordinator, incorporating a slip 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;
- (iv) is operative automatically after total failure of the normal electrical generating system; and
- (v) is appropriately illuminated during all phases of operation:

Provided that if the standby attitude instrument system is capable of being used through flight attitudes of 360 degrees 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; and
- (l) an alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators.

(2) If two pilots are required to operate the helicopter, the second pilot's station shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, 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 a turn coordinator, incorporating a slip indicator;
- (e) an attitude indicator; and
- (f) a stabilised direction indicator.

(3) When complying with the provisions of subregulation (1)(i), it shall be clearly evident to the flight crew members when such standby attitude indicator is being operated by emergency power.

(4) Where the standby attitude indicator referred to in subregulation (1)(i) has its own dedicated power supply, there shall be an associated indicator, either on the instrument or instrument panel, when such power supply is in use.

#### **Additional equipment for single-pilot operations under IFR**

**127.05.7** No pilot-in-command of a helicopter shall conduct single-pilot IFR operations in the helicopter unless such helicopter has been certificated for such operations and is equipped with -

- (a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and
- (b) a headset with boom microphone or equivalent and a transmit button on the flight controls.

**Radio altimeter**

**127.05.8** No pilot-in-command of a helicopter shall 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 means of warning when operating below a preset height and with a visual warning capable of operating at a height selectable by the pilot.

**Equipment for operations in icing conditions**

**127.05.9** (1) No pilot-in-command of a helicopter shall operate the helicopter in forecast or actual icing conditions unless such helicopter is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the helicopter in forecast or actual icing conditions by night unless such helicopter is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

**Flight recorder**

**127.05.10** (1) The operator of a Namibian registered helicopter, which is required to be equipped with a flight recorder in terms of regulation 127.05.12 or 127.05.13, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 127.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in the helicopter shall be located in such 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.

(5) Where a flight recorder is installed, it shall not -

- (a) be a source of danger in itself;
- (b) prejudice the proper functioning of any essential service; and
- (c) in any way reduce the serviceability or airworthiness of the helicopter in which it is installed, even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 127.05.12 or 127.05.13, as the case may be.

(8) Each flight recorder container installed in the helicopter shall -

- (a) be bright orange or bright yellow;
- (b) have reflective tape affixed to the external surface to facilitate its location under water; and
- (c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only

one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.

- (9) The operator shall -
- (a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and
  - (b) record and retain the results of such check for a period of five years calculated from the date of such check.

#### **Foil data recorder**

**127.05.11** The operator of a Namibian registered helicopter, which is required to be equipped with a flight recorder in terms of regulation 127.05.12 or 127.05.13, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2001.

#### **Cockpit voice recorder**

**127.05.12** (1) No operator or pilot-in-command, as the case may be, of a helicopter specified in Document NAM-CATS-OPS 127, shall operate the helicopter unless such helicopter is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 127.05.10(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

- (a) voice communications transmitted from, or received on, the flight deck by radio;
- (b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;
- (c) voice communications of flight crew members on the flight deck using the interphone system of the helicopter, if installed;
- (d) voice or audio signals identifying navigation or approach aids introduced into a headset or speaker;
- (e) voice communications of flight crew members on the flight deck using the public address system of the helicopter, if installed; and
- (f) in the case of a helicopter which is not required to be equipped with a flight data recorder, the parameters necessary to determine main rotor speed.

(3) The cockpit voice recorder shall -

- (a) be capable of retaining information recorded during at least the last 30 minutes of the helicopter's operation;
- (b) start automatically to record prior to the helicopter moving under its own power and continue to record, until the termination of the flight when the helicopter is no longer capable of moving under its own power; and
- (c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks immediately following engine shutdown at the end of the flight.

(4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 127.05.13.

(5) The pilot-in-command of the helicopter may commence a flight with the cockpit voice recorder inoperative: Provided that -

- (a) the pilot-in-command of the helicopter shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;
- (b) the helicopter is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;
- (c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and
- (d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

#### **Flight data recorder**

**127.05.13** (1) No operator or pilot-in-command, as the case may be, of a helicopter specified in Document NAM-CATS-OPS 127, shall operate the helicopter unless such helicopter is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 127.

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 10 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from helicopter sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to the helicopter being capable of moving under its own power and shall stop automatically after the helicopter is incapable of moving under its own power.

(5) The pilot-in-command of the helicopter may commence a flight with the flight data recorder inoperative: Provided that -

- (a) the pilot-in-command of the helicopter shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;
- (b) the helicopter is not used in excess of six further consecutive flights with the flight data recorder unserviceable;
- (c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and
- (d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

#### **Airborne weather radar equipment**

**127.05.14** The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with airborne weather radar equipment whenever such helicopter is being operated by night or in IMC 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**

**127.05.15** The operator of a helicopter on which more than one flight crew member is required, shall 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 member interphone system**

**127.05.16** (1) The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with a crew member interphone system

- (2) The crew member interphone system shall -
- (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 crew compartment and each passenger compartment;
  - (c) be readily accessible for use from each of the required flight crew stations in the cockpit;
  - (d) be readily accessible for use at the required cabin crew 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 crew members to alert the cabin crew and for use by cabin crew to alert the flight crew;
  - (f) have a means of 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 two flight crew members, if the design of the helicopter requires such interphone communication.

**Public address system**

**127.05.17** (1) The operator of a helicopter with a maximum approved passenger seating configuration of more than nine seats, shall not operate the helicopter unless such helicopter is equipped with a public address system.

- (2) The public address system shall -
- (a) operate independently of the interphone systems referred to in regulations 127.05.15 and 127.05.16, 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 member 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 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 such 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;
  - (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.

**Seats, seat safety belts, harnesses and restraint devices**

**127.05.18** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter 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 a child;
- (c) a restraining belt for use in each passenger berth;
- (d) a restraint device for each passenger who is an infant;
- (e) a safety harness for each flight crew member seat, incorporating a device which will automatically restrain the occupant's torso in the event of rapid deceleration; and
- (f) a safety harness for each cabin crew member seat:

Provided that a safety belt with one diagonal shoulder strap is permitted if the fitting of a safety harness is not reasonably practical.

(2) Seats for cabin crew members shall, where possible, be located near a floor-level emergency exit: Provided that if the number of required cabin crew members exceeds the number of floor-level emergency exits, the additional cabin crew member seats required shall be so located that a cabin crew member may best be able to assist passengers in the event of an emergency evacuation: Provided further that such seats shall be forward or rearward facing within 15 degrees of the longitudinal axis of the helicopter.

(3) If the pilot-in-command cannot see all the passenger seats in the helicopter from his or her own seat, a means of indicating to all passengers and cabin crew members that seat belts should be fastened, shall be installed.

(4) All safety harnesses and safety belts shall have a single point release.

**Stowage and securing of articles, baggage and cargo**

**127.05.19** No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless all articles, baggage and cargo carried on board, except those items in use by either the crew or by passengers, if such use is not prohibited by the pilot-in-command in the interest of the safety of the helicopter or its occupants, are secured -

- (a) in a manner which prevents movement likely to cause injury, damage or death and does not obstruct aisles and exits; or
- (b) in stowages designed to prevent movement likely to cause injury, damage or death.

**Standard first aid kit**

**127.05.20** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 127.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

**Supplemental oxygen in case of pressurised and non-pressurised helicopters**

**127.05.21** (1) No operator or pilot-in-command, as the case may be, of a pressurised helicopter, shall operate the helicopter unless such helicopter is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen required in terms of subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 127.

(3) No operator or pilot-in-command, as the case may be, of a non-pressurised helicopter, shall operate the helicopter at altitudes above 10 000 feet, unless such helicopter is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 127.

(4) The conditions, rules, requirements, procedures or standards for supplemental oxygen required in terms of subregulation (3) shall be as prescribed in Document NAM-CATS-OPS 127.

**Hand fire extinguishers**

**127.05.22** No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with the appropriate hand fire extinguishers as prescribed in Document NAM-CATS-OPS 127.

**Marking of break-in points**

**127.05.23** The operator of a helicopter shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the helicopter, such areas shall be marked in accordance with the requirements prescribed in Part 47.

**Megaphones**

**127.05.24** (1) No operator or pilot-in-command, as the case may be, of a helicopter with a maximum approved passenger seating configuration of more than 19 seats, and which is carrying one or more passengers, shall operate the helicopter unless such helicopter is equipped with the appropriate portable battery-powered megaphones as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for battery-powered megaphones shall be as prescribed in Document NAM-CATS-OPS 127.

**Emergency lighting**

**127.05.25** (1) No operator or pilot-in-command, as the case may be, of a helicopter with a maximum approved passenger seating configuration of more than 19 seats, shall operate the helicopter unless such helicopter is equipped with the appropriate emergency lighting system as prescribed in Document NAM-CATS-OPS 127.

(2) The conditions, rules, requirements, procedures or standards for emergency lighting shall be as prescribed in Document NAM-CATS-OPS 127.

**Automatic emergency locator transmitter**

**127.05.26** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

- (a) is attached to the helicopter in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and
- (b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 127.

#### **Life jackets and other flotation devices**

**127.05.27** The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate the helicopter for any operations on water or on a flight over water -

- (a) when operating in Performance Class 3 beyond autoregulation distance from land;
- (b) when operating in Performance Class 1 or 2 at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed; or
- (c) when operating in Performance Class 2 or 3 when taking off or landing at an aerodrome where the take-off or approach path is over water,

unless it is equipped with life jackets equipped with a survivor locator light, for each passenger on board, stowed in an easily accessible position, with safety belt or harness fastened, from the seat or berth of the passenger for whose use it is provided and an individual infant flotation device, equipped with a survivor locator light, for use by each infant on board.

#### **Life rafts and survival radio equipment for extended over-water flights**

**127.05.28** No operator or pilot-in-command, as the case may be, shall operate a helicopter -

- (a) in Performance Class 1 or 2 on a flight over water at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed from land; or
- (b) in Performance Class 3,

unless such helicopter is equipped with the life rafts and survival radio equipment for such extended over-water flights, as prescribed in Document NAM-CATS-OPS 127.

#### **Survival equipment**

**127.05.29** No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter over areas where search and rescue would be especially difficult, unless such helicopter is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 127.

#### **Survival suits**

**127.05.30** The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate a helicopter -

- (a) in Performance Class 1 or 2 on a flight over water at a distance from land corresponding to more than 10 minutes of flight time at normal cruise speed from land when the weather report or forecasts available to the pilot-in-command indicate that the water temperature will be less than 10 degrees Celsius during the flight, or when the estimated rescue time exceeds the calculated survival time; or

- (b) in Performance Class 3 on a flight over water in a hostile environment beyond auto regulation or safe forced landing distance from land,

unless each person on board is wearing a survival suit.

#### **Amphibious helicopters**

**127.05.31** The operator or pilot-in-command, as the case may be, of a helicopter certificated for operating on water, shall not operate the helicopter on water unless such helicopter is equipped with -

- (a) a sea anchor and other equipment necessary to facilitate the mooring, anchoring or manoeuvring of such helicopter on water, appropriate to its size, weight and handling characteristics; and
- (b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

#### **All helicopters on flights over water - ditching**

**127.04.32** The operator or pilot-in-command, as the case may be, of a helicopter, shall not operate a helicopter -

- (a) in Performance Class 1 on a flight over water at a distance from land corresponding to more than 10 minutes at normal cruise speed; or
- (b) in Performance Class 2 or 3 on a flight over water beyond safe forced landing distance from land,

unless the helicopter is so designed for landing on water or is fitted with emergency flotation equipment.

#### **Communication equipment**

**127.05.33** (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter, unless such helicopter is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing for communication on the aeronautical emergency frequency 121,5 MHz.

(3) The radio communication equipment installed in the helicopter shall be of a type as prescribed in Document NAM-CATS-OPS 127.

(4) The installation, bonding and screening of the radio communication equipment shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127.

#### **Navigation equipment**

**127.05.34** (1) No operator or pilot-in-command, as the case may be, of a helicopter, shall operate the helicopter unless such helicopter is equipped with navigation equipment enabling it to proceed in accordance with its flight plan, the prescribed RNP types and the appropriate air traffic service requirements: Provided that the provisions of this regulation shall not apply to flights operated in accordance with VFR, if such flights can be accomplished by visual reference to landmarks.

(2) The helicopter shall be equipped with sufficient navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment enables such helicopter to proceed with such flight.

**Windshield wipers**

**127.05.35** The operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a windshield wiper or equivalent system for each required pilot station.

**Traffic alert and collision avoidance system**

**127.05.36** From 1 January 2003, the operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

**Fasten seat belt and no smoking signs**

**127.03.37** An operator shall not operate a helicopter in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin when seat belts shall be fastened and when smoking is not allowed.

**Pressure-altitude reporting transponder**

**127.05.38** The operator of a helicopter shall not operate the helicopter unless such helicopter is equipped with a Pressure-altitude reporting transponder.

**Microphones**

**127.05.39** All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

**SUBPART 6****AIR OPERATOR CERTIFICATE****Requirement for air operator certificate**

**127.06.1** A Namibian operator shall not operate a helicopter except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

**Quality assurance system**

**127.06.2** (1) An applicant for the issuing of an air operator certificate shall establish a quality assurance system for the control and supervision of the type of operation, and the maintenance of the type of helicopter, covered by the application.

(2) The minimum standards for a quality assurance system shall be as proscribed in Document NAM-CATS-OPS 127.

(3) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

**Personnel requirements**

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

- (a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator are carried out in accordance with the applicable requirements proscribed 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 operator;
  - (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 operator concerned; and
  - (v) powers to report directly to the management of the operator 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) competent persons who are responsible for -
  - (i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, helicopter maintenance and aviation safety;

- (ii) flight operations;
- (iii) the maintenance system;
- (iv) crew training; and
- (v) ground operations; and

- (c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of helicopter, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of helicopter, covered by the application.

#### **Accommodation**

**127.06.4** The applicant shall ensure that -

- (a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;
- (b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and
- (c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 127.06.3(1)(b)(iii) and (c).

#### **Application for air operator certificate or amendment thereof**

**127.06.5** (1) An application for the issuing of an air operator certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 127; and
- (b) accompanied by -
  - (i) the appropriate fee prescribed in Part 187;
  - (ii) the operations manual referred to in regulation 127.04.3;
  - (iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of helicopter, covered by the application; and
  - (iv) in respect of the operator's maintenance system, and for each type of helicopter to be operated -
    - (aa) the maintenance management manual referred to in regulation 127.10.6;
    - (bb) the operator's helicopter maintenance programme referred to in regulation 127.10.5;
    - (cc) the helicopter technical log referred to in regulation 127.10.7;
    - (dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and
    - (ee) the number of helicopters.

(2) An application for the issuing of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(3) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

#### **Assessment of application and issuing of certificate**

**127.06.6** (1) In considering an application for the issuing of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) The application shall be granted and the certificate issued if -

- (a) the applicant complies with the requirements prescribed in regulations 127.06.2 to 127.06.4 inclusive; and
- (b) the Director is satisfied that -

- (i) the applicant has the financial capability of conducting a safe operation; and
- (ii) the applicant will not conduct the operation concerned contrary to any provision of the Act or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement any defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 127, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

- (a) the name and principal place of business of the operator;
- (b) the date on which the certificate 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 certificate.

#### **Period of validity**

**127.06.7** (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate 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 127.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

### **Transferability**

**127.06.8** (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 127.06.9.

### **Changes in quality assurance system**

**127.06.9** (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 127.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) any particulars on the certificate;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identities of the persons referred to in regulation 127.06.3(1)(b); and
- (d) the conditions of the certificate,

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

(2) The provisions of regulation 127.06.5 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 operations manual, that it will continue to comply with the provisions of regulations 127.06.2 to 127.06.4 inclusive, after the implementation of such approved change.

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

**127.06.10** The holder of an air operator certificate shall -

- (a) engage, employ or contract -
  - (i) adequate flight crew and cabin crew for the type of operation authorised, who are trained and checked in accordance with the regulations in Subpart 3;
  - (ii) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;
  - (iii) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;

- (2) ensure that -
- (a) each flight is conducted in accordance with its approved operations manual;
  - (b) the type of helicopter authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;
  - (c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;
  - (d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and
  - (e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.

#### **Statistical information**

**127.06.11** The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 127.

#### **Documentation**

**127.06.12** The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

#### **Display of certificate**

**127.06.13** The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

#### **Advertisements**

**127.06.14** Any advertisement by an organisation indicating that it is the operator of a helicopter, shall reflect the number of the air operator certificate issued by the Director.

#### **Renewal of certificate**

**127.06.15** (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 127.06.5(1) and 127.06.6 shall apply *mutatis mutandis* to an application made in terms of this regulation.

#### **Safety inspections and audits**

**127.06.16** (1) An applicant for the issuing of an air operator certificate 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 127.06.5.

(2) The holder of an air operator certificate 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 certificate and appeal**

**127.06.17** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 127.06.16, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 127.06.16;
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

**Register of certificates**

**127.06.18** (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the certificate;
- (b) the postal address of the holder of the certificate;
- (c) the telephone and telefax numbers of the holder of the certificate;
- (d) the date on which the certificate was issued, amended or renewed;

- (e) the number of the certificate issued, amended or renewed;
- (f) the conditions of the certificate;
- (g) the nationality of the holder of the certificate; and
- (h) the date on which the certificate was cancelled, if applicable.

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

**SUBPART 7****FOREIGN AIR OPERATOR PERMIT****Requirement for foreign air operator permit**

**127.07.1** A foreign operator shall not operate a foreign registered helicopter 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.

**Application for foreign air operator permit or amendment thereof**

**127.07.2** (1) An application for the issuing of a foreign air operator permit shall be -

- (a) made to the Director in the appropriate form as prescribed 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 prescribed 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 issuing of a foreign air operator permit shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(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 shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

- (a) made in the appropriate form as prescribed 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 prescribed 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 shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The 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 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 issuing of permit**

**127.07.3** (1) In considering the application for the issuing of a foreign air operator permit, or an amendment thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the 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 Offences Act, 1972.

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 127, under such conditions which the Director may determine.

(5) A foreign air operator permit shall 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 shall be valid -

- (a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof;
- (b) for the number of flights determined by the Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit 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 127.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

### **Transferability**

**127.07.5** A foreign air operator permit shall not be transferable.

### **Duties of holder of permit**

**127.07.6** The holder of a foreign air operator permit shall -

- (a) at all times during the operation within Namibia -
  - (i) comply with -
    - (aa) the appropriate requirements prescribed 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.

### **Renewal of permit**

**127.07.7** (1) The holder of a foreign air operator permit shall 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 127.07.2(1) and 127.07.3 shall apply *mutatis mutandis* to an application made in terms of this regulation.

### **Safety inspections and audits**

**127.07.8** The holder of a foreign air operator permit 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 certificate and appeal**

**127.07.9** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 127.07.8, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 127.07.08;
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

### Register of permits

**127.07.10** (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall 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) shall be recorded by the 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 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.

### Definitions

**127.07.11** For the purposes of the regulations in this Subpart -

- (a) "air operator certificate" means an air operator certificate issued by the State of the Operator; and
- (b) "declaration of competency" means a declaration, issued by the State of the Operator, containing -
  - (i) the name, nationality and principal place of business of the operator;
  - (ii) a description of the type of operation authorised;
  - (iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;
  - (iv) a confirmation that the operator's international operations are conducted in accordance with the laws and regulations of the State of the Operator;
  - (v) the type of helicopter authorised for operation;
  - (vi) the nationality and registration marks of each helicopter authorised for operation;
  - (vii) the authorised area of operation; and
  - (viii) the period of validity of the declaration and the air operator certificate.

**SUBPART 8****FLIGHT OPERATIONS****Routes and areas of operation**

**127.08.1** (1) The operator of a helicopter shall ensure that scheduled commercial air transport operations are only conducted along such routes, or within such areas, for which -

- (a) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;
- (b) appropriate maps and charts are available; and
- (c) in the case of a helicopter operated in Performance Class 3, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall 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 authority concerned.

(3) The operator shall 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.

**Establishment of procedures**

**127.08.2** The operator of a helicopter shall establish -

- (a) procedures and instructions, for each helicopter type, containing ground personnel and crew member duties for all types of operations on the ground and in flight;
- (b) 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 contained in the operations manual referred to in regulation 127.04.3, are followed; and
- (c) procedures to ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the helicopter.

**Operational control and supervision**

**127.08.3** (1) The operator of a helicopter shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 127.04.3.

(2) When considering the approval referred to in subregulation (1), the Director shall give due consideration to the matters as prescribed in Document NAM-CATS-OPS 127.

**Competency of operations personnel**

**127.08.4** (1) The operator of a helicopter shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

- (a) are properly instructed;
- (b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and
- (c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the State in or over which operations are conducted.

#### **Use of aerodromes**

**127.08.5** (1) No pilot-in-command of a helicopter shall use, and no operator of the helicopter shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of helicopter and operation concerned.

(2) Except in an emergency, no pilot-in-command of a helicopter shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

#### **Helicopter landing and take-off**

**127.08.6** (1) No pilot-in-command of a helicopter shall land at, or take-off from, any place unless the place is so situated 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) No pilot-in-command of a helicopter shall land on, or take-off from, any building, structure or place situated within 100 metres of any other building or structure, in the area of jurisdiction of a local authority, unless such building, structure or place has been approved for the purpose by the Director: Provided that this restriction shall not apply -

- (a) to a helicopter landing on, or taking off from, a building, structure or place within an industrial area, a commercial warehouse area or an open farm land, which is suitable for such purpose and in respect of which helicopter the pilot-in-command is the holder of a valid commercial or airline transport pilot licence (helicopter), or, in the case of the holder of a private pilot licence (helicopter), with the written permission of the Director, unless specifically prohibited by the local authority;
- (b) to a helicopter engaged in an emergency medical service operation, or undertaking a flight necessary for the exercising of any power in terms of any law.

(3) A local authority may, after consultation with the Director, extend the scope of the provisions of subregulation (2)(a) to include other places in its area of jurisdiction.

(4) The Director may, in the interests 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 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 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.

(5) Nothing in this regulation shall be 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.

#### **Use of air traffic services**

**127.08.7** The operator of a helicopter shall ensure that air traffic services are used for all flights whenever available.

#### **Minimum flight altitudes**

**127.08.8** (1) The operator of a helicopter shall establish minimum flight altitudes for all operations carried out in accordance with IFR and all scheduled commercial air transport operations, as well as the methods to determine such minimum flight altitudes for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall take into account the following factors, when establishing minimum flight altitudes:

- (a) The accuracy with which the position of the helicopter 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 shall give due consideration to -

- (a) corrections for temperature and pressure variations from standard values;
- (b) the air traffic service requirements;
- (c) any contingencies which may reasonably occur along the planned route; and
- (d) helicopter mass and configuration.

#### **Threshold crossing height**

**127.08.9** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall establish operational procedures designed to ensure that the helicopter being used to conduct precision approaches, crosses the threshold by a safe margin with such helicopter in the landing configuration and attitude.

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

#### **Pre-flight selection of aerodromes**

**127.08.10** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall select destination or alternate aerodromes in accordance with the provisions of regulation 127.08.11 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of helicopter concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 127.04.7, a take-off alternate aerodrome, if it would not be possible for the helicopter to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

- (a) one hour of flight time at one-engine cruising true air speed according to the helicopter flight manual referred to in regulation 127.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine helicopter;
- (b) two hours of flight time at one-engine inoperative cruising true air speed according to such helicopter flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine helicopters;
- (c) if such helicopter flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions forecast or prevailing are such that, for the period from one hour before, 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 operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

- (a) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, 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; or
- (b) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

- (a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, 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) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 127.04.7.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine helicopters and shall specify such en route alternate aerodromes in the flight plan referred to in subregulation (8).

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period commencing one hour before, and ending one hour after, the estimated time of arrival of the helicopter at the aerodrome.

#### **Aerodrome operating minima**

**127.08.11** (1) The operator of a helicopter shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 127.

(3) The method of determining aerodrome operating minima shall be approved by the Director.

(4) 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.

#### **Offshore operations**

**127.08.12** (1) The operator of a helicopter shall ensure that, in the case of flights over water -

- (a) radio contact is maintained with the shore base or other flight-monitoring station;
- (b) a full crew complement is on board to operate the helicopter and its safety equipment under normal and emergency conditions; and
- (c) the helicopter is equipped for flights over water in terms of these Regulations.

(2) In the case of a reciprocating single-engine helicopter -

- (a) flights shall be limited to five nautical miles seaward from shore base;
- (b) no flights shall be undertaken except by day and under VMC, and no flight shall be commenced which cannot be completed at least one hour before last light;
- (c) a back-up helicopter or rescue craft, which is suitably manned and equipped for air and sea rescue operations and which is fully operational, shall be on stand-by at the shore base with survival and rescue equipment on board, adequate for the rescue of the passengers and crew of the helicopter for which it is on stand-by.

(3) In the case of a turbine single-engine helicopter -

- (a) flights shall be limited to 50 nautical miles seaward from shore base;
- (b) no flights shall be undertaken except during day and under VMC;
- (c) for flights over water from five to 15 nautical miles inclusive, sufficient survival dinghies shall be carried in such manner that they will be instantly accessible at the time of ditching; and

- (d) for flights over water of more than 15 nautical miles, a back-up helicopter or rescue craft, as prescribed in subregulation (2)(c), shall be available for search and rescue purposes.

(4) In the case of multi-engine helicopters, the operator shall comply with the provisions of subregulation (1) and in addition, if a flight is to be undertaken by night or under IMC, the operator shall ensure that -

- (a) the helicopter is equipped for IFR operations; and
- (b) functioning area or on-board navigation aids are available.

(5) For the purpose of this regulation "shore base" means the site from which the flight over water is commenced or supported.

#### **Meteorological conditions**

**127.08.13** (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a helicopter shall not -

- (a) commence take-off; or
- (b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such helicopter, be at or above the applicable aerodrome operating minima -

- (i) at the destination aerodrome; or
- (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome, or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the helicopter shall not 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, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

#### **Mass and balance**

**127.08.14** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall, where applicable, ensure that, during any phase of operation, the loading, mass and the centre of gravity of the helicopter complies with the limitations specified in the helicopter flight manual referred to in regulation 127.04.5, or the operations manual referred to in regulation 127.04.3, if the limitations therein are more restrictive.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the helicopter 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 helicopter, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The helicopter shall 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 operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the helicopter, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 127.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the helicopter shall be determined by the operator or pilot-in-command of such helicopter.

(7) The operator or pilot-in-command shall 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 prescribed in Document NAM-CATS-OPS 127.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator or pilot-in-command shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 127.

### **Smoking in helicopters**

**127.08.15** (1) No person shall smoke in a Namibian registered helicopter when carrying passengers.

(2) No person shall smoke in a foreign registered helicopter, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the helicopter is in Namibian airspace.

### **Fuel policy**

**127.08.16** (1) The operator of a helicopter shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall 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 127.04.3, or current helicopter-specific data;
- (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; and
  - (iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such helicopter for a flight includes -

- (a) start up and taxi fuel;
- (b) trip fuel;
- (c) reserve fuel consisting of -
  - (i) contingency fuel as prescribed in Document NAM-CATS-OPS 127;
  - (ii) alternate fuel, if a destination alternate aerodrome is required;
  - (iii) final reserve fuel;
  - (iv) additional fuel, if required by the type of operation; and
- (d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

- (a) trip fuel for the remainder of the flight to destination;
- (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 by the type of operation; and
- (c) extra fuel, if required by the pilot-in-command.

#### **Fuel and oil supply**

**127.08.17** The pilot-in-command of a helicopter shall not commence a flight unless he or she is satisfied that the helicopter carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the expected operating conditions.

#### **Refueling or defueling with passengers on board**

**127.08.18** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that the helicopter is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such helicopter.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the helicopter shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such helicopter by the most practical and expeditious means available.

#### **Instrument approach and departure procedures**

**127.08.19** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that only 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) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept an air traffic control clearance to deviate from a published approach or departure route: Provided that -

- (a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and
- (b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation (1), if required: Provided that such instrument approach and departure procedures have been approved by -

- (a) the appropriate authority of the State in which the aerodrome to be used, is located; and
- (b) the Director.

**Noise abatement procedures**

**127.08.20** (1) The operator of a helicopter shall establish the operating procedures for noise abatement, as prescribed in Document NAM-CATS-OPS 127.

(2) Take-off climb procedures for noise abatement specified by the operator for any one helicopter type shall be the same for all aerodromes.

(3) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

**Submission of flight plan**

**127.08.21** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 127.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services.

**Seats, safety belts and harnesses**

**127.08.22** (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a helicopter shall ensure that each person on board the helicopter, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of helicopter seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

**Passenger seating**

**127.08.23** The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the helicopter.

**Passenger briefing**

**127.08.24** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall 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 helicopters with a maximum certificated mass exceeding 5 700 kilograms, passengers are provided with a safety briefing card on which picture type instructions indicate the operation of emergency equipment and exits likely to be used by passengers; and
- (c) in an emergency during flight, passengers are instructed in such emergency action as may be appropriate to the circumstances.

(2) The operator or pilot-in-command shall ensure that, before take-off -

- (a) passengers are briefed, to the extent applicable, on -
  - (i) the prohibition of smoking;
  - (ii) when the back of the seat is to be in the upright position and the tray table stowed;
  - (iii) the location of emergency exits;
  - (iv) the location and use of floor proximity escape path markings;
  - (v) the stowage of carry-on baggage;
  - (vi) any restrictions on the use of electronic devices; and
  - (vii) the location and the contents of the safety briefing card; and
- (b) passengers receive, to the extent applicable, a demonstration of -
  - (i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
  - (ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and
  - (iii) the location and use of life jackets.

(3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -

- (a) the prohibition of smoking; and
- (b) the use of safety belts or safety harnesses.

(4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -

- (a) the prohibition of smoking;
- (b) the use of safety belts or safety harnesses;
- (c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
- (d) the re-stowage of carry-on baggage; and
- (e) any restrictions on the use of electronic devices.

(5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -

- (a) the prohibition of smoking; and
- (b) the use of safety belts or safety harnesses.

### **Emergency equipment**

**127.08.25** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that emergency equipment, carried or installed in the helicopter in order to meet the requirements prescribed in this Part and the MEL, is in such condition that it will satisfactorily perform its design function.

(2) The pilot-in-command shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

### **Use of supplemental oxygen**

**127.08.26** (1) The pilot-in-command of a helicopter shall ensure that flight crew members engaged in performing duties essential to the safe operation of the helicopter

in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

#### **Approach and landing conditions**

**127.08.27** Before commencing an approach to land, the pilot-in-command of a helicopter shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the touchdown and lift-off area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the helicopter flight manual referred to in regulation 127.04.5, or a similar document.

#### **Commencement and continuation of approach**

**127.08.28** (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a helicopter may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the touchdown and lift-off area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 127.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height, and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

#### **In-flight simulation of emergency situations**

**127.08.29** The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that no person, and no person shall, simulate emergency situations in the helicopter affecting the flight characteristics of such helicopter when passengers are on board such helicopter.

#### **Carriage of infants and children**

**127.08.30** (1) The operator of a helicopter shall ensure that an infant is only carried when properly secured with a child restraint device, even when in the arms or on the lap of an adult passenger, or in an approved skycot: Provided that, in the case of a skycot, the skycot is -

- (a) restrained so as to prevent it from moving under the maximum accelerations or decelerations 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 skycot under the maximum accelerations or decelerations to be expected in flight.

(2) The operator shall 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 skycot will not be thrown from such skycot under the maximum accelerations or decelerations to be expected in flight.

(3) Infants shall not be seated in front of, or alongside, exits.

(4) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(5) Skycots may not be used during critical phases of flight or turbulence.

(6) Skycots shall not be positioned in such a way that they 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, shall 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 shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(9) An infant may be seated in a car-type infant seat, approved for use in a helicopter, provided it is secured to the helicopter seat.

(10) A car-type infant seat referred to in subregulation (9) shall not be located in the same row or a row directly forward or aft of an emergency exit.

#### **Carriage of persons with disability**

**127.08.31** (1) The operator of a helicopter shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall ensure that -

- (a) the pilot-in-command of the helicopter is notified when a person with a disability is to be carried on board;
- (b) a passenger with a disability is not seated in the helicopter 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 such passenger; and
- (d) the person giving the briefing shall 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 helicopter -

- (a) the stretcher shall be secured in such helicopter so as to prevent it from moving under the maximum accelerations or decelerations likely to be experienced in flight and in an emergency alighting such as ditching;

- (b) the patient shall be secured by an approved harness to the stretcher or helicopter structure; and
  - (c) an able-bodied assistant shall accompany each stretcher patient.
- (4) A mentally disturbed person shall 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 such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.
- (5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the 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) shall 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 shall be accompanied by an able-bodied assistant.

#### **Carriage of persons with reduced mobility**

- 127.08.32** (1) The operator of a helicopter shall establish procedures for the carriage of persons with reduced mobility.
- (2) The operator shall ensure that -
- (a) the pilot-in-command of the helicopter is notified when a passenger with reduced mobility is to be carried on board; and
  - (b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the helicopter or obstruct access to emergency equipment.

#### **Limitations on carriage of infants, children and persons with disability**

- 127.08.33** (1) The maximum number of passengers with a disability, unaccompanied minors, or the combination of such passengers and minors, which may be carried by the operator of a helicopter, is limited to one per unit of 20 passenger capacity or part thereof to a maximum of 10 such passengers or minors.
- (2) At least one able-bodied assistant shall be carried for every group of five passengers with a disability or unaccompanied minors, or a part or combination thereof, and such assistant shall be assigned with the responsibility of the safety of such passengers or minors: Provided that the passengers with a disability can assist themselves.
- (3) In addition to the provisions of subregulation (2), for each single passenger with a disability who cannot assist himself or herself, an able-bodied assistant shall be assigned to solely assist such passenger.
- (4) The operator may establish procedures, other than the procedures referred to in subregulations (1), (2) and (3), for the carriage of infants, children and passengers with a disability: Provided that -

- (a) such procedures do not jeopardise aviation safety; and
- (b) prior approval has been obtained from the Director.

### **Carriage of inadmissible passengers, deportees or persons in custody**

**127.08.34** (1) The operator of a helicopter shall 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 shall be notified by the operator of such helicopter prior to departure, of the intended carriage, and reason for carriage, of any of the persons referred to in subregulation (1).

### **Carry-on baggage**

**127.08.35** (1) The operator of a helicopter shall 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) shall be as prescribed in Document NAM-CATS-OPS 127.

### **Securing of passenger cabin**

**127.08.36** (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a helicopter shall 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 passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall be placed in approved stowage areas in the helicopter, at all times whenever the seat belt lights 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 -

- (a) the area under a passenger seat except alongside emergency exits; or
- (b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall be commenced by the pilot-in-command of the helicopter, unless he or she has been informed of the safe condition of the cabin.

### **Passenger services**

**127.08.37** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall 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) shall 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), shall not be permitted in the cabin of the helicopter.

(4) Securing of the cabin shall be completed by the cabin crew members before approach for landing of the helicopter is commenced.

(5) If passenger services are provided while the helicopter is on the ground, no passenger service equipment shall obstruct the exits of the helicopter.

#### **Incidents and defects**

**127.08.38** (1) The operator of a helicopter shall establish adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot-in-command of the helicopter before take-off.

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

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

#### **Ice and other contaminants**

**127.08.39** An operator shall establish procedures to be followed when ground de-icing and anti-icing and related inspections of the helicopter(s) are necessary.

#### **Occurrence reporting**

##### **127.08.40** (1) Flight Incidents

- (a) The operator or commander of an helicopter shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.

Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occurring while he was responsible for the flight are recorded in the helicopter's Technical Log.

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever a helicopter in flight has been endangered by:

- (a) a near collision with any other flying device;
- (b) faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or
- (c) a failure of ATS facilities.

- (4) Bird hazards and strikes

- (a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.
- (b) A commander shall submit a written bird strike report after landing whenever a helicopter for which he is responsible suffers a bird strike.

(5) Inflight emergencies with dangerous goods on board. If an inflight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic service unit of any dangerous goods on board.

(6) Unlawful interference. Following an act of unlawful interference on board a helicopter, a commander shall submit a report, as soon as practicable, to the director.

(7) Irregularities of ground and navigational facilities and hazardous conditions. A commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:

- (a) an irregularity in a ground or navigational facility; or
- (b) a meteorological phenomenon; or
- (c) a volcanic ash cloud; or
- (d) a high radiation level,

is encountered during flight.

#### **Accident Reporting**

**127.08.41** An operator shall establish procedures to ensure that the nearest appropriate director is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000) or death of any person or substantial damage to the aeroplane or property.

**SUBPART 9****HELICOPTER PERFORMANCE OPERATING LIMITATIONS****Helicopter performance classification**

**127.09.1** (1) For performance purposes, helicopters are classified as follows:

- (a) Class 1 helicopters - helicopters with performance such that, in the case of critical power unit failure, they are able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;
- (b) Class 2 helicopters - helicopters with performance such that, in case of critical power unit failure, they are able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required; and
- (c) Class 3 helicopters - helicopters with performance such that, in the case of power unit failure at any point in the flight profile, a forced landing has to be performed.

(2) The Director may, for performance purposes, classify any helicopter in Document NAM-CATS-OPS 127, as a Class 1, Class 2 or Class 3 helicopter.

(3) The operator of a helicopter shall ensure that -

- (a) a Class 1 helicopter is operated in accordance with the performance operating limitations prescribed in Division One;
- (b) a Class 2 helicopter is operated in accordance with the performance operating limitations prescribed in Division Two; and
- (c) a Class 3 helicopter is operated in accordance with the performance operating limitations prescribed in Division Three.

(4) Where specific design characteristics of a helicopter prevents compliance with the regulations in Division One, Two or Three of this Subpart, the operator shall, notwithstanding the provisions of subregulation (3), ensure that the helicopter is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart is maintained.

**Classes of helicopters**

**127.09.2** (1) The operator of any class helicopter shall 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 prescribed 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 helicopter flight manual referred to in regulation 127.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division, supplemented as necessary with other approved data prescribed in the appropriate Division.

(2) When complying with the provisions of subregulation (1), the operator shall take into account the airframe configuration, environmental conditions and the operation of systems which may have an effect on performance, when appropriate.

(3) Performance Class 3 helicopters shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which may permit a safe forced landing to be executed in the event of an engine failure.

(4) The provisions of subregulation (1) shall apply *mutatis mutandis* to performance Class 2 helicopters prior to the defined point after take-off and after the defined point before landing.

(5) Only performance Class 1 helicopters shall be permitted to operate from elevated heliports in built-up urban areas.

**DIVISION ONE : CLASS 1 HELICOPTER****General**

**127.09.3** (1) Helicopters first issued with a certificate of airworthiness before 1 January 1978 and operating to helidecks, shall not be required to comply with the provisions of regulation 127.09.4(2) and 127.09.7(2)(a) until 1 April 2002: Provided that such helicopters are operated in accordance with approved procedures.

(2) Helicopters first issued with a certificate of airworthiness on or after 1 January 1978 and before 1 April 2002 and operating to helidecks, shall not be required to comply with the provisions of regulation 127.09.4(2) and 127.09.7(2)(a) until 31 December 2009: Provided that such helicopters are operated in accordance with approved procedures.

**Take-off**

**127.09.4** (1) The operator of a Class 1 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The maximum mass referred to in subregulation (1) shall be such that in the event of the critical power unit failing -

- (a) at or before the take-off decision point, the take-off and stop within the rejected take-off area available, can be discontinued; or
- (b) at or past the take-off decision point, the take-off and the climb can be continued, clearing all obstacles along the flight path by a vertical margin of at least 35 feet until the helicopter is in a position to comply with the provisions of regulation 127.09.5.

(3) The rejected take-off area referred to in subregulation (2)(b) shall, in the case of elevated heliports and helidecks, mean the elevated heliport or helideck.

(4) When complying with the provisions of subregulation (2), the operator shall take into account -

- (a) the pressure altitude at the aerodrome;
- (b) the ambient temperature at the aerodrome;
- (c) the take-off technique to be used; and
- (d) not more than 50 per cent of the reported head-wind component or, if such data is provided, not less than 150 per cent of the reported tail-wind component: Provided that if approved wind measuring equipment is used, the head-wind component may be factored by 80 per cent.

(5) The part of the take-off prior to the specified take-off decision point shall be conducted in sight of the surface in such manner that a rejected take-off can be carried out.

**Take-off flight path**

**127.09.5** (1) The operator of a Class 1 helicopter shall ensure that the take-off flight path of the helicopter clears all obstacles by a vertical margin of at least 35 feet in VFR and at least 35 feet plus 0.01 DR in IFR, where DR is the horizontal distance which the helicopter has travelled from the end of the take-off distance available.

(2) The operator shall not be required to consider an obstacle, if its lateral margin from the nearest point on the surface below the intended flight path, exceeds 30 m or 1.5 times the overall length of the helicopter, whichever is the greater, plus -

- (a) 0.15 DR for VFR operations; or
  - (b) 0.30 DR for IFR operations.
- (3) Obstacles may be disregarded if they are situated beyond -
- (a) 7R for day operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;
  - (b) 10R for night operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;
  - (c) 300 metres, if the pilot is able to maintain the required navigation accuracy through navigation aids; and
  - (d) 900 metres, in all other cases.
- (4) For the purposes of subregulation (3), "R" means the rotor radius.
- (5) Where a change of direction of more than 15 degrees is made, vertical obstacle clearance requirements are to be increased by 15 feet from the point at which the turn is initiated: Provided that such turn shall not be initiated before reaching a height of 100 feet above the take-off surface.
- (6) When complying with the provisions of this regulation, the operator shall take into account -
- (a) the mass of the helicopter at the commencement of the take-off;
  - (b) the pressure altitude at the aerodrome;
  - (c) the ambient temperature at the aerodrome; and
  - (d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component, unless otherwise approved.

