



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

### MINISTRY OF WORKS AND TRANSPORT

No. 236

2020

#### AMENDMENT OF NAMIBIAN CIVIL AVIATION REGULATIONS, 2001: CIVIL AVIATION ACT, 2016

Under sections 54 to 57 of the Civil Aviation Act, 2016 (Act No. 6 of 2016), and after consultations with the Board of Directors of the Namibia Civil Aviation Authority, I have -

- (a) made the regulations set out in the Schedule;
- (b) determined that the regulations come into operation six months after the date of promulgation; and
- (c) determined that Subparts 2, 3, 5, 6 and 7 of Part 21 and other provisions of Part 21 that make reference to type certification come into operation on a date that I will notify in *Gazette*.

**J. MUTORWA**  
**MINISTER OF WORKS AND TRANSPORT**

Windhoek, 7 September 2020

## SCHEDULE

### Definitions

1. In these regulations “the Regulations” means the Namibian Civil Aviation Regulations published under Government Notice No. 1 of 2 January 2001, as amended by Government Notice Nos. 57 of 1 April 2006, 201 of 1 November 2006, 80 of 4 April 2017, 210 of 31 August 2018, 293 of 8 November 2018, 410 of 30 December 2019, 89 of 27 March 2020 and 112 of 30 April 2020.

### Amendment of regulation 1.00.1 of Regulations

2. Regulation 1.00.1 of the Regulations is amended -

(a) by the insertion after the definition of “aircraft components” of the following definitions:

““aircraft maintenance engineer” means a natural person who has been licensed and appropriately rated as an aircraft maintenance engineer in terms of Part 66;

“aircraft maintenance organisation” means an organisation that has been approved and appropriately rated in terms of Part 145, to perform maintenance of aircraft or parts of the aircraft, and operating under supervision of the Executive Director;”;

(b) by the insertion after the definition of “aircraft proximity” of the following definition:

““aircraft register” means the Namibia Register of Aircraft established under section 50 of the Act;”;

(c) by the insertion after the definition of “approved” of the following definition:

““approved person” means a natural person who has been authorised and appropriately rated in terms of Part 4 of Part 66 by the Executive Director or the designated organisation, as the case may be, to carry out maintenance inspections and repairs on a non-type certificated aircraft in compliance with the applicable aircraft maintenance schedule;”;

(d) by the insertion after the definition of “contaminated runway” of the following definition:

““contracted AMO” means an aircraft maintenance organisation (AMO) contracted by the owner or operator of an aircraft to carry out maintenance on an aircraft;”;

(e) by the insertion after the definition of “designated aviation medical examiner” of the following definition:

““designated organisation” means the body or institution that has been designated by the Executive Director under Part 149, to perform the functions assigned to it, or exercise the powers conferred on it, by or under these regulations;”;

(f) by the insertion after the definition of “Document NAM-CATS-AR” of the following definition:

““Document NAM-CATS-AR-NTCA” means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements for Non-

Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;”;

- (g) by the insertion after the definition of “Document NAM-CATS-MR” of the following definition:

““Document NAM-CATS-MR-NTCA” means a document on the Namibian Civil Aviation Technical Standards relating to Maintenance Rules for Non-Type Certificated Aircraft which is published by the Executive Director in terms of section 227 of the Act;”;

- (h) by the insertion after the definition of “Namibian registered aircraft” of the following definition:

““NAM-TSO authorisation” means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;”;

- (i) by the insertion after the definition of “non-precision approach and landing” of the following definition:

““non-type certificated aircraft” means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 and includes any type certificated aircraft that has been scrapped, of which the original identification plate has to be removed and returned to the appropriate aviation authority and is rebuild as a full-scale replica;”;

- (j) by the insertion after the definition of “validation examiner” of the following definition:

““veteran aircraft” means a previously type-certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which a valid type certificate is no longer held by any person;”.

#### **Amendment of regulation 1.00.2 of Regulations**

3. Regulation 1.00.2 of the Regulations is amended by the insertion in the appropriate places of the list of abbreviations of the following abbreviations:

- “(eA) AME means aircraft maintenance engineer;
- (eB) AMO means aircraft maintenance organisation;
- (bbA) MCTOW means maximum certificated take-off weight;
- (jjA) NAM-PMA means Namibia Parts Manufacturing Approval;
- (jjB) NAM-TSO means Namibia Technical Standard Order;
- (ttA) RVSM means reduced vertical separation minima;”.

#### **Substitution of Part 21 of Regulations**

4. The Regulations are amended by the substitution for Part 21 of the following Part:

**“PART 21**  
**AIRCRAFT: CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS AND**  
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## **SUBPART 1: GENERAL**

### **Applicability**

- 21.01.1** (1) This Part applies 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;
  - (j) the issuing of NAM-TSO authorisations;
  - (j) the distribution of aeronautical products in Namibia; and
  - (k) the identification of aircraft, aircraft engines, propellers, appliances and components of aircraft parts.
- (2) This Part does not apply to -
- (a) hang gliders;
  - (b) paragliders;
  - (c) unmanned free balloons;
  - (d) captive balloons;
  - (e) kites;
  - (f) model aircraft;
  - (g) parachutes;

- (h) powered paragliders;
- (i) rigid airships; and
- (j) remotely piloted aircraft.

### **Types of aircraft**

**21.01.2** (1) For the purposes of the regulations in this Part, the applicable types of aircraft are -

- (a) gliders, power-assisted gliders and touring gliders;
- (b) very light aeroplanes;
- (c) aeroplanes of normal, utility, acrobatic and commuter categories;
- (d) aeroplanes of the transport category;
- (e) rotorcraft of the normal category;
- (f) rotorcraft of the transport category;
- (g) manned free balloons; and
- (h) remotely piloted aircraft.

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

(3) A person may not operate an aircraft within Namibia or apply for registration of an aircraft in Namibia, unless the aircraft and the aeronautical products therein have received type certification -

- (a) in terms of the regulations in this Part; or
- (b) from the State of Design and a production approval from the State of Manufacture by the appropriate authority of those states.

### **Reporting of failures, malfunctions and defects and other occurrences**

**21.01.3** (1) The holder of any type certificate, type acceptance certificate, supplemental type certificate, production certificate, NAM-PMA or NAM-TSO authorisation issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing, report to the Executive Director the occurrence and circumstances of 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) must include -



- (a) the aircraft serial number;
- (b) if the failure, malfunction or defect is associated with an article approved under 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) The holder of a certificate or an authorisation referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

- (a) Saturday or a Sunday, may be submitted on the following Monday; or
- (b) public holiday, may be submitted on the next working day.

(4) In the case 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 must report to the Executive 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 must submit to the Executive Director, the data necessary for the issuing of an appropriate airworthiness directive by the Executive Director.

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

**21.01.4** (1) The Executive Director may, pursuant to section 38(3) of the Act and in the interest of aviation safety, issue an appropriate airworthiness directive to correct an unsafe condition in a product.

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

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

(3) An operator of an aircraft may not operate the aircraft unless the operator complies with -

- (a) every applicable airworthiness directive issued by the Executive Director in accordance with this subregulation (1); and

- (b) for an aircraft in excess of 5 700 kilogrammes MCTOW, or in the case of an aircraft operated in terms of Part 135, less than 5 700 kilogrammes MCTOW, every -
  - (i) applicable airworthiness directive issued by the State of Design of the aircraft; and
  - (ii) applicable airworthiness directive issued by the State of Design of a product that is used on the aircraft; or
- (c) an alternative means of compliance in the manner contemplated in Part 3 in respect of an airworthiness directive that is applicable to the aircraft under paragraphs (a) and (b).

### **Safety inspections and audits**

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

### **Register of certificates**

**21.01.6** (1) The Executive Director must, pursuant to section 52 of the Act, maintain or cause to be maintained a register of all certificates, approvals or authorisations issued in terms of this Part.

