



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.83u

WINDHOEK - 15 August 1997

No. 1637

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 211

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 141 - ORGANISATIONS : AVIATION TRAINING ORGANISATIONS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent

developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

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

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

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

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on Aviation Training Organisations set out in Schedule 3. The proposed regulations represent Part 141 of the proposed structure.

The proposed regulations on Aviation Training Organisations make provision for certain information to be contained in a document called Document NA-CATS-ATO. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding aviation training organisations.

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

Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

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

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

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

In these regulations, unless the context otherwise indicates -

“Document NA-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 the Act;

“standard aviation training” means the conduct of training, or tests or verifications of skill or proficiency required for the issuing or renewal of licences, ratings, validations, revalidations or certificates, on an ongoing basis;

“temporary aviation training” means the one-off training, or test or verification of skill or proficiency required for the issuing or renewal of licences, ratings, validations, revalidations or certificates, for a specific purpose; and

“training” means -

- (a) the training; and
- (b) the tests or the verifications of skill or proficiency, specified in the regulations.

SCHEDULE 3
LIST OF REGULATIONS

SUBPART 1 : GENERAL

- 141.01.1 Applicability
- 141.01.2 Designation of body or institution
- 141.01.3 Display of aviation training organisation approval
- 141.01.4 Advertisements
- 141.01.5 Safety inspections and tests
- 141.01.6 Suspension and cancellation of aviation training organisation approval
and appeal
- 141.01.7 Register of approvals

**SUBPART 2 : APPROVAL OF ORGANISATION (STANDARD AVIATION
TRAINING)**

- 141.02.1 Requirement for approval
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141.03.1 Requirements for approval

141.03.2 Application for approval

141.03.3 Issuing of approval

141.03.4 Scope of approval

141.03.5 Period of validity

141.03.6 Transferability

141.03.7 Duties of holder of approval

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

141.01.1 (1) This Part shall apply to the approval and operation of organisations conducting -

- (a) standard aviation training; and
- (b) temporary aviation training.

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

- (a) training conducted for familiarisation purposes; and
- (b) training or instruction conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issuing, renewal, re-issuing, validation or revalidation of any licence, certificate or rating in terms of the Regulations.

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, confirm, suspend or withdraw certificates for the successful completion of such aviation training, and keep all books or documents regarding such aviation training; and
- (d) advise the Director on any matter connected with 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 NA-CATS-ATO.

Display of aviation training organisation approval

141.01.3 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

141.01.4 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

141.01.5 (1) An applicant for the issuing 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 141.02.7 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 aviation training organisation approval and appeal

141.01.6 (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 141.01.5, 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 141.01.5; 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, stating the reasons why, in his or her opinion, the suspended approval should be cancelled.

(3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the approval which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of an approval who feels aggrieved by the

suspension of the approval may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside.

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

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

(8) The Director may -

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

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

(10) The Director shall -

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

cancel the approval concerned.

Register of approvals

141.01.7 (1) The Director shall maintain a register of all aviation training organisation approvals issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the date on which the approval was issued;
- (d) particulars of the scope of the approval issued to the holder of the approval; and
- (e) the nationality of the holder of the approval.

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

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

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

SUBPART 2**APPROVAL OF ORGANISATION (STANDARD AVIATION TRAINING)****Requirement for approval**

141.02.1 No organisation shall conduct standard aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation approval issued under this Subpart.

Manual of procedure

141.02.2 An applicant for the issuing of an aviation training organisation approval to conduct standard aviation 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 NA-CATS-ATO.

Quality assurance system

141.02.3 (1) The applicant shall establish a quality assurance system for the control and supervision of the standard aviation training covered by the application.

(2) The minimum standards for a quality assurance system shall be as prescribed in Document NA-CATS-ATO.

Personnel requirements

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

- (a) a senior person identified as the accountable manager who has the authority within the aviation training organisation to ensure that all activities undertaken by such organisation are carried out according to the appropriate requirements prescribed in this Subpart;
- (b) a competent person who is responsible for design assurance, and who has direct access to the accountable manager referred to in paragraph (a) on matters affecting aviation safety; and
- (c) adequate personnel to plan, conduct and supervise the standard aviation 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 aviation 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

141.02.5 The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to conduct the standard aviation training covered by the application.