#### **En route with one or more engines inoperative**

**127.09.6** (1) The operator of a Class 1 helicopter shall, 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, comply with the provisions of subregulation (2) or (3) at all points along the route.

(2) The operator shall 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 an altitude of at least 1 000 feet or 2 000 feet in areas of mountainous terrain, above all obstacles along the route within 18.5 km on either side of the intended track: Provided that when it is intended that the flight will be conducted by day, VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.

- (3) The operator shall 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 the provisions of regulation 127.09.7;
  - (b) the flight path clears vertically by at least 1 000 feet or 2 000 feet in areas of mountainous terrain, all obstacles along the route within 18.5 km on either side of the intended track;
  - (c) the engine is assumed to fail at the most critical point along the route:

Provided that when it is intended that the flight will be conducted by day, in VMC and in sight of the surface, only obstacles within 900 metres in either side of the route shall be considered.

(4) The operator shall take into account the effects of winds on the flight path.

(5) When complying with the provisions of this regulation, the width margins referred to in subregulations (2) and (3) may be reduced to 9.3 kilometres if the required navigation accuracy can be achieved.

(6) In the event of any two power units becoming inoperative in the case of a helicopter having three or more power units, the helicopter shall be able to continue the flight to a suitable landing site and make a landing at such landing site.

### **Approach and landing**

**127.09.7** (1) The operator of a Class 1 helicopter shall 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 shall, 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 touchdown area available or perform a baulked 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 shall, 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 touchdown area available.

(3) For the purposes of subregulation (2)(b), "touchdown area available" means an elevated heliport or helideck, if applicable.

(4) When complying with the provisions of this regulation, the operator shall take into account -

- (a) the pressure altitude at the destination aerodrome;
- (b) the expected air temperature at the destination aerodrome;
- (c) the landing technique to be used;
- (d) not more than 50 per cent of the forecast head-wind component, unless otherwise approved; and
- (e) any expected variation in the mass of the helicopter during flight.

(5) The operator shall ensure that the part of the landing from the specified landing decision point to touchdown, is conducted in sight of the surface.

**DIVISION TWO : CLASS 2 HELICOPTER****General**

**127.09.8** (1) The operator of a Class 2 helicopter shall 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 therefrom that will permit a safe forced landing to be executed in the event of engine failure.

(2) A Class 2 helicopter shall not be operated from elevated heliports in built-up urban areas.

**Take-off**

**127.09.9** (1) The operator of a Class 2 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum mass specified for a rate of climb for the pressure altitude and ambient temperature at the aerodrome of departure, which will allow the helicopter, in the event of the critical power unit becoming inoperative at any time after reaching the specified take-off decision point, to continue the take-off and initial climb and clear all obstacles along its flight path by a margin of 35 feet, until it is in a position to comply with the provisions of regulation 127.09.10.

(2) The operator shall ensure that for an elevated heliport, the maximum mass is such that the helicopter is capable of -

- (a) rejecting the take-off and landing on the elevated heliport; or
- (b) continuing the take-off and clearing the elevated heliport, until it is in a position to comply with the provisions of regulation 127.09.10 or to carry out a safe forced landing.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

- (a) the pressure altitude at the elevated heliport;
- (b) the ambient temperature at the elevated heliport;
- (c) the take-off technique to be used; and
- (d) not more than 50 per cent of the reported head-wind component or, if such data is provided, not less than 150 per cent of the reported tail-wind component: Provided that if approved wind measuring equipment is used, the head-wind component may be factored by 80 per cent.

(4) The part of the take-off up to the commencement of the take-off flight path, shall be conducted in sight of the surface.

**Take-off flight path**

**127.09.10** (1) The operator of a Class 2 helicopter shall ensure that the take-off flight path of the helicopter clears all obstacles by a vertical margin of at least 35 feet in VFR and at least 35 feet plus 0.01 DR in IFR, where DR is the horizontal distance which the helicopter has travelled from the end of the take-off distance available.

(2) The operator shall not be required to consider an obstacle, if its lateral margin from the nearest point on the surface below the intended flight path, exceeds 30 m or 1.5 times the overall length of the helicopter, whichever is the greater, plus -

- (a) 0.15 DR for VFR operations; or
  - (b) 0.30 DR for IFR operations.
- (3) Obstacles may be disregarded if they are situated beyond -
- (a) 7R for day operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;
  - (b) 10R for night operations, if it is assured that navigation accuracy can be achieved by reference to suitable visual cues during the climb;
  - (c) 300 metres, if the pilot is able to maintain the navigation accuracy through navigation aids; and
  - (d) 900 metres, in all other cases.
- (4) For the purposes of subregulation (3), "R" means the rotor radius.
- (5) Where a change of direction of more than 15 degrees is made, vertical obstacle clearance requirements are to be increased by 15 feet from the point at which the turn is initiated: Provided that such turn shall not be initiated before reaching a height of 100 feet above the take-off surface.
- (6) When complying with the provisions of this regulation, the operator shall take into account -
- (a) the mass of the helicopter at the commencement of the take-off;
  - (b) the pressure altitude at the aerodrome;
  - (c) the ambient temperature at the aerodrome; and
  - (d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component, unless otherwise approved.

#### **En route with one or more engines inoperative**

**127.09.11** (1) The operator of a Class 2 helicopter shall ensure that the one-engine inoperative en route flight path, appropriate to the meteorological conditions expected for the flight, complies with the provisions of this regulation at all points along the route.

- (2) When it is intended that the flight will be conducted -
- (a) at any time out of sight of the surface, the mass of the helicopter shall permit a rate of climb of at least 50 feet per minute with one engine inoperative at an altitude of at least 1 000 feet or 2 000 feet in areas of mountainous terrain, above all obstacles along the route within 18.5 km on either side of the intended track;
  - (b) by day, in VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.
- (3) The operator shall 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 the provisions of regulation 127.10.12;
  - (b) the flight path clears vertically by at least 1 000 feet or 2 000 feet in areas of mountainous terrain, all obstacles along the route within 18,5 kilometres on either side of the intended track;

- (c) the engine is assumed to fail at the most critical point along the route:

Provided that when it is intended that the flight will be conducted by day, in VMC and in sight of the surface, only obstacles within 900 metres on either side of the route shall be considered.

(4) The operator shall take into account the effects of winds on the flight path.

(5) When complying with the provisions of this regulation, the width margins referred to in subregulations (2) and (3) may be reduced to 9.3 kilometres if the required navigation accuracy can be achieved.

### **Landing**

**127.09.12** (1) The operator of a Class 2 helicopter shall 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 ambient temperature expected for the estimated time of landing at the aerodrome at which it is intended to land, and at the alternate aerodrome, which will allow the helicopter, in the event of the critical power unit becoming inoperative before the specified landing decision point after clearing all approaches path by a safe margin, to either land and stop within the touchdown area available or to perform a balked landing and clear all obstacles in the flight path by a margin of 35 feet.

(2) Since the becoming inoperative of the critical power unit after the specified landing decision point may cause the helicopter to force land, the helicopter shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, which will permit a safe forced landing to be executed in the event of such failure.

(3) When determining the maximum landing mass for elevated heliports, the maximum landing mass shall be such that the helicopter is capable of -

- (a) landing on the elevated heliport; or
- (b) rejecting the landing and clearing the elevated heliport, and thereafter continuing the flight or carrying out a safe forced landing.

(4) When complying with the provisions of subregulation (3)(b), the operator shall take into account -

- (a) the pressure altitude at the elevated heliport;
- (b) the expected air temperature at the elevated heliport;
- (c) the landing technique to be used;
- (d) not more than 50 per cent of the forecast head-wind component, unless otherwise approved; and
- (e) any expected variation in the mass of the helicopter expected during the flight.

**DIVISION THREE : CLASS 3 HELICOPTER****General**

**127.09.13** (1) The operator of a Class 3 helicopter shall ensure that operations are only conducted in conditions of weather and light, and from those aerodromes and over such routes and diversions therefrom, that will permit a safe forced landing to be executed in the event of engine failure.

(2) A Class 3 helicopter shall not be operated from elevated heliports in built-up urban areas.

**Take-off**

**127.09.14** (1) The operator of a Class 3 helicopter shall ensure that the take-off mass of the helicopter does not exceed the maximum 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 shall include 17 knot wind accountability.

(3) The helicopter shall be able, with all engines operating, to clear all obstacles along its flight path by a margin of 35 feet until it is in a position to comply with the provisions of regulation 127.09.15.

**En route**

**127.09.15** The operator of a Class 3 helicopter shall ensure that the helicopter is able, with all power-units operating, to continue along its intended route, or to a planned diversion therefrom, without flying at any point below the appropriate minimum flight altitude.

**Landing**

**127.09.16** (1) The operator of a Class 3 helicopter shall 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 the destination and any alternate aerodrome, if required.

(2) For the purposes of this regulation, hover inside ground effect performance data shall include 17 knot wind accountability.

(3) With all engines operating, the helicopter shall, at the destination and any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, be able to land and stop within the touchdown area available or to perform a balked landing and clear all obstacles in the flight path by a margin of 35 feet.

**SUBPART 10****HELICOPTER MAINTENANCE****General**

**127.10.1** (1) This Subpart prescribes the helicopter maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a helicopter shall not operate the helicopter unless such helicopter is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

**Operator's maintenance system**

**127.10.2** (1) An applicant for the issuing of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

- (a) the maintenance management manual referred to in regulation 127.10.6;
- (b) the operator's helicopter maintenance programme referred to in regulation 127.10.5;
- (c) the helicopter technical log referred to in regulation 127.10.7; and
- (d) the technical specifications of the maintenance arrangements referred to in regulation 127.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

**Maintenance responsibility**

**127.10.3** (1) The operator of a helicopter shall ensure the airworthiness of the helicopter and the serviceability of both its operational and emergency equipment by -

- (a) the accomplishment of pre-flight inspections;
- (b) the rectification to an approved standard, of any defect and damage affecting safe operation, taking into account the MEL and the CL, if available for the helicopter type;
- (c) the accomplishment of all maintenance in accordance with the approved operator's helicopter maintenance programme referred to in regulation 127.10.7;
- (d) the analysis of the effectiveness of such programme;
- (e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement issued or prescribed in terms of the Regulations; and
- (f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each helicopter operated, remains valid in respect of -

- (a) the requirements prescribed in paragraph (a); and
- (b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (a) shall be performed in accordance with procedures approved by the Director.

#### **Maintenance management**

**127.10.4** (1) The operator of a helicopter shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 127.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

#### **Operator's maintenance management programme**

**127.10.5** (1) The operator of a helicopter shall establish a helicopter maintenance programme according to which the helicopter shall be maintained.

(2) The helicopter management programme shall include -

- (a) details of the frequency of all maintenance required to be carried out; and
- (b) a reliability programme, if the Director determines that such programme is necessary.

(3) The helicopter management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Operator's maintenance management manual**

**127.10.6** (1) The operator of a helicopter shall compile a maintenance management manual which shall -

- (a) comply with the requirements prescribed in this Subpart and Subpart 6; and
- (b) contain the information as prescribed in Document NAM-CATS-OPS 127.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Operator's helicopter technical log**

**127.10.7** (1) The operator of a helicopter shall establish a helicopter technical log system containing the following information for each helicopter:

- (a) Particulars of each flight necessary to ensure continued flight safety;

- (b) the current certificate of release to service;
- (c) the current maintenance statement giving the helicopter maintenance status of which maintenance required in terms of Part 43, is next due;
- (d) all outstanding deferred defects which affect the operation of the helicopter; and
- (c) any necessary guidance instructions on maintenance support arrangements.

(2) The helicopter technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Maintenance records**

**127.10.8** (1) The operator of a helicopter shall ensure that the helicopter technical log referred to in regulation 127.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

- (a) All detailed maintenance records in respect of the helicopter, and any helicopter component fitted thereto, for 24 months after such helicopter, or helicopter component, has been released to service;
- (b) the total time and flight cycles, as appropriate, of the helicopter and all life-limited helicopter components, for 12 months after the helicopter has been permanently withdrawn from service;
- (c) the time and flight cycles, as appropriate, since the last overhaul of the helicopter, or helicopter component subjected to an overhaul life, until the helicopter or helicopter component overhaul has been superseded by another overhaul of equivalent work scope and detail;
- (d) the current helicopter inspection status to prove compliance with the helicopter maintenance programme referred to in regulation 127.10.5, until the helicopter or helicopter component inspection has been superseded by another inspection of equivalent work scope and detail;
- (e) the current status of airworthiness directives applicable to the helicopter and helicopter components, for 12 months after the helicopter has been permanently withdrawn from service; and
- (f) details of current modifications and repairs to the helicopter, or any helicopter component vital to flight safety, for 12 months after the helicopter has been permanently withdrawn from service.

(3) The operator shall ensure that, if the helicopter is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

#### **Continued validity of air operator certificate in respect of maintenance system**

**127.10.9** The operator of a helicopter shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

**Quality Assurance System**

**127.10.10** (1) For maintenance purposes, the operator's Quality Assurance System, as required by regulation 127.06.02, must additionally include at least the following functions:

- (a) Monitoring that the activities of regulation 127.10.3 are being performed in accordance with the accepted procedures;
- (b) Monitoring that all contracted maintenance is carried out in accordance with the contract; and
- (c) Monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

**SUBPART 11****RULES OF THE AIR  
DIVISION ONE : FLIGHT RULES****Landing and Take-off**

**127.11.1** No pilot-in-command shall use a public road as a place of landing or take-off in a helicopter, except -

- (a) in the case of an emergency involving the safety of the helicopter 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.

**Dropping objects, spraying or dusting**

**127.11.2** Except in an emergency or unless granted special permission by the Director, no person shall drop an article from a helicopter in flight other than -

- (a) fine sand or clean water used as ballast; or
- (b) chemical substances for the purpose of spraying or dusting.

**Picking up objects**

**127.11.3** The pilot-in-command of a helicopter in flight shall not permit objects to be picked up, except -

- (a) with the prior approval of the Director; or
- (b) if certificated to do so under aerial work operations or external-load operations in terms of Part 133.

**Towing**

**127.11.4** The pilot-in-command of a helicopter in flight shall not permit anything to be towed by the helicopter, except -

- (a) with the prior approval of the Director; or
- (b) if certificated to do so under aerial work operations.

**Right of way**

**127.11.5** (1) The pilot-in-command of a helicopter which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a helicopter which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a helicopter and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a helicopter and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

- (a) The pilot-in-command of a helicopter shall give way to airships, gliders and balloons;
- (b) the pilot-in-command of a helicopter shall 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) A helicopter which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken helicopter by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a helicopter in flight or operating on the ground or, in the case of an amphibious helicopter, on water, shall give way to other aircraft landing or on final approach to land.

- (7) (a) When a helicopter and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall 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.
- (b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a helicopter shall give way to gliders.

(8) The pilot-in-command of a helicopter about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a helicopter who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) 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 therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

#### **Following line features**

**127.11.6** The pilot-in-command of a helicopter 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 or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

### Helicopter speed

**127.11.7** (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly a helicopter at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a helicopter within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

- (a) 160 knots, in the case of a reciprocating-engine helicopter; or
- (b) 200 knots, in the case of a turbine-powered helicopter:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the helicopter may be flown at the minimum safe indicated air speed.

### Lights to be displayed by helicopter

**127.11.8** The lights which have to be displayed by a helicopter by night or on the manoeuvring area of an aerodrome, or, in the case of an amphibious helicopter, on water, shall be as prescribed in NAM-CATS-OPS 127.

### Operation on and in vicinity of aerodrome

**127.11.9** (1) The pilot-in-command of a helicopter operated on or in the vicinity of an aerodrome, shall be 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: Provided that 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; and
- (d) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided 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 shall conform with the traffic pattern at such aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the helicopter 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 service 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; or
- (b) if this is 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 shall also, whilst the helicopter 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 and obtain information in respect of the surface wind, altimeter setting and aerodrome traffic on the manoeuvring area and in the aerodrome traffic zone; or
- (b) if this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command of a helicopter who is unable to communicate by radio shall, 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 he or she has the consent of the appropriate air traffic service unit to do otherwise.

### Signals

**127.11.10** The pilot-in-command of a helicopter in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 127, take such action as may be required by the interpretation of such signal.

### Water operations

**127.11.11** (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of an amphibious helicopter operated on the water shall comply with the provisions thereof.

(2) The pilot-in-command of an amphibious helicopter in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When an amphibious helicopter and another aircraft, or an amphibious helicopter and a vessel are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of an amphibious helicopter which has another aircraft or a vessel on its right, shall give way so as to keep well clear.

(5) The pilot-in-command of an amphibious helicopter approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the amphibious helicopter to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the amphibious helicopter overtaking shall alter the heading of such amphibious helicopter to keep well clear.

(7) The pilot-in-command of an amphibious helicopter landing on or taking off from the water shall, in so far as practicable, keep well clear of all vessels and avoid impeding their navigation.

### Reporting position

**127.11.12** The pilot-in-command of a helicopter -

- (a) flying in controlled airspace;
- (b) flying in advisory airspace; or
- (c) on a flight for which alerting action is being provided,

shall ensure 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, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, 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 Director in terms of Part 175, for that area.

#### **Mandatory radio communication in controlled airspace**

**127.11.13** The pilot-in-command of a helicopter to be operated in or crossing a controlled airspace shall ensure that, before the helicopter enters such airspace, two-way radio communication is established with the responsible air traffic service unit on the designated radio frequency, and shall ensure, while the helicopter is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

- (a) the air traffic service unit may permit a helicopter 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 shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and
- (b) in the case of radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 127, are complied with.

#### **Mandatory radio communication in advisory airspace**

**127.11.14** The pilot-in-command of a helicopter to be operated in advisory airspace shall ensure that, before the helicopter approaches or enters such airspace -

- (a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or
- (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 intention of the pilot-in-command of the helicopter to enter the airspace, and such pilot-in-command shall ensure that, while the helicopter is within the advisory airspace and until it departs therefrom, 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:

Provided that in the case of a radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 127, are complied with.

#### **Compliance with air traffic control clearance and instructions**

**127.11.15** The pilot-in-command of a helicopter shall -

- (a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;
- (b) not operate the helicopter contrary to an air traffic control instruction 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 control unit of the deviation, as soon as practicable.

#### **Prohibited areas**

**127.11.16** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

- (a) specify a height above the ground surface of such area; or
- (b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any helicopter whatsoever in the airspace above a prohibited area -

- (a) below the height specified in terms of subregulation (1)(a); or
- (b) below the altitude specified in terms of subregulation (1)(b), as the case may be, in respect of the prohibited area in question.

#### **Restricted and danger areas**

**127.11.17** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted or danger area and shall, when so declaring an area to be a restricted or danger area, specify in the notice in question -

- (a) the nature and extent of the restriction or dangerous activity applicable in respect of the area in question; and
- (b) the authorisation under which flights in such a restricted or danger area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any helicopter to which the said restriction applies, in any restricted or danger area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

**DIVISION TWO : VISUAL FLIGHT RULES****Visibility and distance from cloud**

**127.11.18** (1) Every VFR flight shall be so conducted by the pilot-in-command of a helicopter that the helicopter is flown -

- (a) with visual reference to identifiable objects on the surface by day;
- (b) by night, with less than three eighths of cloud -
  - (i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or
  - (ii) with visual reference to identifiable objects on the surface;
- (c) at no time above more than three eighths of cloud within a radius of five nautical miles of such helicopter;
- (d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 127: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.

(2) An air traffic service unit may authorise the pilot-in-command of a helicopter to operate in Class G airspace in less than 1 500 m flight visibility, if manoeuvred at a speed which will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

**Special VFR weather minima**

**127.11.19** The pilot-in-command of a helicopter may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 127.11.18, within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only;
- (c) clear of clouds;
- (d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;
- (e) in a helicopter 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.

**Responsibility to ascertain whether VFR flight is permitted**

**127.11.20** Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a helicopter shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

**DIVISION THREE : INSTRUMENT FLIGHT RULES****Compliance with IFR**

**127.11.21** If the pilot-in-command of a helicopter conducts a flight above flight level 200, he or she shall fly the helicopter in compliance with IFR as prescribed in this Subpart.

**Helicopter equipment**

**127.11.22** No operator or pilot-in-command, as the case may be, of a helicopter, which is required to operate in compliance with IFR, shall operate the helicopter unless such helicopter is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the provisions of Subpart 5.

**Change from IFR flight to VFR flight**

**127.11.23** (1) The pilot-in-command of a helicopter who elects to change the conduct of flight of the helicopter from compliance with IFR to compliance with VFR shall, 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) When a helicopter operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

**IFR procedures**

**127.11.24** (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a helicopter flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 127.11.23, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

**DIVISION FOUR : AIR TRAFFIC RULES****Air traffic service procedures**

**127.11.25** The pilot-in-command of a helicopter to be operated in controlled airspace shall -

- (a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 127.04.7;
- (b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 127.11.13; and
- (c) comply with air traffic control clearances and instructions:

Provided that -

- (i) the pilot-in-command of a helicopter may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and
- (ii) the pilot-in-command of a helicopter may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

**Priority**

**127.11.26** An air traffic service unit may, with regard to arrivals and departures, give priority to a helicopter operating in accordance with flight plan clearance over aircraft not so engaged.

**DIVISION FIVE : HEIGHTS AND INSTRUMENT APPROACH  
AND DEPARTURE PROCEDURES**

**Minimum heights**

**127.11.27** (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a helicopter -

- (a) shall fly the helicopter over built-up areas or over an 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 such helicopter;
- (b) when flown elsewhere than specified in paragraph (a), shall fly the helicopter at a height less than 500 feet above the ground or water; and
- (c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a helicopter shall by night, in IMC, or when operated in accordance with IFR, fly the helicopter -

- (a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedure as the Director may determine; or
- (b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the helicopter in flight.

**Semi-circular rule**

**127.11.28** (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a helicopter in level flight shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 127.

(2) Helicopters flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

**Standard instrument approach to and departure from aerodrome**

**127.11.29** When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a helicopter shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

**SUBPART 12****ALL WEATHER OPERATIONS****Aerodrome operating minima**

**127.12.1** The aerodrome operating minima are the minima referred to in regulation 127.08.11.

**General operating rules for low-visibility operations**

**127.12.2** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall ensure that no Category II or III operations are conducted with the helicopter unless -

- (a) such helicopter is certificated for operations with decision heights below 200 feet or no decision height, and equipped in accordance with the provisions of this Part;
- (b) a suitable system for recording approach or automatic-landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) the operations are approved by the Director;
- (d) the flight crew consists of at least two pilots; and
- (e) decision height is determined by means of a radio altimeter.

(2) The pilot-in-command shall not conduct low-visibility take-off with RVR of less than 150 m, unless approved by the Director.

**Aerodrome considerations for low-visibility operations**

**127.12.3** (1) No pilot-in-command of a helicopter shall use an aerodrome for Category II or III operations, unless the aerodrome is approved for such operations by the appropriate authority of the State in which the aerodrome is located.

(2) The operator or pilot-in-command, as the case may be, of a helicopter intended to be used in low-visibility operations, shall verify that low-visibility procedures have been established, and are in force, at the aerodromes where low-visibility operations are to be conducted.

**Training and qualifications for low-visibility operations**

**127.12.4** The operator of a helicopter shall ensure that, prior to conducting low-visibility take-off and Category II and III operations -

- (a) each flight crew member -
  - (i) has completed the training and checking requirements as prescribed in Document NAM-CATS-OPS 127, including simulator training in operating to the limiting values of RVR and decision height appropriate to the operator's Category II or III approval; and
  - (ii) is qualified in accordance with the requirements as prescribed in Document NAM-CATS-OPS 127; and
- (b) the flight crew qualification is specific to the operation and the helicopter type.

**Operating procedures for low-visibility operations**

**127.12.5** (1) The operator or pilot-in-command, as the case may be, of a helicopter, shall establish procedures and instructions to be used for low-visibility take-off and Category II and III operations.

(2) The pilot-in-command shall be satisfied that -

- (a) the status of the visual and non-visual facilities is sufficient prior to commencing a low-visibility take-off or a Category II or III approach;
- (b) appropriate low-visibility procedures are in force according to information received from an air traffic service unit, before commencing a low-visibility take-off or a Category II or III approach; and
- (c) the flight crew members are properly qualified to carry out a low-visibility take-off with RVR of less than 150 m, or a Category II or III approach.

**Minimum equipment for low-visibility operations**

**127.12.6** (1) The operator of a helicopter shall include in the operations manual referred to in regulation 127.04.3, the minimum equipment which shall be serviceable at the commencement of a low-visibility take-off or a Category II or III approach in accordance with the helicopter flight manual referred to in regulation 127.04.5.

(2) The pilot-in-command shall be satisfied that the status of the helicopter and its relevant airborne systems, is appropriate for the specific operation to be conducted.

**SUBPART 13 : SECURITY****Security requirements**

**127.13.1** An operator shall ensure that all appropriate personnel are familiar, and comply with the relevant requirements of the national security programmes.

**Flight crew compartment security**

**127.13.2** If installed, the flight crew compartment door on all helicopters operated for the purposes of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

**Training programmes**

**127.13.3** An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of helicopter and to minimise the consequences of such events should they occur.

**Helicopter search procedure checklist**

**127.13.4** An operator shall ensure that all helicopters carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

**Reporting acts of unlawful interference**

**127.13.5** Following an act of unlawful interference on board a helicopter the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

**PART 133**

**CERTIFICATED AIRCRAFT OPERATORS  
AND OTHER FLIGHT OPERATIONS:  
HELICOPTER EXTERNAL-LOAD OPERATIONS**

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- 133.03.1 Flight characteristics requirements
- 133.03.2 Structures and design
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- 133.03.4 Helicopter-load combination flight manual
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**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**

**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 -
  - (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 -

- (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**

**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.

(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.

(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.

**PART 135**

**CERTIFICATED AIRCRAFT OPERATIONS AND  
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**SUBPART 1****GENERAL****Applicability**

- 135.01.1** (1) This Part shall apply to -
- (a) small acroplanes engaged in commercial air transport operations within Namibia;
  - (b) small aeroplanes registered in Namibia and engaged in international commercial air transport operations;
  - (c) the issuing of air operator certificates for Namibian operators, and matters related thereto;
  - (d) the issuing of foreign air operator permits for foreign operators, and matters related thereto;
  - (e) persons acting as crew members of small acroplanes registered in Namibia; and
  - (f) persons who are on board a small acroplane operated under this Part.

(2) For the purposes of this Part, a small aeroplane registered in another State and operated by the holder of an air operator certificate issued in Namibia, shall be deemed to be registered in Namibia.

(3) The provisions of Part 91 shall apply *mutatis mutandis* to any small aeroplane operated in terms of this Part.

**Authority of pilot-in-command**

**135.01.2** All persons on board a small aeroplane shall obey all lawful commands given by the pilot-in-command of the aeroplane for the purpose of securing the safety of such aeroplane and of persons or property carried therein.

**Authority of personnel to taxi small aeroplanes**

**135.01.3** No operator or pilot-in-command, as the case may be, of a small aeroplane, shall permit the taxiing of, and no person shall taxi, the aeroplane on the movement area of an aerodrome unless the person at the controls of such aeroplane -

- (a) is the holder of a valid pilot licence; or
- (b) has received instruction in the taxiing of such aeroplane from, and has been declared competent to taxi such aeroplane by, the holder of a flight instructor rating or, in the case of a foreign registered aeroplane, a person authorised by an appropriate authority;
- (c) if the person uses a radio apparatus, such person is authorised to use the radio apparatus; and
- (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 aeroplane movements at such aerodrome.

**Search and rescue information**

**135.01.4** The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that all essential information concerning the search and rescue services in the area over which it is intended that the aeroplane will be flown, is available on board such aeroplane.

**Information on emergency and survival equipment carried**

**135.01.5** (1) The operator of a small aeroplane shall have available for immediate communication to rescue co-ordination centres, a list containing information regarding the emergency and survival equipment carried on board the aeroplane.

(2) The minimum information to be contained in the list referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-OPS 135.

**Method of carriage of persons**

**135.01.6** No person shall be in any part of a small aeroplane in 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 aeroplane -

- (a) for the purpose of taking action necessary for the safety of such aeroplane or of any person, animal or goods therein; and
- (b) in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while such aeroplane is in flight.

**Admission to flight deck**

**135.01.7** (1) The operator of a small aeroplane shall ensure that no person is admitted to, or carried on the flight deck of the aeroplane unless such person is -

- (a) a flight crew member assigned to the flight;
- (b) an authorised officer, inspector or authorised person; or
- (c) permitted by, and carried in accordance with the instructions contained in the operations manual referred to in regulation 135.04.3.

(2) The final decision regarding the admission of any person to the flight deck shall be the responsibility of the pilot-in-command: provided that in the case of an authorised officer, inspector or authorised person on an official inspection, such admission shall not be unreasonably withheld.

(3) The admission of any person to the flight deck shall not interfere with the operation of the aeroplane.

(4) Any person carried on the flight deck, shall be made familiar with the applicable safety procedures.

**Unauthorised carriage**

**135.01.8** No person shall secrete himself, herself, animals or cargo on board a small aeroplane.

**Electronic devices**

**135.01.9** (1) Subject to the provisions of subregulation (2), no operator or pilot-in-command, as the case may be, of a small aeroplane, shall permit the operation of, and no person shall operate on board the aeroplane during flight time, any electronic device which may adversely affect the performance of the systems or equipment of such aeroplane.

(2) The Director may, in Document NAM-CATS-OPS 135, identify an electronic device as a device which will not adversely affect the performance of the systems or equipment of the aeroplane in which the systems or equipment are to be used, and the provisions of subregulation (1) shall not apply to an electronic device so identified.

**Endangering safety**

**135.01.10** No person shall, through any act or omission -

- (a) endanger the safety of a small aeroplane or person therein; or
- (b) cause or permit the aeroplane to endanger the safety of any person or property.

**Intoxication**

**135.01.11** (1) The operator of a small aeroplane shall not permit, and no person shall enter or be in, the aeroplane while under the influence of any alcohol or psychoactive substance, to the extent where the safety of such aeroplane or its occupants is, or is likely to be, endangered.

(2) The operator shall establish procedures to ensure that any person referred to in subregulation (1) -

- (a) is refused embarkation; or
- (b) if such person is already on board, is restrained or disembarked.

**Dry lease of small aeroplane**

**135.01.12** (1) A Namibian operator who intends to dry lease a foreign registered small aeroplane for operations under this Part, shall -

- (a) ensure that the aeroplane can be operated and is operated in accordance with the requirements prescribed in this Part;
- (b) obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1)(b) shall, subject to such conditions as the Director may determine, be granted if such aeroplane is -

- (a) type certificated in accordance with the requirements prescribed in Part 21;
- (b) maintained in accordance with the operator's maintenance system referred to in regulation 135.10.2;
- (c) operated under the air operator certificate held by the operator referred to in subregulation (1).

(3) The conditions of approval referred to in subregulation (2) shall be part of the lease agreement between the operator referred to in subregulation (1) and the operator from which the foreign registered small aeroplane is leased.

(4) Subject to the provisions of subregulation (5), the operator of a Namibian registered small aeroplane may dry lease the aeroplane to any operator of another Contracting State.

(5) On request of the operator of a Namibian registered small aeroplane, the Director may remove the aeroplane from the air operator certificate held by such operator: Provided that -

- (a) the appropriate authority of the State of the Operator has accepted in writing, the responsibility for surveillance of the maintenance and operation of such aeroplane; and

- (b) such aeroplane is maintained according to an approved operator's maintenance system.

#### **Wet lease of small aeroplane**

**135.01.13** (1) A Namibian operator who intends to wet lease a foreign registered small aeroplane for operations under this Part, shall obtain prior approval from the Director to operate such aeroplane.

(2) The approval referred to in subregulation (1) shall, subject to such conditions as the Director may determine, be granted if such aeroplane -

- (a) is wet leased from an operator who is the holder of an air operator certificate or equivalent authorisation issued by an appropriate authority;
- (b) has been type certificated by the appropriate authority;
- (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
- (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards prescribed in this Part; and
- (e) will be operated in terms of the air operator certificate held by the operator referred to in subregulation (1).

(3) The operator referred to in subregulation (1) shall -

- (a) satisfy the Director that the safety standards of the lessor are not less than the safety standards prescribed in this Part;
- (b) ensure that any law applicable to the maintenance and operation of the aeroplane to be wet leased, is complied with.

(4) The operator of a Namibian registered small aeroplane who intends to wet lease the aeroplane to any operator, other than an operator of another Contracting State, shall remain the operator of the aeroplane for the purposes of Subpart 6, and the responsibility for surveillance of the maintenance and operation of such aeroplane shall not be transferred to the appropriate authority of the State of the Operator.

#### **Leasing of small aeroplane between two Namibian operators**

**135.01.14** (1) A Namibian operator who intends to lease a small aeroplane and complete crew from another Namibian operator, shall become the operator of the aeroplane and shall assume the functions and responsibilities prescribed in Subpart 6.

(2) A Namibian operator, intending to utilise a small aeroplane leased from, or to lease it to, another Namibian operator shall obtain prior approval from the Director for the operation, and the conditions of approval shall be part of the lease agreement between the operators.

(3) The terms of an approved lease agreement, other than an agreement in terms of which an aeroplane together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include -

- (a) the arrangement concerning the air operator certificate under which the flights with the leased aeroplane shall be operated; and
- (b) any deviation from the air operator certificate under which the flights with the leased aeroplane shall be operated.

### Subchartering

**135.01.15** (1) In the exceptional circumstances as prescribed in Document NAM-CATS-OPS 135, an operator may subcharter a small aeroplane and crew from any operator who holds a valid air operator certificate, or similar document, for the aeroplane, issued by an appropriate authority: Provided that -

- (a) the subcharter period does not exceed five consecutive days; and
- (b) the operator of the aeroplane so subchartered, informs the Director, within 24 hours, of such subcharter.

(2) The provisions of regulations 135.01.12(1)(a) and (2), 135.01.13(3) and (4) and 135.01.14(1) and (3) shall apply *mutatis mutandis* to any subcharter referred to in this regulation.

### Preservation of documents

**135.01.16** The operator of a small aeroplane, who is required to retain any of the documents for the specified period referred to in Subpart 4, shall retain such documents for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the operator of the aeroplane concerned.

### Operational Directives

- 135.01.17**
- (a) The Director may direct by means of an Operational Directive that an operation shall be prohibited, limited or subject to certain conditions, in the interests of safe operations.
  - (b) Operational Directive state:
    - (1) The reason for issue;
    - (2) Applicability and duration; and
    - (3) Action required by the operator(s).
  - (c) Operational Directives are supplementary to the provision of Part 135.

### Power to Inspect

**135.01.18** An operator shall ensure that any person authorised by the Director is permitted at any time to board and fly in any aeroplane operated in accordance with an AOC issued by that Director and to enter and remain on the flight deck provided that the commander may refuse access to the flight deck if, in his opinion, the safety of the aeroplane would thereby be endangered.

**SUBPART 2****CREW MEMBERS****Composition of crew**

**135.02.1** (1) The minimum number and composition of the crew shall not be less than the minimum number and composition specified in the aeroplane flight manual referred to in regulation 135.04.5.

(2) The operator of a small aeroplane shall allocate additional crew members when it is required by the type of operation, and the number of such additional crew members shall not be less than the number specified in the operations manual referred to in regulation 135.04.3.

(3) The operator shall ensure that the crew members -

- (a) are competent to perform the duties assigned to them; and
- (b) hold the appropriate valid licences and ratings.

(4) Any flight crew member operating the radio installation in the aeroplane shall be the holder of a valid radiotelephony operator certificate or similar document, authorising such member to operate the type of radio transmitting equipment to be used.

(5) When deemed necessary for the safe conduct of a flight, the flight crew shall include at least one member who is proficient in navigating over the route to be flown.

(6) For operations under IFR or at night in a turbo-propeller or turbojet aeroplane, the operator shall ensure that the minimum flight crew is two pilots: Provided that in the case of a turbojet aeroplane, a single-pilot operation is allowed if -

- (a) the aeroplane has been certificated for single-pilot IFR operations; and
- (b) the operator has included in the operations manual referred to in subregulation (2), a conversion and recurrent training programme for pilots which includes the additional requirements for single-pilot operations.

(7) The operator shall designate one pilot among the flight crew as pilot-in-command of the small aeroplane and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

**Crew member responsibilities**

**135.02.2** (1) No person shall act as a crew member of a small aeroplane -

- (a) while under the influence of any psychoactive substance;
- (b) within 24 hours, following scuba diving by such crew member;
- (c) within 48 hours, following blood donation by such 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 aeroplane 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 such aeroplane.

- (2) No crew member shall -
- (a) engage in any kind of problematic use of substances;
  - (b) use any alcohol or psychoactive substance less than eight hours prior to commencing standby for flight duty or flight duty, which flight duty shall be deemed to commence at the specified reporting time, if applicable;
  - (c) commence flight duty with a blood alcohol level exceeding 0,02 gram per 100 millilitres; or
  - (d) use any alcohol or psychoactive substance during flight duty or whilst on standby, or within eight hours after an accident or incident involving the aeroplane, unless the accident or incident was not related to his or her duties.

(3) No person shall act as a flight crew member of a small aeroplane if, prior to each flight, the planned flight time exceeds, or is likely to exceed, the permissible flight time and duty period as specified in the flight time and duty scheme referred to in regulation 135.02.10.

(4) If a flight crew member expects his or her cumulative flight hours projected for a particular operation, to exceed the appropriate limit specified in such flight time and duty scheme, the flight crew member shall inform the operator accordingly.

#### **In-flight relief of flight crew members**

**135.02.3** (1) The operator of a small aeroplane shall establish procedures in accordance with the provisions of this regulation, to prevent inexperienced flight crew members from doing duty together on the same flight.

(2) A flight crew member may be relieved in flight of his or her duties at the controls of a small aeroplane, by another suitably qualified flight crew member.

(3) A pilot assigned to the pilot-in-command station may be relieved by a relief pilot-in-command who -

- (a) is the holder of the appropriate valid pilot licence (aeroplane) and ratings;
- (b) has completed -
  - (i) the conversion training and checking, including type rating training, prescribed in Subpart 3;
  - (ii) the recurrent training and checking prescribed in Subpart 3; and
  - (iii) in the case of scheduled commercial air transport operations, recency, route and aerodrome qualifications referred to in regulation 135.02.9; and
- (c) may not operate below FL 200 unless he or she is the holder of the appropriate type rating and has been assigned to the pilot-in-command station.

(4) The co-pilot of a small aeroplane may be relieved by -

- (a) another suitably qualified pilot; or
- (b) a relief co-pilot who holds a valid commercial pilot licence (aeroplane) and instrument rating and who has completed -

- (i) the conversion training and checking, including type rating training other than take-off and landing training, prescribed in Subpart 3;
- (ii) the recurrent training and checking, other than take-off and landing training, prescribed in Subpart 3.

(5) A relief co-pilot referred to in subregulation (4) shall -

- (a) not operate as co-pilot below FL 200; and
- (b) shall simulate recency and refresher flying skill training at intervals not exceeding six months.

(6) When any additional crew member is carried to provide in-flight relief for the purpose of extending a flight time and duty period, such crew member shall hold qualifications which comply with the requirements of the operational duty which he or she is required to carry out during such in-flight relief period.

#### **Crew member emergency duties**

**135.02.4** (1) The operator and, where appropriate, the pilot-in-command of a small aeroplane shall assign to each 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) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual crew members.

(3) A crew member shall not accept an assignment of emergency functions unless such crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

#### **Crew members at duty stations**

**135.02.5** (1) In the case of a multi-crew aeroplane -

- (a) each crew member shall be at his or her assigned station or seat, properly secured by all seat belts and shoulder harnesses provided, during take-off and landing and whenever deemed necessary by the pilot-in-command in the interests of aviation safety;
- (b) each flight crew member shall keep his or her seat belt fastened while at his or her assigned station, during phases of the flight other than the phases referred to in paragraph (a);
- (c) each flight crew member required to be on flight deck duty, shall be at his or her assigned station, during take-off and landing;
- (d) all flight crew members on flight deck duty shall remain at their assigned stations during all phases of the flight other than the phases referred to in paragraph (c):

Provided that -

- (i) a flight crew member may leave his or her assigned station, in the course of the performance of his or her duties with regard to the operation of the aeroplane or for physiological needs; and
- (ii) at least one suitably qualified pilot remains at the controls of such aeroplane at all times;

- (e) the pilot-in-command or, where applicable, the operator shall ensure that crew members do not perform any activities during critical phases of the flight other than those required for the safe operation of the aeroplane.

(2) In the case of a single-pilot small aeroplane, the pilot-in-command shall, during all phases of the flight, remain at the controls of the aeroplane.

#### **Laws, regulations and procedures**

**135.02.6** (1) In an emergency situation which endangers a small aeroplane, crew members or passengers, the pilot-in-command may, in the interests of aviation safety -

- (a) take any action which he or she considers necessary under the circumstances; and
- (b) deviate from any law, regulation and operational procedure.

(2) If a pilot-in-command deviates from any law, regulation or operational procedure in an emergency situation referred to in subregulation (1), he or she shall forthwith notify the Director of such deviation.