- (2) The register must 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 date on which the certificate, approval or authorisation was issued;
  - (d) the nationality of the holder of the certificate, approval or authorisation;
  - (e) the number of the certificate, approval or authorisation issued;
  - (f) the telephone, telefax numbers, email address of the holder of the certificate, approval or authorisation; and
  - (g) the date on which the certificate, approval or authorisation was suspended or revoked, if applicable.

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

(4) The Executive Director, on payment of the appropriate fee as prescribed in Part 187, must furnish a copy of the register to any person who requests for the copy.

### **Unapproved (bogus) parts**

**21.01.7** (1) A person may not trade in any unapproved (bogus) part intended for installation, or install any unapproved part, in a type certificated product.

(2) A person authorised by these regulations to install parts in a type certificated product, must, when installing a part, ensure that the part -

- (a) is not an unapproved (bogus) part;
- (b) is an approved and serviceable part; and
- (c) 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) must, 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 an approved part.

### **Suspension, revocation and appeal**

**21.01.8** (1) Without prejudice to the Executive Director's powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval or authorisation issued under this Part, if -

- (a) after safety inspection or an audit carried out in terms of regulation 21.01.5, it is evident that the holder of the certificate, approval or authorisation -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) has failed 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 certificate, approval or authorisation or a person acting on behalf of that holder, from carrying 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 authorised officer, inspector or authorised person who has suspended a certificate, approval or authorisation in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval or authorisation which has been suspended.

(4) The holder of a certificate, approval or authorisation whose certificate, approval or authorisation has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person's actions made in subregulation (1) pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

### **Alternative means of compliance**

**21.01.9** An operator of an aircraft who is required under regulation 21.01.4(3)(a) and (b) to comply with the requirements of an airworthiness directive, may apply to the Executive Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive in the manner set out in in Subpart 3 of Part 3.

### **Deferred compliance**

**21.01.10** If an airworthiness directive requires a series of inspections of an aircraft or a product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

### **Conflict with other continuing airworthiness instructions**

**21.01.11** If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirements specified in the airworthiness directive prevail.

## **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**

**21.02.2** (1) An application for the issue or amendment of a type certificate for a Class I product must be -

- (a) made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a copy of the approval held by the selected design organisation;

- (ii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;
  - (iii) 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;
  - (iv) the proposed certification basis; and
  - (v) the appropriate fee as prescribed in Part 187.
- (2) An application referred to in subregulation (1) is valid -
- (a) in the case of an application for an aeroplane type with a maximum certificated mass exceeding 5 700 kilogrammes, 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 kilogrammes 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 kilogrammes, for a period of five years;
  - (d) in the case of an application for a rotorcraft type with a maximum certificated mass of 2730 kilogrammes or less, for a period of three years,

calculated from the date on which the application is submitted to the Executive 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 issue or amendment of a type certificate for a Class I product must provide the Executive Director with proof that -
- (a) the product complies with the appropriate airworthiness design standards in force as set out in Document NAM-CATS-AR;
  - (b) the product complies with the appropriate fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;

- (c) the product complies with any special conditions prescribed by the State of Design of the product;
- (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 must provide proof that the product complies with any other airworthiness design standard which the Executive Director determines is directly related.

(3) Where -

- (a) there are no airworthiness design standards applicable to a Namibian registered aircraft set out Document NAM-CATS-AR as contemplated in subregulation(1)(a); or
- (b) Document NAM-CATS-AR does not contain a code of airworthiness design standards applicable to a Namibian registered aircraft,

the applicable airworthiness design standards in respect of any such aircraft are the requirements and mandatory design standards of the State of Design or a code of airworthiness which code complies with Annex 8 to the Chicago Convention.

### **Type design**

**21.02.4** An applicant for the issue or amendment of a type certificate for a Class I product must -

- (a) provide the Executive 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 issue or amendment of a type certificate for a Class I product must 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 fuel venting and engine emission standards and aircraft noise standards referred to in Part 34 and Part 36;
- (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 must, after making the inspections and tests referred to in subregulation (1) -

- (a) permit the Executive Director to perform any inspection and flight and ground tests which the Executive Director may require;
- (b) provide proof to the Executive 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 Executive Director for testing.

**Statements of conformity**

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

- (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) must be carried out in accordance with the requirements set out in Document NAM-CATS-AR.

### **Issue of type certificate**

**21.02.8** (1) The Executive Director must grant an application in terms of regulation 21.02.2 and issue a type certificate for a Class I product 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 must specify the operational purposes for which the product is certificated.

(4) A type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

### **Privileges of holder of type certificate**

**21.02.9** The holder of a type certificate is 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**

**21.02.10** (1) A type certificate is valid until it is surrendered by the holder thereof, or is suspended by the Executive Director or by an authorised officer, inspector or authorised person, or revoked by the Executive Director pursuant to regulation 21.01.8.



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

(3) The holder of a type certificate which is revoked must forthwith surrender such type certificate to the Executive Director.

#### **Transferability certificate**

**21.02.11** The holder of a type certificate must, before transferring the type certificate -

- (a) notify the Executive Director in writing of the name and address of -
  - (i) the transferee; and
  - (ii) the subsequent selected design organisation; and
- (b) produce the certificate to the Executive Director for amendment.

#### **Special conditions**

**21.02.12** The Executive Director may impose 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 Executive 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**

**21.02.13** The holder of a type certificate must -

- (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 those 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); and
- (h) report to the Executive 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** The holder of a type certificate must in writing report all minor changes in a type design to the Executive Director 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, must submit to the Executive 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 must 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 Executive Director issuing an airworthiness directive, the holder of the type certificate for the product concerned must -

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

(3) Upon approval of the design changes referred to in subregulation (2), the holder of the type certificate must 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 must comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

### **SUBPART 4 ACCEPTANCE OF TYPE 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 1 product must be -

- (a) made in the appropriate form set out 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** (1) In this regulation, “appropriate airworthiness design standards” means the standards referred to in regulation 21.02.3(1) or standards contained in a recognised airworthiness code referred to in regulation 21.02.3(3) relating to the design, materials, construction equipment, performance and maintenance of aircraft or aircraft components issued by the States of Design and which code complies with Annex 8 to the Chicago Convention.

(2) An applicant for the issuing of a type acceptance certificate for a Class I product must provide the Executive 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 equivalent document, unless another date is specified by the Executive Director.
- (b) the product complies with any special conditions imposed by the Executive Director in terms of regulation 21.02.12 and, if applicable, meets any special conditions under the foreign type certificate;
- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety;
- (d) no feature or characteristic of the product makes it unsafe for the intended use; and
- (e) the type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director.

### Data requirements

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

- (a) proof that the type design has been approved by the appropriate authority of the exporting State by the issuing of a type certificate or an equivalent document and that type certificate or equivalent document is considered to be valid by the State of Design;
- (b) details of the airworthiness design standards complied with for the issuing of the type certificate referred to in paragraph (a), including -
  - (i) the statement of conformity compared to 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 issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate design standards do not require a flight manual to be provided, a flight manual which complies with the standards set out in Document NAM-CATS-AR;
- (e) the illustrated parts or products catalogue; and
- (f) if required by the Executive Director -

- (i) the maintenance manual for the product;
- (ii) current service information issued by the manufacturer of the product; and
- (iii) proof that the manufacturer has agreed to provide the Executive Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraphs (d), (e) and (f).

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

(3) If the application relates to a variant of an aircraft type for which there is already a type acceptance certificate in force, then only data peculiar to the variant need be supplied and the type acceptance certificate will be amended to include the new variant.

(4) The applicant must provide general familiarisation training or full type training course to the Executive Director or to an authorised officer, inspector or authorised person for the purpose of enabling them to conduct an effective safety oversight on the accepted aircraft type.

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

**21.04.5** (1) The Executive Director must grant an application in terms of regulation 21.04.2 and issue a type acceptance certificate for a Class I product 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 must specify the operational purposes for which the product is certificated.