Accreditation

141.02.6 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 aviation training covered by the application.

Application for approval or amendment thereof

141.02.7 An application for the issuing of an aviation training organisation approval to conduct standard aviation training, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-ATO; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 141.02.2; and
 - (iii) proof of the accreditation referred to in regulation 141.02.6.

Issuing of approval

141.02.8 (1) The Director shall issue an aviation training organisation approval to conduct standard aviation training, if the applicant complies with the requirements prescribed in regulations 141.02.2 to 141.02.6 inclusive.

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

Scope of approval

141.02.9 An aviation training organisation approval to conduct standard aviation training shall specify the standard aviation training which the holder of the approval is entitled to conduct.

Period of validity

141.02.10 (1) An aviation training organisation approval to conduct standard aviation training, shall be valid for the period determined by the Director, which period shall not exceed five years, 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 141.01.6.

(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

141.02.11 (1) Subject to the provisions of subregulation (2), an aviation training organisation approval to conduct standard aviation training, shall not be transferable.

(2) A change in ownership of the holder of an approval to conduct standard aviation training, shall be deemed to be a change of significance referred to in regulation 141.02.12.

Changes in quality assurance system

141.02.12 (1) If the holder of an aviation training organisation approval to conduct standard aviation training, desires to make any change in the quality assurance system referred to in regulation 141.02.3, 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 141.02.7 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 141.02.2 to 141.02.6 inclusive, after the implementation of such approved change.

Renewal of approval

141.02.13 (1) An application for the renewal of an aviation training organisation approval to conduct standard aviation training, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-ATO; and
- (b) be accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 141.02.2; and
 - (iii) proof of the accreditation referred to in regulation 141.02.6.

(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.

Duties of holder of approval

141.02.14 The holder of an aviation training organisation approval to conduct standard aviation training, shall -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 141.02.2, at each training facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

Documents and records

141.02.15 (1) The holder of an aviation training organisation approval to conduct standard aviation training, shall -

- (a) keep copies of all relevant documents which may be necessary -

- (i) for the specified standard aviation 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 issuing thereof;
 - (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified standard aviation 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 aviation training conducted by such holder;
 - (b) to determine compliance with the appropriate requirements prescribed in this Subpart.
- (4) The procedures referred to in subregulation (3) 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 aviation training, including particulars of the competence assessments and experience of each such person;
 - (c) a record is kept of each student being trained or assessed by the holder of the 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 AVIATION TRAINING)****Requirements for approval**

141.03.1 (1) No organisation shall conduct temporary aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation approval issued under this Subpart.

(2) An applicant for the issuing of an aviation training organisation approval to conduct temporary aviation training, shall -

- (a) engage, employ or contract adequate personnel to plan, conduct and supervise the temporary aviation training covered by the application;
- (b) ensure that those personnel responsible for conducting the temporary aviation training, have a combination of competence and experience adequate for the level of competence required for such training;
- (c) ensure that the facilities and resources are adequate to enable the personnel to conduct such temporary aviation training; and
- (d) have documented procedures for conducting such temporary aviation training.

Application for approval

141.03.2 An application for the issuing of an aviation training organisation approval to conduct temporary aviation training, shall be -

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

Issuing of approval

141.03.3 (1) The Director shall issue an aviation training organisation approval to conduct temporary aviation 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 NA-CATS-ATO.

Scope of approval

141.03.4 An aviation training organisation approval to conduct temporary

aviation training shall specify the temporary aviation 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 aviation training, shall be valid for the period required to conduct the specified temporary aviation 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 141.01.6.

(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

141.03.6 An aviation training organisation approval to conduct temporary aviation training, shall not be transferable.

Duties of holder of approval

141.03.7 The holder of an aviation training organisation approval to conduct temporary aviation 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 aviation 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 aviation training, any flight times, instructor comments and the results of any such training;
- (c) all records are legible; and
- (d) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.