(3) If the Director requests the pilot-in-command to submit a report on such deviation, the pilot-in-command shall submit the report to the Director within the period specified by the Director.

#### **Duties of pilot-in-command regarding flight preparation**

**135.02.7** (1) The pilot-in-command of a small aeroplane shall not commence a flight unless he or she is satisfied that -

- (a) the aeroplane is airworthy;
- (b) the instruments and equipment required for the particular type of operation to be undertaken, are installed and are serviceable, except as provided for in the MEL, if any;
- (c) the aeroplane has been released to service in accordance with the provisions of Part 43;
- (d) the mass of the aeroplane does not exceed the maximum certificated mass calculated from the performance information provided in the aeroplane flight manual referred to in regulation 135.04.5, in terms of which the performance operating limitations referred to in Subpart 9, are complied with;
- (e) the load carried by the aeroplane is properly secured, fit to be conveyed in accordance with the provisions of Part 92 and is so distributed that the centre of gravity is within the limits prescribed in such aeroplane flight manual;
- (f) an operational flight plan which complies with the criteria in the operations manual, is completed for each intended flight;
- (g) a flight plan referred to in regulation 135.04.7, has been properly completed and filed with the appropriate air traffic service unit, if required;
- (h) all the documents and forms required to be carried on board, current maps, charts and associated documents, are carried;
- (i) a check has been completed indicating that the performance operating limitations referred to in Subpart 9 will not be exceeded;
- (j) the search and rescue information, referred to in regulation 135.01.4, is available on board;

- (k) the requirements in respect of fuel, oil, oxygen, minimum safe altitudes, aerodrome operating minima and availability of alternate aerodromes, are complied with;
- (l) 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;
- (m) the status of the aeroplane and the relevant airborne systems are appropriate for the specific flight to be undertaken;
- (n) the external surfaces are clear of any deposit which might adversely affect the performance or controllability of the aeroplane, unless otherwise permitted in the aeroplane flight manual referred to in paragraph (d);
- (o) according to the information available to him or her, the weather at the aerodromes concerned and the condition of the runway intended to be used, will not prevent a safe take-off and departure or a safe landing at the destination aerodrome or alternate aerodrome, as applicable;
- (p) the RVR or visibility in the take-off direction of the aeroplane is equal to, or better than, the applicable minimum;
- (q) the crew members are properly qualified for the specific operation to be undertaken;
- (r) the status of the visual and non-visual facilities is sufficient prior to commencing a low visibility take-off, or a Category II or III approach as specified in Document NAM-CATS-OPS 135, if such approaches are planned;
- (s) an adequate and suitable aerodrome as specified in Document NAM-CATS-OPS 135, is available for take-off, en route and destination, should it become inadvisable to continue to or land at the destination aerodrome; and
- (t) the crew members are not apparently incapacitated as a result of injury, sickness, fatigue, the use of any psychoactive substance or any other cause.

(2) The pilot-in-command shall -

- (a) not commence a flight unless he or she has ascertained through the relevant NOTAM, AIC, AIP or AIP SUP or other relevant sources 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; and
- (c) advise an air traffic service unit, as soon as it is practical to do so, of any inadequate facilities encountered in the course of operations.

(3) Where mass and balance documentation is required in terms of these Regulations, the mass and balance documentation shall be acceptable to and countersigned by the pilot-in-command before a flight commences: Provided that if the mass and balance documentation is submitted to the pilot-in-command by electronic data transfer, commencement of the flight shall be deemed to be the acceptance thereof by such pilot-in-command.

(4) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command shall ensure that all crew, passengers, equipment and baggage are properly secured and all exit and escape paths are unobstructed.

#### **Duties of pilot-in-command regarding flight operations**

- 135.02.8** (1) The pilot-in-command shall be responsible for -
- (a) the operation and safety of the aeroplane;
  - (b) the conduct and safety of crew members and passengers carried; and
  - (c) the maintenance of discipline by all persons on board.
- (2) The pilot-in-command shall have the authority -
- (a) to give such commands he or she deems necessary in the interest of the safety of the aeroplane, persons or property; and
  - (b) to restrain any person, using only reasonable or sufficient force, if necessary, or disembark any person or cargo which in his or her opinion, represents a potential hazard to the safety of the aeroplane, persons or property.
- (3) The pilot-in-command shall 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 thereof is required;
  - (c) the location and method of opening emergency exits;
  - (d) when seat belts are to be fastened;
  - (e) when smoking is prohibited; and
  - (f) when electronic devices may be used.
- (4) The pilot-in-command shall -
- (a) ensure that the pre-flight inspection has been carried out, and that the checklists, and where applicable, the flight deck procedures and other instructions regarding the operation of the aeroplane, the limitations contained in the aeroplane flight manual referred to in regulation 135.04.5, or similar document, are fully complied with at the appropriate times during a flight;
  - (b) decide whether or not to accept an aeroplane with unserviceabilities allowed by the CDL or MEL, where applicable;
  - (c) before take-off, ensure that the passengers are briefed on the location and general manner of use of the relevant emergency equipment carried for collective or individual use and, when an emergency arises, instruct the passengers to take such emergency action as may be appropriate;
  - (d) ensure that during take-off and landing and whenever, by reason of turbulence or any emergency occurring during a flight, the precaution is considered necessary, all persons on board the aeroplane are secured in their seats by means of the seat belts or shoulder harnesses provided;

- (e) when replanning, whilst in flight, to proceed along a route or to a destination other than the route or destination originally planned, shall amend the operational flight plan, if such plan was required in terms of regulation 135.02.7(1)(f);
  - (f) report any accident or incident involving the aeroplane in accordance with the provisions of Part 12 of the Civil Aviation Act;
  - (g) report any dangerous goods accident or incident involving the aeroplane in accordance with the provisions of Part 92;
  - (h) if the aeroplane 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 crew member, or a failure of air traffic service facilities, submit an air traffic service incident report in accordance with regulation 12.02.2;
  - (i) record any technical defect and the exceeding of any technical limitation which occurred while he or she was responsible for the flight, in the flight folio; and
  - (j) 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.
- (5) The pilot-in-command shall ensure that -
- (a) oxygen is available to crew members and passengers if flights in a non-pressurised aeroplane are contemplated above 10 000 feet up to 12 000 feet in excess of 60 minutes, or above 12 000 feet; and
  - (b) 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 shall 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 aeroplane;
  - (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) continue a flight beyond the nearest suitable aerodrome, in the event of a crew member becoming unable to perform any essential duties as a result of fatigue, sickness, lack of oxygen or any other reason.
- (7) The pilot-in-command or, in his or her absence, the operator of the aeroplane, shall report any act of unlawful interference with the operation of such aeroplane, or the authority of the pilot-in-command -
- (a) if the act of unlawful interference occurs within Namibia; or
  - (b) if the act of unlawful interference occurs in a Namibian registered aeroplane within or over the territory of a foreign State, to the Director.

**Recency, route and aerodrome qualifications**

**135.02.9** (1) A pilot shall not act as pilot-in-command of a small aeroplane engaged in scheduled commercial air transport operations, unless the pilot has within the preceding 12 months demonstrated to the operator of the aeroplane an adequate knowledge of -

- (a) the route to be flown;
- (b) the aerodromes to be used;
- (c) the procedures applicable to flight paths over heavily populated areas and areas of higher traffic density; and
- (d) obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instrument approach procedures including operating minima.

(2) If a route requires a specific type of navigation qualification, the pilot-in-command shall within the 12 months immediately preceding a flight on such route, demonstrate his or her ability to the operator by -

- (a) flying over a route or area as pilot-in-command using the applicable special type of navigation system; or
- (b) flying over a route or area under the supervision of a suitably qualified pilot using the applicable special type of navigation system.

**Flight time and duty scheme**

**135.02.10** (1) The operator of a small aeroplane shall -

- (a) establish a scheme for the regulation of flight time and duty periods for each crew member;
- (b) include the scheme in the operations manual referred to in regulation 135.04.3;
- (c) ensure that each crew member complies with the provisions of such scheme;
- (d) not cause or permit any crew member to be on flight duty in the aeroplane if such operator knows or has been made aware that such crew member -
  - (i) will exceed the flight time and duty periods prescribed in subregulation (1)(a) while on flight duty; or
  - (ii) 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 crew members and passengers; and
- (e) not schedule a crew member for active flight duty for a period exceeding eight consecutive hours during any given flight time and duty period unless authorised in the scheme referred to in paragraph (a).

(2) The provisions to be included in a flight time and duty scheme referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 135.

**SUBPART 3****TRAINING AND CHECKING****DIVISION ONE : GENERAL****Training of flight crew members**

**135.03.1** (1) The operator of a small aeroplane shall establish and maintain a ground and flight training programme for flight crew members employed by such operator.

(2) The operator shall ensure that -

- (a) each flight crew member receives training in accordance with this Subpart and the appropriate syllabus as prescribed in Document NAM-CATS-OPS 135;
- (b) the training shall only be provided by an aviation training organisation approved in terms of Part 141, or a foreign aviation training organisation approved, by the Director; and
- (c) each flight crew member passes a written examination with regard to all the subjects of the training syllabi referred to in paragraph (a).

(3) The provisions of this Subpart shall apply in respect of full-time and part-time employed flight crew members.

**Initial training of flight crew members**

**135.03.2** A flight crew member employed by the operator of a small aeroplane shall have successfully completed the initial training and appropriate skill test as prescribed in Part 61.

**DIVISION TWO : PILOT TRAINING****Conversion training**

- 135.03.3** (1) The operator of a small aeroplane shall ensure that -
- (a) a flight deck crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61, when changing from one type of aeroplane to another, for which a new type rating is required;
  - (b) a flight crew member completes the operator's type conversion course before commencing unsupervised operational flying -
    - (i) when changing to an aeroplane for which a new type rating is required; or
    - (ii) when employed by such operator;
  - (c) type conversion training is conducted by a competent person in accordance with the detailed course syllabus included in the operations manual referred to in regulation 135.04.3, and as prescribed in Document NAM-CATS-OPS 135;
  - (d) the amount of training required by the operator's type conversion course is determined after due note has been taken of the flight crew member's previous training as recorded in the training records referred to in regulation 135.04.15;
  - (e) the minimum standards of qualification and experience required of flight crew members before undertaking type conversion training, are specified in the operations manual;
  - (f) each flight crew member undergoes the checks referred to in regulation 135.03.7(2) and(4) and the training and checks referred to in regulation 135.03.7(6) before commencing operational flying; and
  - (g) if multi-crew operations are contemplated, crew resource management training as prescribed in Document NAM-CATS-OPS 135, is included in the conversion course.

(2) In the case of changing from one type of aeroplane to another, the check referred to in regulation 135.03.7(2) may be combined with the type rating skill test prescribed in Part 61.

(3) The operator's type conversion course and the type rating course prescribed in Part 61, may be combined.

(4) The operator's type conversion course shall include the items and shall be conducted in the order, as prescribed in Document NAM-CATS-OPS 135.

(5) When a flight crew member has not previously completed an operator's type conversion course, the operator shall ensure that, in addition to the provisions of subregulation (4), the flight crew member undergoes general first aid training and, if applicable, ditching procedures training using the appropriate equipment in water.

**Differences training and familiarisation training**

**135.03.4** (1) The operator of a small aeroplane shall ensure that a flight crew member completes differences training when -

- (a) operating a variant of the type of aeroplane currently operated; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge and training on an appropriate training device.

(2) The operator shall ensure that a flight crew member completes familiarisation training when -

- (a) operating another aeroplane of the same type or variant; or
- (b) a change of equipment or procedures on types or variants currently operated, requires the acquisition of additional knowledge.

(3) The operator shall specify in the operations manual referred to in regulation 135.04.3, when differences training or familiarisation training is required.

#### **Upgrading to pilot-in-command**

**135.03.5** (1) The operator of a small aeroplane shall ensure that, for an upgrade to pilot-in-command from co-pilot, and for a pilot joining as pilot-in-command -

- (a) a minimum level of experience is specified in the operations manual referred to in regulation 135.04.3; and
- (b) if multi-crew operations are contemplated, the co-pilot or pilot, as the case may be, completes an appropriate command course.

(2) The command course referred to in subregulation (1)(b) shall be specified in the operations manual referred to in subregulation (1)(a), and shall include -

- (a) training in a simulator or flying training in the aeroplane;
- (b) an operator proficiency check operating as pilot-in-command;
- (c) pilot-in-command responsibilities;
- (d) operational in-command training under supervision;
- (e) completion of a pilot-in-command check referred to in regulation 135.03.7(4) and, in the case of scheduled commercial air transport operations, the recency, route and aerodrome qualifications referred to in regulation 135.02.9; and
- (f) if multi-crew operations are contemplated, the crew resource management training referred to in regulation 135.03.3(1)(g).

#### **Pilot-in-command holding a commercial pilot licence**

**135.03.6** The operator of a small aeroplane certificated in the aeroplane flight manual referred to in regulation 135.04.4 for single-pilot operations, shall ensure that -

- (a) the holder of a commercial pilot licence (aeroplane) does not operate as pilot-in-command of the aeroplane unless -
  - (i) when conducting passenger carrying operations under VFR outside a radius of 50 nautical miles from the aerodrome of departure, the pilot has a minimum of 300 hours of total flight time on aeroplanes or holds a valid instrument rating; or

- (ii) when operating on a multi-engine type under IFR, the pilot has a minimum of 400 hours of total flight time on aeroplanes, which includes 200 hours as pilot-in-command of which 100 hours have been under IFR including 40 hours multi-engine operations: Provided that the 200 hours as pilot-in-command may be substituted by hours operating as co-pilot on the basis of two hours co-pilot equals one hour as pilot-in-command: Provided further that these hours were gained within an established multi-pilot crew system prescribed in the operations manual referred to in regulation 135.04.3;
- (b) in addition to paragraph (a)(ii), when operating under IFR as a single pilot, the requirements prescribed in regulation 135.02.1(6), are complied with; and
- (c) in multi-pilot crew operations, and prior to operating as pilot-in-command, the command course referred to in regulation 135.03.5(1)(b), has been completed.

### **Recurrent training and checking**

**135.03.7** (1) The operator of a small aeroplane shall ensure that -

- (a) each flight crew member undergoes recurrent training and checking and that all such training and checking is relevant to the operation and the type or variant of aeroplane for which the flight crew member is licensed and rated;
- (b) a recurrent training and checking programme is included in the operations manual referred to in regulation 135.04.3;
- (c) recurrent training is conducted by -
  - (i) a competent person, in the case of ground and refresher training;
  - (ii) an appropriately type rated aeroplane simulator flight instructor, in the case of simulator training;
  - (iii) competent personnel, in the case of emergency and safety equipment training and checking; and
  - (iv) competent personnel, in the case of crew resource management training;
- (d) recurrent checking is conducted by -
  - (i) a designated examiner, in the case of operator proficiency checks; and
  - (ii) an appropriately type rated flight instructor qualified as pilot-in-command, designated by the operator, in the case of operational checks; and
- (e) when multi-crew operations are contemplated, each flight crew member undergoes operator proficiency checks every six calendar months as part of a normal flight crew complement.

(2) The operator shall ensure that, in the case of the operator proficiency checks referred to in subregulation (1)(e) -

- (a) each flight crew member undergoes such checks to demonstrate his or her competency in carrying out normal, abnormal and emergency procedures; and
- (b) such checks are conducted without external visual reference when the flight crew member will be required to operate under IFR.

(3) Upon successful completion of each operator proficiency check referred to in subregulation (1)(c), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of six calendar months calculated from the date on which such certificate was issued.

(4) The operator shall ensure that, in the case of an operational check, each flight crew member undergoes the operational check in the aeroplane to demonstrate his or her competency in carrying out normal operations specified in the operations manual referred to in regulation 135.04.3.

(5) Upon successful completion of an operational check referred to in subregulation (4), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(6) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

(7) Upon successful completion of the emergency and safety equipment check referred to in subregulation (6), the operator shall issue a certificate of competency to the flight crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the date on which such certificate was issued.

(8) The operator shall ensure that, in the case of crew resource management training, each flight crew member undergoes such training as part of the recurrent training.

(9) The operator shall ensure that, in the case of ground and refresher training, each flight crew member undergoes such training every 12 calendar months.

#### **Pilot qualification to operate in either pilot's seat**

**135.03.8** The operator of a small aeroplane shall ensure that -

- (a) a pilot to be assigned to operate in either pilot's seat, completes the appropriate training and checking; and
- (b) the training and checking programme is -
  - (i) specified in the operations manual referred to in regulation 135.04.3; and
  - (ii) is undertaken in accordance with the appropriate syllabus as prescribed in Document NAM-CATS-OPS 135.

#### **Advanced qualification programme**

**135.03.9** (1) The period of validity of the training referred to in regulation 135.03.7 may be extended, if the Director has approved an advanced qualification programme established by the operator.

(2) The advanced qualification programme shall contain training and checking which establishes and maintains a proficiency which is not less than the proficiency referred to in regulations 135.03.3, 135.03.4, 135.03.5 and 135.03.7.

**DIVISION THREE : TRAINING OF OTHER PERSONNEL.****Training**

**135.03.10** (1) The operator of a small aeroplane shall provide, where applicable, an initial, recurrent and refresher training course for -

- (a) a load master;
- (b) a parachute dispatcher; or
- (c) any other crew member essential to safe operations,

if such operations personnel are employed by such operator.

(2) The training course referred to in subregulation (1) shall be specified in the operations manual referred to in regulation 135.04.3.

**SUBPART 4****DOCUMENTATION AND RECORDS****Documents to be carried on board**

**135.04.1** The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that the following documents, or certified true copies thereof, are carried on board the aeroplane on each individual flight:

- (a) If the aeroplane is engaged in an international flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the journey logbook or general declaration;
  - (v) the aeroplane radio station licence;
  - (vi) if passengers are carried, the passenger manifest, unless the information is included in the general declaration referred to in subparagraph (iv);
  - (vii) if cargo is carried, a manifest and detailed declaration of the cargo;
  - (viii) the certificate of release to service;
  - (ix) the aeroplane flight manual referred to in regulation 135.04.5, or similar document;
  - (x) the mass and balance documentation referred to in regulation 135.08.14(9), if required;
  - (xi) the technical log, or similar document;
  - (xii) the MEL, if applicable;
  - (xiii) proof of third party liability insurance;
  - (xiv) the air operator certificate;
  - (xv) those parts of the operations manual which are required for the conduct of a flight;
  - (xvi) the noise certificate, if such certificate has been issued for the type of aeroplane; and
  - (xvii) a list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29;
  - (xviii) operational flight plan;
  - (xix) details of the filed ATS flight plan;
  - (xx) appropriate NOTAM/AIS briefing documentation
  - (xxi) appropriate meteorological information;
  - (xxii) Notification of special categories of passenger such as security personnel, if not considered as crew, handicapped persons, inadmissible passengers, deportees and persons in custody;
  - (xxiii) Notification of special loads including dangerous goods including when information to the commander as prescribed in Part 92.
  
- (b) if the aeroplane is engaged in a domestic flight -
  - (i) the certificate of registration;
  - (ii) the certificate of airworthiness;
  - (iii) the appropriate licences, ratings and medical certificate of each crew member;
  - (iv) the aeroplane radio station licence;
  - (v) the certificate of release to service;
  - (vi) the aeroplane flight manual referred to in regulation 135.04.5, or similar document;

- (vii) the mass and balance documentation referred to in regulation 135.08.14(9), if required;
- (viii) the technical log, or similar document;
- (ix) the MEL, if applicable;
- (x) the noise certificate, if such certificate has been issued for the type of aeroplane; and
- (xi) the list of visual signals for use by intercepting and intercepted aircraft referred to in regulation 91.06.29.

#### **Documents to be retained on ground**

**135.04.2** (1) The operator of a small aeroplane shall ensure that -

- (a) a copy of the operational flight plan;
- (b) copies of the relevant parts of the technical log;
- (c) the mass and balance documentation referred to in regulation 135.08.14(9), if required;
- (d) the passenger list or cargo manifest;
- (e) the special loads notification, if applicable; and
- (f) a general declaration, if the aeroplane is engaged in an international flight,

are retained in a safe place at the first point of departure in respect of each flight undertaken by the aeroplane.

(2) The documents referred to in subregulation (1), shall be retained for a period of at least 90 days.

#### **Operations manual**

**135.04.3** (1) The operator of a small aeroplane shall draw up an operations manual containing all the information required under this Part and setting out the manner in which such operator will operate the commercial air transport operation to be authorised by the air operator certificate.

(2) If the Director is satisfied that -

- (a) the operations manual complies with the provisions of subregulation (7);
- (b) the operator will comply with the provisions of regulation 135.06.10; and
- (c) the operator will not operate the commercial air transport operation concerned contrary to any provision of any law,

the Director shall certify in writing on such operations manual that it has been approved, and shall return the approved operations manual to the operator.

(3) If the Director is satisfied that the amendment and the operator comply with the provisions of subregulation (2), the Director shall certify in writing on such amendment that it has been approved, and shall return the approved amendment to the operator.

(4) The operator shall at all times operate the small aeroplane in accordance with the approved operations manual and any approved amendment thereto.

(5) The operator shall -

- (a) ensure that all operations personnel are able to understand the language used in those sections of the operations manual which pertain to their duties;

- (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;
- (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;
- (e) keep the operations manual up to date; and
- (f) keep the operations manual in a safe place.

(6) The contents of the operations manual shall not contravene the conditions contained in the air operator certificate issued to the operator in terms of regulation 135.06.6.

(7) The structure and contents of the operations manual shall be as prescribed in Document NAM-CATS-OPS 135.

(8) The operator shall, upon receipt of the approved operations manual, or an approved amendment thereto, from the Director, furnish the Director with a copy thereof.

#### **Aeroplane operating manual**

**135.04.4** (1) The operator of a small aeroplane shall compile and make available an aeroplane operating manual for use by the crew members employed by such operator.

(2) The aeroplane operating manual shall contain -

- (a) the normal, abnormal and emergency procedures relating to the aeroplane;
- (b) details of the aeroplane system; and
- (c) the checklists to be used by the crew members.

(3) The operator shall provide each crew member with a copy of those parts of the aeroplane operating manual, which are relevant to the operational duties assigned to such crew member.

(4) The operator shall ensure that the aeroplane operating manual is provided in a hard copy or in an approved electronic format.

(5) The aeroplane operating manual may be included in an operations manual referred to in regulation 135.04.3.

#### **Aeroplane flight manual**

**135.04.5** (1) The operator of a small aeroplane shall keep an approved and current aeroplane flight manual for each small aeroplane of which he or she is the operator.

(2) The crew members of the aeroplane shall, on each flight, operate such aeroplane in accordance with the aeroplane flight manual, unless an emergency dictates otherwise.

(3) The aeroplane flight manual may be included in the aeroplane operating manual referred to in regulation 135.04.4.

### Operational flight plan

**135.04.6** (1) The operator of a small aeroplane shall ensure that, where practical, an operational flight plan is completed for each flight undertaken by the aeroplane.

(2) The operational flight plan and its use shall be included in the operations manual referred to in regulation 135.04.3.

(3) All entries in the operational flight plan shall be current.

(4) The items to be contained in the operational flight plan shall be as prescribed in Document NAM-CATS-OPS 135.

(5) Each operational flight plan shall be retained by the operator for a period of at least 90 days.

### Flight plan

**135.04.7** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that a flight plan is completed, if so required in Terms of regulation 91.03.4(4).

(2) The items to be contained in the flight plan referred to in subregulation (1), shall be as prescribed in Document NAM-CATS-OPS 135.

(3) The flight plan shall be filed with the appropriate air traffic service unit and such unit shall be responsible for transmitting such flight plan to all air traffic service units concerned with the flight.

(4) An air traffic service unit may instruct a flight for which a flight plan is required and for which a flight plan has not been filed, to clear or to remain clear of controlled airspace, and not to cross any border of Namibia or to enter its airspace until such time as the required flight plan has been filed.

(5) Unless otherwise authorised by the responsible air traffic service unit, a flight plan for a flight to be conducted in controlled or advisory airspace, shall be filed at least 30 minutes before departure or, if filed during flight while outside controlled or advisory airspace for a flight to be conducted in such airspace, it shall be filed with the responsible air traffic service unit at least 10 minutes before the aeroplane is estimated to reach the intended point of entry into the controlled or advisory airspace.

(6) The pilot-in-command of the aeroplane shall ensure that all changes which become applicable to a flight plan before departure or in flight, are reported, as soon as practicable, to the responsible air traffic service unit.

(7) If a 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 flight plan shall be regarded as cancelled and a new flight plan shall be filed.

(8) Where an air traffic service unit is not in operation at the aerodrome of intended landing, a report shall be submitted to an air traffic service unit, by the quickest means of communication available, immediately before or after landing, in respect of a flight for which a flight plan was submitted and not as yet closed.

(9) Subject to the provisions of subregulation (10), the pilot-in-command shall ensure that the current flight plan filed for a controlled flight, is adhered to, unless a request for a change has been made and accepted by the air traffic service unit responsible for the controlled airspace in which such aeroplane is operated, or unless an emergency situation arises which necessitates immediate action, in which event the responsible air traffic service unit shall, as soon as circumstances permit, be notified of the action taken and that such action was taken under emergency authority.

(10) In the event of a controlled flight inadvertently deviating from its current flight plan, the following action shall be taken:

- (a) If the aeroplane is off track, action shall be taken forthwith to adjust the heading of such aeroplane 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, from that given in a flight plan, in excess of five per cent of the true airspeed, the responsible air traffic service unit shall be so informed;
- (c) if the estimated time at the next applicable reporting point, flight information regional boundary, or aerodrome of intended landing, whichever comes first, is found to be in error in excess of three minutes from that notified to the responsible air traffic service unit, a revised estimated time shall be notified to such air traffic service unit as soon as possible; or
- (d) if the aeroplane deviates from its altitude, action shall be taken forthwith to correct the altitude of such aeroplane.

#### **Technical log**

**135.04.8** (1) The operator or pilot-in-command, as the case may be, of a Namibian registered small aeroplane, shall ensure that the aeroplane carries a technical log, or any other similar document, which contains the information as prescribed in Document NAM-CATS-OPS 135, at all times.

(2) The technical log shall be kept up-to-date and maintained in a legible manner.

(3) All entries shall be made immediately upon completion of the occurrence to which they refer.

(4) In the case of rectification of defects being undertaken on the aeroplane, the entry shall be certified by the person taking responsibility for the maintenance performed.

(5) The operator shall retain the technical log for a period of five years calculated from the date of the last entry therein.

#### **Aeroplane checklist**

**135.04.9** (1) The operator or pilot-in-command, as the case may be, of small aeroplane, shall, where applicable, establish and make available to the crew and other personnel needing the information, a checklist system for the aeroplane, which shall be used by such crew and other personnel for all phases of the operation under normal, abnormal and emergency conditions.

(2) The operator shall, in addition to the checklist referred to in subregulation (1), compile and make available to such crew and other personnel, a checklist of procedures to be followed by such crew and personnel when searching for concealed weapons, explosives or other dangerous devices.

#### **Fuel and oil record**

**135.04.10** (1) The operator of a small aeroplane shall maintain fuel and oil records for each flight undertaken by the aeroplane under the control of such operator for 3 months.

(2) The pilot-in-command of the aeroplane shall enter the fuel and oil records referred to in subregulation (1), in the technical log.

#### **Certificate of release to service**

**135.04.11** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate -

- (a) a Namibian registered aeroplane without holding a valid certificate of release to service signed by an appropriately rated aircraft maintenance engineer or an approved aircraft maintenance organisation; or
- (b) a foreign registered aeroplane without holding a valid certificate, equivalent to the certificate referred to in paragraph (a), issued by an appropriate authority.

(2) The operator or pilot-in-command shall -

- (a) ensure that one copy of the certificate of release to service, or equivalent certificate, is carried on board the aeroplane to which it relates and, in the case of a Namibian registered aeroplane, a second copy shall be filed at the normal station of such aeroplane; and
- (b) retain a copy of the certificate for a period of 12 months calculated from the date of issue of such certificate.

#### **Flight recorder records**

**135.04.12** (1) The operator of a small aeroplane on which a flight recorder is carried, shall preserve the original recording as retained by the flight recorder -

- (a) in the case of an accident or incident involving such aeroplane -
  - (i) for a period of not less than 60 days calculated from the date of the accident or incident; or
  - (ii) until permission for disposal of such recording has been given by the investigator-in-charge or an appropriate authority,

whichever is the latter date, unless the preservation of the original recording is required under any other law;

- (b) when the Director so directs, for a period of not less than 60 days calculated from the date of such direction, or until permission for disposal of such recording has been given by the Director, unless the preservation of the original recording is required under any other law.

(2) If the aeroplane is required under this Part to be fitted with a flight data recorder, the operator shall -

- (a) save the recording for the period of operating time as required by subregulation (1)(a) and (b). Provided that 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;
- (b) keep a recording of at least one representative flight made within the preceding 12 months which includes a take-off, climb, cruise, descent, approach and landing, together with a means of identifying the recording with the flight to which it relates; and
- (c) keep a document which represents the information necessary to retrieve and convert the stored data into engineering units.

(3) The operator of the aeroplane on which a flight recorder is carried, shall, within a reasonable time after being requested to do so by the 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 purposes other than the investigation of an accident or incident only with the consent of all the flight crew members concerned.

(5) The flight data recorder recordings may be used for purposes other than the investigation of an accident or incident which is subject to mandatory reporting, only when such recordings are -

- (a) used by the operator for airworthiness or maintenance purposes;
- (b) de-identified; or
- (c) disclosed under secure procedures.

#### **Flight time and duty period records**

**135.04.13** (1) The operator of a small aeroplane shall -

- (a) maintain current flight time and duty period records of all crew members employed 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.

(2) A crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that the crew member does not exceed the limits prescribed in the flight and duty scheme referred to in regulation 135.02.15.

#### **Records of emergency and survival equipment**

**135.04.14** (1) The operator of a small aeroplane shall compile a list of all the survival and emergency equipment to be carried in the aeroplane and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The survival and emergency equipment list shall be included in the operations manual referred to in regulation 135.04.3.

(3) The format and minimum information to be included in the survival and emergency equipment list, shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Crew member training records**

**135.04.15** (1) The operator of a small aeroplane shall maintain the records of all training and proficiency checks undertaken by the crew members employed by such operator, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight crew member for a period of at least three years and the record of all other crew members for a period of at least 12 months from the date on which the crew member concerned has left the employ of such operator.

(3) The certificates referred to in subregulation (1) shall be made available by the operator to the crew member concerned on request.

**Production of documentation and records**

- 135.04.16** (1) An operator shall:
- (a) Give any person authorised by the Director access to any documents and records which are related to flight operations or maintenance; and
  - (b) Produce all such documents and records, when requested to do so by the Director, within a reasonable period of time.
- (2) The commander shall, within a reasonable time of being requested to do so by a person authorised by the Director, produce to that person the documentation required to be carried on board.

**Document storage periods**

**135.04.17** An operator shall ensure that all records and all relevant operational and technical information for each individual flight, are stored for the periods prescribed in NAM-CATS-OPS 135.

**SUBPART 5****INSTRUMENTS AND EQUIPMENT****Approval of instruments and equipment**

**135.05.1** (1) The operator of a small aeroplane shall ensure that a flight does not commence unless the instruments and equipment required under this Subpart, or otherwise installed in the aeroplane, 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 MEL.

(2) The operator shall not be required to obtain approval for -

- (a) the fuses referred to in regulation 135.05.3;
- (b) the electric torches referred to in regulation 135.05.4(2)(d);
- (c) accurate time-piece referred to in regulation 135.05.5(1)(b) or 135.05.6(1)(b);
- (d) the first aid equipment referred to in regulation 135.05.17;
- (e) the survival equipment referred to in regulation 135.05.27; and
- (f) sea anchors and equipment for the mooring, anchoring or manoeuvring of seaplanes and amphibious aeroplanes on water, referred to regulation 135.05.28.

**Use of instruments and equipment by pilot**

**135.05.2** (1) Instruments in a small aeroplane which are used by a pilot, shall be arranged in such 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.

(2) If a single instrument or item of equipment in the aeroplane is required to be seen or operated by more than one pilot, such single instrument or item of equipment shall be installed in such manner that it can be readily seen or operated from each pilot station.

(3) The aeroplane shall be equipped with means for indicating the adequacy of the power being supplied to the required flight instruments.

**Circuit protection devices**

**135.05.3** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, in which fuses are used, shall operate the aeroplane unless spare fuses are available for use in flight equal to at least ten per cent or three, whichever is the greater, of the number of fuses of each rating required for complete circuit protection, which spare fuses shall 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 shall be located and identified in such manner that it can be readily reset or replaced in flight.

(3) No person shall deactivate a circuit breaker in flight other than in accordance with the aeroplane flight manual referred to in regulation 135.04.5.

**Aeroplane operating lights**

**135.05.4** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane by day unless such aeroplane is equipped with an anti-collision light system.

(2) No operator or pilot-in-command shall operate the aeroplane by night unless such aeroplane is equipped with -

- (a) an anti-collision light system;
- (b) lighting supplied from the electrical system of the aeroplane to provide adequate illumination for all instruments and equipment used by the flight crew essential for the safe operation of such aeroplane;
- (c) lighting supplied from the electrical system of the aeroplane to provide illumination in all passenger compartments, if any; and
- (d) an electric torch for each required crew member readily accessible to such crew member when seated at his or her designated seat;
- (e) navigation or position lights; and
- (f) two landing lights or a single light having two separately energised filaments.

(3) No operator or pilot-in-command of a small seaplane or an amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless it is equipped with -

- (a) the instruments and equipment referred to in subregulation (1) or (2), as the case may be; and
- (b) when operating on water by night, display lights to conform with the International Regulations for Preventing Collisions at Sea.

(4) The navigation lights to be displayed by a small aeroplane by night, on the water or on the manoeuvring area of an aerodrome, are those referred to in regulation 135.11.7.

**Flight, navigation and associated equipment for aeroplanes operated under VFR**

**135.05.5** (1) The operator of a small aeroplane shall not operate the aeroplane in accordance with VFR, unless such 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, millibars or inches of mercury, adjustable for any barometric pressure setting likely to be encountered during flight;
- (d) an airspeed indicator;
- (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; and
- (i) a means of indicating on the flight deck the outside air temperature in degrees Celsius.

(2) If two pilots are required to operate the aeroplane, the second pilot's station shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting calibrated in hectopascals, millibars or inches of mercury, 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 co-ordinator, incorporating a slip indicator;
- (e) an attitude indicator; and
- (f) a stabilised direction indicator.

(3) For flights, the duration of which does not exceed 60 minutes, which take-off and land at the same aerodrome, and which remain within 25 nautical miles of such 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.

(4) A small aeroplane which is operated by night, shall be equipped in accordance with the flight and navigation instruments referred to in regulation 135.05.6.

#### **Flight, navigation and associated equipment for aeroplanes operated under IFR**

**135.05.6** (1) The operator of a small aeroplane shall not operate the aeroplane in accordance with IFR, unless such 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, millibars or inches of mercury, 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, 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; and
- (j) an alternate source of static pressure for the altimeter and the airspeed and vertical-speed indicators.

(2) If two pilots are required to operate the aeroplane, the second pilot's station shall be equipped with -

- (a) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, millibars or inches of mercury, 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 a turn co-ordinator, incorporating a slip indicator;
- (e) an attitude indicator; and
- (f) a stabilised direction indicator.

**Additional equipment for single-pilot operations in accordance with IFR**

**135.05.7** No pilot-in-command of a small aeroplane shall conduct single-pilot IFR operations in the aeroplane unless such aeroplane has been certificated for such operations and is equipped with -

- (a) a stability augmentation or automatic flight control system with at least altitude hold and heading mode; and
- (b) a headset with boom microphone, or equivalent, and a transmit button on the control wheel, joy stick or cyclic stick.

**Equipment for operations in icing conditions**

**135.05.8** (1) No pilot-in-command of a small aeroplane shall operate the aeroplane in forecast or actual icing conditions unless such aeroplane is certificated and equipped to operate in icing conditions.

(2) The pilot-in-command shall not operate the aeroplane in forecast or actual icing conditions by night unless such aeroplane is equipped with a means to illuminate or detect the formation of ice.

(3) The means of illumination referred to in subregulation (2), shall be of a type which does not cause glare or reflection which may handicap flight crew members in the performance of their duties.

**Flight recorder**

**135.05.9** (1) The operator of a Namibian registered small aeroplane, which is required to be equipped with a flight recorder in terms of regulation 135.05.11 or 135.05.12, shall ensure that the flight recorder complies with the specifications as prescribed in Document NAM-CATS-OPS 135.

(2) There shall be an aural or visual means for preflight checking to determine that the flight recorder is operating properly.

(3) The flight recorder shall not be switched off during flight.

(4) Each flight recorder installed in an aircraft shall be located in such 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.

(5) Where a flight recorder is installed, it shall not -

- (a) be a source of danger in itself;
- (b) prejudice the proper functioning of any essential service; and
- (c) in any way reduce the serviceability or airworthiness of the aeroplane in which it is installed, even if the flight recorder fails to function.

(6) The operator shall ensure that retrieving the recorded data from the storage medium shall be readily possible.

(7) The parameters of the flight recorder shall be determined within the ranges, accuracies and recording intervals referred to in regulation 135.05.11 or 135.05.12, as the case may be.

(8) Each flight recorder container installed in the aeroplane shall -

- (a) be bright orange or bright yellow;
  - (b) have reflective tape affixed to the external surface to facilitate its location under water; and
  - (c) have an approved underwater location device on, or adjacent to, each container which is secured in such manner that the device is not likely to be separated from the container during crash impact: Provided that only one such device shall be required when the cockpit voice recorder and the flight data recorder required under this Part are installed adjacent to each other in such manner that they are not likely to be separated during crash impact.
- (9) The operator shall -
- (a) copy and check the data on the flight recorder every six months, for the purpose of ensuring that such flight recorder is serviceable; and
  - (b) record and retain the results of such check for a period of five years calculated from the date of such check.

#### **Foil data recorder**

**135.05.10** The operator of a Namibian registered small aeroplane, which is required to be equipped with a flight recorder in terms of regulation 135.05.11 or 135.05.12, shall, if the flight recorder is a foil data recorder, replace the foil data recorder with a digital flight recorder before or on 1 July 2002.

#### **Cockpit voice recorder**

**135.05.11** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane specified in Document NAM-CATS-OPS 135, shall operate the aeroplane unless such aeroplane is equipped with a cockpit voice recorder which complies with the specifications referred to in regulation 135.05.9(1).

(2) The cockpit voice recorder shall record, with reference to a time scale -

- (a) voice communications transmitted from, or received on, the flight deck by radio;
  - (b) the aural environment of the flight deck, including without interruption, the audio signals received from each microphone in use;
  - (c) voice communications of flight crew members on the flight deck 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 using the public address system of the aeroplane, if installed.
- (3) The cockpit voice recorder shall -
- (a) be capable of retaining information recorded during at least the last 30 minutes of the aeroplane's operation;
  - (b) start automatically to record prior to the aeroplane moving under its own power, and continue to record until the termination of the flight when such aeroplane is no longer capable of moving under its own power; and

- (c) if possible, start to record the flight deck checks prior to engine start at the beginning of the flight, until the flight deck checks, immediately following engine shutdown, at the end of the flight.
- (4) The cockpit voice recorder may be combined with a flight data recorder referred to in regulation 135.05.12.
- (5) The pilot-in-command of the aeroplane may commence a flight with the cockpit voice recorder inoperative: Provided that -
  - (a) the pilot-in-command of the aeroplane shall not take-off from an aerodrome where repairs or replacements to such cockpit voice recorder can be made;
  - (b) the aeroplane is not used in excess of six further consecutive flights with the cockpit voice recorder unserviceable;
  - (c) not more than 48 hours have elapsed since the cockpit voice recorder became unserviceable; and
  - (d) any flight data recorder required to be carried, is operative, unless the flight data recorder is combined with a cockpit voice recorder.

#### **Flight data recorder**

**135.05.12** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane specified in Document NAM-CATS-OPS 135, shall operate the aeroplane unless such aeroplane is equipped with the appropriate flight data recorder as prescribed in Document NAM-CATS-OPS 135.

(2) The flight data recorder shall be capable of retaining the data recorded during at least the last 25 hours of its operation.

(3) The data obtained from a flight data recorder shall be obtained from aeroplane sources which enable accurate correlation with information displayed to the flight crew.

(4) The flight data recorder shall start automatically to record the data prior to such aeroplane being capable of moving under its own power and shall stop automatically after such aeroplane is incapable of moving under its own power.

(5) The pilot-in-command of the aeroplane may commence a flight with the flight data recorder inoperative: Provided that -

- (a) the pilot-in-command of the aeroplane shall not depart from an aerodrome where repairs or replacements to such flight data recorder can be made;
- (b) the aeroplane is not used in excess of six further consecutive flights with the flight data recorder unserviceable;
- (c) not more than 48 hours have elapsed since the flight data recorder became unserviceable; and
- (d) any cockpit voice recorder required to be carried, is operative, unless the cockpit voice recorder is combined with the flight data recorder.

#### **Altitude alerting system**

**135.05.13** The operator of a turbojet small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with an altitude alerting system capable of alerting the flight crew -

- (a) upon approaching preselected altitude in either ascent or descent in sufficient time to establish level flight at such preselected altitude; and
- (b) when deviating above or below a preselected altitude by at least an aural signal.

#### **Airborne weather radar equipment**

**135.05.14** (1) The operator of a pressurised small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with airborne weather radar equipment whenever such aeroplane is being operated by night or in IMC 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.