(4) A type acceptance certificate must be issued on the appropriate form set out in Document NAM-CATS-AR.

#### **Period of validity**

**21.04.6** (1) A type acceptance certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

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

(3) The holder of a type acceptance certificate which is revoked must forthwith surrender such type acceptance certificate to the Executive Director.

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

**21.04.7** The holder of a type acceptance certificate must keep the original type acceptance certificate in a safe place and produce such certificate upon request to an authorised officer, inspector or authorised person for inspection.

## **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, must apply to the Executive Director for the issuing of a supplemental type certificate.

(2) An applicant for the issue of a supplemental certificate must prove to the Executive 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 must 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 issue of a supplemental type certificate must be -

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

#### **Issue of supplemental type certificate**

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

(2) A supplemental type certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

**Privileges of holder of supplemental type certificate**

- 21.05.4** The holder of a supplemental type certificate is 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**

**21.05.5** (1) A supplemental type certificate is valid until it is surrendered by the holder thereof or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.

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

(3) The holder of a supplemental type certificate which is revoked must forthwith surrender such supplemental type certificate to the Executive Director.

**Duty of holder of supplemental type certificate**

**21.05.6** The holder of a supplemental type certificate must 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.

**Requirements for supplementary type certificate issued by State of Design**

**21.05.7** (1) The Executive Director may accept a supplemental type certificate or equivalent document issued by a State of Design in respect of an aircraft or aircraft part or product if -

- (a) the supplemental type certificate or equivalent document was issued based on an airworthiness code recognised by the Executive Director; or
- (b) the design, materials, construction equipment, performance and maintenance of the aircraft or aircraft component technical evaluation against a recognised airworthiness code has been carried out by the Executive Director and has been found to -
  - (i) meet the required standards of the recognised airworthiness code; or
  - (ii) have complied with any recommendations made by the Executive Director.

**Issue of supplemental type certificate by another State**

**21.05.8** (1) Any person who proposes to alter a product by introducing a major change in type design not great enough to require a new application for a type certificate must apply for a supplemental type certificate to the appropriate authority of the State of Design that approved the type certificate for that product.

(2) An application under made under subregulation (1) must be made in accordance with the procedures prescribed by the relevant State of Design.

(3) The Executive Director upon receiving a request for a supplemental type certificate for an aircraft registered in Namibia must -

- (a) forward the request to the State of Design; and
- (b) if applicable, issue a supplementary type certificate using the same regulatory and other guidance of the State of Design and State of Manufacture.

**SUBPART 6**  
**PRODUCTION UNDER TYPE CERTIFICATE**

**Production under type certificate**

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

- (a) make each product available for inspection by the Executive Director;
- (b) maintain, at the place of manufacture, the technical data and drawings necessary for the Executive Director to determine whether the product and its parts conform to the type design;
- (c) determine that each completed product conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Executive Director;
- (d) unless otherwise authorised by the Executive Director not to do so, 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
- (e) upon the establishment of the production inspection system referred to in paragraph (d), submit to the Executive 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(d), the manufacturer must establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations are as set out in Document NAM-CATS-AR.



(3) The composition of the Materials Review Board and its powers and duties, are as set out in Document NAM-CATS-AR.

#### **Tests for aircraft**

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

#### **Tests for aircraft engines**

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

#### **Tests for propellers**

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

- (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 Executive Director a statement of conformity.

(2) The statement of conformity must -

- (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 CERTIFICATE**

#### **Requirements for production certificate**

**21.07.1** Any manufacturer who has been approved by the Executive 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**

**21.07.2** An application for the issue or amendment of a production certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR ; and
- (b) accompanied by -
  - (i) 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;
  - (ii) 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;
  - (iii) 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 list;
  - (iv) an outline of the materials review system, including the procedure for recording Materials Review Board decisions and disposing of rejected products or parts;

- (v) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;
- (vi) a list or chart showing the location of all inspection stations;
- (vii) the terms of approval referred to in regulation 21.07.4, for which application is being made; and
- (viii) the appropriate fee as prescribed in Part 187.

### **Issue of production certificate**

**21.07.3** (1) The Executive Director must grant an application made under regulation 21.07.2 and issue a production certificate if the applicant complies with the requirements prescribed in that regulation.

(2) The Executive Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.4, if the products have similar production characteristics.

(3) A production certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

### **Terms of approval**

**21.07.4** The terms of approval must -

- (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**

**21.07.5** The holder of a production certificate -

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

**Privileges of holder of production certificate**

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

- 21.07.7** (1) A production certificate issued in terms of regulation 21.07.3 is -
- (a) not transferable; and
  - (b) valid until it is surrendered by the holder of the certificate or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director, pursuant to regulation 21.01.8.
- (2) The holder of a production certificate which is suspended must forthwith upon suspension thereof produce the certificate to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
- (3) The holder of a production certificate which is revoked, must forthwith surrender such certificate to the Executive Director.

**SUBPART 8**  
**CERTIFICATES OF AIRWORTHINESS**

**Categories of certificates of airworthiness**

- 21.08.1** (1) The categories of certificates of airworthiness are -
- (a) standard category certificates of airworthiness;
  - (b) restricted category certificates of airworthiness; and
  - (c) special category certificates of airworthiness.
- (2) A standard certificate of airworthiness may be issued to aircraft in the specific operational category provided the aircraft meets the requirements of the specific regulatory provisions.
- (3) The standard certificate of airworthiness may consist of the following operation categories:
- (a) Part 91: Non-commercial operations;
  - (b) Part 141: Aviation training; and
  - (c) Parts 121, 127, 133, 135, 136, 137 and 138: Commercial operations.
- (4) A restricted certificate of airworthiness issued in accordance with the operational limitations defined in the type certificate accepted in accordance with the provisions of Subpart 4 may be issued for the following aircraft special operations:

- (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 Executive Director as special purposes operations.
- (5) A special airworthiness certificate may be issued to aircraft that do not fully meet the requirements of the State of Design for a standard airworthiness certificate.
- (6) The types of special category certificate of airworthiness consist of -
- (a) an experimental certificate; or
  - (b) a special flight permit.
- (7) A standard or restricted category certificate of airworthiness issued in respect of an aircraft may be amended in accordance with the provisions of regulation 21.08.3 to include other aircraft operation classification provided that -
- (a) in respect of that aircraft, a major modification supported by a supplementary type certificate issued by the State of Design and approved by the Executive Director under the provisions of Subpart 2 of Part 43 has been embodied to allow for operation; and
  - (b) the aircraft complies with the requirements prescribed for flight operations in that configuration and the particular operation as defined in the aircraft flight manual supplement contained in the supplementary type certificate.
- (8) The holder of a standard, restricted or special category of airworthiness certificate must pay the annual current fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

#### **Requirement for certificate of airworthiness**

- 21.08.2** (1) A person may not operate an aircraft in Namibia unless -
- (a) such aircraft has been issued with a certificate of airworthiness; and
  - (b) the conditions on which such certificate was issued or rendered effective are complied with.

(2) The Executive Director must issue a certificate of airworthiness for an aircraft registered in Namibia if, based on satisfactory evidence provided to him or her, the Executive Director is satisfied that -

- (a) the aircraft complies with the design aspects of the appropriate airworthiness requirements (type certificate) and that the issue is not contrary to aviation safety;
- (b) the aircraft has been inspected in terms of regulation 21.01.5 and found airworthy by an authorised officer, inspector or authorised person specifically authorised by the Executive Director to make such determinations; and
- (c) the Executive Director has determined on inspection that the aircraft conforms to its type design and is in a condition for safe operation.

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

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

(2) An application for the issue, renewal or amendment of a standard or restricted certificate of airworthiness must be -

- (a) made in the appropriate form set out 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 21.08.4; 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 issue, renewal or amendment of an experimental certificate must be -

- (a) made in the appropriate form set out 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 21.08.6.
- (4) An application for the issue, renewal or amendment of a special flight permit must be -
  - (a) made to the Executive Director in the appropriate form set out 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 21.08.7.
- (5) An application for the renewal of a certificate of airworthiness, an experimental certificate or a special flight permit must be made at least 60 days immediately preceding the date on which such certificate or permit expires.