(2) The Director may, in the case of a propeller-driven pressurised small aeroplane, approve the replacement of the airborne weather radar equipment referred to in subregulation (1) with other equipment capable of detecting thunderstorms and other potentially hazardous weather conditions, regarded as detectable with airborne weather radar equipment.

#### **Flight crew interphone system**

**135.05.15** The operator of a small aeroplane on which more than one flight crew member is required, shall not operate the aeroplane unless such aeroplane 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.

#### **Means for emergency evacuation**

**135.05.16** (1) The operator of a small 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,

shall not operate the aeroplane unless such aeroplane has equipment or devices available at each exit to enable passengers and 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 a small aeroplane required to have a separate emergency exit for the flight crew and -

- (a) for which the lowest point of the emergency exit is more than 1,83 metres above the ground with the landing gear extended; or
- (b) for which the application for a type certificate was applied for on or after 1 March 1998, 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,

there shall be a device to assist the flight crew members in reaching the ground safely in an emergency.

#### **Standard first aid kit**

**135.05.17** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane shall operate the aeroplane unless such aeroplane is equipped with an appropriate first aid kit as prescribed in Document NAM-CATS-OPS 135.

(2) The operator or pilot-in-command shall ensure that the content of the first aid kit is in a condition necessary for its intended use.

#### **First aid oxygen**

**135.05.18** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, in respect of which the carriage of a cabin crew member is required, shall operate the aeroplane unless such aeroplane is equipped with the appropriate supply of first aid oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for first aid oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Supplemental oxygen in case of pressurised aeroplanes**

**135.05.19** (1) No operator or pilot-in-command, as the case may be, of a pressurised small aeroplane shall operate the aeroplane unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for supplementary oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Supplemental oxygen in case of non-pressurised aeroplanes**

**135.05.20** (1) No operator or pilot-in-command, as the case may be, of a non-pressurised small aeroplane, shall operate the aeroplane at altitudes between 10 000 feet and 12 000 feet for longer than 60 minutes, or above 12 000 feet, unless such aeroplane is equipped with the supplemental oxygen as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for supplemental oxygen shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Crew protective breathing equipment**

**135.05.21** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall, when carrying passengers in a pressurised aeroplane on or after 1 July 2000 at altitudes above 12 000 feet, operate the aeroplane unless such aeroplane -

- (a) is equipped with smoke goggles for the pilot and 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 carried, 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 the supplemental oxygen referred to in regulation 135.05.19 or 135.05.20.

(3) Protective breathing equipment intended for use by flight crew, shall be conveniently located on the flight deck and be easily accessible for immediate use by each required flight crew member at his or her assigned duty station.

(4) Protective breathing equipment intended for use by cabin crew, shall be installed adjacent to each required cabin crew member duty station.

(5) In addition, easily accessible portable protective breathing equipment shall be provided and located at, or adjacent to, the hand fire extinguishers referred to in regulation 135.05.22: Provided that where the fire extinguisher is located inside a cargo compartment, the protective breathing equipment shall be stowed outside, but adjacent to, the entrance to such compartment.

(6) Protective breathing equipment, while in use, shall not prevent communication where required.

#### **Hand held fire extinguishers**

**135.05.22** No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane unless such aeroplane is equipped with the appropriate hand held fire extinguishers as prescribed in Document NAM-CATS-OPS 135.

#### **Marking of break-in points**

**135.05.23** The operator of a small aeroplane shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency, are marked on the aeroplane, such areas shall be marked in accordance with the requirements prescribed in Part 47.

#### **Automatic emergency locator transmitter**

**135.05.24** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane unless such aeroplane is equipped with an automatic emergency locator transmitter.

(2) The operator or pilot-in-command shall ensure that the automatic emergency locator transmitter -

- (a) is attached to the aeroplane in such manner that, in the event of a crash, the probability of such automatic emergency locator transmitter transmitting a detectable signal, is maximised, and the probability of such automatic emergency locator transmitter being damaged, is minimised; and
- (b) complies with the specifications, and is capable of transmitting on the frequencies, as prescribed in Document NAM-CATS-OPS 135.

#### **Life jackets and other flotation devices**

**135.05.25** No operator or pilot-in-command, as the case may be, of -

- (a) a small aeroplane other than a small aeroplane referred to in paragraph (b), shall operate the aeroplane -
  - (i) when flying over water and at a distance of more than 10 nautical miles from the shore, in the case of such aeroplane 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) when taking off, or landing at, an aerodrome where the take-off or approach path is over water that in the event of an incident, there would be a likelihood of a ditching,

unless such aeroplane is equipped with 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; or

- (b) a small seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane unless such seaplane or amphibious aeroplane is equipped with -
- (i) 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.

#### **Life rafts and survival radio equipment for extended over-water flights**

**135.05.26** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane over water at a distance equivalent to 30 minutes at normal cruising speed or 100 miles, whichever is the lesser, away from land, unless such aeroplane is equipped with life rafts sufficient to accommodate all persons on board.

(2) The conditions, rules, requirements, procedures or standards for the life rafts and survival radio equipment for such extended over-water flights, shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Survival equipment**

**135.05.27** (1) No operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane over areas where search and rescue would be especially difficult, unless such aeroplane is equipped with the appropriate survival equipment as prescribed in Document NAM-CATS-OPS 135.

(2) The conditions, rules, requirements, procedures or standards for the survival equipment shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Seaplanes and amphibious aeroplanes**

**135.05.28** No operator or pilot-in-command, as the case may be, of a small seaplane or amphibious aeroplane, shall operate the seaplane or amphibious aeroplane on water, unless such seaplane or amphibious aeroplane is equipped with -

- (a) a sea anchor and other equipment necessary to facilitate mooring, anchoring or manœuvring such seaplane or amphibious aeroplane on water, appropriate to its size, mass and handling characteristics; and
- (b) equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea, where applicable.

#### **Communication equipment**

**135.05.29** (1) Except with the prior approval of the Director, no operator or pilot-in-command, as the case may be, of a small aeroplane, shall operate the aeroplane, unless such aeroplane is equipped with radio communication equipment capable of maintaining two-way communication with an air traffic service unit.

(2) The radio communication equipment referred to in subregulation (1) shall be capable of providing communication on the aeronautical emergency frequency 135,5 MHz.

(3) The radio communication equipment installed in the aeroplane shall be of a type as prescribed in Document NAM-CATS-OPS 135.

(4) The installation, bonding and screening of the radio communication equipment, shall be in accordance with the requirements as prescribed in Document NAM-CATS-OPS 135.

#### **Windshield wipers**

**135.05.30** The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a windshield wiper or equivalent system for each required pilot station.

#### **Traffic alert and collision avoidance system**

**135.05.31** From 1 January 2003, the operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a traffic alert and collision avoidance system referred to in regulation 91.04.32.

#### **Fasten seat belt and no smoking signs**

**135.05.32** An operator shall not operate an aeroplane in which all passenger seats are not visible from the flight deck, unless it is equipped with a means of indicating to all passengers and cabin crew when seat belts shall be fastened and when smoking is not allowed.

#### **Microphone**

**135.05.33** All flight crew members required to be on flight deck duty shall communicate through boom or throat microphones below transition level/altitude.

#### **Pressure-altitude reporting transponder**

**135.05.34** The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is equipped with a Pressure-altitude reporting transponder.

**SUBPART 6****AIR OPERATOR CERTIFICATE****Requirement for air operator certificate**

**135.06.1** A Namibian operator shall not operate a small aeroplane except under the authority of, and in accordance with the conditions of, an air operator certificate issued under this Subpart.

**Quality assurance system**

**135.06.2** (1) An operator shall establish one Quality Assurance System and designate one Quality Manager to monitor compliance with, and the adequacy of, procedures required to ensure safe operational practices and airworthy aeroplanes. Compliance monitoring must include a feed-back system to the Accountable Manager to ensure corrective action as necessary.

(2) The Quality Assurance System must include a Quality Assurance Programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(3) The Quality Assurance System and the Quality Manager must be acceptable to the Director.

(4) The minimum standards for a quality assurance system shall be as prescribed in Document NAM-CATS-OPS 121.

(5) Notwithstanding sub-regulation (1) above, the Director may accept the nomination of two Quality Managers, one for operations and one for maintenance, provided that the operator has designated one Quality Management Unit to ensure that the Quality Assurance System is applied uniformly throughout the entire operation.

(6) If the applicant is an aircraft maintenance organisation approved in terms of Part 145, the quality assurance system may be combined with the quality assurance system referred to in regulation 145.02.2.

**Personnel requirements**

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

- (a) a senior person identified as the accountable manager and compliance officer of the operator concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the operator 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 operator;
  - (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 operator concerned; and
  - (v) powers to report directly to the management of the operator 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) competent persons who are responsible for -
- (i) quality assurance, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness, aeroplane maintenance and aviation safety;
  - (ii) flight operations;
  - (iii) the maintenance system;
  - (iv) crew training; and
  - (v) ground operations; and
- (c) adequate personnel to plan, perform, supervise and inspect the type of operation, and the maintenance of the type of aeroplane, covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competency of those personnel involved in planning, performing or supervising the type of operation, and the maintenance of the type of aeroplane, covered by the application.

#### **Accommodation**

**135.06.4** The applicant shall ensure that -

- (a) working space available at each operating base is sufficient for personnel pertaining to the safety of flight operations, taking into account the needs of ground personnel, personnel concerned with operational control, the storage and display of essential records and flight planning by crew;
- (b) office services are capable, without delay, of distributing operational instructions and other information to all concerned; and
- (c) suitable office accommodation are available at appropriate locations for the personnel referred to in regulation 135.06.3(1)(b)(iii) and (c).

#### **Application for air operator certificate or amendment thereof**

**135.06.5** (1) An application for the issue of an air operator certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-OPS 135; and
- (b) accompanied by -
  - (i) the appropriate fee prescribed in Part 187;
  - (ii) the operations manual referred to in regulation 135.04.3;

- (iii) proof that the applicant is financially capable of conducting the type of operation, and the maintenance of the type of aeroplane, covered by the application; and
- (iv) in respect of the operator's maintenance system, and for each type of aeroplane to be operated -
  - (aa) the maintenance management manual referred to in regulation 135.10.6;
  - (bb) the operator's aeroplane maintenance programme referred to in regulation 135.10.5;
  - (cc) the aeroplane technical log referred to in regulation 135.10.7;
  - (dd) the technical specifications of the maintenance arrangements between the applicant and an aircraft maintenance organisation approved in terms of Part 145, if applicable; and
  - (ee) the number of aeroplanes.

(3) An application for the issuing of an air operator certificate, shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(4) An application for the amendment of an air operator certificate, shall be submitted to the Director at least 30 days before the date of commencement of the intended amendment.

#### **Assessment of application and issue of certificate**

**135.06.6** (1) In considering an application for the issuing of an air operator certificate, or an amendment thereof, the Director may conduct the investigation he or she deems necessary.

(2) An applicant will not be granted an air operator certificate unless:

- (a) the aeroplanes operated have valid Certificates of Airworthiness issued in terms of Part 21;
- (b) the maintenance system referred in subpart 10 has been approved by the Director;
- (c) the applicant has satisfied the Director that he or she has the ability to
  - (i) establish and maintain an adequate organisation;
  - (ii) establish and maintain the quality system referred to in regulation 121.06.2.
  - (iii) comply with training programmes required in terms of subpart 3.
  - (iv) comply with maintenance requirements, consistent with the nature and extent of the operations specified;
  - (v) comply with requirements of regulation 121.06.3 and 121.06.4
- (d) the applicant has the financial capability of conducting a safe operation;
- (e) the applicant will not conduct the operation concerned contrary to any provision of the Civil Aviation Act or the Civil Aviation Offences Act, 1972 (Act 10 of 1972).

(3) If the Director is not satisfied that the requirements of sub-regulation (2) have been met, the Director may require the conduct of one or more demonstration flights operated as if they were commercial air transport flights.

(4) An air operator certificate shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 135, under such conditions which the Director may determine.

(5) An air operator certificate shall specify -

- (a) the name and principal place of business of the operator;
- (b) the date on which the certificate 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 certificate.

#### **Period of validity**

**135.06.7** (1) An air operator certificate shall be valid for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing or renewal thereof.

(2) If the holder of an air operating certificate applies at least 30 days prior to the expiry thereof, for the renewal of the certificate, such certificate shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such certificate.

(3) The certificate 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 135.06.17.

(4) The holder of a certificate which expires, shall forthwith surrender the certificate to the Director.

(5) The holder of a certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

#### **Transferability**

**135.06.8** (1) Subject to the provisions of subregulation (2), an air operator certificate shall not be transferable.

(2) A change in ownership of the holder of a certificate shall be deemed to be a change of significance referred to in regulation 135.06.9.

#### **Changes in quality assurance system**

**135.06.9** (1) If the holder of an air operator certificate desires to make any change in the quality assurance system referred to in regulation 135.06.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) any particulars on the certificate;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identities of the persons referred to in regulation 135.06.3(1)(b); and
- (d) the conditions of the certificate,

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

(2) The provisions of regulation 135.06.5 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 operations manual, that it will continue to comply with the provisions of regulations 135.06.2 to 135.06.4 inclusive, after the implementation of such approved change.

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

**135.06.10** The holder of an air operator certificate shall -

- (1) engage, employ or contract -
  - (a) adequate crew for the type of operation authorised, who are trained and checked in accordance with the regulations in Subpart 3;
  - (b) adequate ground personnel for the nature and scale of the type of operation authorised, who have a thorough understanding of their responsibilities within the organisation of the operator;
  - (c) adequate supervisors for the structure of the operator and the number of personnel engaged, employed or contracted, who possess experience and personal qualities sufficient to ensure the attainment of the standards specified in its approved operations manual;
- (2) ensure that -
  - (a) each flight is conducted in accordance with its approved operations manual;
  - (b) the type of aeroplane authorised for use, is equipped, and its crew qualified, as required for the area and type of operation authorised;
  - (c) arrange appropriate ground handling facilities to ensure the safe handling of its flight;
  - (d) if the provision of certain of its services is contracted to another organisation, retain responsibility for the maintenance of the standards for such services, specified in its approved operations manual; and
  - (e) maintain operational support facilities at the main operating base, appropriate for the area and type of operation authorised.
  - (f) maintain each aircraft in accordance with the requirements of subpart 10.

#### **Statistical information**

**135.06.11** The holder of an air operator certificate shall furnish the Director with the statistical information, within the appropriate period, as prescribed in Document NAM-CATS-OPS 135.

#### **Documentation**

**135.06.12** The holder of an air operator certificate shall make the necessary arrangements for the production of manuals, amendments and other documents.

**Display of certificate**

**135.06.13** The holder of an air operator certificate shall display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

**Advertisements**

**135.06.14** Any advertisement by an organisation indicating that it is the operator of a large aeroplane, shall reflect the number of the air operator certificate issued by the Director.

**Renewal of certificate**

**135.06.15** (1) The holder of an air operator certificate shall at least 30 days immediately preceding the date on which the certificate expires, apply for the renewal of such certificate.

(2) The provisions of regulations 135.06.5(1) and 135.06.6 shall apply *mutatis mutandis* to an application for renewal of a certificate made in terms of this regulation.

**Safety inspections and audits**

**135.06.16** (1) An applicant for the issuing of an air operator certificate 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 135.06.5.

(2) The holder of an air operator certificate 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 certificate and appeal**

**135.06.17** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 135.06.16, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 135.06.16; or
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

#### **Register of certificates**

**135.06.18** (1) The Director shall maintain a register of all air operator certificates issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall contain the following particulars:

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

(3) The particulars referred to in subregulation (2) shall be recorded by the Director in the register within seven days from the date on which the certificate was issued, amended, renewed or cancelled, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

**SUBPART 7****FOREIGN AIR OPERATOR PERMIT****Requirement for foreign air operator permit**

**135.07.1** A foreign operator shall 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.

**Application for foreign air operator permit or amendment thereof**

**135.07.2** (1) An application for the issuing of a foreign air operator permit shall be -

- (a) made to the Director in the appropriate form as prescribed 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 appropriate fee prescribed 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 issuing of a foreign air operator permit shall be submitted to the Director at least 90 days before the date of commencement of the intended operation.

(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, such operator shall apply to the Director for such amendment.

(4) An application for the amendment of a foreign air operator permit shall be -

- (a) made in the appropriate form as prescribed 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 appropriate fee prescribed 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 shall be submitted to the Director at least 30 days before the date of commencement of the intended amended operation.

(6) The 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 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.

#### **Adjudication of application and issuing of permit**

**135.07.3** (1) In considering the application for the issuing of a foreign air operator permit, or an amendment thereof, the Director may conduct the investigation which he or she deems necessary.

(2) The application shall be granted and the permit issued the 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 Offences Act, 1972.

(3) If the Director is not so satisfied, he or she shall notify the applicant thereof, stating the reasons in the notification, and grant the applicant the opportunity to rectify or supplement the defect within the period determined by the Director, after which period the Director shall grant or refuse the application concerned.

(4) A foreign air operator permit shall be issued on the appropriate form as prescribed in Document NAM-CATS-OPS 135, under such conditions which the Director may determine.

(5) A foreign air operator permit shall 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 shall be valid -

- (a) for the period determined by the Director, which period shall not exceed 12 months, calculated from the date of issuing thereof;
- (b) for the number of flights determined by the Director; or
- (c) for the number of flights, which have to be undertaken within the period, determined by the Director.

(2) If the holder of a foreign air operator permit applies at least 30 days prior to the expiry thereof, for the renewal of the permit, such permit shall, notwithstanding the provisions of subregulation (1), remain valid until such holder is notified by the Director of the result of the application for the renewal of such permit.

(3) The permit 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 135.07.9.

(4) The holder of a permit which expires, shall forthwith surrender the permit to the Director.

(5) The holder of a permit which is suspended, shall forthwith produce the permit upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a permit which is cancelled, shall, within 30 days from the date on which the permit is cancelled, surrender such permit to the Director.

### **Transferability**

135.07.5 A foreign air operator permit shall not be transferable.

### **Duties of holder of permit**

135.07.6 The holder of a foreign air operator permit shall -

- (a) at all times during the operation within Namibia -
  - (i) comply with -
    - (aa) the appropriate requirements prescribed 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.

### **Renewal of permit**

135.07.7 (1) The holder of a foreign air operator permit shall 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 shall apply *mutatis mutandis* to an application made in terms of this regulation.

### **Safety inspections and audits**

135.07.8 The holder of a foreign air operator permit 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 permit and appeal**

**135.07.9** (1) An air operator certificate may be varied, suspended or revoked if the Director is no longer satisfied that the operator can maintain an adequate organisation to ensure safe operations.

(2) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air operator certificate issued under this Subpart, if -

- (a) after a safety inspection and audit carried out in terms of regulation 135.06.16, 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 certificate, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulation 135.06.16; or
- (c) the suspension is necessary in the interests of aviation safety.

(3) The authorised officer, inspector or authorised person who has suspended a certificate in terms of subregulation (1), shall, within one workday of such suspension, deliver a report in writing to the Director.

(4) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (3), to the holder of the certificate which has been suspended.

(5) The holder of a certificate whose certificate has been suspended may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(6) 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.

(7) The Director shall acknowledge receipt of an appeal.

(8) The Director may, within 14 days, subject to such conditions which the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (2), or cancel the certificate.

**Register of permits**

**135.07.10** (1) The Director shall maintain a register of all foreign air operator permits issued, amended or renewed in terms of the regulations in this Subpart.

(2) The register shall 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) shall be recorded by the 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 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.

### Definitions

**135.07.11** For the purposes of the regulations in this Subpart -

- (a) “air operator certificate” means an air operator certificate issued by the State of the Operator; and
- (b) “declaration of competency” means a declaration, issued by the State of the Operator, containing -
  - (i) the name, nationality and principal place of business of the operator;
  - (ii) a description of the type of operation authorised;
  - (iii) a confirmation that the operator complies with the procedures for operations inspection, certification and continued surveillance, prescribed by the International Civil Aviation Organisation;
  - (iv) a confirmation that the operator’s international operations are conducted in accordance with the laws and regulations of the State of the Operator;
  - (v) the type of aeroplane authorised for operation;
  - (vi) the nationality and registration marks of each aeroplane authorised for operation;
  - (vii) the authorised area of operation; and
  - (viii) the period of validity of the declaration and the air operator certificate.

**SUBPART 8****FLIGHT OPERATIONS****Routes and areas of operation**

**135.08.1** (1) The operator of a small aeroplane shall ensure that operations are only conducted along such routes, or within such areas, for which -

- (a) in the case of scheduled commercial air transport operations-
  - (i) ground facilities and services, including meteorological services, are provided which are adequate for the planned operation; and
  - (ii) appropriate maps and charts are available;
- (b) approval or authorisation has been obtained, where required, from the appropriate authority concerned;
- (c) if a twin-engine aeroplane is used, adequate aerodromes are available within the time or distance limitations as prescribed in Document NAM-CATS-OPS 135; and
- (d) if a single-engine aeroplane is used, surfaces are available which permit a safe forced landing to be executed.

(2) The operator shall ensure that -

- (a) the performance of the aeroplane intended to be used, is adequate to comply with minimum flight altitude requirements; and
- (b) the equipment of the aeroplane intended to be used, complies with the minimum requirements for the planned operation.

**Establishment of procedures**

**135.08.2** The operator of a small aeroplane shall -

- (a) establish procedures and instructions, for each aeroplane type, containing ground personnel and crew member duties for all types of operations on the ground and in flight;
- (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 operations manual referred to in regulation 135.04.3, are followed; and
- (c) ensure that crew members do not perform any activities other than those required for the safe operation of the aeroplane, during critical phases of the flight.

**Operational control and supervision**

**135.08.3** The operator of a small aeroplane shall exercise operational control and establish and maintain an approved method of supervision of flight operations, which shall be contained in the operations manual referred to in regulation 135.04.3.

**Competency of operations personnel**

**135.08.4** (1) The operator of a small aeroplane shall ensure that all personnel assigned to, or directly involved in, ground and flight operations -

- (a) are properly instructed;
- (b) have demonstrated their abilities and experience appropriate to their positions and the type of operation conducted by such operator; and
- (c) are aware of their responsibilities and the relationship of such responsibilities to the operation as a whole.

(2) The operator shall ensure that all employees, when operating outside Namibia, know that they have to comply with the laws, regulations and procedures of the State in or over which operations are conducted.

#### **Use of aerodromes**

**135.08.5** (1) No pilot-in-command of a small aeroplane shall use, and no operator shall authorise the use of, an aerodrome as a destination or alternate destination aerodrome, unless such aerodrome is adequate for the type of aeroplane and operation concerned.

(2) Except in an emergency, no pilot-in-command of a small aeroplane shall take-off or land by night, unless the place of take-off or landing is equipped with night flying facilities.

#### **Use of air traffic services**

**135.08.6** The operator of a small aeroplane shall ensure that air traffic services are used for all flights whenever available.

#### **Minimum flight altitudes**

**135.08.7** (1) The operator of a small aeroplane shall establish minimum flight altitudes and the methods to determine such minimum flight altitudes, which methods shall be approved by the Director, for all route segments to be flown which provide for the required terrain clearance, taking into account the appropriate performance operating limitations prescribed in Subpart 9 and the minimum altitudes prescribed in Subpart 11.

(2) The operator shall 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 possible 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.
- (f) airspace restrictions

(3) In complying with the provisions of subregulation (2), the operator shall give due consideration to -

- (a) corrections for temperature and pressure variations from standard values;
- (b) the air traffic service requirements;
- (c) any contingencies which may reasonably occur along the planned route; and
- (d) aeroplane mass and configuration.

**Threshold crossing height**

**135.08.8** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall establish operational procedures designed to ensure that the aeroplane being used to conduct precision approaches, crosses the threshold by a safe margin with such aeroplane in the landing configuration and attitude.

(2) The operational procedures applicable to Category II and Category III approaches, shall be approved by the Director.

**Pre-flight selection of aerodromes**

**135.08.9** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall select destination or alternate aerodromes in accordance with the provisions of regulation 135.08.10 when planning a flight.

(2) The operator or pilot-in-command shall select a departure, destination or alternate aerodrome only when the serviceability status of the aerodrome permits safe operation of the type of aeroplane concerned.

(3) The operator or pilot-in-command shall select and specify in the flight plan referred to in regulation 135.04.7, a take-off alternate aerodrome, if it would not be possible for the aeroplane to return to the aerodrome of departure due to meteorological or performance reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within -

- (a) one hour of flight time at one-engine cruising true air speed according to the aeroplane flight manual referred to in regulation 135.04.5, in still air standard conditions based on the actual take-off mass for a twin-engine aeroplane;
- (b) two hours of flight time at one-engine inoperative cruising true air speed according to such aeroplane flight manual, in still air standard conditions based on the actual take-off mass for three-engine and four-engine aeroplane;
- (c) if such aeroplane flight manual does not contain a one-engine inoperative cruising true air speed, the speed to be used for calculation, shall be the speed which is achieved with the remaining engine set at maximum continuous power.

(5) The operator or pilot-in-command shall 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, 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 operator or pilot-in-command shall select at least one destination alternate aerodrome for each IFR flight, unless -

- (a) two suitable non-intersecting runways are available at the destination aerodrome; and
- (b) the meteorological conditions forecast or prevailing are such that, for the period from one hour before, 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; or

- (c) the destination aerodrome is isolated and no adequate destination alternate aerodrome exists, in which case the provisions of regulation 135.08.16(3)(c)(iii) shall apply.

(7) The operator or pilot-in-command shall select two destination alternate aerodromes when -

- (a) the appropriate weather reports or forecasts for the destination aerodrome, or any combination thereof, 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) no meteorological information can be obtained.

(8) The operator or pilot-in-command shall specify the destination alternate aerodrome in the flight plan referred to in regulation 135.04.7.

(9) The operator or pilot-in-command shall specify en route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en route alternate aerodromes in the flight plan referred to in regulation 135.04.7.

(10) When planning a flight, the operator or pilot-in-command shall only select an aerodrome as a destination or alternate aerodrome, if the appropriate weather reports or forecasts, or a combination thereof, 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 aeroplane at the aerodrome.

#### **Aerodrome operating minima**

**135.08.10** (1) The operator of a small aeroplane shall establish aerodrome operating minima in accordance with the provisions of subregulations (2), (3) and (4) and in conjunction with the instrument approach and landing charts for each aerodrome intended to be used either as destination or alternate aerodrome.

(2) The operator shall establish aerodrome operating minima for each aerodrome planned to be used, which shall not be lower than the values as prescribed in Document NAM-CATS-OPS 135.

(3) The method of determining aerodrome operating minima which shall be approved by the Director shall take full account of:

- (a) the type, performance and handling characteristics of the aeroplane;
- (b) the composition of the flight crew, their competence and experience;
- (c) the dimensions and characteristics of the runways which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual aids.
- (e) the equipment available on the aeroplane for the purpose of navigation and/or control of the flight path during the approach to landing and the missed approach;
- (f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;
- (g) the means used to determine and report meteorological conditions; and
- (h) the obstacles in the climb-out areas and necessary clearance margins.

(4) 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.

#### **Planning minima for IFR flights**

**135.08.11** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall not select an aerodrome as a take-off alternate aerodrome for a flight to be conducted, wholly or partly in accordance with IFR under IMC, unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in regulation 135.08.10.

(2) The ceiling shall be taken into account when the only approaches available are non-precision or circling approaches.

(3) Any limitation related to one-engine inoperative operations shall be taken into account.

(4) The operator or pilot-in-command shall only select the destination aerodrome or destination alternate aerodrome when the appropriate weather reports or forecasts, or any combination thereof, 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 as follows:

- (a) Planning minima for a destination aerodrome -
  - (i) RVR or visibility specified in accordance with regulation 135.08.10; and
  - (ii) for a non-precision approach or a circling approach, the ceiling at or above minimum descent altitude/height; and
- (b) planning minima for a destination alternate aerodrome shall be as prescribed in Document NAM-CATS-OPS 135.

(5) The operator or pilot-in-command shall not select an aerodrome as an en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 135.

(6) The operator or pilot-in-command shall not select an aerodrome as an ETOPS en route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, 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 prescribed in Document NAM-CATS-OPS 135 and in accordance with the ETOPS approval obtained by the operator.

#### **Meteorological conditions**

**135.08.12** (1) On a flight to be conducted in accordance with IFR, the pilot-in-command of a small aeroplane shall not -

- (a) commence take-off; or
- (b) continue beyond the in-flight decision point,

unless information is available indicating that conditions will, at the estimated time of arrival of such aeroplane, be at or above the applicable aerodrome operating minima -

- (i) at the destination aerodrome; or
- (ii) where a destination alternate aerodrome is required, at the destination aerodrome and one destination alternate aerodrome or at two destination alternate aerodromes.

(2) On a flight conducted in accordance with VFR, the pilot-in-command of the aeroplane shall not 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, shall, at the appropriate time, be such as to render compliance with the provisions of the regulations in this Part possible.

#### **VFR operating minima**

**135.08.13** The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that -

- (a) VFR flights are conducted in accordance with the visual flight rules prescribed in Subpart 11; and
- (b) special VFR flights are not commenced when the visibility is less than 3 km and not otherwise conducted when the visibility is less than the visibility prescribed in regulation 135.11.17(d).

#### **Mass and balance**

**135.08.14** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall, where applicable, ensure that, during any phase of operation, the loading, mass and the centre of gravity of the aeroplane complies with the limitations specified in the aeroplane flight manual referred to in regulation 135.04.5, or the operations manual referred to in regulation 135.04.3, if the limitations therein are more restrictive.

(2) The operator or pilot-in-command shall establish the mass and the centre of gravity of the aeroplane 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 aeroplane, shall be accounted for and properly documented by the operator or pilot-in-command.

(4) The aeroplane shall 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 operator or pilot-in-command shall determine the mass of all operating items and crew members included in the dry operating mass of the aeroplane, by weighing or by using the appropriate standard mass as prescribed in Document NAM-CATS-OPS 135.

(6) The influence of the mass of the operating items and crew members referred to in subregulation (5), on the centre of gravity of the aeroplane, shall be determined by the operator or pilot-in-command of such aeroplane.

(7) The operator or pilot-in-command shall 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 prescribed in Document NAM-CATS-OPS 135.

(8) The operator or pilot-in-command shall determine the mass of the fuel load by using the actual specific gravity or, if approved by the Director, a standard specific gravity.

(9) The operator shall establish mass and balance documentation as prescribed in Document NAM-CATS-OPS 135.

#### **Smoking in small aeroplanes**

**135.08.15** (1) No person shall smoke in a Namibian registered small aeroplane when carrying passengers.

(2) No person shall smoke in a foreign registered small aeroplane, when carrying passengers, which is operated to or from any aerodrome located in Namibia, while the aeroplane is in Namibian airspace.

#### **Fuel policy**

**135.08.16** (1) The operator of a small aeroplane shall establish a fuel policy for the purpose of flight planning and in-flight replanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall 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 135.04.3, or current aeroplane-specific data;
- (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; and
  - (iv) air traffic service procedures and restrictions.

(3) The operator shall ensure that the calculation of usable fuel required by such aeroplane for a flight includes -

- (a) start up and taxi fuel;
- (b) trip fuel;
- (c) reserve fuel consisting of -
  - (i) contingency fuel as prescribed in Document NAM-CATS-OPS 135;
  - (ii) alternate fuel, if a destination alternate aerodrome is required;
  - (iii) two-hours isolated aerodrome holding fuel in situations where the destination is remote or no suitable alternate aerodrome exists;
  - (iv) final reserve fuel;
  - (v) additional fuel, if required by the type of operation; and
- (d) extra fuel, if required by the pilot-in-command.

(4) The operator shall ensure that in-flight replanning procedures for calculating usable fuel required when a flight has to proceed along a route or to a destination other than originally planned, includes -

- (a) trip fuel for the remainder of the flight to destination;
- (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 by the type of operation; and
- (c) extra fuel, if required by the pilot-in-command.

### **Fuel and oil supply**

**135.08.17** (1) The pilot-in-command of an aeroplane shall not commence a flight unless he or she is satisfied that the aeroplane carries at least the planned amount of fuel and oil to complete the flight safely, taking into account the following:

- (a) meteorological conditions forecast;
- (b) expected air traffic control routings and traffic delays
- (c) for IFR flight, one instrument approach at the destination aerodrome, including missed approach;
- (d) the procedure prescribed in the operations manual for loss of pressurisation, where applicable, or failure of one power unit while en route; and
- (e) any other conditions that may delay the landing of the aeroplane or increase fuel and/or oil consumption.

(2) If the usable fuel on board the aeroplane is less than the final reserve fuel, the pilot-in-command shall declare an emergency.

(3) The method of calculating the amount of fuel to be carried for each flight shall be as prescribed in Document NAM-CATS-OPS 135.

(4) The operator shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

### **Refueling or defueling with passengers on board**

**135.08.18** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that the aeroplane is not refueled or defueled with AVGAS or wide-cut type fuel when passengers are embarking, on board or disembarking such aeroplane.

(2) In cases other than the cases referred to in subregulation (1), necessary precautions shall be taken and the aeroplane shall be properly manned by qualified personnel ready to initiate and direct an evacuation of such aeroplane by the most practical and expeditious means available.

(3) When refuelling with passengers embarking, on board, or disembarking, two-way communication shall be maintained by the aeroplanes inter communication system or other suitable means between the ground crew supervising refuelling and the qualified personnel on board the aeroplane.

### **Instrument approach and departure procedures**

**135.08.19** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that only 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) Notwithstanding the provisions of subregulation (1), the pilot-in-command may accept at an air traffic control clearance to deviate from a published approach or departure route: Provided that -

- (a) obstacle clearance criteria are observed and full account is taken of the operating conditions; and
- (b) the final approach is flown visually or in accordance with the established instrument approach procedure.

(3) The operator may implement instrument approach and departure procedures, other than instrument approach and departure procedures referred to in subregulation(1), if required: Provided that such instrument approach and departure procedures have been approved by -

- (a) the appropriate authority of the State in which the aerodrome to be used, is located; and
- (b) the Director.

#### **Noise abatement procedures**

**135.08.20** (1) The operator of a small aeroplane shall establish operating procedures for noise abatement as prescribed in Document NAM-CATS-OPS 135.

(2) Take-off and climb procedures for noise abatement specified by the operator for any one aeroplane type shall be the same for all aerodromes.

(3) The Director may, by notice in an AIP or AIP SUP, identify those aerodromes where noise abatement procedures do not apply.

#### **Submission of flight plan**

**135.08.21** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that a flight is not commenced unless a flight plan referred to in regulation 135.04.7, has been filed, or adequate information has been deposited in order to permit alerting services to be activated, if required.

(2) The operator or pilot-in-command of a flight for which search and rescue action has been requested, who fails to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or support services. Such costs shall be no less than five hundred Namibian dollars (N\$500).

#### **Seats, safety belts and harnesses**

**135.08.22** (1) Before take-off and landing, and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a small aeroplane shall ensure that each person on board the aeroplane, occupies a seat or berth with his or her safety belt or harness, where provided, properly secured.

(2) The pilot-in-command shall ensure that multiple occupancy of aeroplane seats does not occur other than by one adult and one infant, who is properly secured by an approved infant restraint device.

#### **Passenger seating**

**135.08.23** The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that passengers are seated where, if an emergency evacuation is required, such passengers may best assist, and not hinder, evacuation from the aeroplane.

#### **Passenger briefing**

**135.08.24** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall 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.
- (2) The operator or pilot-in-command shall ensure that, before take-off -
- (a) passengers are briefed, to the extent applicable, on -
    - (i) the prohibition of smoking;
    - (ii) when the back of the seat is to be in the upright position and the tray table stowed;
    - (iii) the location of emergency exits;
    - (iv) the location and use of floor proximity escape path markings;
    - (v) the stowage of carry-on baggage; and
    - (vi) any restrictions on the use of electronic devices; and
  - (b) passengers receive, to the extent applicable, a demonstration of -
    - (i) the use of safety belts or safety harnesses, including the manner in which the safety belts or safety harnesses are to be fastened and unfastened;
    - (ii) the location and use of oxygen equipment and the extinguishing of all smoking materials when oxygen is being used; and
    - (iii) the location and use of life jackets.
- (3) The operator or pilot-in-command shall ensure that, after take-off, passengers are reminded about -
- (a) the prohibition of smoking; and
  - (b) the use of safety belts or safety harnesses.
- (4) The operator or pilot-in-command shall ensure that, before landing, passengers are reminded about -
- (a) the prohibition of smoking;
  - (b) the use of safety belts or safety harnesses;
  - (c) when the back of the seat is to be in the upright position and the tray table stowed, if applicable;
  - (d) the re-stowage of carry-on baggage; and
  - (e) any restrictions on the use of electronic devices.
- (5) The operator or pilot-in-command shall ensure that, after landing, passengers are reminded about -
- (a) the prohibition of smoking; and
  - (b) the use of safety belts or safety harnesses.

### **Emergency equipment**

**135.08.25** (1) The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that emergency equipment, carried or installed in the aeroplane in order to meet the requirements prescribed 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 aeroplane shall ensure that the emergency equipment concerned is always easily accessible for immediate use by the crew members.

#### **Illumination of emergency exits**

**135.08.26** The pilot-in-command of a small aeroplane, which is equipped with an emergency lighting system referred to in regulation 135.05.34, shall ensure that when the aeroplane is in flight and below 1 000 feet above ground or sea level, or on the ground with passengers on board -

- (a) the emergency lighting system is switched on; or
- (b) the normal cabin lighting system is switched off and the emergency lighting is armed.

#### **Use of supplemental oxygen**

**135.08.27** (1) The pilot-in-command of a small aeroplane shall ensure that flight crew members engaged in performing duties essential to the safe operation of the aeroplane in flight, use supplemental oxygen continuously when the flight deck pressure altitude exceeds 10 000 feet for more than 60 minutes, and at all times when the flight deck pressure altitude exceeds 12 000 feet.

(2) The pilot-in-command shall ensure that, with the exception of a supersonic aeroplane, when a flight is conducted above FL 410, at least one pilot at the pilot station wears an oxygen mask and is fully strapped in when the other pilot leaves the flight deck for any reason.

#### **Approach and landing conditions**

**135.08.28** Before commencing an approach to land, the pilot-in-command of a small aeroplane shall be satisfied that, according to the information available to him or her, the weather at the aerodrome and the condition of the runway or touchdown area intended to be used, will not prevent a safe approach, landing or missed approach, having regard for the performance information contained in the aeroplane flight manual referred to in regulation 135.04.5 or a similar document.

#### **Commencement and continuation of approach**

**135.08.29** (1) When operating in IMC and in accordance with IFR, the pilot-in-command of a small aeroplane may commence an approach regardless of the reported RVR or visibility, but the approach shall not be continued beyond the outer marker or equivalent published position, unless the reported RVR or visibility for the runway or touchdown area is equal to, or better than, the applicable operating minima.

(2) Where RVR is not available, the pilot-in-command may derive the RVR value by converting the reported visibility in accordance with the procedures as prescribed in Document NAM-CATS-OPS 135.

(3) If, after passing the outer marker or equivalent published position in accordance with the provisions of subregulation (1), the reported RVR or visibility falls below the applicable minima, the pilot-in-command may continue the approach to decision altitude/height or minimum descent altitude/height.

(4) The pilot-in-command may continue the approach below decision altitude/height or minimum descent altitude/height and the landing may be completed: Provided that the required visual reference is established at the decision altitude/height or minimum descent altitude/height and is maintained.

(5) Where no outer marker or equivalent published position exists, the pilot-in-command shall decide whether to continue or abandon the approach before descending below 1 000 feet above the aerodrome on the final approach segment.

**In-flight simulation of emergency situations**

**135.08.30** The operator or pilot-in-command, as the case may be, of a small aeroplane, shall ensure that no person, and no person shall, simulate emergency situations in the aeroplane affecting the flight characteristics of such aeroplane when passengers are on board such aeroplane.

**Starting engines**

**135.08.31** (1) Except when the brakes are serviceable and are fully applied, chocks shall be placed in front of the wheels of a small aeroplane before starting the engine or engines, and a competent person shall be seated at the controls when the engine or engines are running.

(2) Where the pilot of the aeroplane is the only competent person present, he or she shall use brakes when starting the engine or engines.

**Carriage of infants and children**

**135.08.32** (1) The operator of a small aeroplane shall ensure that an infant is only carried when properly secured with a child restraint device or in the arms or on the lap of an adult passenger.

(2) Infants shall not be seated in front of, or alongside, exits.

(3) Infants shall not be carried behind a bulkhead unless an approved child restraint device is used during critical phases of flight and during turbulence.

(4) When an infant is carried in the arms or on the lap of a passenger, the seat belt, when required to be worn, shall be fastened around the passenger carrying or nursing the infant, but not around the infant.

(5) When an infant is carried in the arms or on the lap of a passenger, the name of the infant shall be bracketed on the passenger list with the name of the passenger carrying or nursing the infant.

(6) An infant may be seated in a car-type infant seat, approved for use in an aeroplane, provided it is secured to the aeroplane seat.

(7) A car-type infant seat referred to in subregulation (6) shall not be located in the same row or a row directly forward or aft of an emergency exit.

**Carriage of persons with disability**

**135.08.33** (1) The operator of a small aeroplane shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

(2) The operator shall 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 such passenger; and
- (d) the person giving the briefing shall enquire as to the most appropriate manner of assisting the person with a disability so as to prevent pain or injury to that passenger.

- (3) In the case of the carriage of a stretcher patient in the aeroplane -
- (a) the stretcher shall be secured in such aeroplane 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 patient shall be secured by an approved harness to the stretcher or aeroplane structure; and
  - (c) an able-bodied assistant shall accompany each stretcher patient.
- (4) A mentally disturbed person shall not be carried in the aeroplane unless -
- (a) accompanied by an able-bodied assistant; and
  - (b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.
- (5) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the 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) shall 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 shall be accompanied by an able-bodied assistant.

#### **Carriage of persons with reduced mobility**

- 135.08.34** (1) The operator of a small aeroplane shall establish procedures for the carriage of persons with reduced mobility.
- (2) The operator shall ensure that -
- (a) the pilot-in-command of the aeroplane is notified when a passenger with reduced mobility is to be carried on board; and
  - (b) a passenger with reduced mobility is not seated where he or she could impede the crew members in the exercise of their duties or the emergency evacuation of the aeroplane or obstruct access to emergency equipment.

#### **Limitations on carriage of infants, children and passengers with disability**

- 135.08.35** (1) Only one passenger with a disability or one unaccompanied minor may be carried in a small aeroplane.
- (2) An able-bodied assistant shall accompany a passenger with a disability who cannot assist himself or herself, and such assistant shall be assigned with the responsibility of the safety of such passenger.
- (3) The operator may establish procedures, other than the procedures referred to in subregulations (1) and (2), for the carriage of infants, children, and passengers with a disability: Provided that -

- (a) such procedures do not jeopardise aviation safety; and
- (b) prior approval has been obtained from the Director.

#### **Carriage of inadmissible passengers, deportees or persons in custody**

**135.08.36** (1) The operator of a small aeroplane shall establish procedures for the carriage of inadmissible passengers, deportees or persons in custody to ensure the safety of the aeroplane and its occupants.

(2) The pilot-in-command of the aeroplane shall be notified by the operator of such aeroplane prior to departure, of the intended carriage, and reason for carriage, of any of the persons referred to in subregulation (1).

#### **Carry-on baggage**

**135.08.37** (1) The operator of a small aeroplane shall establish adequate procedures to ensure that only such 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) shall be as prescribed in Document NAM-CATS-OPS 135.

#### **Securing of passenger cabin**

**135.08.38** (1) Before take-off and landing and whenever deemed necessary in the interests of aviation safety, the pilot-in-command of a small aeroplane shall 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 such aeroplane through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres; and
- (b) all passage ways, exits and escape paths are kept clear of obstructions.

(2) All solid articles shall 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 such aeroplane.

(3) For the purposes of subregulation (2), "approved stowage area" means -

- (a) the area under a passenger seat except alongside emergency exits; or
- (b) a locker, overhead or other, utilised in accordance with the placarded mass limitation of the locker.

(4) No take-off or landing shall be commenced by the pilot-in-command of the aeroplane, unless he or she has been satisfied as to the safe condition of the cabin.

#### **Passenger services**

**135.08.39** (1) Except when in use, all items provided for passenger services, including food containers, thermos flasks and servicing trays, shall 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) shall 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), shall not be permitted in the cabin of the aeroplane.

(4) Securing of the cabin shall be completed 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 shall obstruct the exits of the aeroplane.

### **Incidents and defects**

**135.08.40** (1) The operator of a small aeroplane shall establish adequate inspection and reporting procedures to ensure that defective equipment are reported to the pilot-in-command of the aeroplane before take-off.

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

(3) Upon receipt of the reports referred to in subregulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

### **Occurrence Reporting**

#### **135.08.41** (1) Flight Incidents

- (a) The operator or commander of an aeroplane shall submit a report to the Director of any incident that has endangered or may have endangered safe operation of a flight.
- (b) Reports shall be despatched within 72 hours of the event, unless exceptional circumstances prevent this.

(2) Technical defects and exceedance of technical limitations. A commander shall ensure that all technical defects and exceedances of technical limitations occurring while he was responsible for the flight are recorded in the aeroplane's Technical Log.

(3) Air Traffic Incidents. A commander shall submit an air traffic incident report in accordance with ICAO PANS RAC whenever an aeroplane in flight has been endangered by:

- (a) a near collision with any other flying device;
- (b) faulty air traffic procedures or lack of compliance with applicable procedures by Air Traffic Services or by the flight crew; or
- (c) a failure of ATS facilities.

#### (4) Bird hazards and strikes

- (a) A commander shall immediately inform the appropriate ground station whenever a potential bird hazard is observed.
- (b) A commander shall submit a written bird strike report after landing whenever an aeroplane for which he is responsible suffers a bird strike.

(5) In-flight emergencies with dangerous goods on board. If an in-flight emergency occurs and the situation permits, a commander shall inform the appropriate air traffic services unit of any dangerous goods on board.

(6) Unlawful interference. Following an act of unlawful interference on board an aeroplane, a commander shall submit a report, as soon as practicable, to the director.

(7) Irregularities of ground and navigational facilities and hazardous conditions a commander shall notify the appropriate ground station as soon as practicable whenever a potentially hazardous condition such as:

- (a) An irregularity in a ground or navigational facility; or
- (b) A meteorological phenomenon; or
- (c) A volcanic ash cloud; or
- (d) A high radiation level,

is encountered during flight.

### **Accident reporting**

**135.08.42** An operator shall establish procedures to ensure that the nearest appropriate authority is notified by the quickest available means of any accident, involving the aeroplane, resulting in serious injury (as defined in the Regulations Regarding the Investigation of Aircraft Accidents, 2000) or death of any person or substantial damage to the aeroplane or property.

**SUBPART 9****AEROPLANE PERFORMANCE OPERATING LIMITATIONS****Aeroplane performance classification**

**135.09.1** (1) For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes -
  - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
  - (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes - propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less, and a maximum certificated mass of 5 700 kilograms or less;
- (c) Class C aeroplanes - aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
- (d) Class D aeroplanes - single-engine aeroplanes.

(2) The Director may, for performance purposes, classify any aeroplane in Document NAM-CATS-OPS 135, as a Class B or Class D aeroplane.

(3) The operator of a small aeroplane shall ensure that-

- (a) a Class B aeroplane is operated in accordance with the operating limitations prescribed in Division One; and
- (b) a Class D aeroplane is operated in accordance with the operating limitations prescribed in Division Two.

(4) Where specific design characteristics of an aeroplane prevents compliance with the regulations in Division One or Two of this Subpart, the operator shall, notwithstanding the provisions of subregulation (1), ensure that the aeroplane is operated in accordance with such standard that a level of safety equivalent to the level of safety prescribed in the appropriate Division in this Subpart, is maintained and which is specifically approved by the Director.

**Class B and Class D aeroplanes**

**135.09.2** (1) The operator of a Class B or a Class D aeroplane shall ensure that the mass of the aeroplane, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate Division can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds.

(2) The operator shall ensure that the approved performance data contained in the aeroplane flight manual prescribed in regulation 135.04.5, are used to determine compliance with the requirements prescribed in the appropriate Division supplemented as necessary with other approved data prescribed in such Division.

(3) A twin-engine propeller-driven small aeroplane which does not meet the requirements as prescribed in Document NAM-CATS-OPS 135 for take-off and for landing shall, for the purposes of this Subpart, be deemed to be a single-engine aeroplane, to be operated in accordance with the operating limitations prescribed in Division Two.

**DIVISION ONE : CLASS B AEROPLANE****General**

**135.09.3** The regulations in this Division shall apply to -

- (a) the operator of a Class A aeroplane which does not comply with the appropriate performance operating limitations prescribed in Part 135 of the Regulations on the date of commencement thereof, who may, until 1 July 2000, operate the aeroplane under performance operating limitations approved by the Director: Provided that such limitations shall not be less restrictive than the performance operating limitations prescribed in this Division; and
- (h) the operator of a Class B aeroplane.

**Take-off**

**135.09.4** (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that the take-off mass of the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.

(2) The operator shall ensure that the take-off distance, as specified in the aeroplane flight manual referred to in regulation 135.04.5, multiplied by a factor of 1.3, does not exceed the take-off run available.

(3) When complying with the provisions of subregulation (2), the operator shall take into account -

- (a) the mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude at the aerodrome;
- (c) the ambient temperature at the aerodrome;
- (d) the runway surface condition and the type of runway surface;
- (e) the runway slope in the direction of take-off;
- (f) brake energy;
- (g) tyre-speed limit;
- (h) pilot-reaction time;
- (i) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component; and
- (j) the loss, if any, of runway length due to alignment of the aeroplane prior to take-off.

**Take-off flight path**

**135.09.5** (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus  $0,125 \times D$ , where  $D$  is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as prescribed in subregulations (3) and (4).

(2) When complying with the provisions of subregulation (1), it is assumed that -

- (a) the take-off flight path begins at a height of 50 feet above the take-off surface at the end of the take-off distance in regulation 135.09.5(2) and ends at a height of 1 500 feet above the take-off surface;
- (h) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;

- (c) failure of the critical engine occurs at the point of the all-engines take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur;
- (d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is equal to the average all-engines gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77; and
- (e) the gradient of the take-off flight path from the height reached in accordance with the provisions of paragraph (d), to the end of the take-off flight path, is equal to the one-engine-inoperative en route climb gradient shown in the aeroplane flight manual referred to in regulation 135.04.5.

(3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider obstacles which have a lateral distance greater than -

- (a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and
- (b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 600 metres for flights under conditions allowing visual course guidance navigation; or
- (b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account -

- (a) the mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude at the aerodrome;
- (c) the ambient temperature at the aerodrome; and
- (d) not more than 50 per cent of the reported head-wind component

or not less than 150 per cent of the reported tail-wind component.

### **En route**

**135.09.6** (1) The operator of a Class A or Class B aeroplane referred to regulation 135.09.4, shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, and in the event of the failure of one engine, with the remaining engine or engines operating within the maximum continuous power conditions specified, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 135.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) -

- (a) the aeroplane is assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute with all engines operating within

- the maximum continuous power conditions specified in such operations manual; and
- (b) the assumed en route gradient with one-engine-inoperative shall be at least the gross gradient minus 0,5 per cent gradient.

#### **Landing at destination and alternate aerodromes**

**135.09.7** The operator of a Class A or Class B aeroplane referred to in regulation 135.09.3, shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

#### **Landing on dry runways**

**135.09.8** (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.3, shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows a full-stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the 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 shall take into account -

- (a) the runway surface condition and the type of runway surface;
- (b) the runway slope in the direction of take-off;
- (c) the altitude at the aerodrome; and
- (d) not more than 50 per cent of the reported head-wind component or not less than 150 per cent of the reported tail-wind component.

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it is assumed that such aeroplane will land -

- (a) on the most favourable runway, in still air; and
- (b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation (3)(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

#### **Landing on wet and contaminated runways**

**135.09.9** (1) The operator of a Class A or Class B aeroplane referred to in regulation 135.09.4, shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 135.09.8.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(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 135.09.8(1), may be used if the aeroplane flight manual prescribed in regulation 135.04.5, includes specified additional information on landing distances on wet runways.

**DIVISION TWO : CLASS D AEROPLANE****General**

- 135.09.10** The operator of a Class D aeroplane shall not operate the aeroplane -
- (a) by night; or
  - (b) in IMC except under special VFR or under special conditions approved by the Director.

**Take-off**

- 135.09.11** (1) The operator of a Class D aeroplane shall ensure that the take-off mass the aeroplane does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the aerodrome of departure.
- (2) The operator shall ensure that the take-off distance, as specified in the aeroplane flight manual prescribed in regulation 135.04.5, multiplied by a factor of 1.3, does not exceed the take-off run available.
- (3) When complying with the provisions of subregulation (2), the operator shall take into account -
- (a) the mass of the aeroplane at the commencement of the take-off run; and
  - (b) the requirements prescribed in regulation 135.09.5(3).

**Take-off flight path**

- 135.09.12** (1) The operator of a Class D aeroplane shall ensure that the take-off flight path of the aeroplane clears all obstacles by a vertical margin of at least 295 feet plus  $0,125 \times D$ , where D is the horizontal distance which the aeroplane has travelled from the end of the take-off distance available, except as provided in subregulations (3) and (4).
- (2) When complying with the provisions of subregulation (1), it shall be assumed that -
- (a) the take-off flight path begins at a height of 50 feet above the take-off surface at the end of the take-off distance required by regulation 135.09.11(2) and ends at a height of 1 500 feet above the take-off surface;
  - (b) the aeroplane is not banked before such aeroplane has reached a height of 50 feet above the take-off surface, and that thereafter, the angle of bank does not exceed 15 degrees;
  - (c) engine failure occurs at the point of the take-off flight path, where the loss of visual reference for the purpose of avoiding obstacles is expected to occur; and
  - (d) the gradient of the take-off flight path from 50 feet to the assumed engine-failure height is the gradient during climb and transition to the en route configuration, multiplied by a factor of 0,77.
- (3) When complying with the provisions of subregulation (1), in those cases where the intended flight path does not require track changes of more than 15 degrees, the operator shall not be required to consider obstacles which have a lateral distance greater than -
- (a) 300 metres, if the flight is conducted under conditions allowing visual course guidance navigation, or if navigation aids are available enabling the pilot to maintain the intended flight path with the same accuracy; and
  - (b) 600 metres for flights under all other conditions.

(4) When complying with the provisions of subregulation (1), in those cases where the intended flight path requires heading changes of more than 15 degrees, the operator shall not be required to consider those obstacles which have a lateral distance greater than -

- (a) 600 metres for flights under conditions allowing visual course guidance navigation; or
- (b) 900 metres for flights under all other conditions.

(5) When complying with the provisions of this regulation, the operator shall take into account the requirements referred to in regulation 135.09.5(5).

#### **En route**

**135.09.13** (1) The operator of a Class D aeroplane shall be able to demonstrate that the aeroplane, in the meteorological conditions expected for the flight, is capable of continuing flight at or above the relevant minimum altitudes for safe flight stated in the operations manual referred to in regulation 135.04.3, to a point of 1 000 feet above an aerodrome at which the performance requirements can be complied with.

(2) When complying with the provisions of subregulation (1) the aeroplane shall be assumed not to be flying at an altitude exceeding the altitude at which the rate of climb equals 300 feet per minute within the maximum continuous power conditions specified in the aeroplane flight manual referred to in regulation 135.04.5.

#### **Landing at destination and alternate aerodromes**

**135.09.14** The operator of a Class D aeroplane shall ensure that the landing mass of the aeroplane does not exceed the maximum landing mass specified for the altitude and the ambient temperature expected for the estimated time of arrival at the destination and alternate aerodrome.

#### **Landing on dry runways**

**135.09.15** (1) The operator of a Class D aeroplane shall ensure that the landing mass of the aeroplane for the estimated time of arrival, allows a full-stop landing from 50 feet above the threshold within 70 per cent of the landing distance available at the destination aerodrome and at any alternate aerodrome: Provided that the 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 shall take into account the requirements prescribed in regulation 135.09.8(2).

(3) For dispatching the aeroplane in accordance with the provisions of subregulation (1), it shall be assumed that such aeroplane will land -

- (a) on the most favourable runway, in still air; and
- (b) on the runway most likely to be assigned, considering the probable wind speed and direction and the ground handling characteristics of the aeroplane, and considering landing aids, terrain and obstacle clearance.

(4) If the operator is unable to comply with the provisions of subregulation 3(b) for the destination aerodrome, the aeroplane may be dispatched if an alternate aerodrome which permits full compliance with the provisions of subregulations (1), (2) and (3), is designated.

#### **Landing on wet and contaminated runways**

**135.09.16** (1) The operator of a Class D aeroplane shall ensure that when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway

at the estimated time of arrival may be wet, the landing distance available is at least 115 per cent of the required landing distance determined in accordance with the provisions of regulation 135.09.15.

(2) The operator shall ensure that, when the appropriate weather reports or forecasts, or a combination thereof, indicate that the runway at the estimated time of arrival may be contaminated, the landing distance available is at least the required approved landing distance.

(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 135.09.15(1), may be used if the aeroplane flight manual referred to in regulation 135.04.5, includes specified additional information on landing distances on wet runways.

**SUBPART 10****AEROPLANE MAINTENANCE****General**

**135.10.1** (1) This Subpart prescribes the aeroplane maintenance requirements for compliance with the air operator certificate requirements prescribed in Subpart 6.

(2) The operator of a small aeroplane shall not operate the aeroplane unless such aeroplane is maintained and released to service by an aircraft maintenance organisation approved in terms of Part 145.

**Operator's maintenance system**

**135.10.2** (1) An applicant for the issuing of an air operator certificate, or an amendment or renewal thereof, shall submit an operator's maintenance system to the Director for approval.

(2) The operator's maintenance system shall include -

- (a) the maintenance management manual referred to in regulation 135.10.6;
- (b) the operator's aeroplane maintenance programme referred to in regulation 135.10.5;
- (c) the aeroplane technical log referred to in regulation 135.10.7; and
- (d) the technical specifications of the maintenance arrangements referred to in regulation 135.10.4(2), if applicable.

(3) The Director shall approve the maintenance system if the applicant complies with the requirements prescribed in this Subpart, in conjunction with the manual of procedure of an aircraft maintenance organisation approved in terms of Part 145.

**Maintenance responsibility**

**135.10.3** (1) The operator of a small aeroplane shall ensure the airworthiness of the aeroplane and the serviceability of both its operational and emergency equipment by -

- (a) the accomplishment of pre-flight inspections;
- (b) the rectification to an approved standard, of any defect and damage affecting safe operation, taking into account the MEL and the CDL, if available for the aeroplane type;
- (c) the accomplishment of all maintenance in accordance with the approved operator's aeroplane maintenance programme referred to in regulation 135.10.7;
- (d) the analysis of the effectiveness of such programme;
- (e) the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement issued or prescribed in terms of the Regulations; and
- (f) the accomplishment of modifications in accordance with an approved standard and, for modifications which are not required in terms of the Regulations, the establishment of an embodiment policy.

(2) The operator shall ensure that the certificate of airworthiness for each aeroplane operated, remains valid in respect of -

- (a) the requirements prescribed in paragraph (a); and
- (b) any expiry date, or other maintenance condition, specified on such certificate of airworthiness.

(3) The requirements prescribed in paragraph (a) shall be performed in accordance with procedures approved by the Director.

#### **Maintenance management**

**135.10.4** (1) The operator of a small aeroplane shall be the holder of an aircraft organisation approval issued in terms of Part 145, in order to perform the requirements prescribed in regulation 135.10.3(1)(b) to (f) inclusive, unless the Director is satisfied that the maintenance can be contracted to an aircraft maintenance organisation approved in terms of Part 145.

(2) If the operator is not an aircraft maintenance organisation approved in terms of Part 145, appropriate arrangements shall be made with such organisation to perform the requirements referred to in subregulation (1).

(3) The operator shall submit a copy of the arrangements referred to in subregulation (2), to the Director for approval.

#### **Operator's maintenance management programme**

**135.10.5** (1) The operator of a small aeroplane shall establish an aeroplane maintenance programme according to which the aeroplane shall be maintained.

(2) The aeroplane management programme shall include -

- (a) details of the frequency of all maintenance required to be carried out; and
- (b) a reliability programme, if the Director determines that such programme is necessary.

(3) The aeroplane management programme, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Operator's maintenance management manual**

**135.10.6** (1) The operator of a small aeroplane shall compile a maintenance management manual which shall -

- (a) comply with the requirements prescribed in this Subpart and Subpart 6; and
- (b) contain the information as prescribed in Document NAM-CATS-OPS 135.

(2) If the operator is an aircraft maintenance organisation approved in terms of Part 145, the maintenance management manual may be included in the manual of procedure referred to in regulation 145.02.1.

(3) The maintenance management manual, and any subsequent amendment thereto, shall be submitted to the Director for approval.

#### **Operator's aeroplane technical log**

**135.10.7** (1) The operator of a small aeroplane shall establish an aeroplane technical log system containing the following information for each aeroplane:

- (a) Particulars of each flight necessary to ensure continued flight safety;
- (b) the current certificate of release to service;

- (c) the current maintenance statement giving the aeroplane maintenance status of which maintenance required in terms of Part 43, is next due;
- (d) all outstanding deferred defects which affect the operation of the aeroplane; and
- (e) any necessary guidance instructions on maintenance support arrangements.

(2) The aeroplane technical log, and any subsequent amendment thereto, shall be submitted to the Director for approval.

### **Maintenance records**

**135.10.8** (1) The operator of a small aeroplane shall ensure that the aeroplane technical log referred to in regulation 135.10.7, is retained for a period of 24 months after the date of the last entry.

(2) The operator shall ensure that a system has been established to keep the following records for the following periods:

- (a) All detailed maintenance records in respect of the aeroplane, and any aeroplane component fitted thereto, for 24 months after such aeroplane, or aeroplane component, has been released to service;
- (b) the total time and flight cycles, as appropriate, of the aeroplane and all life-limited aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service;
- (c) the time and flight cycles, as appropriate, since the last overhaul of the aeroplane, or aeroplane component subjected to an overhaul life, until the aeroplane or aeroplane component overhaul has been superseded by another overhaul of equivalent work scope and detail;
- (d) the current aeroplane inspection status to prove compliance with the aeroplane maintenance programme referred to in regulation 135.10.5, until the aeroplane or aeroplane component inspection has been superseded by another inspection of equivalent work scope and detail;
- (e) the current status of airworthiness directives applicable to the aeroplane and aeroplane components, for 12 months after the aeroplane has been permanently withdrawn from service; and
- (f) details of current modifications and repairs to the aeroplane, or any aeroplane component vital to flight safety, for 12 months after the aeroplane has been permanently withdrawn from service.

(3) The operator shall ensure that, if the aeroplane is permanently transferred to another operator, the records referred to in subregulations (1) and (2) are also transferred to such operator.

### **Continued validity of air operator certificate in respect of maintenance system**

**135.10.9** The operator of a small aeroplane shall comply with the requirements prescribed in Subpart 6, to ensure the continued validity of the air operator certificate in respect of the maintenance system.

### **Quality Assurance System**

**135.10.10** (1) For maintenance purposes, the operator's Quality Assurance System, as required by regulation 135.06.2, must additionally include at least the following functions:

- (a) monitoring that the activities of regulation 135.10.3 are being performed in accordance with the accepted procedures;
- (b) monitoring that all contracted maintenance is carried out in accordance with the contract; and
- (c) monitoring the continued compliance with the requirements of this Subpart.

(2) Where the operator is approved in accordance with Part 145, the Quality Assurance System may be combined with that required by Part 145.

**SUBPART 11****RULES OF THE AIR****DIVISION ONE : FLIGHT RULES****Landing and take-off**

**135.11.1** No pilot-in-command shall use a public road as a place of landing or take-off in a small aeroplane, except -

- (a) in the case of an emergency involving the safety of the aeroplane 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.

**Dropping objects, spraying or dusting**

**135.11.2** Except in an emergency or with the prior approval of the Director, no person shall drop an article from a small aeroplane in flight other than -

- (a) fine sand or clean water used as ballast; or
- (b) chemical substances for the purpose of spraying or dusting.

**Towing**

**135.11.3** The pilot-in-command of a small aeroplane in flight shall not permit anything to be towed by the aeroplane, except -

- (a) with the prior approval of the Director; or
- (b) if certificated to do so under aerial work operations.

**Right of way**

**135.11.4** (1) The pilot-in-command of a small aeroplane which has the right of way, shall maintain heading and speed, but nothing in this Subpart shall relieve the pilot-in-command from the responsibility of taking such action as will best avert collision.

(2) The pilot-in-command of a small aeroplane which is obliged, by the provisions of the regulations in this Subpart, to keep out of the way of another aircraft, shall avoid passing over or under the other aircraft, or crossing ahead of such aircraft, unless passing well clear.

(3) When a small aeroplane and another aircraft are approaching head-on or approximately so and there is danger of collision, the pilot-in-command of each aircraft shall alter its heading to the right.

(4) When a small aeroplane and another aircraft are converging at approximately the same level, the pilot-in-command of the aircraft which has the other aircraft on its right, shall give way, except in the following circumstances:

- (a) The pilot-in-command of a small aeroplane shall give way to airships, gliders and balloons;
- (b) the pilot-in-command of a small aeroplane shall 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) A small aeroplane which is being overtaken has the right of way and the pilot-in-command of the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep such aircraft out of the way of the overtaken aeroplane by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the pilot-in-command of the overtaking aircraft from his or her obligation until such aircraft is entirely past and clear: Provided that where a right-hand circuit is being followed at an aerodrome, the pilot-in-command of the overtaking aircraft shall alter its heading to the left.

(6) The pilot-in-command of a small aeroplane in flight or operating on the ground or, in the case of a small seaplane or amphibious aeroplane, on water, shall give way to other aircraft landing or on final approach to land.

- (7) (a) When a small aeroplane and one or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, the pilot-in-command of the aircraft at the higher level, shall give way to the aircraft at the lower level, but the pilot-in-command of the latter aircraft shall 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.
- (b) Notwithstanding the provisions of paragraph (a), the pilot-in-command of a small aeroplane shall give way to gliders.

(8) The pilot-in-command of a small aeroplane about to take-off, shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) The pilot-in-command of a small aeroplane who is aware that another aircraft is compelled to land, shall give way to such aircraft.

(10) 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 therefore be in such a position with reference to the other aircraft, that by night it should be unable to see either of the other aircraft's wingtip navigation lights.

#### **Following line features**

**135.11.5** The pilot-in-command of a small aeroplane 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 or within one nautical mile of such line feature, shall fly to the right of such power line, road, railway line, river, coastline or other line feature, except when the pilot-in-command is instructed to do otherwise by an air traffic service unit.

#### **Aeroplane speed**

**135.11.6** (1) Unless otherwise authorised or required by the Director, no person shall, outside controlled airspace and below flight level 100, fly a small aeroplane at an indicated air speed of more than 250 knots.

(2) Unless otherwise authorised or required by an air traffic service unit, no person shall fly a small aeroplane within a control zone or an aerodrome traffic zone at an indicated air speed of more than -

- (a) 160 knots, in the case of a reciprocating-engine aeroplane; or
- (b) 200 knots, in the case of a turbine-powered aeroplane:

Provided that if the minimum safe indicated air speed for a particular flight is greater than the maximum indicated air speed prescribed in this regulation, the aeroplane may be flown at the minimum safe indicated air speed.

**Lights to be displayed by small aeroplane**

**135.11.7** The lights which have to be displayed by a small aeroplane by night or on the manoeuvring area of an aerodrome, or, in the case of a small seaplane or amphibious aeroplane, on water, shall be as prescribed in NAM-CATS-OPS 135.

**Taxi rules**

**135.11.8** (1) Small aeroplanes which are landing or taking off, shall be given right of way by other aircraft and by vehicles.

(2) The pilot-in-command of a small aeroplane shall, after landing, unless otherwise authorised or instructed by an air traffic service unit, move clear of the runway in use, as soon as it is possible to safely do so.

(3) A vehicle which is towing a small aeroplane shall be given right of way by the persons in charge of other vehicles and by pilots of and personnel authorised to taxi other aircraft which are not landing or taking off.

(4) A small aeroplane shall be given right of way by the person in charge of a vehicle which is not towing an aircraft.

(5) The pilot-in-command of, or personnel authorised to taxi, a small aeroplane or the person in charge of a vehicle which is obliged by the provisions of this regulation to give right of way to another aircraft, shall, if necessary in the circumstances in order to do so, reduce the speed or stop such aeroplane or vehicle.

(6) If danger of collision exists between a small aeroplane or vehicle and another aircraft or vehicle, such of the following procedures as may be appropriate in the circumstances, shall be applied:

- (a) When the two are approaching head-on or nearly head-on, the pilot-in-command of, or personnel authorised to taxi, the aircraft and the person in charge of the vehicle, shall turn to the right;
- (b) when one is overtaking the other, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which is overtaking, shall keep out of the way of the other by turning to the right, and no subsequent change in the relative positions of the two shall absolve the one which is overtaking from this obligation, until it is finally past and clear of the other;
- (c) subject to the provisions of subregulation (2), when the two are converging, the pilot-in-command of, or personnel authorised to taxi, the aircraft or person in charge of the vehicle which has the other on its right, shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(7) The person in charge of a vehicle moving along a runway or taxiway, shall as far as practicable keep to the right side of the runway or taxiway.

(8) When a small aeroplane is being towed, the person in charge of the towing vehicle shall be responsible for compliance with the provisions of this regulation.

(9) Nothing in this regulation shall relieve the pilot-in-command of, or personnel authorised to taxi, a small aeroplane or the person in charge of a vehicle, from the responsibility for taking such action as will best aid to avert collision.

**Operation on and in vicinity of aerodrome**

**135.11.9** (1) The pilot-in-command of a small aeroplane operated on or in the vicinity of an aerodrome, shall comply 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;
- (d) land and take-off into the wind unless safety, the runway configuration or air traffic considerations determine that a different direction is preferable;
- (e) when not joining the traffic pattern for landing, fly across the aerodrome or its environs at a height of not less than 2 000 feet above the level of such aerodrome: Provided 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 shall conform with the traffic pattern at such aerodrome; and
- (f) taxi in accordance with the ground control procedures which may be in force at the aerodrome.

(2) If an aerodrome control tower is in operation, the pilot-in-command shall also, whilst the aeroplane 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 service 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; or
- (b) if this is 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 shall also, whilst the aeroplane 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 and 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 this is not possible, keep a watch for visual signals which may be displayed or may be issued by the aerodrome flight information service unit.

(4) The pilot-in-command who is unable to communicate by radio, shall, 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 he or she has the consent of the appropriate air traffic service unit to do otherwise.

**Signals**

**135.11.10** The pilot-in-command of a small aeroplane in flight shall, upon observing or receiving any of the signals as prescribed in Document NAM-CATS-OPS 135, take such action as may be required by the interpretation of such signal.

**Water operations**

**135.11.11** (1) In areas in which the International Regulations for Preventing Collisions at Sea are in force, the pilot-in-command of a small seaplane or amphibious aeroplane operated on the water, shall comply with the provisions thereof.

(2) The pilot-in-command of a small seaplane or amphibious aeroplane in flight near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(3) When a small seaplane or amphibious aeroplane and another aircraft, or a small seaplane or amphibious aeroplane and a vessel, are approaching one another and there is a risk of collision, the pilot-in-command of each aircraft and vessel shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(4) The pilot-in-command of a small seaplane or amphibious aeroplane which has another aircraft or a vessel on its right shall give way so as to keep well clear.

(5) The pilot-in-command of a small seaplane or amphibious aeroplane approaching another aircraft or a vessel head-on, or nearly head-on, shall alter the heading of the seaplane or amphibious aeroplane to the right to keep well clear.

(6) The aircraft or vessel which is being overtaken has the right of way, and the pilot-in-command of the seaplane or amphibious aeroplane overtaking shall alter the heading of such seaplane or amphibious aeroplane to keep well clear.

(7) The pilot-in-command of a small seaplane or amphibious aeroplane landing on or taking off from the water shall, as far as practicable, keep well clear of all vessels and avoid impeding their navigation.

**Reporting position**

**135.11.12** The pilot-in-command of a small aeroplane -

- (a) flying in controlled airspace;
- (b) flying in advisory airspace; or
- (c) flying on routes defined by significant and/or compulsory reporting points; or
- (d) on a flight for which alerting action is being provided,

shall ensure 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 meteorological any other required information, and he or she shall further ensure that position reports are similarly made in relation to additional reporting points, if so requested by the responsible air traffic service unit and that, 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 Director in terms of Part 175, for that area.

**Mandatory radio communication in controlled airspace**

**135.11.13** The pilot-in-command of a small aeroplane to be operated in or crossing a controlled airspace shall ensure that, before the aeroplane enters such airspace, two-way radio communication is established with the responsible air traffic service unit

on the designated radio frequency, and shall ensure, while the aeroplane is within, and until it leaves, the controlled airspace, that continuous radio watch is maintained and that such further two-way radio communication as such air traffic service unit may require, is established: Provided that -

- (a) the air traffic service unit may permit an aeroplane 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 shall be subject to such conditions as such air traffic service unit deems necessary to ensure the safety of other air traffic; and
- (b) 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 as prescribed in Document NAM-CATS-OPS 135, are complied with.

#### **Mandatory radio communication in advisory airspace**

**135.11.14** The pilot-in-command of a small aeroplane to be operated in advisory airspace shall ensure that, before the aeroplane approaches or enters such airspace -

- (a) two-way radio communication with the responsible air traffic service unit is established on the designated radio frequency; or
- (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 intention of the pilot-in-command of the aeroplane to enter the airspace, and such pilot-in-command shall ensure that, while the aeroplane is within the advisory airspace and until it departs therefrom, 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:

Provided that in the case of a radio failure, a flight for which a 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 as prescribed in Document NAM-CATS-OPS 135, are complied with.

**Compliance with air traffic control clearance and instructions**

**135.11.15** The pilot-in-command of a small aeroplane shall -

- (a) comply with any air traffic control clearance which is obtained, unless the pilot-in-command obtains an amended clearance;
- (b) not operate the aeroplane contrary to an air traffic control instruction 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 control unit of the deviation, as soon as practicable.

**Prohibited areas**

**135.11.16** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a prohibited area and shall, for the purposes of the prohibition contained in subregulation (2), when so declaring an area to be a prohibited area -

- (a) specify a height above the ground surface of such area; or
- (b) specify an altitude in respect of such area, as the Director may deem expedient, in the notice in question.

(2) No person shall fly any small aeroplane whatsoever in the airspace above a prohibited area -

- (a) below the height specified in terms of subregulation (1)(a); or
- (b) below the altitude specified in terms of subregulation (1)(b),

as the case may be, in respect of the prohibited area in question.

**Restricted and danger areas**

**135.11.17** (1) The Director may, by notice in an AIP, AIP SUP, AIC or a NOTAM, declare any area to be a restricted or danger area and shall, when so declaring an area to be a restricted or danger area, specify in the notice in question -

- (a) the nature and extent of the restriction or dangerous activity applicable in respect of the area in question; and
- (b) the authorisation under which flights in such a restricted or danger area shall be permitted.

(2) No person shall, in contravention of a restriction contemplated in subregulation (1)(a), fly any small aeroplane to which the said restriction applies, in any restricted or danger area, unless the flight in question has been permitted by virtue of an authorisation contemplated in subregulation (1)(b).

**DIVISION TWO : VISUAL FLIGHT RULES****Visibility and distance from cloud**

**135.11.18** (1) Every VFR flight shall be so conducted by the pilot-in-command of a small aeroplane that the aeroplane is flown -

- (a) with visual reference to identifiable objects on the surface by day;
- (b) by night, with less than three eighths of cloud -

- (i) seven days prior to full moon until seven days after full moon expressed in Namibian Standard Time, 15 minutes after moonrise to 15 minutes before moonset; or
  - (ii) with visual reference to identifiable objects on the surface;
- (c) at no time above more than three eighths of cloud within a radius of five nautical miles of such aeroplane; and
- (d) under conditions of visibility and distance from cloud equal to, or greater than, the conditions as prescribed in Document NAM-CATS-OPS 135: Provided that when the height of the transition altitude is lower than 3 050 m (10 000 ft) above MSL, FL 100 shall be used in lieu of 10 000 ft.
- (2) When authorised by an air traffic service unit, lower flight visibilities than 1 500 m may be permitted for flights operating in Class G airspace -
- (a) at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or
  - (b) in circumstances in which the probability of encounters with other traffic would normally be low, such as areas of low volume traffic and aerial work at low levels.

#### **Special VFR weather minima**

**135.11.19** The pilot-in-command of a small aeroplane may conduct special VFR operations in weather conditions below the conditions prescribed in regulation 135.11.18 within a control zone -

- (a) under the terms of an air traffic control clearance;
- (b) by day only;
- (c) clear of clouds;
- (d) with a ceiling of at least 600 feet and visibility of at least 1 500 m;
- (e) in a small aeroplane 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.

#### **Responsibility to ascertain whether VFR flight is permitted**

**135.11.20** Outside a control zone, an aerodrome traffic zone or an aerodrome traffic area, the pilot-in-command of a small aeroplane shall ascertain whether or not weather conditions permit flight in accordance with VFR, and whenever weather conditions do not permit a pilot to maintain the minimum distance from cloud and the minimum visibility required by VFR, the pilot-in-command shall comply with IFR.

**DIVISION THREE : INSTRUMENT FLIGHT RULES****Compliance with IFR**

**135.11.21** If the pilot-in-command of a small aeroplane conducts a flight above FL 200, he or she shall fly the aeroplane in compliance with IFR as prescribed in this Subpart.

**Aeroplane equipment**

**135.11.22** No operator or pilot-in-command, as the case may be, of a small aeroplane, which is required to operate in compliance with IFR, shall operate the aircraft unless such aircraft is equipped with suitable instruments and radio navigation apparatus appropriate to the route to be flown and in accordance with the regulations in Subpart 5.

**Change from IFR flight to VFR flight**

**135.11.23** (1) The pilot-in-command of a small aeroplane, who elects to change the conduct of flight of the aeroplane from compliance with IFR to compliance with VFR, shall, 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) When a small aeroplane operating under IFR is flown in or encounters visual meteorological conditions, the pilot-in-command shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period in uninterrupted visual meteorological conditions.

**IFR procedures**

**135.11.24** (1) Unless otherwise authorised by the responsible air traffic service unit, the pilot-in-command of a small aeroplane flown in compliance with the rules contained in this Division, shall comply with IFR procedures applicable in the relevant airspace.

(2) Subject to the provisions of regulation 135.11.23, the pilot-in-command may execute, or endeavour to execute, a cloud break or let-down procedure at an aerodrome, or nominate an aerodrome as an alternate aerodrome: Provided that the requirements relating to cloud break or let-down procedures and to flights under IMC, as published by the Director in a NOTAM, can be complied with.

**DIVISION FOUR : AIR TRAFFIC RULES****Air traffic service procedures**

**135.11.25** The pilot-in-command of a small aeroplane to be operated in controlled airspace shall -

- (a) ensure that a flight plan is submitted, and changes thereto are notified, in accordance with the provisions of regulation 135.04.7;
- (b) ensure that radio communication is established with the responsible air traffic service unit and that radio communication is maintained in accordance with the provisions of regulation 135.11.13; and
- (c) comply with air traffic control clearances and instructions:

Provided that -

- (i) the pilot-in-command of a small aeroplane may deviate from an air traffic control clearance in exceptional circumstances, but such deviation shall be reported to the responsible air traffic service unit as soon as possible; and
- (ii) the pilot-in-command of a small aeroplane may propose an amendment to an air traffic control clearance, but such amendment shall not be applied until authorised by the responsible air traffic service unit.

### Priority

**135.11.26** An air traffic service unit may, with regard to arrivals and departures, give priority to a small aeroplane operating in accordance with flight plan clearance over aircraft not so engaged

## DIVISION FIVE : HEIGHTS AND INSTRUMENT APPROACH AND DEPARTURE PROCEDURES

### Minimum heights

**135.11.27** (1) Except when necessary for take-off or landing, or except with the prior approval of the Director, no pilot-in-command of a small aeroplane -

- (a) shall fly the aeroplane over built-up areas or over an 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 such aeroplane;
- (b) when flown elsewhere than specified in paragraph (a), shall fly the aeroplane at a height less than 500 feet above the ground or water; and
- (c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.

(2) Except when necessary for take-off or landing, the pilot-in-command of a small aeroplane shall by night, in IMC, or when operated in accordance with IFR, fly the aeroplane -

- (a) if within an area determined by the Director, at a height of at least 1 000 feet above the highest obstacle within that area and in accordance with such procedures as the Director may determine; or
- (b) if elsewhere than in an area contemplated in paragraph (a), at a height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aeroplane in flight.

### Semi-circular rule

**135.11.28** (1) Unless otherwise directed by an air traffic service unit, the pilot-in-command of a small aeroplane in level flight, shall fly at an appropriate flight level selected according to the magnetic track as prescribed in Document NAM-CATS-OPS 135.

(2) Small aeroplanes flown in accordance with VFR at a height of less than 1 500 feet above the surface, shall not be required to comply with the provisions of subregulation (1), unless otherwise directed by an air traffic service unit.

### Standard instrument approach to and departure from aerodrome

**135.11.29** When an instrument approach to, or instrument departure from, an aerodrome is necessary, the pilot-in-command of a small aeroplane shall use the standard instrument approach and departure procedure as published by the Director in an AIC, AIP, AIP SUP or a NOTAM.

**SUBPART 12****ALL WEATHER OPERATIONS****Aerodrome operating minima**

**135.12.1** The aerodrome operating minima are the minima referred to in regulation 135.08.10.

**General operating rules for low-visibility operations**

**135.12.2** (1) An operator shall not conduct Category II or III operations unless:

- (a) Each aeroplane concerned is certificated for operations with decision heights below 200 ft, or no decision height, and equipped in accordance with NAM-CATS OPS 135.
- (b) A suitable system for recording approach and/or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) The operations are approved by the Director;
- (d) The flight crew consists of at least 2 pilots; and
- (e) Decision Height is determined by means of a radio altimeter.

(2) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, B and C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Director.

**Aerodrome considerations for low-visibility operations**

**135.12.3** (1) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the State in which the aerodrome is located.

(2) An operator shall verify that Low Visibility Procedures (LVP) have been established, and will be enforced, at those aerodromes where low visibility operations are to be conducted.