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

- 21.08.4** (1) An applicant for the issue, renewal or amendment of a standard or restricted category certificate of airworthiness for an aircraft must provide the Executive 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 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 -
      - (aa) by the appropriate authority of the exporting State; or
      - (bb) in accordance with the laws of the exporting State.
- (2) The applicant must, in addition to the provisions of subregulation (1), provide the Executive 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 Executive 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 programme.

#### **Carrying out test flights in certain circumstances**

**21.08.5** An aircraft required to be issued or re-issued with a certificate of airworthiness or if such certificate of airworthiness is required to be rendered effective may be test flown with the written permission of the owner or operator provided that -

- (a) the aircraft has been issued with or possesses a valid Namibian certificate of registration;
- (b) an application, in the form and manner set out in Document NAM-CATS-AR, requesting the issue of a certificate of airworthiness has been lodged with the Executive Director;
- (c) the application is accompanied by the fee prescribed in Part 187 for the issue of the certificate;
- (d) where the certificate of airworthiness has expired due to the expiry of the certificate of release to service issued under Part 43, and the certificate of airworthiness needs to be re-issued, the requirements pertaining to the current fee prescribed in Part 187 for the certificate are to be met;
- (e) prior to the flight, the aircraft is to be certified safe for the intended flight in the airframe logbook by the holder of a valid, appropriately rated aircraft maintenance engineer's licence or by such person who is a holder of valid approval rating, on type, issued in terms of Part 145; and
- (f) the aircraft has to make its first landing at the point of departure.

#### **Requirements and application for experimental certificate**

**21.08.6** (1) An experimental certificate for an aircraft may be issued for the purposes of -

- (a) showing compliance with these regulations with specific reference to the conducting of flight tests and other operations to show compliance with the airworthiness requirements of these regulations including -
  - (i) flights to show compliance for issuance of a type certificate or supplemental type certificate;
  - (ii) flights to substantiate major design changes; and
  - (iii) flights to show compliance with the function and reliability requirements of these regulations; or



- (b) research and development relating to the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft.
- (3) An application for the issue, renewal or amendment of an experimental certificate, other than for a non-type certificated aircraft, must include -
- (a) a statement specifying the purposes for which the aircraft is to be used;
  - (b) sufficient data to identify the aircraft;
  - (c) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Executive Director may require;
  - (d) flight manuals, maintenance manual or such documents relating to the operation of the aircraft that the Executive Director may require, if such manuals or documents have already been developed; and
  - (h) any other information that the Executive Director may require to safeguard aviation safety.
- (4) An applicant for the issue, renewal or amendment of an experimental certificate or an aircraft to be used for the purpose of research and development or showing compliance with the regulations in this Part must, in addition to the provisions of subregulation (3), provide the Executive 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 or silhouette, three-view drawings or three-dimensional photographs of the aircraft.
- (5) An applicant for the issue, renewal or amendment of an experimental certificate for an aircraft to be used for a purpose other than those referred to in subregulation (4), must, in addition to the provisions of subregulation (3), provide the Executive 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.

(6) An experimental certificate issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

### **Requirements and application for special flight permit**

**21.08.7** (1) A special flight permit for an aircraft may be issued for the purposes of -

- (a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft no longer meeting its airworthiness standards to a place where maintenance can be carried out;
- (b) delivering or exporting an aircraft;
- (c) evacuating an aircraft from an area of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 21.02.3; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities and navigation and emergency equipment necessary for the flight.

(2) An applicant for the issue, renewal or amendment of a special flight permit for an aircraft, other than for a non-type certificated aircraft, must be accompanied by a statement containing -

- (a) the purpose of the flight;
- (b) the proposed itinerary;
- (c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (d) any restriction that the applicant considers necessary for the safe operation of the aircraft; and
- (e) any other information that the Executive Director may require for the purpose of determining operating limitations.

(3) An applicant for the issue or amendment of a special flight permit for any amateur-built aircraft or production-built aircraft must provide the Executive 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 Executive Director may require to safeguard aviation safety;
  - (d) any document relating to the operation of the aircraft which the Executive Director may require; and
  - (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Executive Director may require.
- (4) The Executive Director may make, or require the applicant to make, appropriate inspections or flight tests to establish safety aspects.
- (5) The application referred to in subregulation (2) must be accompanied by the appropriate fee as prescribed in Part 187.
- (6) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

#### **Special flight permits with continued authorisation**

**21.08.8** (1) On application, the Executive Director may issue a special flight permit with a continued authorisation to -

- (a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements, but is capable of safe flight to a place where maintenance or alterations are performed; or
  - (b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of -
    - (i) flight testing new production aircraft manufactured by such holder; and
    - (ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.
- (2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.
- (3) The permit issued under this regulation is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.
- (4) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

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

**21.08.9** (1) An application in terms of regulation 21.08.3 must be granted and a certificate of airworthiness issued, renewed or amended, as the case may be, if -

- (a) the applicant complies with the provisions of regulation 21.08.4, 21.08.5, 21.08.6 or 21.08.7, as the case may be; and

- (b) in respect of a special category 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 is issued, renewed or amended subject to such conditions and limitations which may be determined by the Executive 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.
- (4) A certificate of airworthiness is issued in the appropriate form as set out in Document NAM-CATS-AR.

### **Period of validity**

**21.08.10** (1) A certificate of airworthiness is valid for a period of 12 months calculated from the date of issue or renewal of the certificate.

- (2) The certificate remains in force until -
  - (a) it expires or is revoked or suspended by the Executive Director; or
  - (b) it is surrendered by the holder thereof or is suspended by an authorised officer, inspector or authorised person,

pursuant to regulation 21.01.8.

(3) Subject to the provisions of subregulation (1), a certificate of airworthiness remains 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 category certificate of airworthiness, the aircraft is maintained in accordance with these regulations.

(4) The holder of a certificate of airworthiness which has expired must forthwith surrender the certificate to the Executive Director.

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

(6) The holder of a certificate of airworthiness which is revoked must forthwith surrender such certificate to the Executive Director.

### **Transferability**

**21.08.11** A standard or restricted certificate of airworthiness and an experimental certificate may only be transferred with the aircraft.

**Application for duplicate certificate**

**21.08.12** (1) If a certificate issued under this Part is lost, stolen, damaged or destroyed, the holder thereof or an aircraft maintenance organisation approved under Part 145 which is responsible for the servicing and maintenance of the aircraft, may apply to the Executive Director for the issue of a duplicate certificate.

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

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate is issued on the appropriate form set out in Document NAM-CATS-AR.

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

**21.08.13** (1) The holder of a certificate of airworthiness issued by an appropriate authority of another State may apply to the Executive Director in the appropriate form set out in Document NAM-CATS-AR for a validation of such certificate.

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

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

(3) The Executive Director may validate a certificate of airworthiness issued by an appropriate authority -

- (a) subject to the same restrictions which apply to such certificate; and
- (b) on the appropriate form set out in Document NAM-CATS-AR.

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

(6) The Executive Director may renew the validation for the same appropriate period referred to in subregulation (4).

**RVSM approval**

**21.08.14** (1) An airworthiness approval certificate is required for an aircraft that is to be operated within airspace where RVSM applies.

(2) The requirements for an RVSM airworthiness approval certificate are as set out in Document NAM-CATS-AR.

(3) An application for the issuing of an RVSM approval certificate must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-AR.

(4) The application referred to in subregulation (3) must be accompanied by the appropriate fee as prescribed in Part 187.

### **Temporary loss of airworthiness**

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

### **Damage to aircraft**

**21.08.16** (1) When an aircraft has sustained damage, the Executive Director must assess whether the damage is of a nature such that the aircraft is no longer airworthy as specified by the appropriate airworthiness requirements.