**Training and qualifications for low-visibility operations**

**135.12.4** An operator shall ensure that, prior to conducting Low Visibility Take-Off, Category II and III operations:

- (1) Each flight crew member:
  - (a) Completes the training and checking requirements prescribed in NAM-CATS OPS 135 including simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category II/III approval; and
  - (b) Is qualified in accordance with NAM-CATS OPS 135;

(2) The training and checking is conducted in accordance with a detailed syllabus approved by the Director and included in the Operations Manual. This training is in addition to that prescribed in Subpart 3; and

(3) The flight crew qualification is specific to the operation and the aeroplane type.

**Operating procedures for low visibility operations**

**135.12.5** (1) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations. These procedures must be included in the Operations Manual and contain the duties of flight crew members during taxiing, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

- (2) The commander shall satisfy himself that:
- (a) The status of the visual and non-visual facilities is sufficient prior to commencing a Low Visibility Take-Off or a Category II or III approach;
  - (b) Appropriate LVPs are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and
  - (c) The flight crew members are properly qualified prior to commencing a Low Visibility Take-off in an RVR of less than 150 m (Category A, B and C aeroplanes) or 200 m (Cat D aeroplanes) or a Category II or III approach.

**Minimum equipment for low-visibility operations**

**135.12.6** (1) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the AFM or other approved document.

(2) The commander shall satisfy himself that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.

**SUBPART 13 : SECURITY****Security requirements**

**135.13.1** An operator shall ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programmes.

**Flight crew compartment security**

**135.13.2** If installed, the flight crew compartment door on all aeroplanes operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

**Training programmes**

**135.13.3** An operator shall establish, maintain and conduct approved training programmes which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aeroplanes and to minimise the consequences of such events should they occur.

**Aeroplane search procedure checklist**

**135.13.4** An operator shall ensure that all aeroplanes carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices.

**Reporting acts of unlawful interference**

**135.13.5** Following an act of unlawful interference on board an aeroplane the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Director in the State of the operator.

**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
- 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

**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**

**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**

**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
- (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
- (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**

**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.

**PART 139**

**AERODROMES AND HELIPORTS:  
LICENSING AND OPERATION**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

- 139.01.1 Applicability
- 139.01.2 Information on unlicensed aerodromes
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- 139.03.19 General duties of holder of licence
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  - 139.03.29 Protection of navigation aids
  - 139.03.30 Heliport abandoned or not maintained

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

- 139.01.1** (1) This Part shall apply to -
- (a) the licensing of areas demarcated for the development of aerodromes;
  - (b) the licensing and operation of aerodromes; and
  - (c) the approval or licensing and operation of heliports.
- (2) No place in Namibia shall be used as a place of landing or departure by -
- (a) aeroplanes operated in terms of the regulations in Part 121, unless it has been licensed in terms of the regulations in this Part or otherwise approved by the Director prior to such use;
  - (b) aeroplanes operated in terms of the regulations in Part 135, unless it has been approved by the aerodrome operator prior to such use;
  - (c) aircraft used during *ab initio* flying training, unless it has been approved by the Director prior to such use.
- (3) No place in an urban area in Namibia shall be used as a place of landing or departure by helicopters operated in terms of the regulations in Part 127, unless it has been approved by the Director prior to such use.
- (4) No area on any land, water or building shall be used 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.

**Information on unlicensed aerodromes**

**139.01.2** The owner of an unlicensed aerodrome other than a place of landing or departure referred to in regulation 139.01.1(2) or (3), shall, within 30 days from the date on which the construction of the aerodrome was completed or the date of commencement of these Regulations, or as soon as possible thereafter, provide the Director with the following information:

- (a) The full name of the owner;
- (b) the postal address of the owner;
- (c) the telephone and telefax numbers of the owner;
- (d) the name and location of the aerodrome -
  - (i) the geographical coordinates, to the closest minute; or
  - (ii) a geographical description;
- (e) an indication whether the aerodrome is serviceable or unserviceable;
- (f) the runway length, width and magnetic orientation of the aerodrome; and
- (g) the runway surface type of the aerodrome, such as gravel, asphalt, sand or grass.

**Use of military aerodromes**

**139.01.3** (1) Subject to the approval of the Minister responsible for Defence, the Director may, upon application in writing by any Part 121 operator who desires to use a military aerodrome for civil aviation purposes, authorise the use of the military aerodrome for such purposes.

(2) An authorisation referred to in subregulation (1) may be granted under such conditions and for such period which the Director may determine, if the he or she is satisfied that the use of such military aerodrome by such operator will not jeopardise aviation safety.

### Restrictions

**139.01.4** The 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 Director is satisfied that such restriction, limitation or prohibition is necessary in the interests of aviation safety.

### Publication of restrictions and deviations

**139.01.5** The Director shall, upon -

- (a) the imposition of any restriction, limitation or prohibition referred to in regulation 139.01.4;
- (b) the issue of an aerodrome licence in terms of regulation 139.02.13;
- (c) the renewal of an aerodrome licence in terms of regulation 139.02.17;
- (d) the issue of a heliport licence in terms of regulation 139.03.13; or
- (e) the renewal of a heliport licence in terms of regulation 139.03.17,

publish in an AIP, according to the provisions of Part 175 -

- (i) particulars of the restriction, limitation or prohibition referred to in paragraph (a);
- (ii) the category for which the aerodrome is licensed;
- (iii) the restrictions, if any, relating to non-compliance with, or deviations from -
  - (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or
  - (bb) the appropriate airspace classification requirements prescribed in Part 172;
- (iv) the restrictions, if any, relating to non-compliance with, or deviations from -
  - (aa) the appropriate heliport design, operation and equipment standards prescribed in this Part; or
  - (bb) the appropriate airspace classification requirements prescribed in Part 172.

### Flights by night

**139.01.6** The owner of any land shall not on such land develop, or allow the development of, any aerodrome which lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such as to endanger operators of aircraft used in night flights.

**Register of licences and approvals**

**139.01.7** (1) The Director shall maintain a register of all licences of intent, aerodrome licences and heliport licences issued or renewed, and heliport approvals granted by the Director, in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the licence or approval;
- (b) the postal address of the holder of the licence or approval;
- (c) the telephone and telefax numbers of the holder of the licence or approval;
- (d) the name and the location of the aerodrome for which the licence was issued;
- (e) the name and the location of the heliport for which the licence was issued, or approval granted;
- (f) the proposed name and the location of the area demarcated for the development of an aerodrome or heliport, for which the licence of intent was issued;
- (g) the number of the licence issued or approval granted;
- (h) the date on which the licence was issued, or approval granted;
- (i) file reference numbers of initial and subsequent safety inspection records and audit reports in respect of all aerodromes and heliports licensed or approved;
- (j) the nationality of the holder of the licence or approval; and
- (k) the date on which the licence or 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 licence was issued, renewed or cancelled, or the approval is granted 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.

**Safety inspections and audits**

**139.01.8** (1) An applicant for the issue of an aerodrome or heliport licence 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 the application concerned.

(2) The holder of an aerodrome licence shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits of such holder's aerodrome, documents and records which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) The holder of a heliport licence or approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits of such holder's heliport, documents and records which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**Suspension and cancellation of licence or approval and appeal**

**139.01.9** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aerodrome or heliport licence issued, or heliport approval granted, under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.8, it is evident that the holder of the licence or 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;
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the licence or approval to carry out a safety inspection and audit in terms of regulation 139.01.8; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a licence or approval in terms of subregulation (1), shall, deliver a report in writing to the Director.

(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 licence or approval which has been suspended.

(4) The holder of a licence or approval that has been suspended may appeal against such suspension to the Director within 30 days.

(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 licence or approval.

**Storage of flammable goods**

**139.01.10** Fuel, pyrotechnic stores and all highly flammable matter shall be stored on a licensed aerodrome only in buildings or receptacles which comply with the appropriate standards prescribed in any other law.

**Safety measures against fire**

**139.01.11** No person shall, on a licensed aerodrome -

- (a) smoke in, or bring an open flame into -
  - (i) any place where such act is prohibited by a notice displayed; or
  - (ii) any place within 15 metres of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of 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 of equipment provided for fire fighting purposes;
- (d) keep, store, discard or discharge any flammable liquid, gas, signal flares or other like material except in an aircraft in the receptacle appropriate for the purpose or in a place on the aerodrome specifically approved by the aerodrome operator for the purpose; or
- (e) store or stack any material or equipment in a manner which constitutes, or is likely to constitute, a fire hazard.

#### **Lights which endanger safety of aircraft**

**139.01.12** Whenever in Namibia any light or pattern of lights is exhibited -

- (a) in the neighbourhood 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 calculated to endanger the safety of aircraft; or
- (b) which, being in the neighbourhood of a licensed aerodrome, is liable by its glare to endanger the safety of aircraft arriving at, or departing from, such aerodrome,

the Director may cause a notice to be served upon the owner of the place where the light is exhibited or upon the person having charge of the light or upon 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 to prevent in future the exhibition of any light or particular type of light either at all or when ineffectively screened.

#### **Use of runways or taxiways and landing at or taking off from aerodrome**

**139.01.13** Save in an emergency -

- (a) or on the direction of the aerodrome operator given in terms of regulation 139.01.15, no person shall move an aircraft in the restricted area except on a runway or taxiway;
- (b) no person shall move an aircraft or vehicle onto a runway or a taxiway or go onto a runway or a taxiway -
  - (i) without the permission of the air traffic service unit operating at the licensed aerodrome, if the air traffic service unit is manned at the time;
  - (ii) except according to the 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) except in a manner that shall not endanger aircraft traffic, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit;
- (c) or with the approval of such holder, no person shall use a portion of a licensed aerodrome other than a runway for landing an aircraft or for taking off; and
- (d) no person shall land on a runway an aircraft fitted with a tailskid nor take off from a runway using such aircraft.

**Points of entry to or exit from restricted area**

**139.01.14** (1) No -

- (a) person other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of a licensed aerodrome; or
- (c) vehicle,

may enter or leave the restricted area except at points established by the aerodrome operator for such purpose.

(2) Save in an emergency no person -

- (a) other than a person carried in an aircraft or in or on a vehicle shall enter or leave the restricted area; or
- (b) shall move an aircraft travelling on the surface of a licensed aerodrome, or a vehicle into or from the restricted area,

except at an appropriate point of entry or exit stipulated in terms of subregulation (1).

**Movement of aircraft or vehicles in restricted area on direction of aerodrome operator**

**139.01.15** (1) The operator of an aircraft which is travelling on the surface of a licensed aerodrome and which is in the restricted area but not on a runway or a taxiway or the person in lawful charge of a vehicle which is in the restricted area shall, on being directed to do so by the aerodrome operator, move that aircraft along the surface of the aerodrome or that vehicle -

- (a) to another place in the restricted area indicated by the aerodrome operator; or
- (b) from the restricted area,

and if such operator or person refuses or fails or is not present to comply forthwith with such direction, the aerodrome operator may have that aircraft or vehicle moved to comply with such direction 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 shall not exempt such operator or person from a prosecution in respect of such refusal or failure.

(2) Any direction given by the aerodrome operator in terms of subregulation (1) shall 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 licensed aerodrome, if the air traffic service unit is manned at the time;
- (b) except according to the instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;
- (c) except in a manner that shall not endanger aircraft traffic, 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**

**139.01.16** (1) Except with the approval of the aerodrome operator, no person other than -

- (a) a person carried in an aircraft or in or on a vehicle travelling on the surface of a licensed aerodrome;
- (b) a person about to embark in an aircraft parked on the apron, who is proceeding under the supervision of the operator of that aircraft or his or her employee from the terminal building to that aircraft;
- (c) a person who has disembarked from an aircraft parked on the apron, who is proceeding under the supervision of the operator of that aircraft or his or her employee from that aircraft to the terminal building;
- (d) the operator of an aircraft parked, or moving, on the surface of the apron or his or her employee only when the performance of his or her duties or the course of his or her employment requires his or her presence on the apron; or
- (e) a person who operates a trade or a business at the aerodrome, or his or her employee only when the performance of his or her duties or the course of his or her employment requires his or her presence on the apron,

shall have access to the apron.

(2) Except with the approval of the aerodrome operator, no person shall move an aircraft travelling on the surface of a licensed aerodrome or a vehicle onto the apron.

(3) The aerodrome operator shall determine procedures according to which permission to have access to the apron shall be granted.

#### **Points of access to or egress from apron**

**139.01.17** (1) No -

- (a) person other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of a licensed aerodrome; or
- (c) vehicle,

may enter or leave the apron except at points established by the aerodrome operator for such purpose.

(2) Save in an emergency no person -

- (a) other than a person carried in an aircraft or in or on a vehicle shall enter or leave the apron; or
- (b) shall move an aircraft travelling on the surface of a licensed aerodrome or a vehicle onto or from the apron,

except at an appropriate point of access or egress stipulated in terms of subregulation (1).

#### **Movement of aircraft or vehicles on apron**

**139.01.18** (1) No person shall move an aircraft or any vehicle on the apron of a licensed aerodrome -

- (a) if there is any reasonably foreseeable danger of a collision with a person or any 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 30 kilometres per hour:

Provided that 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 any mark or light on the aerodrome having the purpose of serving as an aid to a pilot in control of an aircraft or driver or person in control of a vehicle to indicate a specific route or parking bay on the aerodrome, by no means exempts such pilot, driver or other person from the 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) No person shall move an aircraft travelling under its own power on the surface of a licensed aerodrome on the apron for maintenance purposes unless he or she is the holder of an appropriate licence issued in terms of Part 61 which entitles him or her to pilot that aircraft: Provided that student pilot who is not the holder of a student pilot licence, may move an aircraft on the apron while undergoing training with and accompanied in the aircraft by the holder of a flight instructor rating.

(3) An AME who holds on RT licence for maintenance purposes.

#### **Parking of aircraft on apron**

**139.01.19** (1) The operator of an aircraft shall ensure -

- (a) that the aircraft is parked in the place on the apron allocated to it by the aerodrome operator; and
- (b) that the aircraft is parked in the place so allocated in the position required by the aerodrome operator, and if such operator refuses or fails or is not present to comply forthwith with the terms of such allocation or requirement, the aerodrome operator may have that aircraft parked or positioned so as to comply with the terms of such allocation or requirement and may recover the costs incurred in so parking or positioning that aircraft from the operator of that aircraft and any such action by the aerodrome operator shall not exempt such operator from a prosecution in respect of such refusal or failure.

(2) Save in an emergency no person shall move an aircraft -

- (a) from the parking place allocated to it in terms of subregulation (1)(a); or
- (b) from the position in which it was placed in terms of subregulation (1)(b),

except with the approval of the aerodrome operator.

#### **Movement of aircraft on apron on direction of aerodrome operator**

**139.01.20** (1) The operator of an aircraft which is on the apron shall, on being directed to do so by the aerodrome operator, move such aircraft -

- (a) from the position in which it was placed in terms of regulation 139.01.19(1)(b) to another position in the same parking place;
- (b) from the parking place in which it was parked in terms of regulation 139.01.19(1)(b) to any other parking place on the apron; or
- (c) from the apron,

and if the operator of such aircraft refuses or fails or is not present to comply forthwith with such direction, the aerodrome operator may have such aircraft moved to comply with such direction and may recover the costs incurred in having such aircraft so moved from the operator of such aircraft and any such action by the aerodrome operator shall not exempt such operator from a prosecution in respect of such refusal or failure.

(2) An aircraft moved to another position under the provisions of subregulation (1)(a) shall be deemed to have been placed in its new position in terms of regulation 139.01.19(1)(b) and an aircraft moved to another parking place under the provisions of subregulation (1)(b) shall be deemed to have been parked in its new parking place in terms of regulation 139.01.19(1)(a).

#### **Movement of vehicles on apron on direction of aerodrome operator**

**139.01.21** The person in lawful charge of a vehicle on the apron shall, on being directed to do so by the aerodrome operator, move such vehicle -

- (a) to another place on the apron indicated by the aerodrome operator; or
- (b) from the apron,

and if such person refuses or fails or is not present to comply forthwith with such direction, the aerodrome operator may have such vehicle moved to comply with such direction and may recover from such person the costs incurred in having such vehicle so moved and any such action by the aerodrome operator shall not exempt such person from a prosecution in respect of such refusal or failure.

#### **Securing of parked aircraft**

**139.01.22** An aircraft parked on the apron and unattended shall be properly moored or otherwise secured by the operator of such aircraft.

#### **Embarkation or disembarkation of persons in or from aircraft**

**139.01.23** (1) The operator of an aircraft in which persons are to be embarked or from which persons are to be disembarked on the apron shall -

- (a) supervise the embarking or disembarking of persons from such aircraft;
- (b) if the construction of such aircraft requires the use of passenger steps for embarking or disembarking persons in or from such aircraft, ensure that passenger steps have been correctly and securely placed at each aircraft door which is to be used for embarking or disembarking persons in or from such aircraft before persons embark in or disembark from such aircraft.

(2) Save in an emergency or with the approval of the aerodrome operator, no person shall, on a licensed aerodrome, embark in or disembark from an aircraft except on the apron.

#### **Loading or unloading of cargo in or from aircraft**

**139.01.24** (1) The operator of an aircraft which is to be loaded or unloaded on the apron shall -

- (a) ensure that all working holds and doors of such aircraft are open to permit the efficient loading or unloading of such aircraft;
- (b) ensure that proper labels are affixed to all items of cargo which are to be carried in such aircraft; and

- (c) supervise the loading or unloading of such aircraft and ensure, when such aircraft is being loaded, that each item of cargo is placed in its appropriate place in such aircraft.

(2) Save in an emergency or with the approval of the aerodrome operator, no person shall, on a licensed aerodrome, load cargo in or unload cargo from an aircraft except on the apron.

#### **Loading or unloading of dangerous goods in or from aircraft**

**139.01.25** (1) 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, shall, before loading or unloading such dangerous goods, inform the aerodrome operator of the nature of such dangerous goods and the proposed time and method of the loading or unloading.

(2) If the operator of an aircraft has in terms of subregulation (1), 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 deem 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 deem necessary for the purpose of safeguarding persons or property on the aerodrome.

(3) 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 deem necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft which is conveying dangerous goods on an aerodrome shall, 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.

(5) If the operator of an aircraft in which dangerous goods are conveyed, refuses or fails or is not present to comply forthwith with any prohibition made by the aerodrome operator in terms of subregulation (2) or with any direction given by the aerodrome operator in terms of subregulation (2), (3) or (4) or refuses or fails or is not present to comply forthwith with a condition imposed by the aerodrome operator in terms of subregulation (2) or (3), the aerodrome operator may take all steps necessary to ensure that any such prohibition, direction or condition is complied with as expeditiously and safely as possible and may recover from the operator of such aircraft the costs incurred in ensuring compliance with such prohibition, direction or condition and any such action by the aerodrome operator shall not exempt such operator from a prosecution in respect of such refusal or failure.

#### **Supply of fuel to aircraft**

**139.01.26** (1) No person shall, on a licensed aerodrome, supply any fuel to any aircraft except at a place and in a manner approved by the aerodrome operator.

(2) The aerodrome operator may subject any approval granted in terms of subregulation (1), to compliance with such conditions which the aerodrome operator may deem necessary to impose in order to safeguard persons or property on the aerodrome.

#### **Boarding or tampering with aircraft**

**139.01.27** Except with the permission of the person in lawful charge of an aircraft, no person shall, on a licensed aerodrome -

- (a) board such aircraft; or
- (b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection with such aircraft.

#### **Test-running of aircraft engines**

**139.01.28** No person shall test-run an aircraft engine on a licensed aerodrome except at a place designated for the purpose by the aerodrome operator.

#### **Regulation of vehicular or other traffic in restricted area**

**139.01.29** The Road Traffic Ordinance, 1967 (Ordinance 30 of 1967), shall apply *mutatis mutandis* to all roads inside the restricted area of a licensed aerodrome.

#### **Entering or leaving aerodrome**

**139.01.30** (1) No person, other than a person entering or leaving a licensed aerodrome by means of an aircraft landing at, or taking off from, the aerodrome, shall enter or leave the aerodrome otherwise than through a gate or entrance provided by the aerodrome operator.

(2) Any person who is directed by an authorised officer, inspector or authorised person to leave the aerodrome, or any part thereof, shall forthwith do so.

#### **Animals in restricted area of aerodrome**

**139.01.31** (1) No person shall cause or permit any animal to graze or feed in the restricted area of a licensed aerodrome.

(2) Any person bringing an animal into the restricted area of the aerodrome, or receiving an animal in the restricted area of the aerodrome, shall ensure that such animal is at all times under proper control while it remains in the restricted area of the aerodrome.

#### **Acts prohibited in terminal building**

**139.01.32** Except with the approval of the aerodrome operator, no person shall -

- (a) bring a vehicle into or drive a vehicle in or into the terminal building; or
- (b) obstruct an entrance to or a passage in the terminal building in such a manner as to inconvenience other users of the entrance or passage concerned.

#### **Acts prohibited on aerodrome**

**139.01.33** (1) No person shall, on a licensed aerodrome -

- (a) obstruct or interfere with the proper use of the aerodrome;
- (b) obstruct any person in the full-time employment of the aerodrome operator acting in the execution of his or her 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 such notice board, or deface any such writing or document or any marking on such 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 nuisance or 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.

(2) Except with the permission of the aerodrome operator, no person shall, on a licensed aerodrome -

- (a) damage, interfere or tamper with any part of the aerodrome 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) advertise;
- (i) display any poster, banner or anything similar; or
- (j) handle any baggage or confront passengers to carry their baggage.

#### **Obstacle limitation and marking outside aerodrome**

**139.01.34** (1) No obstacle higher than 150 feet above the mean level of the landing area shall be erected, or be allowed to come into existence, within a distance of eight kilometres measured from the aerodrome reference point of any aerodrome, unless the plans for such erection or coming into existence have been approved by the Director.

(2) No power line, telephone line or other overhead line, shall, without the prior approval of the Director, be erected within a distance of eight kilometres measured from the aerodrome reference point of any aerodrome.

(3) No obstacle which will -

- (a) penetrate the obstacle limitation surfaces contemplated in regulation 139.02.2 or 139.03.2, as the case may be, of a licensed aerodrome; and
- (b) increase the obstacle clearance altitude or height for an instrument approach procedure or any associated visual circling procedure,

shall, without the prior approval of the Director, be erected or be allowed to come into existence.

(4) If, after the date of commencement of these Regulations, an obstacle, power line, telephone line or other overhead line is erected or allowed to come into existence contrary to the provisions of this regulation, the Director may -

- (a) remove or demolish the obstacle or line or have such obstacle or line removed or demolished;
- (b) direct the aerodrome operator to remove or demolish the obstacle or line or to have such obstacle or line removed or demolished; or
- (c) direct the aerodrome operator to have the obstacle or line properly marked.

(5) If, prior to the date of commencement of these Regulations, an obstacle, power line, telephone line or other overhead line was erected or allowed to come into existence, which do not conform to the provisions of this regulation, the Director may -

- (a) remove or demolish the obstacle or line or have such obstacle or line removed or demolished;
- (b) direct the aerodrome operator to remove or demolish the obstacle or line or to have such obstacle or line removed or demolished; or
- (c) direct the aerodrome operator to have the obstacle or line properly marked.

(6) The aerodrome operator shall be responsible for any costs incurred by the Director for the removal or demolition of any obstacle or line in terms of the provisions of this regulation.

#### **Compensation payable for spilling substances on certain areas**

**139.01.35** (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 a licensed aerodrome, the owner or operator of such aircraft, vehicle or technical equipment, as the case may be, shall 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) shall be determined on a cost recovery basis.

#### **Aerodrome charges**

**139.01.36** (1) The holder of an aerodrome licence who wishes to levy aerodrome charges or to amend existing aerodrome charges shall -

- (a) when determining or amending such charges, not discriminate between or against various users of such aerodrome; and
- (b) submit for publication in an AIC or AIP, the envisaged charges or amendment to the Director at least 90 days before such charges or amendments will come into operation.

- (2) The holder of an aerodrome licence shall not amend existing aerodrome charges more than twice within any period of 12 consecutive months.
- (3) The provisions of this regulation shall not apply in respect of a Company aerodrome.
- (4) For the purposes of this regulation -
- (a) "aerodrome charge" means an amount levied -
    - (i) on an operator of an aircraft in connection with the arrival, parking or departure of such aircraft at the aerodrome, including an amount determined with reference to the number of passengers on board an aircraft;
    - (ii) on aircraft passengers in connection with their arrival at or departure from the aerodrome by means of an aircraft; and
  - (b) "Company aerodrome" means a Company aerodrome as defined in section 1 of the Airports Company Act, 1998 (Act No. 25 of 1998).

#### **Repeal of existing regulations**

**139.01.37** Subject to the provisions of regulation 183.00.2, the Air Navigation Regulations, 1963, as amended, are hereby repealed.

**SUBPART 2****LICENSING AND OPERATION OF AERODROMES****Requirement for licence**

**139.02.1** (1) No person shall operate an aerodrome which serves acroplanes operated in terms of the regulations in Part 121, except under the authority of, and in accordance with the provisions of, an aerodrome licence issued under this Subpart.

(2) An aerodrome operator who is not required under subregulation (1) to hold an aerodrome licence, may apply for an aerodrome licence in terms of this Subpart.

**Aerodrome design requirements**

**139.02.2** (1) An applicant for the issue of an aerodrome licence shall ensure that the aerodrome is provided with -

- (a) physical characteristics;
- (b) obstacle limitation surfaces;
- (c) visual aids for -
  - (i) navigation;
  - (ii) denoting obstacles; and
  - (iii) denoting the restricted area;
- (d) equipment and installations; and
- (e) an airspace classification referred to in Part 172,

appropriate to the characteristics of the aircraft it intends to serve, the lowest meteorological minima for each runway, and the ambient light conditions during the operation of aircraft.

(2) The physical characteristics, obstacle limitation surfaces, visual aids, and equipment and installations provided at the aerodrome shall comply with the appropriate specifications, interrelated by the aerodrome reference code system, as prescribed in Document NAM-CATS-AH.

**Operations manual**

**139.02.3** An applicant for the issue of an aerodrome licence shall provide the Director with an operations manual which shall contain -

- (a) a statement by the accountable manager and compliance officer confirming that the operations manual and any included manuals define the organisation of the applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;
- (b) particulars of the personnel referred to in regulation 139.02.5(1);
- (c) an organisational chart showing lines of responsibility of the personnel referred to in regulation 139.02.5(1);
- (d) the limitations on the use of the aerodrome referred to in regulation 139.02.2;
- (e) a description of the characteristics of and the infrastructure available at the aerodrome, which, taking into consideration the limitations referred to in paragraph (d), comply with the aerodrome design requirements referred to in regulation 139.02.2;

- (f) the aerodrome emergency management system referred to in regulation 139.02.6;
- (g) a description of the aerodrome's rescue and fire fighting capability which, taking into consideration the limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.02.7;
- (h) the aerodrome environment management programme referred to in regulation 139.02.8;
- (i) the procedures for the notification of aerodrome data and information referred to in regulation 139.02.9;
- (j) the quality assurance system referred to in regulation 139.02.4;
- (k) a description of the security measures taken at the aerodrome to comply with the provisions of the Civil Aviation Offences Act, 1972 (Act 10 of 1972), and the regulations made thereunder;
- (l) the procedures to control, amend and distribute the operations manual; and
- (m) where applicable, the intended air traffic services and the approach and airspace categories.
- (n) preventative maintenance procedure for aerodrome facilities and equipment.

#### **Quality assurance system**

**139.02.4** (1) The applicant shall establish a quality assurance system containing an aviation safety programme, for the control and supervision of the operation and maintenance of the aerodrome and its services and facilities.

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

#### **Personnel requirements**

**139.02.5** (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 the aviation safety programme; and
- (c) adequate personnel, including an aerodrome manager, to operate and maintain the aerodrome and its services and facilities according to the requirements prescribed in this Subpart.

(2) The applicant shall 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.

#### **Establishment of aerodrome emergency management system**

**139.02.6** (1) The applicant shall establish an aerodrome emergency management system designed to minimise the possibility and extent of personal injury, and property damage on, or in the vicinity of, the aerodrome.

(2) The aerodrome emergency management system referred to in subregulation (1) shall -

- (a) provide for all types of emergencies likely to take place on, or in the vicinity of, the aerodrome; and
  - (b) include -
    - (i) an index depicting all aspects contained in the system;
    - (ii) the types of emergencies planned for;
    - (iii) call out procedures for prompt response to the emergencies planned for;
    - (iv) the persons involved in executing the allocated tasks;
    - (v) sufficient detail to provide adequate guidance to each person responsible for executing such system;
    - (vi) provision for a fully equipped emergency operations centre and command post for each type of emergency which may be encountered;
    - (vii) a description of all available rescue and medical equipment and the location of such equipment;
    - (viii) information on the particulars of personnel and persons to be contacted in the case of a particular emergency; and
    - (ix) a grid map of the aerodrome and its immediate vicinity up to a radius of at least 10 kilometres, where appropriate.
- (3) The applicant shall -
- (a) coordinate the proposed emergency management system with all personnel and persons who have allocated responsibilities in terms of the system; and
  - (b) to the extent practicable, provide for participation of all personnel and persons referred to in paragraph (a), in the establishment of the system.

**Aerodrome rescue and fire fighting**

**139.02.7** (1) The applicant shall ensure that the aerodrome is provided with a rescue and fire fighting service, capable to provide the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of aerodrome.

(2) The rescue and fire fighting category of the aerodrome shall be determined as prescribed in Document NAM-CATS-AH.

**Establishment of aerodrome environment management programme**

**139.02.8** The applicant shall, in the area within its authority and where any bird and wildlife presents, or is likely to present, a hazard to aircraft operating to or from the aerodrome, establish an aerodrome environment management programme to minimise the effects of such hazard or potential hazard.

**Notification of aerodrome data and information**

**139.02.9** (1) An applicant for the issue of an aerodrome licence shall establish a procedure to notify the air traffic service unit concerned and the Director -

- (a) of the aerodrome data and information;
- (b) of any limitations on the use of the aerodrome contemplated in regulation 139.02.2;
- (c) as soon as practicable, of any change which may affect the use of the aerodrome; and
- (d) any other information required in terms of the regulations in Part 175.

(2) A notification contemplated in subregulation (1) shall be made in the appropriate form as prescribed in Document NAM-CATS-AH.

**Application for licence or amendment thereof**

**139.02.10** An application for the issue of an aerodrome licence, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
- (b) accompanied by -
  - (i) the operations manual referred to in regulation 139.02.3;
  - (ii) the plans of the aerodrome;
  - (iii) written approval from the local authority concerned;
  - (iv) an environmental impact report, if required;
  - (v) written approval from all interested Government institutions;
  - (vi) proof that the applicant is financially capable of operating the aerodrome;
  - (vii) particulars of non-compliance with, or deviations from -
    - (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or
    - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
  - (viii) the appropriate fee as prescribed in Part 187.

**Processing of application for licence or amendment thereof**

**139.02.11** (1) The Director shall, as soon as practicable after the receipt of an application for an aerodrome licence, or 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) a reference to the date by which the representations referred to in subregulation (2), must be submitted to the Director.

(2) Any person may, after the publication of the notice referred to in subregulation (1), address in writing representations to the Director against or in favour of the application concerned.

**Assessment of application for licence or amendment thereof**

**139.02.12** (1) The Director shall, as soon as practicable, consider an application referred to in regulation 139.02.10 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 139.02.11(1).

(2) The Director may grant the application if he or she is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 139.02.2 to 139.02.9 inclusive; and
- (b) granting the application will not jeopardise aviation safety.

**Issue of licence**

**139.02.13** (1) An aerodrome licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AH.

(2) The licence shall specify -

- (a) the category for which the aerodrome is licensed; and
- (b) the restrictions, if any, relating to non-compliance with, or deviations from -
  - (i) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; and
  - (ii) the appropriate airspace classification requirements prescribed in Part 172.

**Period of validity**

**139.02.14** (1) An aerodrome licence shall be valid for 12 months, calculated from the date on which the licence was issued or renewed.

(2) The licence 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 139.01.8.

(3) The holder of a licence which expires, shall forthwith surrender the licence to the Director.

(4) The holder of a licence which is suspended, shall forthwith produce the licence upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a licence which is cancelled, shall, within 30 days from the date on which the licence was cancelled, surrender such licence to the Director.

#### **Transferability**

**139.02.15** (1) Subject to the provisions of subregulation (2), an aerodrome licence shall not be transferable.

(2) A change in ownership of the holder of a licence shall be deemed to be a change of significance referred to in regulation 139.02.16.

#### **Changes in quality assurance system**

**139.02.16** (1) If the holder of an aerodrome licence desires to make any change in the quality assurance system referred to in regulation 139.02.4, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 139.02.10 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 his, her or its operations manual, that the applicant will continue to comply with the provisions of regulations 139.02.2 to 139.02.9 inclusive, after the implementation of such approved change.

#### **Renewal of licence**

**139.02.17** (1) An application for the renewal of an aerodrome licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
- (b) accompanied by -
  - (i) the operations manual referred to in regulation 139.02.3;
  - (ii) proof of adequate funding;
  - (iii) particulars of non-compliance with, or deviations from -
    - (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or
    - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) The holder of the licence shall at least 30 days immediately preceding the date on which such licence expires, apply for the renewal of such licence.

#### **Licence of intent**

**139.02.18** (1) Where a particular area has been demarcated for the development of an aerodrome, the proposed holder of an aerodrome licence in respect of the aerodrome, may apply to the Director for the issuing of a licence of intent for such area.

- (2) An application for the issue of a licence of intent shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
  - (b) accompanied by -

- (i) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;
- (ii) written approval from the local authority concerned;
- (iii) an environmental impact study;
- (iv) written approval from all interested Government institutions;
- (v) proof of adequate funding for the development of the aerodrome; and
- (vi) the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 139.02.11 and 139.02.12(1) shall apply *mutatis mutandis* to the processing and adjudication of an application for the issue of a licence of intent.

(4) The Director may grant the application if he or she is satisfied that the development of the aerodrome will not jeopardise aviation safety.

(5) A licence of intent shall be issued on the appropriate form as prescribed in Document NAM-CATS-AH.

(6) The licence of intent shall specify the conditions and the restrictions which the Director deems necessary in the interests of aviation safety.

(7) A licence of intent shall -

- (a) not be transferable; and
- (b) be valid for the period of 12 months, calculated from the date on which the licence of intent was issued.

#### **General duties of holder of licence**

**139.02.19** (1) The holder of an aerodrome licence shall -

- (a) hold at least one complete and current copy of the operations manual referred to in regulation 139.02.3, at the aerodrome;
- (b) comply with all procedures detailed in such operations manual;
- (c) make each applicable part of such operations manual 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 licence shall ensure that -

- (a) the aerodrome is maintained in a serviceable condition;
- (b) the aerodrome is kept free of unauthorised persons, vehicles or animals not under proper control, in compliance with the Civil Aviation Offences Act, 1972, and the regulations made thereunder;
- (c) all obstructions are marked as prescribed in Document NAM-CATS-AH;
- (d) the Director is informed of any alterations to, or obstructions or workings on, the aerodrome;
- (e) an apparatus to show the surface direction of the wind, is installed and functions satisfactorily;
- (f) the markings as prescribed in Document NAM-CATS-AH, are maintained in a conspicuous condition, readily visible to aircraft in the air or manoeuvring on the ground;

- (g) the accommodation and facilities offered to the public are available and in a serviceable condition;
  - (h) all apparatus installed by such holder to promote safety in flight, is functioning efficiently;
  - (i) unserviceable areas on the landing terrain are appropriately marked as prescribed in Document NAM-CATS-AH;
  - (j) the Director is informed whenever an aerodrome becomes unserviceable through any cause or whenever any portion of the surface of the landing area deteriorates to such extent that the safety of an aircraft may thereby be endangered, and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;
  - (k) such reports on the condition of the aerodrome as may be required from time to time by the Director, are submitted to the Director; and
  - (l) an annual survey is carried out on the aerodrome for the purposes of the approval of let-down procedures by the Director;
- (3) The holder of the licence shall -
- (a) in the case of an aerodrome which serves aircraft used in international commercial air transport operations, furnish the Director with the aerodrome financial data and the aerodrome traffic statistics as prescribed in Document NAM-CATS-AH;
  - (b) in the case of an aerodrome which serves aircraft used in international commercial air transport operations, establish a facilitation committee and compile a facilitation plan in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH;
  - (c) from 1 January 2003, be responsible for the monitoring of aircraft noise on, and in the vicinity of, an aerodrome, and the reporting of violations to the Director, in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH; and
  - (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, such aerodrome.

### **Works on aerodrome**

**139.02.20** (1) The holder of an aerodrome licence shall establish procedures and take precautions to ensure that any works carried out on the aerodrome, do not endanger any aircraft operations.

(2) The procedures to be established and precautions to be taken in terms of subregulation (1), shall be established and taken in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH.

### **Maintenance of aerodrome emergency management system**

**139.02.21** The holder of an aerodrome licence shall -

- (a) establish procedures to ensure that all participants to the effectiveness of the aerodrome emergency management system with allocated duties or responsibilities, are familiar with, and are properly trained for, their assignments;

- (b) test the effectiveness of such aerodrome emergency management system by -
  - (i) undertaking a full-scale aerodrome emergency exercise at intervals not exceeding two years; and
  - (ii) arranging special emergency exercises in the intervening year to correct any deficiencies identified during the full-scale aerodrome emergency exercise;
- (c) submit a comprehensive written report to the Director within 14 days from the date on which -
  - (i) a full-scale aerodrome emergency exercise referred to in paragraph (b)(i); or
  - (ii) a special emergency exercise referred to in paragraph (b)(ii), has been undertaken or arranged; and
- (d) review such aerodrome emergency management system for effectiveness after each of the exercises referred to in paragraph (b), as well as after an actual emergency, to address any deficiencies identified and to adapt such system for the enhancement of its efficiency.

#### **Aerodrome rescue and fire fighting**

**139.02.22** (1) The holder of an aerodrome licence shall provide on the aerodrome the rescue and fire fighting capability which complies with the minimum requirements prescribed in regulation 139.02.7.

(2) The rescue and fire fighting capability shall be provided in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH.

(3) The holder of the licence may deviate from any requirement prescribed in this Subpart to the extent required to attend to an emergency arising from any aviation accident or incident which occurs on, or within a radius of 10 kilometres from, the aerodrome.

(4) A deviation in terms of subregulation (3) shall only be permitted -

- (a) for the period during which the emergency exists; and
- (b) for the sole purpose of protecting life or property.

(5) The holder of the licence shall ensure that the remainder of the rescue and fire fighting personnel and equipment will be able to attend to any possible aviation accident or incident which may occur as a result of the emergency referred to in subregulation (3) until assistance is obtained from other participants in the aerodrome emergency management system.

(6) The holder of the licence who deviates in terms of subregulation (3) from any requirement prescribed in this Subpart, shall -

- (a) notify the Director immediately of the nature of the emergency and the extent of the deviation; and
- (b) submit a comprehensive report to the Director within 14 days from the date on which the emergency arose.

**Maintenance of aerodrome environment management programme**

**139.02.23** The holder of an aerodrome licence shall maintain the aerodrome environment management programme referred to in regulation 139.02.8.

**Aerodrome inspection programme**

**139.02.24** The holder of an aerodrome licence shall establish and maintain an aerodrome inspection programme, including -

- (a) procedures to ensure that competent aerodrome personnel execute the programme effectively; and
- (b) a reporting system to ensure prompt correction of unsafe aerodrome conditions noted during any inspection,

to ensure compliance with the regulations in this Subpart.

**Demarcation of restricted area**

**139.02.25** (1) The holder of an aerodrome licence shall, on the aerodrome, demarcate a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of such aerodrome;
- (b) fences or obstructions or notices erected along the boundaries of such restricted area; or
- (c) a combination of such markings, fences, obstructions or notices.

(2) Subject to the provisions of subregulation (1) relating to the manner in which such boundary shall be indicated, the holder of the licence may alter any boundary, or any portion of a boundary, of the restricted area.

**Control of entry into restricted area**

**139.02.26** (1) The holder of an aerodrome licence shall exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) shall be exercised according to the procedures and criteria approved by such holder.

(3) An authorised officer, inspector or authorised person may -

- (a) prohibit any person from entering a restricted area;
- (b) order any person to leave a restricted area immediately, whether such person has been granted permission to be within a restricted area or not.

**Demarcation of routes on apron**

**139.02.27** (1) The holder of an aerodrome licence may by means of markings on the surface of an aerodrome or by notices, or by means of both such markings and notices, demarcate routes on the apron for use by -

- (a) a person other than a person carried in an aircraft or in or on a vehicle;
- (b) an aircraft travelling on the surface of an aerodrome; or
- (c) a vehicle,

and such holder may similarly restrict any such route to use by such person or aircraft or vehicle for the purpose of movement in one direction only.

- (2) Save in an emergency no person -
  - (a) other than a person carried in an aircraft or in or on a vehicle shall proceed on foot on the apron; or
  - (b) shall move an aircraft travelling on the surface of an aerodrome or a vehicle on the apron,

except along an appropriate route demarcated in terms of subregulation (1).

#### **Safety measures against fire**

**139.02.28** (1) The holder of an aerodrome licence shall establish preventative 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) If the aerodrome has no rescue and fire fighting service, the holder of the licence shall arrange with the local authority concerned to maintain a fire prevention programme for the aerodrome and to advise such holder of any dangerous conditions for rectification.

(3) The holder of the licence shall 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 holder of the licence shall alert the rescue and fire fighting service concerned to be on standby for the duration of such practices.