(2) If the damage is sustained or ascertained when the aircraft is on the territory of another State, the Executive Director may request the authorities of that State to advise the Executive Director immediately, communicating to him or her all details necessary to formulate the assessment referred to in subregulation (1).

(3) When the Executive Director considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, he or she must prohibit the aircraft from resuming flight until it is restored to an airworthy condition.

(4) The Executive Director may, in exceptional circumstances, determine particular limiting conditions to permit an aircraft to undertake a non-commercial flight to an aerodrome at which it can be restored to an airworthy condition.

(5) In determining particular limiting conditions the Executive Director must consider all limitations proposed by the State where that State has prevented the aircraft from resuming its flight.

(6) If the Executive Director considers that the damage sustained is of a nature such that the aircraft is still airworthy, the Executive Director may allow the aircraft to resume its flight.

### **Aircraft limitations and information**

**21.08.17** The owner or operator of a Namibian registered aircraft must hold and be able to produce for inspection upon request by the Executive Director or an authorised officer, inspector or authorised person -

- (a) a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as specified in the appropriate airworthiness requirements; and
- (b) additional instructions and information necessary for the safe operation of the aircraft.

## **SUBPART 9**

### **APPROVAL OF PARTS AND APPLIANCES**

#### **Replacement and modification parts**

**21.09.1** (1) Subject to the provisions of subregulation (2), a person may not produce a modification or replacement part for sale for installation on a type certificate product unless such modification or replacement part or appliance is produced pursuant to a NAM-PMA issued under this Subpart.

- (2) The provisions of subregulation (1) do not apply in respect of -
- (a) parts or appliances produced under a type certificate;
  - (b) parts or appliances produced by an owner or operator for maintaining his or her or its own product;
  - (c) parts or appliances produced under the NAM-TSO authorisation; or
  - (d) standard parts or appliances 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 must 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 or appliance 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 Executive Director a person may not -

- (a) present a part or an appliance to the Executive Director for an inspection or a test unless compliance with the provisions of subregulation (1)(b) and (d) has been proven for such part; or
- (b) make a change to a part or an appliance between the time that compliance with the provisions of subregulation (1)(b) and (d) is proven for the part or appliance, and the time that such part or appliance is presented to the Executive Director for the inspection or test.

(3) The applicant must establish a manufacturing inspection system as set out in Document NAM-CATS-AR to ensure that each completed part or appliance conforms to its design data and is safe for installation on appropriate type certified products.

#### **Application for NAM-PMA**

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

- (2) An application for the issuing of a NAM-PMA must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-AR; and
  - (b) accompanied by -
    - (i) drawings and specifications necessary to show the configuration of the part or appliance;
    - (ii) information on dimensions, materials and processes necessary to define the structural strength of the part or appliance;
    - (iii) test reports and computations necessary to show that the design of the part or appliance complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part or appliance is to be installed, unless the applicant shows that the design of the part is identical to a part or an appliance which is covered under a type certificate;
    - (iv) if the design of the part or appliance was obtained by a licensing agreement, a copy of such agreement; and
    - (v) the appropriate fee as prescribed in Part 187.

#### **Issue of NAM-PMA**

**21.09.4** (1) The Executive Director must, subject to the provisions of subregulation (2), grant an application in terms of regulation 21.09.3 and issue a NAM-PMA if -

- (a) the Executive 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 or appliance 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 Executive Director may not issue a NAM-PMA if the manufacturing facility for the part or appliance is located outside Namibia, unless the Executive Director is satisfied that the location of such a 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 must -

- (a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);
- (b) in writing notify the Executive Director within 14 days from the date on which the manufacturing facility for the part or appliance concerned was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part or appliance 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 is -
- (a) not transferable; and
  - (b) valid until it is -
    - (i) surrendered by the holder thereof; or
    - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of a NAM-PMA which is suspended must forthwith upon suspension produce it to the Executive Director or to an authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of a NAM-PMA which is revoked must forthwith surrender such approval to the Executive Director.

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

**Approval**

- 21.10.1** (1) If -
- (a) a part or an 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; and
  - (b) the appropriate authority of the State in which the part or appliance was manufactured issues an export certificate of airworthiness certifying that such part or appliance complies with such requirements,

the part or appliance is deemed to comply with the requirements for approval prescribed in this Part.

(2) Subregulation (1) does not apply if the Executive Director determines, based on requested technical data submitted or not submitted in terms of subregulation (3), that the part or appliance is not considered to be compliant with the airworthiness requirements for approval prescribed in this Part.

(3) An applicant for the approval of a part or appliance must, on request by the Executive Director, submit to the Executive 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 is issued in the form of an export certificate of airworthiness; and

- (b) a Class II or a Class III product is issued in the form of an export airworthiness approval tag.
- (2) An export airworthiness approval may be issued for -
  - (a) any 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 normal category rotorcraft 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 Executive Director is satisfied that the location does not impede the administration of the provisions of this Part; or
  - (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 to the Executive Director for an export airworthiness approval for a Class I or Class II product.

(2) Any manufacturer who has been approved by the Executive 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, Class II or Class III product must be -

- (a) made in the appropriate form set out in Document NAM-CATS-AR; and
- (b) accompanied by -
  - (i) a written statement from the appropriate authority of the importing State that such authority 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 must 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 product;
  - (bb) the mass and balance report as set out in Document NAM-CATS-AR;
  - (cc) a maintenance manual for each product, if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (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 on the date on which ownership passed or is expected to pass to a foreign purchaser;
  - (gg) the date required by the appropriate authority of the importing State;
  - (hh) any special certification that a condition of the State of the importer has been met;
  - (ii) the State of the importer accepts any exception to be listed in the certificate;
  - (jj) any log book, modification and repair form and historical record that the Executive Director may request for, unless the product in question is a new product;
  - (kk) a description of any method used, including the duration of the effectiveness of the method, for the preservation and packaging of the product to protect it against corrosion and damage while in transit or storage;
  - (ll) the date on which any document that is not available at the date of application is expected to become available;
  - (mm) supporting documentation for any variance to this Subpart;
  - (nn) further particulars relating to the product and the applicant, if required by the Executive Director as indicated in the form; and
- (iii) the appropriate fee as prescribed in Part 187.

(4) An applicant for the issue of an export airworthiness certificate for an aircraft must, in addition to the requirements set out in subregulation 3(b)(ii), provide the Executive Director with evidence that -

- (a) in case of a new aircraft, it has been manufactured under the authority of a manufacturing organisation certificate issued in accordance with Part 148;
- (b) in case of an aircraft other than a new aircraft, it possesses or qualifies for an airworthiness certificate issued under Subpart 8;
- (c) the aircraft is issued with the appropriate flight manual and, for a new aircraft, maintenance manual;
- (d) a weight and balance report has been completed, with a loading schedule, if applicable;
- (e) the aircraft has, within 60 days before the application for the export airworthiness certificate, undergone a 100 hour or equivalent, inspection in accordance with a manufacturer's maintenance schedule or an equivalent inspection acceptable to the Executive Director;
- (f) any installations incorporated for the purpose of export delivery comply with the applicable airworthiness requirements or have been approved by the issue of a special certificate of airworthiness or a special flight permit airworthiness certificate issued under Subpart 8; and
- (g) confirms that any installation described in paragraph (f) is to be removed and the aircraft restored to the approved type configuration upon completion of the delivery flight.

### **Issue of export airworthiness approval**

**21.11.3** (1) The Executive Director must grant an application made under regulation 21.11.2 and issue an export certificate of airworthiness for a Class I product on the appropriate form set out in Document NAM-CATS-AR if -

- (a) the applicant meets the applicable requirements of this Subpart;
- (b) the issue of the certificate is not contrary to the interests of aviation safety;
- (c) any airworthiness requirement that is not complied with is compensated for by a factor that provides an acceptable level of safety;
- (d) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in Subpart 8;
- (e) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;
- (f) the product has undergone a mandatory periodic inspection and be approved for release to service; and
- (g) the requirements prescribed by the appropriate authority of the importing State are complied with.

(2) Despite subregulation (1)(a), the Executive Director may issue an export airworthiness certificate for a product that does not meet every airworthiness requirement of regulation 21.11.2, if the applicant provides written evidence to the Executive Director that the non-compliance with any particular requirement is acceptable to the State of the importer.

(3) An export airworthiness certificate issued by the Executive Director under this Subpart -

- (a) may be subject to conditions as the Executive Director considers appropriate in each particular case; and
- (b) does not authorise the installation or use of a product.

(4) The Executive Director must grant an application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class II product on the appropriate form set out in Document NAM-CATS-AR 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 and designation; and
  - (iv) the serial number or equivalent, of the manufacturer; and
- (d) complies with the requirements prescribed by the appropriate authority of the importing State.

(5) The Executive Director must grant an application made under regulation 21.11.2 and issue an export airworthiness approval tag for a Class III product on the appropriate form set out in Document NAM-CATS-AR 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 appropriate authority of the importing State.

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

**21.11.4** The holder of an export airworthiness approval must -

- (a) forward to the appropriate authority of the importing State, all documents and information which may be necessary for the safe and proper operation of the product being exported and any other material as is stipulated in the special requirements of the State of the importer;

- (b) forward the applicable manufacturer's assembly instructions and a flight test checklist form approved by the Executive Director to the appropriate authority of the importing State, if an unassembled aircraft is being exported;
- (c) upon completion of an export delivery, remove or cause to be removed any temporary installation incorporated on 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;
- (e) when ownership of an aircraft passes or has passed to a foreign purchaser -
  - (i) request for revocation of the Namibian registration and certificate of airworthiness;
  - (ii) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft; and
  - (iii) return the registration and airworthiness certificates to the Executive Director; and
- (f) preserve and package the product to protect it against corrosion and damage while in transit or storage.

### **Inspections and overhauls**

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

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

### **Validity of certificate**

**21.11.6** (1) An export airworthiness certificate issued under this Subpart remains valid, as long as there is no subsequent design change to the product, until the completion of delivery to the importer's State.

(2) The holder of an export airworthiness certificate invalidated because of a design change must forthwith surrender the certificate to the Executive Director for cancellation of the delivery.

### **Transfer of certificate**

**21.11.7** An export airworthiness certificate may only be transferred with the product.

## **SUBPART 12**

### **NAM-TSO AUTHORISATIONS**

#### **NAM-TSO markings**

**21.12.1** A person may not identify an article with NAM-TSO marking unless such person holds a NAM-TSO authorisation and the article complies with the appropriate NAM-TSO performance standards as set out in Document NAM-CATS-AR.

#### **Application for NAM-TSO authorisation**

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

- (2) An application for the issue of a NAM-TSO authorisation must be -
  - (a) made in the appropriate form set out 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 Executive 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 Executive Director requested such additional information, the application must be declined and the applicant so notified.

#### **Issue of NAM-TSO authorisation**

**21.12.3** (1) The Executive Director must grant an application referred to in regulation 21.12.2 and issue a NAM-TSO authorisation if -

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

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

- (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 for approval to deviate from any performance standard of a NAM-TSO must demonstrate to the satisfaction of the Executive 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, must -

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



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

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

(3) The Executive Director may not approve a design change by any person, other than the manufacturer who submitted the statement of conformity for the article 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 must, 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 must retain the records referred to in subregulation (1)(a) until it no longer manufactures the article concerned, except that at the time that the manufacturing ceases the manufacturer must supply copies of such records to the Executive Director.

(3) A manufacturer who holds a NAM-TSO authorisation must 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 must be made in the appropriate form set out in Document NAM-CATS-AR and must 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 appropriate authority of 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 appropriate authority of the State in which the appliance was manufactured and any other performance standards set out 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 Executive Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

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

(4) After the -

- (a) Executive Director has issued a NAM-TSO design approval; and
- (b) appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1,

the manufacturer is then 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 must be accompanied by an export certificate of airworthiness referred to in subregulation (4).

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

**21.12.9** (1) A NAM-TSO authorisation issued in terms of regulation 21.12.3 or a NAM-TSO design approval issued in terms of regulation 21.12.8, is -

- (a) not be transferable; and
- (b) valid until it is surrendered by the holder of the authorisation or is suspended by the Executive Director or by an authorised officer, inspector or authorised person or revoked by the Executive Director.

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

(3) The holder of a NAM-TSO authorisation or a NAM-TSO design approval which is revoked must forthwith surrender such authorisation or approval to the Executive Director.

### **SUBPART 13**

#### **CONTINUING AIRWORTHINESS OF AIRCRAFT**

##### **Determination of continuing airworthiness of aircraft**

**21.13.1** (1) The continuing airworthiness of an aircraft must be determined by the Executive Director in relation to the mandatory requirements and design standards of the State of Design in force for that aircraft.

(2) The Executive Director must 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 -

- (a) Namibia is not the State of Design; and
- (b) the Executive Director issues or validates a certificate of airworthiness in accordance with this Part,

is first entered on the aircraft register, the Executive Director must advise the State of Design that he or she has entered such an aircraft on the register of Namibia.

(2) If Namibia is the State of Design of an aircraft, the Executive Director must transmit any generally applicable information which he or she finds necessary for the safe operation of the aircraft which, for the purpose of this Part, is called mandatory continuing information, as follows:

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

(3) The Executive Director must, upon receipt of mandatory continuing airworthiness information from the State of Design -

- (a) adopt the mandatory information directly or assess the information received and take appropriate action to ensure -
  - (i) the continued airworthiness of the aircraft during its service life, including requirements to ensure that the aircraft continues to comply with the appropriate airworthiness requirements after a modification, a repair or the installation of a replacement part; and
  - (ii) that the aircraft is maintained in an airworthiness condition and in compliance with the maintenance requirements of Annex 8 to the Chicago Convention; and
- (b) transmit all mandatory continuing airworthiness information to the State of Design including, but not limited to, information in respect of products or modifications which originated in respect of that aircraft in the State of Registry.

(4) For aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator certificated in terms of these

regulations must establish a system whereby information on fault, malfunctions, defects and other occurrences which cause or might cause adverse effects on the continuing airworthiness of the aircraft is transmitted to the organisation responsible for the type design of that aircraft.

(5) Where a continuing airworthiness safety issue is associated with a modification, the Executive Director must ensure that there exists a system whereby the information contained in subregulations (1) to (4) is transmitted to the organisation responsible for the design of the modification.

(6) The Executive Director must ensure that, in respect of aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a system for -

- (a) receiving information submitted in accordance with this Subpart;
- (b) deciding if and when airworthiness action is needed;
- (c) developing the necessary airworthiness actions; and
- (d) dissemination of that information in the appropriate aircraft documentation.

(7) The Executive Director must ensure that, in respect of aeroplanes over 5700 kilogrammes and helicopters over 3175 kilogrammes maximum certificated take-off mass, each operator of such aircraft who is certificated in terms of these regulations establishes a continuing structural integrity programme to ensure the airworthiness of the aircraft, and that programme must include specific information concerning corrosion prevention and control.

(8) An operator of an aircraft who or that is certificated in terms of these regulations must provide each aircraft that he or she or it operates with -

- (a) 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
- (b) additional instructions and information necessary for the safe operation of the aircraft.

#### **SUBPART 14**

#### **DISTRIBUTION OF AERONAUTICAL PRODUCTS**

##### **General**

**21.14.1** (1) For the purpose of this Subpart -

“aeronautical product”, despite the definition in section 1 of the Act, means an aircraft frame, aircraft engine, aircraft propeller or aircraft appliance or a component part of the aircraft frame, engine, propeller or appliance; and

“approved distribution organisation” means an organisation which has been certificated by the Executive Director for the distribution of aeronautical products within Namibia.