#### **Access of ground vehicles to aerodrome movement area**

**139.02.29** The holder of an aerodrome licence shall -

- (a) limit access to the aerodrome manoeuvring area of those ground vehicles which are necessary for aerodrome and aircraft operations;
- (b) if an air traffic service unit is in operation at the aerodrome, provide adequate procedures for the safe and orderly access to, and operation in the aerodrome manoeuvring area of ground vehicles, in order to ensure that each ground vehicle operating in the aerodrome manoeuvring area is controlled by -
  - (i) two-way radio communication between the vehicle and the air traffic service unit;
  - (ii) if the vehicle has no radio, an accompanying vehicle with two-way radio communication with the air traffic service unit; or
  - (iii) if it is not practical to have two-way radio communication or an escort vehicle, adequate measures including signs, signals or guards for controlling the vehicle;
- (c) if an air traffic service unit is not in operation at the aerodrome, provide adequate measures to ensure that ground vehicles operating in the aerodrome movement area are controlled by the signs, prearranged signals or standards as prescribed in Document NAM-CATS-AH; and
- (d) ensure that each employec, tenant or contractor who operates a ground vehicle on any portion of the aerodrome which has access to the aerodrome movement area, is familiar and complies with, the rules and procedures for the operation of ground vehicles as prescribed in Document NAM-CATS-AH.

**Protection of navigation aids**

**139.02.30** The holder of an aerodrome licence shall -

- (a) prevent any construction of facilities on the aerodrome which may adversely affect the operation of any electronic or visual navigation aid or air traffic service facility on such aerodrome;
- (b) prevent, as far as it is within the authority of such holder, any interruption of visual or electronic signals of navigation aids; and
- (c) liaise with the local authority concerned and the Director with regard to any structure higher than the obstacle limitation surfaces on, or in the vicinity of, the aerodrome.

**Aerodrome abandoned or not maintained**

**139.02.31** (1) In order that adequate warning may be given to the users of an aerodrome, the holder of an aerodrome licence shall give the Director at least 60 days written notice of its 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 licence, the holder of the licence shall remove, obliterate or modify the appropriate aerodrome markings referred to in regulation 139.02.2.

**SUBPART 3****LICENSING AND OPERATION OF HELIPORTS****Requirement for licence**

**139.03.1** (1) No person shall operate a heliport in an urban area, unless the heliport is approved by the Director.

(2) Any heliport operator may apply for a heliport licence in terms of this Subpart.

**Heliport design requirements**

**139.03.2** (1) An applicant for the issue of a heliport licence shall ensure that the heliport is provided with -

- (a) physical characteristics;
- (b) obstacle limitation surfaces;
- (c) visual aids for -
  - (i) navigation;
  - (ii) denoting obstacles; and
  - (iii) denoting the restricted area;
- (d) equipment and installations; and
- (e) an airspace classification referred to in Part 172,

appropriate to the characteristics of the helicopters it intends to serve, the lowest meteorological minima for each touchdown and lift-off area, and the ambient light conditions during the operation of helicopters.

(2) The physical characteristics, obstacle limitation surfaces, visual aids, and equipment and installations provided at the heliport shall comply with the appropriate heliport specifications as prescribed in Document NAM-CATS-AH.

**Operations manual**

**139.03.3** An applicant for the issuing of a heliport licence shall provide the Director with an operations manual which shall contain -

- (a) a statement by the accountable manager and compliance officer confirming that the operations manual and any included manuals define the organisation of the applicant and demonstrate the procedures and methods for ensuring that the provisions of the regulations in this Part will be complied with at all times;
- (b) particulars of the personnel referred to in regulation 139.03.5(1);
- (c) an organisational chart showing lines of responsibility of the personnel referred to in regulation 139.03.5(1);
- (d) the limitations on the use of the heliport referred to in regulation 139.03.2;
- (e) a description of the characteristics of and the infrastructure available at the heliport, which, taking into consideration the limitations referred to in paragraph (d), comply with the heliport design requirements referred to in regulation 139.03.2;
- (f) the heliport emergency management system referred to in regulation 139.03.6;

- (g) a description of the heliport's rescue and fire fighting capability which, taking into consideration the limitations referred to in paragraph (d), complies with the requirements prescribed in regulation 139.03.7;
- (h) the heliport environment management programme referred to in regulation 139.03.8;
- (i) the procedures for the notification of heliport data and information referred to in regulation 139.03.9;
- (j) the quality assurance system referred to in regulation 139.03.4;
- (k) a description of the security measures taken at the heliport to comply with the provisions of the Civil Aviation Offences Act, 1972 (Act 10 of 1972), and the regulations made thereunder;
- (l) the procedures to control, amend and distribute the operations manual; and
- (m) where applicable, the intended air traffic services and the approach and airspace categories.

#### Quality assurance system

**139.03.4** (1) The applicant shall establish a quality assurance system containing an aviation safety programme, for the control and supervision of the operation and maintenance of the heliport and its services and facilities.

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

#### Personnel requirements

**139.03.5** (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 the aviation safety programme; and
- (c) adequate personnel, including a heliport manager, to operate and maintain the heliport and its services and facilities according to the requirements prescribed in this Subpart.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in operating and maintaining the heliport and its services and facilities.

#### **Establishment of heliport emergency management system**

**139.03.6** (1) The applicant shall establish a heliport emergency management system designed to minimise the possibility and extent of personal injury, and property damage on, or in the vicinity of, the heliport.

(2) The heliport emergency management system referred to in subregulation (1) shall -

- (a) provide for all types of emergencies likely to take place on, or in the vicinity of, the heliport; and
- (b) include -
  - (i) an index depicting all aspects contained in the system;
  - (ii) the types of emergencies planned for;
  - (iii) call out procedures for prompt response to the emergencies planned for;
  - (iv) the persons involved in executing the allocated tasks;
  - (v) sufficient detail to provide adequate guidance to each person responsible for executing such system;
  - (vi) provision for a fully equipped emergency operations centre and command post for each type of emergency which may be encountered;
  - (vii) a description of all available rescue and medical equipment and the location of such equipment;
  - (viii) information on the particulars of personnel and persons to be contacted in the case of a particular emergency; and
  - (ix) a grid map of the heliport and its immediate vicinity up to a radius of at least 10 kilometres, where appropriate.

(3) The applicant shall -

- (a) coordinate the proposed emergency management system with all personnel and persons who have allocated responsibilities in terms of the system; and
- (b) to the extent practicable, provide for participation of all personnel and persons referred to in paragraph (a), in the establishment of the system.

#### **Heliport rescue and fire fighting**

**139.03.7** (1) The applicant shall ensure that the heliport is provided with a rescue and fire fighting service, capable to provide the required level of protection necessary for maintaining the minimum level of protection required for the appropriate category of heliport.

(2) The rescue and fire fighting category of the heliport shall be determined as prescribed in Document NAM-CATS-AH.

#### **Establishment of heliport environment management programme**

**139.03.8** The applicant shall, in the area within its authority and where any bird and wildlife presents, or is likely to present, a hazard to helicopters operating to or from the heliport, establish a heliport environment management programme to minimise the effects of such hazard or potential hazard.

#### **Notification of heliport data and information**

**139.03.9** (1) An applicant for the issuing of a heliport licence shall establish a procedure to notify the air traffic service unit concerned and the Director -

- (a) of the heliport data and information;
- (b) of any limitation on the use of the heliport contemplated in regulation 139.03.2;
- (c) as soon as practicable, of any change which may affect the use of the heliport; and
- (d) any other information required in terms of the regulations in Part 175.

(2) A notification contemplated in subregulation (1) shall be made in the appropriate form as prescribed in Document NAM-CATS-AH.

#### **Application for licence or amendment thereof**

**139.03.10** An application for the issue of a heliport licence, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
- (b) accompanied by -
  - (i) the operations manual referred to in regulation 139.03.3;
  - (ii) the plans of the heliport;
  - (iii) written approval from the local authority concerned;
  - (iv) an environmental impact report, if required;
  - (v) written approval from all interested Government institutions;
  - (vi) proof that the applicant is financially capable of operating the heliport;
  - (vii) particulars of non-compliance with, or deviations from -
    - (aa) the appropriate heliport design, operation or equipment standards prescribed in this Part; or
    - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
  - (viii) the appropriate fee as prescribed in Part 187.

#### **Processing of application for licence or amendment thereof**

**139.03.11** (1) The Director shall, as soon as practicable after the receipt of an application for a heliport licence, or 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 heliport; and
- (c) a reference to the date by which the representations referred to in subregulation (2), must be submitted to the Director.

(2) Any person may, after the publication of the notice referred to in subregulation (1), address in writing representations to the Director against or in favour of the application concerned.

#### **Assessment of application for licence or amendment thereof**

**139.03.12** (1) The Director shall, as soon as practicable, consider an application referred to in regulation 139.03.10, 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 139.03.11(1).

(2) The Director may grant the application if the he or she is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 139.03.2 to 139.03.9 inclusive; and
- (b) granting the application will not jeopardise aviation safety.

#### **Issue of licence**

**139.03.13** (1) A heliport licence shall be issued on the appropriate form as prescribed in Document NAM-CATS-AH.

(2) The licence shall specify -

- (a) the category for which the heliport is licensed; and
- (b) the restrictions, if any, relating to non-compliance with, or deviations from -

- (i) the appropriate heliport design, operation or equipment standards prescribed in this Part; and
- (ii) the appropriate airspace classification requirements prescribed in Part 172.

#### **Period of validity**

**139.03.14** (1) A heliport licence shall be valid for 12 months, calculated from the date on which the licence was issued or renewed.

(2) The licence 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 139.01.8.

(3) The holder of a licence which expires, shall forthwith surrender the approval to the Director.

(4) The holder of a licence which is suspended, shall forthwith produce the licence upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a licence which is cancelled, shall, within 30 days from the date on which the licence was cancelled, surrender such licence to the Director.

**Transferability**

**139.03.15** (1) Subject to the provisions of subregulation (2), a heliport licence shall not be transferable.

(2) A change in ownership of the holder of a licence shall be deemed to be a change of significance referred to in regulation 139.03.16.

**Changes in quality assurance system**

**139.03.16** (1) If the holder of a heliport licence desires to make any change in the quality assurance system referred to in regulation 139.03.4, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Director for the approval of such change.

(2) The provisions of regulation 139.03.10 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 his, her or its operations manual, that the applicant will continue to comply with the provisions of regulations 139.03.2 to 139.03.9 inclusive, after the implementation of such approved change.

**Renewal of licence**

**139.03.17** (1) An application for the renewal of a heliport licence shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
- (b) accompanied by -
  - (i) the operations manual referred to in regulation 139.03.3;
  - (ii) proof of adequate funding;
  - (iii) particulars of non-compliance with, or deviations from -
    - (aa) the appropriate heliport design, operation or equipment standards prescribed in this Part; or
    - (bb) the appropriate airspace classification requirements prescribed in Part 172; and
  - (iv) the appropriate fee as prescribed in Part 187.

(2) The holder of the licence shall at least 30 days immediately preceding the date on which such licence expires, apply for the renewal of such licence.

**Licence of intent**

**139.03.18** (1) Where a particular area has been demarcated for the development of a heliport, the proposed holder of a heliport licence in respect of the heliport, may apply to the Director for the issue of a licence of intent for such area.

- (2) An application for the issuing of a licence of intent shall be -
- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-AH; and
  - (b) accompanied by -

- (i) full particulars of the particular area demarcated for the development of the heliport, and the location thereof;
- (ii) written approval from the local authority concerned;
- (iii) an environmental impact study;
- (iv) written approval from all interested Government institutions;
- (v) proof of adequate funding for the development of the heliport; and
- (vi) the appropriate fee as prescribed in Part 187.

(3) The provisions of regulations 139.03.11 and 139.03.12(1) shall apply *mutatis mutandis* to the processing and assessing of an application for the issuing of a licence of intent.

(4) The Director may grant the application if the Director is satisfied that the development of the heliport will not jeopardise aviation safety.

(5) A licence of intent shall be issued on the appropriate form as prescribed in Document NAM-CATS-AH.

(6) The licence of intent shall specify the conditions and the restrictions which the Director deems necessary in the interests of aviation safety.

(7) A licence of intent shall -

- (a) not be transferable; and
- (b) be valid for the period of 12 months, calculated from the date on which the licence of intent was issued.

#### **General duties of holder of licence**

**139.03.19** (1) The holder of a heliport licence shall -

- (a) hold at least one complete and current copy of the operations manual referred to in regulation 139.03.3, at the heliport;
- (b) comply with all procedures detailed in such operations manual;
- (c) make each applicable part of such operations manual 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 licence shall ensure that -

- (a) the heliport is maintained in a serviceable condition;
- (b) the heliport is kept free of unauthorised persons, vehicles or animals not under proper control, in compliance with the Civil Aviation Offences Act, 1972, and the regulations made thereunder;
- (c) all obstructions are marked as prescribed in Document NAM-CATS-AH;
- (d) the Director is informed of any alterations to, or obstructions or workings on, the heliport;
- (e) an apparatus to show the surface direction of the wind, is installed and functions satisfactorily;
- (f) the markings as prescribed in Document NAM-CATS-AH, are maintained in a conspicuous condition, readily visible to helicopters in the air or on the ground;

- (g) the accommodation and facilities offered to the public are available and in a serviceable condition;
  - (h) all apparatus installed by such holder to promote safety in flight, is functioning efficiently;
  - (i) unserviceable areas on the touchdown and lift-off area are appropriately marked as prescribed in Document NAM-CATS-AH;
  - (j) the Director is informed whenever a heliport becomes unserviceable through any cause or whenever any portion of the surface of the touchdown and lift-off area deteriorates to such extent that the safety of a helicopter may thereby be endangered, and helicopter operations are limited to those portions of the heliport not rendered unsafe by those conditions;
  - (k) such reports on the condition of the heliport as may be required from time to time by the Director, are submitted to the Director; and
  - (l) an annual survey is carried out on the heliport for the purposes of the approval of let-down procedures by the Director.
- (3) The holder of the licence shall -
- (a) in the case of a heliport which serves helicopters used in international commercial air transport operations, furnish the Director with the heliport financial data and the heliport traffic statistics as prescribed in Document NAM-CATS-AH;
  - (b) in the case of a heliport which serves helicopters used in international commercial air transport operations, establish a facilitation committee and compile a facilitation plan in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH;
  - (c) from 1 January 2003, be responsible for the monitoring of helicopter noise on, and in the vicinity of, a heliport, and the reporting of violations to the Director, in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH; and
  - (d) when the air traffic service unit at the heliport is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, such heliport.

### **Works on heliport**

**139.03.20** (1) The holder of a heliport licence shall establish procedures and take precautions to ensure that any works carried out on the heliport, do not endanger any helicopter operations.

(2) The procedures to be established and precautions to be taken in terms of subregulation (1), shall be established and taken in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH.

### **Maintenance of heliport emergency management system**

**139.03.21** The holder of a heliport licence shall -

- (a) establish procedures to ensure that all participants to the effectiveness of the heliport emergency management system with allocated duties or responsibilities, are familiar with, and are properly trained for, their assignments;

- (b) test the effectiveness of such heliport emergency management system by -
  - (i) undertaking a full-scale heliport emergency exercise at intervals not exceeding two years; and
  - (ii) arranging special emergency exercises in the intervening year to correct any deficiencies identified during the full-scale heliport emergency exercise;
- (c) submit a comprehensive written report to the Director within 14 days from the date on which -
  - (i) a full-scale heliport emergency exercise referred to in paragraph (b)(i); or
  - (ii) a special emergency exercise referred to in paragraph (b)(ii),has been undertaken or arranged; and
- (d) review such heliport emergency management system for effectiveness after each of the exercises referred to in paragraph (b), as well as after an actual emergency, to address any deficiencies identified and to adapt such system for the enhancement of its efficiency.

#### **Heliport rescue and fire fighting**

**139.03.22** (1) The holder of a heliport licence shall provide on the heliport the rescue and fire fighting capability which complies with the minimum requirements prescribed in regulation 139.03.7.

(2) The rescue and fire fighting capability shall be provided in accordance with the requirements and standards as prescribed in Document NAM-CATS-AH.

(3) The holder of the licence may deviate from any requirement prescribed in this Subpart to the extent required to attend to an emergency arising from any aviation accident or incident which occurs on, or within a radius of 10 kilometres from, the heliport.

(4) A deviation in terms of subregulation (3) shall only be permitted -

- (a) for the period during which the emergency exists; and
- (b) for the sole purpose of protecting life or property.

(5) The holder of the licence shall ensure that the remainder of the rescue and fire fighting personnel and equipment will be able to attend to any possible aviation accident or incident which may occur as a result of the emergency referred to in subregulation (3) until assistance is obtained from other participants in the heliport emergency management system.

(6) The holder of the licence who deviates in terms of subregulation (3) from any requirement prescribed in this Subpart, shall -

- (a) notify the Director immediately of the nature of the emergency and the extent of the deviation; and
- (b) submit a comprehensive report to the Director within 14 days from the date on which the emergency arose.

**Maintenance of heliport environment management programme**

**139.03.23** The holder of a heliport licence shall maintain the heliport environment management programme referred to in regulation 139.03.8.

**Heliport inspection programme**

**139.03.24** The holder of a heliport licence shall establish and maintain a heliport inspection programme, including -

- (a) procedures to ensure that competent heliport personnel execute the programme effectively; and
- (b) a reporting system to ensure prompt correction of unsafe heliport conditions noted during any inspection,

to ensure compliance with the regulations in this Subpart.

**Demarcation of restricted area**

**139.03.25** (1) The holder of a heliport licence shall, on the heliport, demarcate a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of such heliport;
- (b) fences or obstructions or notices erected along the boundaries of such restricted area; or
- (c) a combination of such markings, fences, obstructions or notices.

(2) Subject to the provisions of subregulation (1) relating to the manner in which such boundary shall be indicated, the holder of the licence may alter any boundary, or any portion of a boundary, of the restricted area.

**Control of entry into restricted area**

**139.03.26** (1) The holder of a heliport licence shall exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) shall be exercised according to the procedures and criteria approved by such holder.

(3) An authorised officer, inspector or authorised person may -

- (a) prohibit any person from entering a restricted area; and
- (b) order any person to leave a restricted area immediately, whether such person has been granted permission to be within a restricted area or not.

**Safety measures against fire**

**139.03.27** (1) The holder of a heliport licence shall establish preventative measures against possible fires on the heliport and identify a person or group of persons to maintain a fire prevention programme for the heliport and heliport buildings.

(2) If the heliport has no rescue and fire fighting service, the holder of the licence shall arrange with the local authority concerned to maintain a fire prevention programme for the heliport and to advise such holder of any dangerous conditions for rectification.

(3) The holder of the licence shall ensure that no unsafe practice is performed on the heliport or within its parameters.

(4) If unsafe practices have to be performed during any day-to-day maintenance of, or on, the heliport, the holder of the licence shall alert the rescue and fire fighting service concerned to be on standby for the duration of such practices.

**Access of ground vehicles to heliport movement area**

**139.03.28** The holder of a heliport licence shall -

- (a) limit access to the heliport manoeuvring area of those ground vehicles which are necessary for heliport and helicopter operations;
- (b) if an air traffic service unit is in operation at the heliport, provide adequate procedures for the safe and orderly access to, and operation in the heliport manoeuvring area of ground vehicles, in order to ensure that each ground vehicle operating in the heliport manoeuvring area is controlled by -
  - (i) two-way radio communication between the vehicle and the air traffic service unit;
  - (ii) if the vehicle has no radio, an accompanying vehicle with two-way radio communication with the air traffic service unit; or
  - (iii) if it is not practical to have two-way radio communication or an escort vehicle, adequate measures including signs, signals or guards for controlling the vehicle;
- (c) if an air traffic service unit is not in operation at the heliport, provide adequate measures to ensure that ground vehicles operating in the heliport movement area are controlled by the signs, prearranged signals or standards as prescribed in Document NAM-CATS-AH; and
- (d) ensure that each employee, tenant or contractor who operates a ground vehicle on any portion of the heliport which has access to the heliport movement area, is familiar and complies with, the rules and procedures for the operation of ground vehicles as prescribed in Document NAM-CATS-AH.

**Protection of navigation aids**

**139.03.29** The holder of a heliport licence shall -

- (a) prevent any construction of facilities on the heliport which may adversely affect the operation of any electronic or visual navigation aid or air traffic service facility on such heliport;
- (b) prevent, as far as it is within the authority of such holder, any interruption of visual or electronic signals of navigation aids; and
- (c) liaise with the local authority concerned and the Director with regard to any structure higher than the obstacle limitation surfaces on, or in the vicinity of, the heliport.

**Heliport abandoned or not maintained**

**139.03.30** (1) In order that adequate warning may be given to the users of a heliport, the holder of a heliport licence shall give the Director at least 60 days written notice of its intention to discontinue the maintenance of the heliport or to abandon the heliport.

(2) If, after the expiry of the period of notice referred to in subregulation (1), a heliport is abandoned or is not being maintained in accordance with the conditions of the licence, the holder of the licence shall remove, obliterate or modify the appropriate heliport markings referred to in regulation 139.03.2.

**PART 141**

**ORGANISATIONS : AVIATION TRAINING  
ORGANISATIONS**

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

**141.01.1** (1) This Part shall apply to the approval and operation of organisations conducting -

- (a) standard training; and
- (b) temporary training.

(2) This Part shall not apply in respect of -

- (a) training conducted for familiarisation purposes or training or instruction conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issue, renewal, reissue, validation or revalidation of any licence, certificate or rating in terms of the Regulations; and
- (b) the tests or the verifications of skill or proficiency conducted by examiners designated by the Director in terms of Part 61, 63, 64, 65 or 66, as the case may be.

(3) An aviation training organisation located outside Namibia shall be approved by the Director.

**Designation of body or institution**

**141.01.2** (1) The Director may designate a body or institution to -

- (a) exercise control over the aviation training specified in the Regulations, and over the persons conducting such aviation training;
- (b) determine standards for such aviation training and for the training of such persons;
- (c) issue or confirm certificates for the successful completion of such aviation training, suspend or withdraw any certificate so issued, and keep all records, registers, books or documents regarding such aviation training or persons; and
- (d) advise the Director on any matter relating to such aviation training or persons.

(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.

(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-ATO.

**Requirement for approval**

**141.01.3** No organisation shall conduct standard training or temporary training except under the authority of, and in accordance with the provisions of, an aviation training organisation approval issued under Subpart 2 or Subpart 3, as the case may be.

**Display of approval**

**141.01.4** The holder of an aviation training 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**

**141.01.5** Any advertisement by an organisation indicating that it is an aviation training organisation, shall -

- (a) reflect the number of the aviation training organisation approval issued by the Director; and
- (b) contain a reference to the aviation training for which such approval was issued.

### **Safety inspections and audits**

**141.01.6** (1) An applicant for the issue of an aviation training 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 141.02.6 or regulation 141.03.2, as the case may be.

(2) The holder of an aviation training 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**

**141.01.7** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an aviation training organisation approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 141.01.6, 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
- (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 141.01.6; 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.

(4) The holder of an approval which 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**

**141.01.8** (1) The Director shall maintain a register of all aviation training 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
- (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 ORGANISATION (STANDARD TRAINING)****Manual of procedure**

**141.02.1** An applicant for the issue of an aviation training organisation approval to conduct standard training, 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-ATO.

**Quality assurance system**

**141.02.2** (1) The applicant shall establish a quality assurance system for the control and supervision of the standard training covered by the application.

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

**Personnel requirements**

**141.02.3** (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;
  - (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 training and aviation safety; and

- (c) adequate personnel to plan, conduct and supervise the standard training covered by the application.

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

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

#### **Accommodation, facilities and equipment**

**141.02.4** The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to conduct the standard training covered by the application.

#### **Accreditation**

**141.02.5** The applicant shall obtain accreditation from the body or institution designated by the Director in terms of regulation 141.01.2, for conducting the standard training covered by the application.

#### **Application for approval or amendment thereof**

**141.02.6** An application for the issue of an aviation training organisation approval to conduct standard training, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 141.02.1; and
  - (iii) proof of the accreditation referred to in regulation 141.02.5, if applicable.

#### **Issue of approval**

**141.02.7** (1) The Director shall issue an aviation training organisation approval to conduct standard training, if the applicant complies with the requirements prescribed in regulations 141.02.1 to 141.02.5 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ATO.

#### **Scope of approval**

**141.02.8** An aviation training organisation approval to conduct standard training shall specify the standard training which the holder of the approval is entitled to conduct.

#### **Period of validity**

**141.02.9** (1) An aviation training organisation approval to conduct standard training, 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 141.01.7.

(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

**141.02.10** (1) Subject to the provisions of subregulation (2), an aviation training organisation approval to conduct standard training, shall not be transferable.

(2) A change in ownership of the holder of an approval to conduct standard training, shall be deemed to be a change of significance referred to in regulation 141.02.11.

### Changes in quality assurance system

**141.02.11** (1) If the holder of an aviation training organisation approval desires to make any change in the quality assurance system referred to in regulation 141.02.2, 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 141.02.3(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 141.02.6 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 141.02.1 to 141.02.5 inclusive, after the implementation of such approved change.

### Renewal of approval

**141.02.12** (1) An application for the renewal of an aviation training organisation approval to conduct standard training, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 141.02.1; and
  - (iii) proof of the accreditation referred to in regulation 141.02.5, if applicable.

(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**

**141.02.13** The holder of an aviation training organisation approval to conduct standard training, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 141.02.1, 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
- (d) continue to comply with the appropriate requirements prescribed in this Part.

#### **Documents and records**

**141.02.14** (1) The holder of an aviation training organisation approval to conduct standard training, shall -

- (a) keep copies of all relevant documents which may be necessary -
  - (i) for the specified standard training conducted by such holder; and
  - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart; and
- (b) establish procedures to control the documents referred to in paragraph (a).

(2) The procedures referred to in subregulation (1)(b) shall ensure that -

- (a) all documents are reviewed and authorised by the appropriate personnel before the issue thereof;
- (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified standard training undertaken by the holder of the approval;
- (c) all obsolete documents are promptly removed from all points of issue or use; and
- (d) changes to documents are reviewed and authorised by the appropriate personnel.

(3) The holder of the approval shall establish procedures to identify, collect, index, store and maintain all records which may be necessary -

- (a) for the specified standard 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) shall ensure that -

- (a) a record is kept of each quality assurance review of the holder of the approval;

- (b) a record is kept of each person who conducts the specified standard 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 approval, 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.

**SUBPART 3****APPROVAL OF ORGANISATION (TEMPORARY TRAINING)****Personnel requirements, facilities and resources**

**141.03.1** An applicant for the issue of an aviation training organisation approval to conduct temporary training, shall -

- (a) engage, employ or contract adequate personnel to plan, conduct and supervise the temporary training covered by the application;
- (b) ensure that those personnel responsible for conducting the temporary 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 training; and
- (d) have documented procedures for conducting such temporary training.

**Application for approval**

**141.03.2** An application for the issue of an aviation training organisation approval to conduct temporary training, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATO; 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.

**Issue of approval**

**141.03.3** (1) The Director shall issue an aviation training organisation approval to conduct temporary training, if the applicant complies with the requirements prescribed in regulation 141.03.1.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ATO.

**Scope of approval**

**141.03.4** An aviation training organisation approval to conduct temporary training shall specify the temporary training which the holder of the approval is entitled to conduct.

**Period of validity**

**141.03.5** (1) An aviation training organisation approval to conduct temporary training, shall be valid for the period required to conduct the specified temporary training.

(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 141.01.7.

(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**

**141.03.6** An aviation training organisation approval to conduct temporary training, shall not be transferable.

### **Duties of holder of approval**

**141.03.7** The holder of an aviation training organisation approval to conduct temporary training, shall -

- (a) continue to comply with the appropriate requirements prescribed in this Part;
- (b) ensure that -
  - (i) a record is kept of each person who conducts the specified temporary training, including particulars of the competence and experience of each such person;
  - (ii) a record is kept of enrolment, which record shall include particulars of enrolment, attendance, modules and any flight operations covered by the specified temporary training, any flight times, instructor comments and the results of any such training;
  - (iii) all records are legible; and
  - (iv) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

**PART 145**

**ORGANISATIONS: AIRCRAFT MAINTENANCE  
ORGANISATIONS**

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**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.

(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
- (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**

**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.

**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**

**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 -

- (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
  - (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.

### **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 -

- (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.

(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.

**PART 147**

**ORGANISATIONS : DESIGN ORGANISATIONS  
FOR PRODUCTS, PARTS AND APPLIANCES**

**LIST OF REGULATIONS****SUBPART 1 : GENERAL**

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- 147.03.1 Manual of procedure
- 147.03.2 Design assurance system
- 147.03.3 Personnel requirements
- 147.03.4 Accommodation, facilities and equipment
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  - 147.03.12 Duties of holder of approval
  - 147.03.13 Renewal of approval

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

**147.01.1** (1) 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.

(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.

**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
- (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;
- (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:
  - (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
- (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 -

- (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

(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 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;
- (c) 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).

#### **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:
  - (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 -

- (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.

(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**

**147.03.9** (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**

**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.

**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
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**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
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- 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

**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**

**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
- (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.

(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;
- (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 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;
- (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
- (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 or 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 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**

**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.

**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

**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.

(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
- (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
- (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.

(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
- (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;
  - (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.

### **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.

(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

- (b) recreation facility specified in the manual of procedure; 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;
- (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
  - (e) an emergency response plan.

**PART 172**

**AIR TRAFFIC SERVICES : AIRSPACE  
AND AIR TRAFFIC SERVICES**

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#### **SUBPART 4 : SEARCH AND RESCUE**

- 172.04.1 Establishment and provision of search and rescue services
- 172.04.2 Search and rescue action

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

**172.01.1** This Part shall apply to -

- (a) the allocation of air traffic services;
- (b) the designation and classification of airspace;
- (c) the approval and operation of air traffic service units which provide air traffic services;
- (d) the designation of search and rescue regions; and
- (e) the provision of search and rescue services within those regions,

and matters related thereto.

**Allocation of air traffic services**

**172.01.2** (1) The Director shall determine the portions of airspace and the aerodromes which shall be provided with air traffic services to -

- (a) prevent collisions between aircraft;
- (b) prevent collisions between aircraft on the manoeuvring area of the aerodrome concerned and obstructions on such area;
- (c) expedite and maintain a safe and orderly flow of air traffic;
- (d) provide advice and information useful for the safe and efficient conduct of flights; and
- (e) provide search and rescue and related support services.

(2) The need for the provision of air traffic services shall be determined after consideration of -

- (a) the types of air traffic involved;
- (b) the density of air traffic;
- (c) the meteorological conditions; and
- (d) any other factor which may be relevant.

**Requirement for air traffic service unit approval**

**172.01.3** No air traffic service unit shall provide air traffic services in those portions of airspace determined by the Director in terms of regulation 172.01.2, except under the authority of, and in accordance with the provisions of, an air traffic service unit approval issued under this Part.

**Display of air traffic service unit approval**

**172.01.4** The holder of an air traffic service unit 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.

**Safety inspections and audits**

**172.01.5** (1) An applicant for the issuing of an air traffic service unit 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 172.03.5.

(2) The holder of an air traffic service unit 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 air traffic service unit approval and appeal**

**172.01.6** (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an air traffic service unit approval issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 172.01.5, 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 to carry out a safety inspection and audit in terms of regulation 172.01.5; 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, 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 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 the Director may determine, confirm, vary or set aside the suspension referred to in subregulation (1), or cancel the approval.

### **Register of approvals**

**172.01.7** (1) The Director shall maintain a register of all air traffic service unit 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.

#### **Substitute air traffic service provider**

**172.01.8** The Director may, if he/she considers it necessary in the interests of aviation safety, appoint the holder of an air traffic service unit approval as a substitute air traffic service provider to provide an air traffic service in respect of an approval which has been suspended by an authorised officer, inspector or authorised person in terms of regulation 172.01.6, for the duration of such suspension.

#### **Air navigation service and related charges**

- 172.01.9**
- (a) The appropriate air navigation service and related charges prescribed in Part 187 shall be payable by the operator of an aircraft which enters the Windhoek Flight Information Region.
  - (b) The appropriate Terminal Control Charges as prescribed in Part 187 shall be payable by the operator of an aircraft which enters the Terminal Control areas and control zones in the Windhoek Flight Information Region.

#### **Repeal of existing regulations**

**172.01.10** Subject to the provisions of regulation 183.00.2, the regulations in Chapters 6 to 9 inclusive of the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, as amended, are hereby repealed.

**SUBPART 2****DESIGNATION AND CLASSIFICATION OF AIRSPACE****Designation of airspace**

- 172.02.1** (1) The Director may designate a particular portion of the airspace as -
- (a) a flight information region;
  - (b) an advisory area;
  - (c) a control area; or
  - (d) a control zone.
- (2) A particular portion of the airspace shall only be designated in terms of subregulation (1) -
- (a) after consultation with the National Airspace Committee instituted in terms of Part 11; and
  - (b) in relation to the air traffic services that are to be provided.
- (3) The Director shall publish the designation of a particular portion of the airspace in accordance with the AIRAC cycle in an AIP, AIP SUP or a NOTAM.
- (4) The Director may, on a temporary basis, designate a particular portion of the airspace, after consultation with all air traffic service providers operating in the designated portions of the airspace adjacent to such portion.

**Classification of airspace**

- 172.02.2** (1) The Director may classify airspace in accordance with the classes as prescribed in Document NAM-CATS-ATS, for the purposes of providing air traffic services.
- (2) The Director shall publish the classification of airspace in accordance with the AIRAC cycle in an AIP, AIP SUP or a NOTAM.

**Designation of control areas**

- 172.02.3** (1) The Director shall, when designating a particular portion of the airspace as a control area in terms of regulation 172.02.1, prescribe the horizontal and vertical limits of such area.
- (2) The lowest limit of a designated control area shall be at least 700 feet above the ground or water.
- (3) Control zones and aerodrome traffic zones shall extend upwards from the surface of the earth.

**Designation of flight information regions**

**172.02.4** The Director shall, when designating a particular portion of the airspace as a flight information region in terms of regulation 172.02.1, prescribe the borders of such region and make such designation in accordance with the requirements as prescribed in Document NAM-CATS-ATS.

**Designation of advisory areas**

**172.02.5** The Director shall, when designating a particular portion of the airspace as an advisory area in terms of regulation 172.02.1, prescribe the horizontal and vertical limits of such area.

**SUBPART 3****APPROVAL OF AIR TRAFFIC SERVICE UNITS****Manual of procedure**

**172.03.1** An applicant for the issue of an air traffic service unit approval to provide air traffic services, 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-ATS.

**Quality assurance system**

**172.03.2** (1) The applicant shall establish a quality assurance system for the control and supervision of the provision of the services covered by the application.

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

**Personnel requirements**

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

- (a) a senior person identified as the accountable manager and compliance officer of the unit concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the unit 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 unit;
  - (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 unit concerned; and
  - (v) powers to report directly to the management of the unit 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 standards officer 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 aviation safety; and

- (c) adequate licensed personnel to plan, provide and supervise the services listed in its manual of procedure, in a safe and efficient manner.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of the personnel required to operate and maintain the unit concerned.

(3) The applicant shall ensure that its personnel are of sufficient numbers and experience and have been given appropriate authority to be able to discharge their allocated responsibilities.

#### **Facility requirements**

**172.03.4** The applicant shall ensure that all facilities used in the provision of the services listed in its manual of procedure are adequate to comply with the requirements as prescribed in Document NAM-CATS-ATS.

#### **Application for approval or amendment thereof**

**172.03.5** An application for the issuing of an air traffic service unit approval to provide air traffic services, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATS; and
- (b) accompanied by -
  - (i) the manual of procedure referred to in regulation 172.03.1; and
  - (ii) the appropriate fee prescribed in Part 187.

#### **Issue of approval**

**172.03.6** (1) The Director shall issue an air traffic service unit approval to provide air traffic services, if the applicant complies with the requirements prescribed in regulations 172.03.1 to 172.03.4 inclusive.

(2) The Director shall issue the approval on the appropriate form as prescribed in Document NAM-CATS-ATS.

(3) The approval shall authorise the provision of -

- (a) a single air traffic service by means of a single air traffic service unit; or
- (b) a combination of air traffic services by means of a network of air traffic service units.

#### **Scope of approval**

**172.03.7** The holder of an air traffic service unit approval shall be entitled to provide one or a combination of the services listed in its manual of procedure.

#### **Period of validity**

**172.03.8** (1) An air traffic service unit approval shall be valid for a period determined by the Director, which period shall not exceed 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 172.01.6.

(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.

#### **Renewal of approval**

**172.03.9** (1) An application for the renewal of an air traffic service unit approval shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NAM-CATS-ATS; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) the manual of procedure referred to in regulation 172.03.1.

(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.

#### **Transferability**

**172.03.10** (1) Subject to the provisions of subregulation (2), an air traffic service unit 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 172.03.11.

#### **Changes in quality assurance system**

**172.03.11** (1) If the holder of an air traffic service unit approval desires to make any change in the quality assurance system referred to in regulation 172.03.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the unit;
- (b) the identity of the accountable manager and compliance officer;
- (c) the identity of the standards officer referred to in regulation 172.03.3(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 172.03.5 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 172.03.1 to 172.03.4 inclusive, after the implementation of such approved change.

#### **Duties of holder of approval**

**172.03.12** The holder of an approval shall -

- (a) provide the services listed in its manual of procedure, in accordance with the procedures as prescribed in Document NAM-CATS-ATS;
- (b) hold at least one complete and current copy of its manual of procedure referred to in regulation 172.03.1, at each air traffic service unit specified in the manual of procedure;
- (c) comply with all procedures detailed in the manual of procedure;
- (d) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;
- (e) continue to comply with the appropriate requirements prescribed in this Part;
- (f) keep the records of all internal inspections conducted in terms of regulation 172.03.15 for a period of five years from the date of each inspection;
- (g) furnish the Director with the en route facility financial data and en route facility traffic statistics as prescribed in Document NAM-CATS-ATS;
- (h) comply with the air traffic control instructions as prescribed in Document NAM-CATS-ATS;
- (i) replace or upgrade any obsolete installation;
- (j) apply the procedures as prescribed in Document NAM-CATS-ATS, when notified of an accident or incident in terms of regulation 12.02.1, 12.02.2 or 12.02.3, as the case may be; and
- (k) investigate any air traffic service incident of which such holder is notified in terms of regulation 12.02.2(3) and report to the investigator-in-charge in the appropriate form as prescribed in Document NAM-CATS-ATS.

#### **Station standing instructions manual**

**172.03.13** The holder of an approval shall provide each air traffic service unit listed in its manual of procedure referred to in regulation 172.03.1, a station standing instructions manual which shall -

- (a) set out the procedures for the operation of the air traffic service unit concerned; and
- (b) contain the information as prescribed in Document NAM-CATS-ATS.

#### **Documentation**

**172.03.14** (1) The holder of an approval shall provide each air traffic service unit listed in its manual of procedure referred to in regulation 172.03.1, with copies of the documentation as prescribed in Document NAM-CATS-ATS.

(2) The holder shall ensure that -

- (a) the documentation is reviewed and authorised by appropriate personnel before issue;
- (b) current issues of relevant documentation are available to personnel at all locations where they need access to such documentation for the provision of the services listed in its manual of procedure referred to in regulation 172.03.1;
- (c) obsolete documentation is removed from all points of issue or use;
- (d) changes to documentation are reviewed and approved by appropriate personnel; and
- (e) the current version of each item of documentation can be identified to preclude the use of obsolete editions.

**Internal inspection**

**172.03.15** The holder of an approval shall conduct -

- (a) internal inspections of each air traffic service unit listed in its manual of procedure referred to in regulation 172.03.1;
- (b) internal inspections, testing and calibration of each facility listed in its manual of procedure referred to in regulation 172.03.1, in accordance with the requirements as prescribed in Document NAM-CATS-ATS.

**Air traffic control clearances**

**172.03.16** The contents of an air traffic control clearance given by an air traffic control unit and the co-ordination of air traffic control clearances between air traffic control units, shall be as prescribed in Document NAM-CATS-ATS.

**Responsibility for control**

**172.03.17** (1) Only one air traffic control unit shall control a controlled flight at any given time.

(2) An air traffic control unit may transfer the responsibility for control of an aircraft or group of aircraft to another air traffic control unit: Provided that co-ordination between such air traffic control units are effected in terms of regulation 172.03.18.

**Transfer of responsibility for control**

**172.03.18** (1) Where transfer of responsibility for control takes place between one air traffic control unit and any other air traffic control unit, the procedures as prescribed in the letter of procedure shall be complied with, to ensure safe co-ordination.

(2) The conditions and requirements for and the rules, procedures and standards connected with a transfer of responsibility for control referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-ATS.

**Reporting and investigation of accidents and incidents**

**172.03.19** (1) An air traffic service unit shall report any accident or incident reported to or witnessed by such air traffic service unit, to the Chief Inspector of Aircraft Accidents.

(2) The reporting and investigation of accidents and incidents by the air traffic service unit, shall be done in accordance with the requirements as prescribed in the Regulations Regarding the Investigation of Aircraft Accidents, 2000.

**Reporting of aeronautical information**

**172.03.20** An air traffic service unit shall as soon as practicable after obtaining any aeronautical information, notify the Director of -

- (a) information on aerodrome aeronautical conditions, and any change thereto, which are relevant and applicable in its area of responsibility;
- (b) the operational and serviceability status of associated facilities, services and navigation aids within its area of responsibility;
- (c) any other information considered to be of operational significance; and
- (d) meteorological information as required for the safe and expeditious operation of flights.