- (2) This Subpart -
- (a) prescribes the conditions under which a person is eligible for approval by the Executive Director to distribute aeronautical products;

- (b) establishes a person's entitlement to approval; and
- (c) stipulates the responsibilities of a holder of a distributor approval.
- (3) This Subpart does not apply to -
  - (a) persons engaged in the distribution of new or used aircraft; or
  - (b) an approved manufacturer authorised pursuant to these regulations to certify aeronautical products of its own manufacture.

### Eligibility

**21.14.2** (1) To be eligible for approval to distribute aeronautical products a distribution organisation must -

- (a) obtain its products from -
  - (i) a manufacturer of aeronautical products who is approved either by the Executive Director or by an appropriate authority of a State with whom Namibia has either a bilateral airworthiness agreement or its equivalent;
  - (ii) a manufacturer who is approved to produce, identify and certify an appliance conforming to a specific appliance type approval or Federal Aviation Agency Technical Standard Order (FAA-TSO);
  - (iii) a manufacturer who produces, identifies and certifies standard parts and materials which conform to established industrial, national or international standards, and which are referenced in approved design data;
  - (iv) an organisation approved either by the Executive Director or an appropriate authority of another State under a bilateral airworthiness agreement to perform maintenance on aeronautical products and that is authorised to certify such products as serviceable and in a condition for safe operation;
  - (v) an organisation which is approved by the Executive Director for the distribution of aeronautical products pursuant to this Subpart; or
  - (vi) a supplier who provides original certification of product conformity to approved design data for supplies acquired from authorised sources as specified in this Subpart;
- (b) show that it has -
  - (i) the organisation, facilities, equipment and the personnel necessary to comply with the policies, responsibilities, methods and procedures established in its product control system manual as set out in regulation 21.14.3(2)(a) and in any technical standards issued under Document NAM-CATS-AR; and
  - (ii) established and can maintain a product control system pursuant to regulation 21.14.03.

**Product control system**

**21.14.3** (1) Each applicant must have in place a product control system, planned and developed in conjunction with its other management functions.

- (2) The product control system must include, but need not be limited to -
  - (a) a product control system manual which includes, as applicable -
    - (i) a statement of commitment by the senior accountable manager to define the policies and objectives of the product control system;
    - (ii) the assignment of responsibilities and delegation of authority granted to the product control department;
    - (iii) a list and a brief description of written product control system procedures pursuant to paragraph (b); and
    - (iv) the method of updating the product control system, including the submission of changes to the Executive Director for approval;
  - (b) written product control system procedures which provide instructions and data necessary to retain established integrity of aeronautical products while in the care of the distributor.

(3) The product control system procedures referred to in subregulation (2)(b) must include, as applicable, but need not be limited to -

- (a) purchasing procedures for ensuring that all aeronautical products obtained for distribution are in conformity with approved design data;
- (b) receiving and inspection procedures to ensure that all incoming aeronautical products are properly identified, documented and visually inspected to detect any apparent damage that may have occurred during transportation;
- (c) procedures for the handling, segregation and storage of aeronautical products;
- (d) preservation and packaging procedures to protect aeronautical products against deterioration and damage during storage;
- (e) certification and release procedures for aeronautical products pursuant to this Subpart; and
- (f) procedures for establishing and maintaining records as objective evidence that aeronautical products have been purchased, identified, inspected and certified in conformity with the requirements of this Subpart.

**Entitlement to certification**

**21.14.4** (1) An applicant is entitled to certification, if the Executive Director is satisfied after evaluation of the organisation, facilities and supporting data, that -

- (a) all applicable conditions for eligibility have been met;

- (b) the senior personnel of the organisation meet the fit and proper requirements of the Act and Part 140; and
- (c) the grant of certification will not be against the interests of aviation safety.

(2) Certification under this Subpart is only available to an organisation with facilities located in Namibia.

#### **Approval procedures: application for approval**

- 21.14.5** (1) An application for a distributor approval certificate must be -
- (a) made to the Executive Director on an appropriate form set out in Document NAM-CATS-AR; and
  - (b) accompanied by -
    - (i) a general description of the aeronautical products which the applicant distributes or proposes to distribute;
    - (ii) the location and description of the facilities at which the products are to be distributed but, where -
      - (aa) the distribution procedures of a facility are carried out at more than one location under the same management, all locations must be shown in the application for approval; and
      - (bb) the distributor's product control system varies with each location, separate applications for approval must be submitted;
    - (iii) a copy of the applicant's product control system manual showing the functional responsibilities of management personnel; and
    - (iv) the name and position of the senior person authorised to liaise with airworthiness inspection personnel of the Authority.

(2) The applicant must, on request and with reasonable notice by the Executive Director, make available to the Executive Director all data referred to in its application and in its product control system manual.

#### **Granting of approval**

**21.14.6** (1) To enable the Executive Director to evaluate the applicant's facilities and capabilities, the applicant must allow the Executive Director or an authorised officer, inspector or authorised person reasonable access to its facilities and data, and provide assistance when requested.

(2) The Executive Director must grant an application and issue a distributor approval certificate if, after examination of the supporting data and after inspection of the organisation and distribution facilities, the Executive Director is satisfied that the applicant has met the requirements of regulations 21.14.02 to 21.14.05, inclusive.

(3) The approval certificate is issued on the appropriate form set out in Document NAM-CATS-AR, and must set forth the -

- (a) certificate number;
- (b) name and address of the certificate holder; and
- (c) date of signature and the title of the person authorised to sign on behalf of the Authority.

#### **Privileges of certification**

**21.14.7** An approval certificate holder may authorise persons who have been -

- (a) registered with the Authority to certify, on behalf of the holder, airworthiness documentation for aeronautical products destined for embodiment in Namibian registered aircraft; and
- (b) specifically designated or appointed as airworthiness inspectors pursuant to section 37 of the Act to certify airworthiness documentation on behalf of the Executive Director for aeronautical products, other than aircraft, destined for export.

#### **Duties of holder of distribution approval certificate**

**21.14.08** The holder of an approval certificate must -

- (a) maintain its organisation, facilities and product control system as approved by the Executive Director;
- (b) ensure that each aeronautical product which it distributes can be shown through documented evidence to conform to approved design data;
- (c) notify the Executive Director within a reasonable time of any significant change to the organisation, facilities or product control system which could affect the exercise of the privileges of certification or the conditions under which certification was granted;
- (d) allow, and assist as necessary, the Executive Director or an airworthiness inspector to perform, in its plant or in any of its supplier's plants, inspections on reasonable notice to determine continuing compliance with the requirements of this Subpart; and
- (e) retain all product control system records for a minimum of two years after delivery of the aeronautical product.

#### **Display of certificate**

**21.14.9** A certificate holder must -

- (a) display the certificate in a conspicuous and prominent place that it can be readily seen by the public at such holder's distribution facility; and
- (b) if a copy of the certificate is displayed, produce the original certificate to an authorised officer, inspector or authorised person if so requested by such authorised officer, inspector or authorised person.



**Transferability and period of validity**

**21.14.10** (1) A distribution approval certificate issued in terms of this Subpart is -

- (a) not transferable; and
- (b) valid for a period determined by the Executive Director or until it is -
  - (i) surrendered by the holder; or
  - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 21.01.8.

(2) The holder of an approval certificate which is suspended must forthwith upon suspension produce it to the Executive Director or to the authorised officer, inspector or authorised person for the appropriate endorsement.

(3) The holder of an approval certificate which is revoked must forthwith surrender such approval to the Executive Director.

(4) If a certificate holder plans to relocate, it must notify the Executive Director within 60 days of its intention to relocate and provide details of the new location and a description of the facilities at which the aeronautical products are to be distributed.