**SUBPART 4****SEARCH AND RESCUE****Establishment and provision of search and rescue services****172.04.1** The Director shall -

- (a) designate the search and rescue regions within which search and rescue services will be provided in Namibia, in accordance with the requirements as prescribed in Document NAM-CATS-ATS;
- (b) designate an air traffic service unit to establish search and rescue services for one or more regions designated in terms of paragraph (a);
- (c) designate an air traffic service unit to act as an aeronautical rescue co-ordination centre; and
- (d) designate an air traffic service unit to act as a rescue sub-centre under the auspices of the aeronautical rescue co-ordination centre.

**Search and rescue action**

**172.04.2** (1) Search and rescue action shall be instituted automatically in respect of -

- (a) all flights between aerodromes where air traffic services are provided; and
- (b) all flights conducted in controlled airspace, excluding flights crossing an airway at right angles,

for which flight plans are filed prior to departure.

(2) Search and rescue action shall be instituted in respect of all domestic and international flights to aerodromes where air traffic services are not provided, for which flight plans are filed prior to departure and the pilot-in-command has specifically requested such search and rescue action.

(3) Search and rescue action shall be instituted in respect of flights for which flight plans are filed in flight when such action is specifically requested by the pilot-in-command.

(4) Pilots-in-command of flights for which search and rescue action has been requested, who fail to comply with the search and rescue requirements, shall be responsible for any costs incurred by the air traffic service unit concerned for such search and rescue action or for the provision of alerting or supporting services.

(5) Search and rescue action shall be undertaken in accordance with the requirements as prescribed in Document NAM-CATS-ATS.

**PART 174**

**AERONAUTICAL INFORMATION AND  
RELATED SERVICES:  
METEOROLOGICAL INFORMATION SERVICES**

**LIST OF REGULATIONS**

174.00.1    Applicability

174.00.2    Designation of meteorological information organisation

**Applicability**

**174.00.1** This Part shall apply to the provision of meteorological information services.

**Designation of meteorological information organisation**

**174.00.2** (1) The Director may designate a meteorological information organisation to provide the following services in support of aviation:

- (a) Climatology services for the development and supply of climatological information for a specific place or airspace;
- (b) forecast services for the supply of forecast meteorological information for a specific area or portion of airspace;
- (c) information dissemination services for the collection and dissemination of meteorological information;
- (d) meteorological briefing services for the supply of written and oral meteorological conditions;
- (e) meteorological reporting services for the supply of routine meteorological reports; and
- (f) meteorological watch services for the monitoring of meteorological conditions affecting aircraft operations in a specific area.

(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.

(3) The conditions, rules, requirements, procedures or standards of a designation referred to in subregulation (1) shall be as prescribed in Document NAM-CATS-AIRS.

**PART 175**

**AERONAUTICAL INFORMATION AND  
RELATED SERVICES:  
AERONAUTICAL INFORMATION SERVICES**

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**LIST OF REGULATIONS**

- 175.00.1    Applicability
- 175.00.2    Provision of aeronautical information services
- 175.00.3    Publication of aeronautical information

**Applicability**

**175.00.1** This Part shall apply to the provision of aeronautical information services.

**Provision of aeronautical information services**

**175.00.2** The Director shall -

- (a) be responsible for the provision of aeronautical information services to ensure that the information necessary for the safety, regularity or efficiency of air navigation is available in a form suitable for the operational requirements of -
  - (i) flight operations personnel including flight crew and the personnel responsible for the provision of pre-flight information; and
  - (ii) providers of air traffic services;
- (b) collect, collate and edit aeronautical information concerning the territory of Namibia; and
- (c) publish aeronautical information as an Integrated Aeronautical Information Package.

**Publication of aeronautical information**

**175.00.3** The conditions, requirements, rules, procedures and standards for the publication of aeronautical information in an AIC, AIP, AIP SUP, a NOTAM or PIB, as the case may be, shall be as prescribed in Document NAM-CATS-AIRS.

**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

**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) for 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
- (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.

**PART 185****ADMINISTRATION : OFFENCES**

**LIST OF REGULATIONS**

185.00.1 Offences

185.00.2 Presumptions and evidence

**Offences**

- 185.00.1** (1) Any person who -
- (a) hinders or obstructs an authorised officer, inspector or authorised person in the exercising 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 the 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 the 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 the 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 the Regulations, or a direction given or a prohibition made or a condition imposed in terms thereof;
  - (g) exercises a privilege granted by, or uses, any licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under the Regulations, of which he, she or it is not the holder;
  - (h) unless otherwise authorised in the Regulations, permits a licence, rating, certificate, permit, approval, authorisation, exemption or other document issued under the 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;
  - (i) commits any act, whether by interference with any crew member, air traffic service personnel member or aircraft maintenance engineer, 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;
  - (j) without the permission of an aerodrome operator, enters any place within the boundaries of a licensed aerodrome which has been closed to the public; or
  - (k) gives false information pertaining to the investigation of any aviation accident or incident,

shall be guilty of an offence.

(2) Any person who is convicted of an offence in terms of subregulation (1), shall be liable to the penalties prescribed in section 19 of the Act, read with section 332 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

**Presumptions and evidence****185.00.2** In criminal proceedings under the Regulations -

- (a) a written statement purported to be signed by the Director that a licence, rating, certificate, permit, approval, authorisation or exemption, as the case may be, has not been granted or issued to a specific person shall, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein;
- (b) a document purporting to be a copy of a licence, certificate, permit, approval, authorisation or exemption shall, 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 was committed; and
- (c) a document purporting to be an extract certified by the Director or a copy signed by the Director, of any register maintained in terms of the Regulations shall, upon the mere production thereof, be accepted as *prima facie* proof of the facts mentioned therein.

**PART 187**  
**FEES**

**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
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**Fees relating to Part 11**

<b>187.00.1</b>	The following fees shall be payable upon application -	N\$
(a)	for an exemption (regulation 11.04.1(2)(b))	250,00

**Fees relating to Part 21**

<b>187.00.2</b>	The following fees shall be payable upon application -	N\$
(a)	for a copy of the register of certificates (regulation 21.01.7(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(b)	for the issuing of a type certificate for a Class I product, or an amendment thereof (regulation 21.02.2(1)(b)(ii)) .....	220,00
(c)	for the issuing of a type acceptance certificate for a Class I product (regulation 21.04.2(b)(i)) .....	220,00
(d)	for the issuing of a supplemental type certificate (regulation 21.05.2(b)(ii)) .....	220,00
(e)	for the issuing of a production certificate, or an amendment thereof (regulation 21.07.2(b)(i)) .....	220,00
(f)	(i) for the issuing of a standard or restricted certificate of airworthiness (regulation 21.08.2(2)(b)(i)) .....	220,00
	(ii) for the amendment of a standard or restricted certificate of airworthiness (regulation 21.08.2(2)(b)(i)) .....	110,00
(g)	(i) for the issuing of an experimental certificate (regulation 21.08.2(3)(b)(i)) .....	220,00
	(ii) for the amendment of an experimental certificate (regulation 21.08.2(3)(b)(i)) .....	110,00
(h)	(i) for the issuing of a special flight permit (regulation 21.08.2(4)(b)(i))...	220,00
	(ii) for the amendment of a special flight permit (regulation 21.08.2(4)(b)(i)) .....	110,00
(i)	for the renewal of a certificate of airworthiness (regulation 21.08.11(1)(b)(i)) .....	110,00

(j)	for the validation of a certificate of airworthiness issued by an appropriate authority (regulation 21.08.12(2)(a)) .....	110,00
(k)	for the issuing of a NAM-PMA (regulation 21.09.3(2)(b)(v)) .....	220,00
(l)	for the issuing of an export airworthiness approval (regulation 21.11.2(3)(b)(iii))....	220,00
(m)	for the issuing of a NAM-TSO authorisation (regulation 21.12.2(2)(b)(iii)) .....	220,00
(n)	for approval to deviate from any performance standard of a NAM-TSO (regulation 21.12.5(2)).	90,00
(o)	for the issuing of a NAM-TSO design approval (regulation 21.12.8(1)(b)) .....	220,00
(p)	for the issuing of a duplicate of any certificate, approval or authorisation issued under Part 21 .....	90,00

#### Fees relating to Part 34

**187.00.3** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of fuel venting certificates and engine emission certificates (regulation 34.01.4(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(b)	for the issuing of a fuel venting certificate (regulation 34.02.3(b)(i)) .....	50,00
(c)	for the issuing of an engine emission certificate (regulation 34.03.3(b)(i)) .....	50,00
(d)	for the issuing of a duplicate fuel venting certificate or a duplicate engine emission certificate.....	45,00

#### Fees relating to Part 36

**187.00.4** The following fees shall be payable upon application -

N\$

(a)	for the issuing of a noise certificate (regulation 36.00.5(b)(i)) .....	50,00
(b)	for a copy of the register of noise certificates (regulation 36.00.11(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(c)	for the issuing of a duplicate noise certificate .....	45,00

**Fees relating to Part 47**

<b>187.00.5</b>	The following fees shall be payable upon application -	N\$
(a)	for the registration of an aircraft (regulation 47.00.5(2)(c)) .....	220,00
(b)	for the amendment of a certificate of registration (regulation 47.00.8 (2)(b)(iii)) .....	170,00
(c)	for the issuing of a duplicate certificate of registration (regulation 47.00.9(2)(b)) .....	90,00
(d)	for the cancellation of a certificate of registration (regulation 47.00.11 (2)(b)(ii)) .....	190,00
(e)	for the cancellation of a certificate of registration (regulation 47.00.11(4)(b)(iii)) .....	190,00
(f)	for a copy of the register of Namibian aircraft (regulation 47.00.14(5)) (N\$1,00 per page up to a maximum of) .....	100,00

**Fees relating to Part 61**

<b>187.00.6</b>	The following fees shall be payable upon -	N\$
(a)	application for the validation of a pilot licence and rating issued by an appropriate authority (regulation 61.01.10(2)(a)) .....	80,00
(b)	application for the issuing of a pilot licence and rating by virtue of military service (regulation 61.01.11(4)(b)(vii)) .....	80,00
(c)	application for the conversion of a pilot licence and rating issued by an appropriate authority (regulation 61.01.12(2)(b)(iv)) .....	80,00
(d)	application for the issuing of a new pilot licence and rating (regulation 61.01.21(2)(b)(iv)) .....	65,00
(e)	notification of the surrender or replacement of a pilot licence and rating (regulation 61.01.22(3)(d)) .....	65,00
(f)	application for the issuing of a duplicate pilot licence and rating (regulation 61.01.24(2)(b)(iii)) .....	65,00
(g)	application for a copy of the register of pilot licences (regulation 61.01.28(5)) (N\$ 1,00 per page up to a maximum of) .....	100,00
(h)	application for -	
	(i) the issuing of a student pilot licence (regulation 61.02.2(b)(iv))	80,00
	(ii) the reissuing of a student pilot licence (regulation 61.02.9(3))	65,00
	(i) application for the issuing of -	
(i)	a private pilot licence (aeroplane) (regulation 61.03.6(b)(vii))	80,00
	(ii) a private pilot licence (helicopter) (regulation 61.04.6(b)(vii))	80,00
	(iii) a commercial pilot licence (aeroplane)(regulation 61.05.6(b)(vii))	80,00
	(iv) a commercial pilot licence (helicopter) (regulation 61.06.6(b)(vii))	80,00

(v)	an airline transport pilot licence (aeroplane) (regulation 61.07.6(b)(vii)) .....	80,00
(vi)	an airline transport pilot licence (helicopter)(regulation 61.08.6(b)(vii)) .....	80,00
(vii)	a microlight aeroplane pilot licence (regulation 61.09.6(b)(vii))	80,00
(viii)	a microlight aeroplane pilot licence, the privileges of which are to be exercised under the control of the body or institution designated by the Director in terms of regulation 149.01.2 (regulation 61.09.6(b)(vii)) .....	5,00
(ix)	a commercial microlight aeroplane pilot licence (regulation 61.10.6(b)(vii)) .....	80,00
(x)	a glider pilot licence (regulation 61.11.6(b)(vii)) .....	80,00
(xi)	a glider pilot licence, the privileges of which are to be exercised under the control of the body or institution designated by the Director in terms of regulation 149.01.2 (regulation 61.11.6(b)(vii)) .....	5,00
(xii)	a free balloon pilot licence (regulation 61.12.6(b)(vii)) .....	80,00
(xiii)	a free balloon pilot licence, the privileges of which are to be exercised under the control of the body or institution designated by the Director in terms of regulation 149.01.2 (regulation 61.12.6(b)(vii)) .....	5,00
(xiv)	a free balloon pilot licence for commercial purposes (regulation 61.13.6(b)(vii)) .....	80,00
(xv)	an airship pilot licence (regulation 61.14.6(b)(vii)) .....	80,00
(xvi)	an airship pilot licence, the privileges of which are to be exercised under the control of the body or institution designated by the Director in terms of regulation 149.01.2 (regulation 61.14.6(b)(vii)) .....	5,00
(xvii)	an airship pilot licence for commercial purposes (regulation 61.15.6(b)(vii)) .....	80,00
(xviii)	a gyroplane pilot licence (regulation 61.16.6(b)(vii)) .....	80,00
(xix)	a gyroplane pilot licence, the privileges of which are to be exercised under the control of the body or institution designated by the Director in terms of regulation 149.01.2 (regulation 61.16.6(b)(vii)) .....	5,00
(xx)	a commercial gyroplane pilot licence (regulation 61.17.6(b)(vii)).	80,00
(j)	application for -	
(i)	the issuing of a type rating (regulation 61.18.5(1)(b)(vi)) .....	80,00
(ii)	the renewal of a type rating (regulation 61.18.11(4)(b)(iv)) ....	65,00
(iii)	the reissuing of a type rating (regulation 61.18.12(4)(b)(iv))	65,00

(k)	application for -	
(i)	the issuing of an instrument rating (regulation 61.19.6(1)(b)(v))	80,00
(ii)	the renewal of an instrument rating (regulation 61.19.11(4)(b)(iv)) .....	65,00
(iii)	the reissuing of an instrument rating (regulation 61.19.12(4)(b)(iv)) .....	65,00
(l)	application for -	
(i)	the issuing of a Grade I aeroplane flight instructor rating (regulation 61.20.6(b)(v)) .....	80,00
(ii)	the renewal of a Grade I aeroplane flight instructor rating (regulation 61.20.10(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade I aeroplane flight instructor rating (regulation 61.20.11 (4)(b)(iv)) .....	65,00
(m)	application for -	
(i)	the issuing of a Grade II aeroplane flight instructor rating (regulation 61.21.6 (b)(v)) .....	80,00
(ii)	the renewal of a Grade II aeroplane flight instructor rating (regulation 61.21.10(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II aeroplane flight instructor rating (regulation 61.21.11(4)(b)(iv)) .....	65,00
(n)	application for -	
(i)	the issuing of a Grade III aeroplane flight instructor rating (regulation 61.22.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade II aeroplane flight instructor rating (regulation 61.22.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade III aeroplane flight instructor rating (regulation 61.22.10(4)(b)(iv)) .....	65,00
(o)	application for -	
(i)	the issuing of an aeroplane simulator flight instructor certificate (regulation 61.23.5(b)(iv)).....	80,00
(ii)	the renewal of an aeroplane simulator flight instructor certificate (regulation 61.23.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of an aeroplane simulator flight instructor certificate (regulation 61.23.10(4)(b)(iv)) .....	65,00
(p)	application for -	
(i)	the issuing of a Grade I helicopter flight instructor rating (regulation 61.24.6(b)(v)) .....	80,00

(ii)	the renewal of a Grade I helicopter flight instructor rating (regulation 61.24.10(4)(b)(iv)).....	65,00
(iii)	the reissuing of a Grade I helicopter flight instructor rating (regulation 61.24.11(4)(b)(iv)) .....	65,00
(q)	application for -	
(i)	the issuing of a Grade II helicopter flight instructor rating (regulation 61.25.6(b)(v)).....	80,00
(ii)	the renewal of a Grade II helicopter flight instructor rating (regulation 61.25.10(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II helicopter flight instructor rating (regulation 61.25.11(4)(b)(iv)) .....	65,00
(r)	application for -	
(i)	the issuing of a Grade III helicopter flight instructor rating (regulation 61.26.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade III helicopter flight instructor rating (regulation 61.26.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade III helicopter flight instructor rating (regulation 61.26.10(4)(b)(iv)) .....	65,00
(s)	application for -	
(i)	the issuing of a helicopter simulator flight instructor certificate (regulation 61.27.5(b)(iv)) .....	80,00
(ii)	the renewal of a helicopter simulator flight instructor certificate (regulation 61.27.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a helicopter simulator flight instructor certificate (regulation 61.27.10(4)(b)(iv)) .....	65,00
(t)	application for -	
(i)	the issuing of a Grade I microlight aeroplane flight instructor rating (regulation 61.28.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade I microlight aeroplane flight instructor rating (regulation 61.28.9(4)(b)(iv)).....	65,00
(iii)	the reissuing of a Grade I microlight aeroplane flight instructor rating (regulation 61.28.10(4)(b)(iv)) .....	65,00
(u)	application for -	
(i)	the issuing of a Grade II microlight aeroplane flight instructor rating (regulation 61.29.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade II microlight aeroplane flight instructor rating (regulation 61.29.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II microlight aeroplane flight instructor rating (regulation 61.29.10(4)(b)(iv)) .....	65,00

(v)	application for -	
(i)	the issuing of a glider flight instructor rating (regulation 61.30.5(b)(iv)) .....	80,00
(ii)	the renewal of a glider flight instructor rating (regulation 61.30.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a glider flight instructor rating (regulation 61.30.10(4)(b)(iv)) .....	65,00
(w)	application for -	
(i)	the issuing of a Grade I free balloon flight instructor rating (regulation 61.31.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade I free balloon flight instructor rating (regulation 61.31.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade I free balloon flight instructor rating (regulation 61.31.10(4)(b)(iv)) .....	65,00
(x)	application for -	
(i)	the issuing of a Grade II free balloon flight instructor rating (regulation 61.32.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade II free balloon flight instructor rating (regulation 61.32.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II free balloon flight instructor rating (regulation 61.32.10(4)(b)(iv)) .....	65,00
(y)	application for -	
(i)	the issuing of a Grade I airship flight instructor rating (regulation 61.33.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade I airship flight instructor rating (regulation 61.33.9(4)(b)(iv)) .....	65,00
(iii)	for the reissuing of a Grade I airship flight instructor rating (regulation 61.33.10(4)(b)(iv)) .....	65,00
(z)	application for -	
(i)	the issuing of a Grade II airship flight instructor rating (regulation 61.34.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade II airship flight instructor rating (regulation 61.34.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II airship flight instructor rating (regulation 61.34.10(4)(b)(iv)) .....	65,00
	(aa) application for -	
	(i) the issuing of a Grade I gyroplane flight instructor rating (regulation 61.35.5(b)(iv)) .....	80,00

(ii)	the renewal of a Grade I gyroplane flight instructor rating (regulation 61.35.9(4)(b)(iv)) .....	65,00
(ii)	the reissuing of a Grade I gyroplane flight instructor rating (regulation 61.35.10(4)(b)(iv)) .....	65,00
(bb)	application for -	
(i)	the issuing of a Grade II gyroplane flight instructor rating (regulation 61.36.5(b)(iv)) .....	80,00
(ii)	the renewal of a Grade II gyroplane flight instructor rating (regulation 61.36.9(4)(b)(iv)) .....	65,00
(iii)	the reissuing of a Grade II gyroplane flight instructor rating (regulation 61.36.10(4)(b)(iv)) .....	65,00
(cc)	application for the issuing of -	
(i)	a night rating (regulation 61.37.5(1)(b)(v)) .....	80,00
(ii)	a Class I flight test rating (regulation 61.38.4(1)(b)(v)) .....	80,00
(iii)	a Class II flight test rating (regulation 61.39.4(1)(b)(v)).....	80,00
(dd)	application for the issuing of -	
(i)	a tug pilot rating (regulation 61.40.3(1)(b)(iii)) ....	80,00
(ii)	a safety pilot rating (regulation 61.41.3(1)(b)(iii)) .	80,00
(iii)	an external-load rating (helicopter) (regulation 61.42.4(1)(b)(iv)) .....	80,00
(iv)	a winching rating (helicopter) (regulation 61.43.4(1)(b)(iv)).....	80,00
(v)	a game or livestock cull rating (helicopter) (regul Case No. 484/2000Case No. 484/2000Case No. 484/2000ation 61.44.4(1)(b)(iv)) .....	80,00
(vi)	an agricultural pilot rating (regulation 61.45.4(1)(b)(v)) .....	80,00
(vii)	a cloud flying rating (regulation 61.46.5(1)(b)(iv)) ...	80,00
(ee)	for examinations arranged by the Director in respect of any pilot licence or rating, per subject cost plus .....	5,00
(ff)	for the remarking of examination papers by the Director in respect of any pilot licence or rating, per subject cost plus ...	5,00

### Fees relating to Part 63

**187.00.8** The following fees shall be payable upon application -

N\$

(a)	for the validation of a flight engineer licence and rating issued by an appropriate authority (regulation 63.01.6(2)(a)) .....	80,00
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(b)	for the issuing of a flight engineer licence and rating by virtue of military service (regulation 63.01.7(2)(b)(v)) .....	80,00
(c)	for the conversion of a flight engineer licence and rating issued by an appropriate authority (regulation 63.01.8(2)(b)(iii)) .....	80,00
(d)	for the issuing of a new flight engineer licence and rating (regulation 63.01.15(2)(b)(iv)) .....	65,00
(e)	for the issuing of a duplicate flight engineer licence and rating (regulation 63.01.16(2)(b)(iii)) .....	65,00
(f)	for a copy of the register of flight engineer licences (regulation 63.01.19(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(g)	for the issuing of a flight engineer licence (regulation 63.02.6(b)(vii)) .....	80,00
(h)	for the issuing of a type rating (regulation 63.03.5(1)(b)(iv)) .....	80,00
(i)	for the renewal of a type rating (regulation 63.03.9(4)(b)(iv)) .....	65,00
(j)	for the reissuing of a type rating (regulation 63.03.10(4)(b)(iv)) .....	65,00
(k)	for the issuing of a flight engineer instructor rating (regulation 63.04.5(b)(v)) .....	80,00
(l)	for the renewal of a flight engineer instructor rating (regulation 63.04.9(4)(b)(iv)) .....	65,00
(m)	for the reissuing of a flight engineer instructor rating (regulation 63.04.10(4)(b)(iv)) .....	65,00
(n)	for examinations arranged by the Director in respect of a flight engineer licence or any rating, per subject cost plus .....	5,00
(o)	for the remarking of examination papers by the Director in respect of a flight engineer licence or any rating, per subject cost plus .....	5,00

#### Fees relating to Part 64

**187.00.9** The following fees shall be payable upon application -

	N\$
(a) for the issuing of a new cabin crew member licence and rating (regulation 64.01.11(2)(b)(iv)) .....	65,00
(b) for the issuing of a duplicate cabin crew member licence and rating (regulation 64.01.12(2)(b)(iii)) .....	65,00
(c) for a copy of the register of cabin crew member licences (regulation 64.01.15(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(d) for the issuing of a cabin crew member licence (regulation 64.02.6(b)(vi)) .....	80,00
(e) for the issuing of a type rating (regulation 64.03.5(1)(b)(iv)) .....	80,00
(f) for the renewal of a type rating (regulation 64.03.9(4)(b)(iv)) .....	65,00
(g) for the reissuing of a type rating (regulation 64.03.10(4)(b)(iv)) .....	65,00

(h)	for the issuing of a cabin crew instructor rating (regulation 64.04.5(b)(v)) .....	80,00
(i)	for the renewal of a cabin crew instructor rating (regulation 64.04.9(4)(b)(iv)) .....	65,00
(j)	for the reissuing of a cabin crew instructor rating (regulation 64.04.10(4)(b)(iv)) .....	65,00

#### Fees relating to Part 65

**187.00.10** The following fees shall be payable upon application -

N\$

(a)	for the conversion of an air traffic service licence or rating issued by an appropriate authority (regulation 65.01.3(2)(a)) .....	80,00
(b)	for a copy of the register of air traffic service licences (regulation 65.01.7(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(c)	for the issuing of an air traffic service licence and rating by virtue of military service (regulation 65.01.13(2)(b)(iv)) .....	80,00
(d)	for the issuing of a new air traffic service licence and rating (regulation 65.01.15(2)(b)(iv)) .....	65,00
(e)	for the issuing of a duplicate air traffic service licence and rating (regulation 65.01.16(2)(b)(iii)) .....	65,00
(f)	for the issuing of an air traffic service licence (regulation 65.02.4(b)(iv)) .....	80,00
(g)	for the issuing of an air traffic service assistant rating (regulation 65.03.3(b)(iii)) .....	80,00
(h)	for the validation of an air traffic service assistant rating (regulation 65.03.6(b)(iii)) .....	65,00
(i)	for the renewal of an air traffic service assistant rating (regulation 65.03.11(3)) .....	65,00
(j)	for the issuing of an aerodrome control rating (regulation 65.04.3(b)(iii)) .....	80,00
(k)	for the validation of an aerodrome control rating (regulation 65.04.6(b)(iii)) .....	65,00
(l)	for the renewal of an aerodrome control rating (regulation 65.04.11(3)) .....	65,00
(m)	for the issuing of an approach control rating (regulation 65.05.3(b)(iii)) ...	80,00
(n)	for the validation of an approach control rating (regulation 65.05.6(b)(iii))	65,00
(o)	for the renewal of an approach control rating (regulation 65.05.11(3)).	65,00
(p)	for the issuing of an area control rating (regulation 65.06.3(b)(iii)) .....	80,00
(q)	for the validation of an area control rating (regulation 65.06.6(b)(iii)).	65,00

(r)	for the renewal of an area control rating (regulation 65.06.11(3)).....	65,00
(s)	for the issuing of an approach control (radar) rating (regulation 65.07.3(b)(iii)) .....	80,00
(t)	for the validation of an approach control (radar) rating (regulation 65.07.6(b)(iii)) .....	65,00
(u)	for the renewal of an approach control (radar) rating (regulation 65.07.11(3)) .....	65,00
(v)	for the issuing of an area control (radar) rating (regulation 65.08.3(b)(iii)) .....	80,00
(w)	for the validation of an area control (radar) rating (regulation 65.08.6(b)(iii)) .....	65,00
(x)	for the renewal of an area control (radar) rating (regulation 65.08.11(3)) .....	65,00
(y)	for the issuing of an air traffic service instructor (operational) rating (regulation 65.09.3(b)(iii)) .....	80,00
(z)	for the validation of an air traffic service instructor (operational) rating (regulation 65.09.6(b)(iii)) .....	65,00
(aa)	for the renewal of an air traffic service instructor (operational) rating (regulation 65.09.10(2)(b)(iii)) .....	
(bb)	for the issuing of an air traffic service instructor (training organisation) certificate (regulation 65.10.3(b)(iii)) .....	80,00
(cc)	for the renewal of an air traffic service instructor (training organisation) certificate (regulation 65.10.7(2)(b)(iii)) .....	65,00
(dd)	for examinations arranged by the Director in respect of an air traffic service licence or any rating, per paper cost plus .....	5,00
(ee)	for the remarking of examination papers by the Director in respect of an air traffic service licence or any rating, per paper cost plus..	5,00

#### **Fees relating to Part 66**

**187.00.11** The following fees shall be payable upon application -

N\$

(a)	for the validation of an aircraft maintenance engineer licence issued by an appropriate authority (regulation 65.01.9(2)(a)) .....	80,00
(b)	for a copy of the register of aircraft maintenance engineer licences (regulation 66.01.10(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(c)	for the issuing of a Class II aircraft maintenance engineer licence with a Category A rating (regulation 66.02.5(1)(b)(iv)) .....	80,00
(d)	for the amendment of a Class II aircraft maintenance engineer licence with a Category A rating (regulation 66.02.5(2)(b)(iv)) .....	80,00
(e)	for the renewal of a Class II aircraft maintenance engineer licence with a Category A rating (regulation 66.02.9(2)(b)(ii)) .....	80,00

(f)	for the reissuing of a Class II aircraft maintenance engineer licence with a Category A rating (regulation 66.02.10(3)) .....	80,00
(g)	for the issuing of a Class II aircraft maintenance engineer licence with a Category C rating (regulation 66.03.5(1)(b)(iv)) .....	80,00
(h)	for the amendment of a Class II aircraft maintenance engineer licence with a Category C rating (regulation 66.03.5(2)(b)(iv)) .....	80,00
(i)	for the renewal of a Class II aircraft maintenance engineer licence with a Category C rating (regulation 66.03.9(2)(b)(ii)) .....	70,00
(j)	for the reissuing of a Class II aircraft maintenance engineer licence with a Category C rating (regulation 66.03.10(3)) .....	70,00
(k)	for the issuing of a Class II aircraft maintenance engineer licence with a Category W rating (regulation 66.04.5(1)(b)(iv)) .....	80,00
(l)	for the amendment of a Class II aircraft maintenance engineer licence with a Category W rating (regulation 66.04.5(2)(b)(iv)) .....	80,00
(m)	for the renewal of a Class II aircraft maintenance engineer licence with a Category W rating (regulation 66.04.9(2)(b)(ii)) .....	80,00
(n)	for the reissuing of a Class II aircraft maintenance engineer licence with a Category W rating (regulation 66.04.10(3)) .....	70,00
(o)	for the issuing of a Class I aircraft maintenance engineer licence with a Category B rating (regulation 66.05.5(1)(b)(iv)) .....	80,00
(p)	for the amendment of a Class I aircraft maintenance engineer licence with a Category B rating (regulation 66.05.5(2)(b)(iv)) .....	70,00
(q)	for the renewal of a Class I aircraft maintenance engineer licence with a Category B rating (regulation 66.05.9(2)(b)(ii)) .....	70,00
(r)	for the reissuing of a Class I aircraft maintenance engineer licence with a Category B rating (regulation 66.05.10(3)) .....	70,00
(s)	for the issuing of a Class I aircraft maintenance engineer licence with a Category D rating (regulation 66.06.5(1)(b)(iv)) .....	80,00
(t)	for the amendment of a Class I aircraft maintenance engineer licence with a Category D rating (regulation 66.06.5(2)(b)(iv)) .....	70,00
(u)	for the renewal of a Class I aircraft maintenance engineer licence with a Category D rating (regulation 66.06.9(2)(b)(ii)) .....	70,00
(v)	for the reissuing of a Class I aircraft maintenance engineer licence with a Category D rating (regulation 66.06.10(3)) .....	70,00
(w)	for the issuing of a Class I aircraft maintenance engineer licence with a Category X rating (regulation 66.07.5(1)(b)(iv)) .....	80,00
(x)	for the amendment of a Class I aircraft maintenance engineer licence with a Category X rating (regulation 66.07.5(2)(b)(iv)) .....	70,00
(y)	for the renewal of a Class I aircraft maintenance engineer licence with a Category X rating (regulation 66.07.9(2)(b)(ii)) .....	70,00

(z)	for the reissuing of a Class I aircraft maintenance engineer licence with a Category X rating (regulation 66.07.10(3)) .....	70,00
(aa)	for the issuing of a Grade One aircraft maintenance instructor rating (regulation 66.08.5(b)(iii)) .....	70,00
(bb)	for the renewal of a Grade One aircraft maintenance instructor rating (regulation 66.08.9(2)(b)(ii)) .....	60,00
(cc)	for the issuing of a Grade Two aircraft maintenance instructor rating (regulation 66.09.5(b)(iv)) .....	70,00
(dd)	for the renewal of a Grade Two aircraft maintenance instructor rating (regulation 66.09.9(2)(b)(ii)) .....	60,00
(ee)	for the issuing of a duplicate aircraft maintenance engineer licence .....	70,00

#### **Fees relating to Part 67**

**187.00.12** The following fees shall be payable upon -

N\$

(a)	appeal against being found medically unfit (regulation 67.00.10(1)) ....	250,00
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#### **Fees relating to Part 121**

**187.00.13** The following fees shall be payable upon application -

N\$

(a)	for the issuing of an air operator certificate (regulation 121.06.5(1)(b)(i)) .....	3 000,00
(b)	for the amendment of an air operator certificate (regulation 121.06.5(1)(b)(i)) .....	1 000,00
(c)	for the renewal of an air operator certificate (regulation 121.06.15(2)) ...	2 000,00
(d)	for a copy of the register of air operator certificates (regulation 121.06.18(5)) (N\$ 1,00 per page up to a maximum of ) .....	100,00
(e)	for the issuing of a foreign air operator permit (regulation 121.07.2(1)(b)(iii)) .....	3 000,00
(f)	for the amendment of a foreign air operator permit (regulation 121.07.2(4)(b)(iii)) .....	1 000,00
(g)	for the renewal of a foreign air operator permit (regulation 121.07.7(2)) .....	2 000,00
(h)	for a copy of the register of foreign air operator permits (regulation 121.07.10(5)) N\$1,00 per page up to a maximum of) .....	100,00

#### **Fees relating to Part 127**

**187.00.14** The following fees shall be payable upon application -

N\$

(a)	for the issuing of an air operator certificate (regulation 127.06.5(1)(b)(i)) .....	3 000,00
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(b)	for the amendment of an air operator certificate (regulation 127.06.5 (1)(b)(i)) .....	1 000,00
(c)	for the renewal of an air operator certificate (regulation 127.06.15(2)).	2 000,00
(d)	for a copy of the register of air operator certificates (regulation 127.06.18(5)) (N\$ 1,00 per page up to a maximum of) .....	100,00
(e)	for the issuing of a foreign air operator permit (regulation 127.07.2(1)(b)(iii)) .....	3 000,00
(f)	for the amendment of a foreign air operator permit (regulation 127.07.2(4)(b)(iii)) .....	1 000,00
(g)	for the renewal of a foreign air operator permit (regulation 127.07.7(2)) .....	2 000,00
(h)	for a copy of the register of foreign air operator permits (regulation 127.07.10(5)) (N\$1,00 per page up to a maximum of) .....	100,00

### Fees relating to Part 135

**187.00.15** The following fees shall be payable upon application -

N\$

(a)	for the issuing of an air operator certificate (regulation 135.06.5(1)(b)(i)) .....	3 000,00
(b)	for the amendment of an air operator certificate (regulation 135.06.5(1)(b)(i)) .....	1 000,00
(c)	for the renewal of an air operator certificate (regulation 135.06.15(2)).	2 000,00
(d)	for a copy of the register of air operator certificates (regulation 135.06.18(5)) (N\$ 1,00 per page up to a maximum of) .....	100,00
(e)	for the issuing of a foreign air operator permit (regulation 135.07.2(1)(b)(iii)) .....	3 000,00
(f)	for the amendment of a foreign air operator permit (regulation 135.07.2(4)(b)(iii)) .....	1 000,00
(g)	for the renewal of a foreign air operator permit (regulation 135.07.7(2)) .....	2 000,00
(h)	for a copy of the register of foreign air operator permits (regulation 135.07.10(5)) (N\$1,00 per page up to a maximum of) .....	100,00

### Fees relating to Part 139

**187.00.16** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of aerodrome licences, heliport approvals and heliport licences (regulation 139.01.7(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(b)	for the issuing of an aerodrome licence, or an amendment thereof (regulation 139.02.10(b)(viii)) .....	2 200,00
(c)	for the renewal of an aerodrome licence (regulation 139.02.17(1)(b)(iv)) .....	1 100,00
(d)	for the issuing of a licence of intent (regulation 139.02.18(2)(b)(vi)) ..	1 100,00

(e)	for the issuing of a heliport licence (regulation 139.03.10(b)(viii)) .....	2 200,00
(f)	for the renewal of a heliport licence (regulation 139.03.17(1)(b)(iv)) ..	1 100,00
(g)	for the issuing of a licence of intent (regulation 139.03.18(2)(b)(vi)) ...	1 100,00
(h)	for the issuing of a duplicate aerodrome licence or a duplicate heliport approval or licence .....	90,00

#### Fees relating to Part 141

**187.00.17** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of aviation training organisation approvals (regulation 141.01.8(5)) (N\$1,00 per page up to a maximum of) ...	100,00
(b)	for the issuing of an aviation training organisation approval to conduct standard aviation training, or an amendment thereof (regulation 141.02.6(b)(i)) .....	2 200,00
(c)	for the renewal of an aviation training organisation approval to conduct standard aviation training (regulation 141.02.12(1)(b)(i)) .....	1 100,00
(d)	for the issuing of an aviation training organisation approval to conduct temporary aviation training (regulation 141.03.2(b)(i)) .....	550,00
(e)	for the issuing of a duplicate aviation training organisation approval	90,00

#### Fees relating to Part 145

**187.00.18** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of aircraft maintenance organisation approvals (regulation 145.01.7(5)) (N\$1,00 per page up to a maximum of) ....	100,00
(b)	(i) for the issuing of an aircraft maintenance organisation approval (regulation 145.02.6(b)(i)) .....	1 650,00
	(ii) for the amendment of an aircraft maintenance organisation approval (regulation 145.02.6(b)(i)) .....	220,00
(c)	for the renewal of an aircraft maintenance organisation approval (regulation 145.02.12 (1)(b)(i)) .....	820,00
(d)	for the issuing of a duplicate aircraft maintenance organisation approval .....	90,00

#### Fees relating to Part 147

**187.00.19** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of design organisation approvals (regulation 147.01.7(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(b)	(i) for the issuing of a design organisation approval to design products or changes thereto (regulation 147.02.5(b)(i)) .....	2 200,00

(ii)	for the amendment of a design organisation approval to design products or changes thereto (regulation 147.02.5(b)(i)) .....	1 100,00
(c)	for the renewal of a design organisation approval to design products or changes thereto (regulation 147.02.14(1)(b)(i)) .....	1 100,00
(d) (i)	for the issuing of a design organisation approval to design parts and appliances, or changes thereto (regulation 147.03.5(b)(i)) .....	2 200,00
(ii)	for the amendment of a design organisation approval to design parts and appliances, or changes thereto (regulation 147.03.5(b)(i)) .....	1 100,00
(e)	for the renewal of a design organisation approval to design parts and appliances, or changes thereto (regulation 147.03.13(1)(b)(i))	1 100,00
(f)	for the issuing of a duplicate design organisation approval .....	90,00

#### Fees relating to Part 148

**187.00.20** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of manufacturing organisation approvals (regulation 148.01.7(5)) (N\$1,00 per page up to a maximum of) ....	100,00
(b) (i)	for the issuing of a manufacturing organisation approval (regulation 148.02.5(b)(i)) .....	2 200,00
(ii)	for the amendment of a manufacturing organisation approval (regulation 148.02.5(b)(i)) .....	1 100,00
(c)	for the renewal of a manufacturing organisation approval (regulation 148.02.15(1)(b)(i)) .....	1 100,00
(d)	for the issuing of a duplicate manufacturing organisation approval	90,00

#### Fees relating to Part 149

**187.00.21** The following fees shall be payable upon application -

N\$

(a)	for a copy of the register of aviation recreation organisation approvals (regulation 149.01.8(5)) (N\$1,00 per page up to a maximum of) .....	100,00
(b) (i)	for the issuing of an aviation recreation organisation approval (regulation 149.02.5(b)(i)) .....	2 200,00
(ii)	for the amendment of an aviation re-creation organisation approval (regulation 149.02.5(b)(i)) .....	1 100,00
(c)	for the renewal of an aviation recreation organisation approval (regulation 149.02.11(1)(b)(i)) .....	1 100,00
(d)	for the issuing of a duplicate aviation recreation organisation approval .....	90,00

**Fees relating to Part 172**

<b>187.00.22</b>	(1) The following fees shall be payable upon application -	N\$
(a)	for a copy of the register of air traffic service unit approvals (regulation 172.01.7(5)) (N\$ 1,00 per page up to a maximum of) ...	100,00
(b)	(i) for the issuing of an air traffic service unit approval (regulation 172.03.5(b)(ii)) .....	2 200,00
	(ii) for the amendment of an air traffic service unit approval (regulation 172.03.5(b)(ii)) .....	1 100,00
(c)	for the renewal of an air traffic service unit approval (regulation 172.03.9(1)(b)(i)) .....	1 100,00
(d)	for the issuing of a duplicate air traffic service unit approval .....	90,00
(2)	The following Air Navigation Service charges calculated per nautical mile shall be paid by the operator of an aircraft with a certified mass exceeding 5700 kilograms (regulation 172.01.9a) .....	USD 0.15
	(or equivalent in local currency)	
(3)	The following terminal control charges calculated per flight shall be paid by the operator of an aircraft with:	
	(i) a certified mass exceeding 5700 kilograms (regulation 172.01.9b) .....	USD 6.00
	(or equivalent in local currency)	
	(ii) a certified mass of 5700 kilograms or less (regulation 172.01.9b) .....	USD 6.00
	(or equivalent in local currency)	
	(iii) for training flights the charges shall be 25% of the charges payable in (i) or (ii) above.	

**General**

**187.00.23** (1) If a staff member in the service of the Ministry incurs any additional expenses relating to travel and subsistence in order to adjudicate any application made, or with a view to adjudicating any application to be made, in terms of the Regulations, the applicant shall be liable for such additional expenses, calculated in accordance with paragraph D iii/ii of the Public Service Staff Rules.

(2) For the purposes of regulations 187.00.6(ff), 187.00.6(gg), 187.00.8(n), 187.00.8(o), 187.00.10(dd), 187.00.10(ee), 187.00.11(z) and 187.00.11(aa), "cost" means the amount payable by the Ministry to obtain any of the examination papers, which amount shall be published from time to time in an Aeronautical Information Circular.