**Authorised signatories**

**21.14.11** In order to exercise the privileges pursuant to this Subpart, the holder of a certificate must -

- (a) submit to the Executive Director the names of the personnel whom the distributor proposes to designate as having signing authority to sign release certifications on behalf of the approved organisation as specified in this Subpart;
- (b) obtain the Executive Director's written confirmation of receipt of the names of the personnel authorised to sign the release certifications, before allowing them to sign on behalf of the approved organisation; and
- (c) notify the Executive Director of any changes to the authorised personnel or the scope of their authorisation.

**Certification: aeronautical products**

**21.14.12** (1) A certificate holder must, on releasing an aeronautical product to a customer, provide that customer with a completed release certificate properly describing the product by the manufacturer's name, part or model number, serial number, if applicable, and its nomenclature.

(2) The release certificate must also include the following certification statement to be signed by an authorised signatory:

*"I hereby certify that the aircraft parts described hereon were acquired from a source of supply that is consistent with the conditions under which certification of the said parts has been granted".*

- (3) An authorised signatory may only sign the certification statement -
  - (a) for a product which has been received, stored and released in accordance with the procedures set out in the approved organisation's product control system manual; and
  - (b) where documented evidence of product conformity to the manufacturer's design specifications has been received and is retained by the approved organisation.
- (4) For imported products, subject to the requirements prescribed in subregulation (5), the documented evidence specified in subregulation (3) must comply with the following requirements:
  - (a) airframes, aircraft engines, propellers, appliances and any parts and assemblies thereof, must have been received by the certificate holder with inspection release documents or tags that were originated and signed on the authority of an approved organisation;
  - (b) proprietary parts and accessories that are listed in approved product parts catalogues, but excluding those requiring approval to Authority appliance standards or FAA Technical Standard Orders, must have been received by the certificate holder with inspection release documents or tags traceable to the manufacturer or an approved organisation;
  - (c) materials intended for aircraft construction or maintenance must have been received by the certificate holder with release documentation from -
    - (i) an approved organisation; or
    - (ii) a supplier who can provide proof of conformity to the material specifications in -
      - (aa) certificates supplied by the manufacturers; or
      - (bb) test and analysis reports prepared by qualified persons working in a materials test laboratory; and
  - (d) standard aircraft hardware manufactured to government or industry association standards must have been received by the approved organisation with packing notes, invoices or equivalent documents that identify the product and the supplier.
- (5) For imported products the documented evidence referred to in subregulation (3) must, in addition to the requirements prescribed in subregulation (4)(b), (c) or (d), comply with the following requirements:
  - (a) except for engines or propellers being returned to Namibia with FAA repair station maintenance release tags, each foreign manufactured aircraft engine or propeller must have been received with an export airworthiness certification signed by a representative of the appropriate authority of the country of export certifying that such engine or propeller conforms to the type approval stated on the document; and

- (b) aircraft parts, appliances and assemblies from FAA approved organisations must have been received with release notes or tags, but imports from other sources must have been received with airworthiness tags or release notes signed by a representative of the appropriate authority of the country of export.

(6) Any number of items may be included on an approved organisation's release note provided there is only one customer involved and that each item is clearly described and identified.

### **Certification for export**

**21.14.13** (1) An approved organisation may, except for materials, standard aircraft hardware and proprietary parts and accessories, obtain an export airworthiness certificate from the Executive Director for any aeronautical product where -

- (a) the organisation can demonstrate conformity to approved design data through documented evidence traceable to an approved manufacturer; and
- (b) it can be determined that the product is in a condition for safe operation.

(2) In order to obtain an export airworthiness certificate for an aircraft engine or propeller, the approved organisation must comply with the requirements set out in the appropriate form set out in Document NAM-CATS-AR.

(3) Following an inspection of the product and completion of the form referred to in subregulation (2) by the Executive Director or by an authorised officer, inspector or authorised person and issuance of the export certificate of airworthiness by the Executive Director, the approved organisation must -

- (a) ensure that the export certificate of airworthiness and all other tags as required accompany the engine or propeller; and
- (b) retain a copy for its records.

(4) In order to obtain an export airworthiness certificate for a product other than that described in subregulations (1) and (2), the approved organisation must complete a release certificate, certified by an authorised signatory, for the signature and inspection stamp of the Executive Director.

## **SUBPART 15**

### **IDENTIFICATION OF AIRCRAFT, AIRCRAFT ENGINES AND PROPELLERS**

#### **Identification of aircraft, aircraft engines and propellers**

**21.15.1** (1) Every person who manufactures an aircraft or aircraft engine under Part 148 must identify the aircraft or engine by means of a fireproof data plate that is -

- (a) marked with the identification information prescribed in regulation 21.15.2 by etching, stamping, engraving or other method of fireproof marking;
- (b) secured in such a manner that it is not likely to be -
  - (i) defaced or removed during normal service; or
  - (ii) lost or destroyed in an accident;

- (c) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground -
    - (i) at an accessible location near an entrance; or
    - (ii) externally on another part of the fuselage;
  - (d) for an aircraft engine, secured to the engine at an accessible location;
  - (e) for a manned free balloon -
    - (i) secured to the balloon envelope; and
    - (ii) located where it is visible to the operator when the balloon is inflated; and
  - (f) for a RPA, subject to compliance with Part 101, secured in a manner or located at a place considered appropriate or acceptable by the Executive Director.
- (2) Every person who manufactures a manned free balloon must, in addition to subregulation (1), permanently and legibly mark the basket and any heater assembly with -
- (a) the manufacturer's name;
  - (b) a part number or an equivalent; and
  - (c) a serial number or an equivalent.
- (3) Every person who manufactures a propeller, propeller blade or propeller hub under Part 148 must identify it by means of a fireproof data plate or by etching, stamping, engraving, or other method of fireproof marking, that -
- (a) contains the identification information prescribed in regulation 21.15. 2;
  - (b) is placed on a non-critical surface; and
  - (c) is not likely to be -
    - (i) defaced or removed during normal service; or
    - (ii) lost or destroyed in an accident.

### **Identification information**

**21.15.2** The identification information that is required to be marked on the data plate under regulations 21.15.1 and 21.15.3(1)(a), and for the identification of a propeller, propeller blade, or propeller hub under those regulations must include -

- (a) the manufacturer's name;
- (b) the model designation;
- (c) the manufacturer's serial number;

- (d) if applicable, the type certificate or type acceptance certificate number;
- (e) if applicable, the manufacturing organisation certificate number or foreign equivalent;
- (f) for an aircraft engine, the established rating; and
- (g) any other information that the Executive Director may require.

#### **Removal, alteration and replacement of identification information**

**21.15.3** (1) Except as provided in subregulation (2), a person may not remove, alter or replace any of the following without the approval of the Executive Director -

- (a) the identification information that is required under regulations 21.15.1 (1) (a) and 21.15.2 to be marked on a data plate;
- (b) the identification information that is required under paragraph (a) and regulation 21.15.2 to identify a propeller, propeller blade or propeller hub; or
- (c) the part number and serial number that is required under regulation 21.15.5 for the identification of a critical part.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove, alter or replace the identification information referred to in subregulation (1)(a) and (b), and the part and serial number referred to in subregulation(1)(c), if the removal, alteration, or replacement is carried out in accordance with a method, technique or practice that is acceptable to the Executive Director.

#### **Removal and reinstallation of data plate**

**21.15.4** (1) Except as provided in regulation 21.15.3(2), a person may not remove or reinstall the data plate containing the identification information prescribed in regulation 21.15. 2, unless that person has obtained the approval of the Executive Director to do so.

(2) A person performing maintenance in accordance with Part 43 or 44 may remove or reinstall the data plate containing the identification information prescribed in regulation 21.15. 2 if -

- (a) the removal of the data plate is necessary during the maintenance;
- (b) the data plate is removed and reinstalled in accordance with methods, techniques and practices acceptable to the Executive Director; and
- (c) the removed data plate is reinstalled on the product or part from which it was removed.

#### **Identification of critical parts**

**21.15.5** Every person who manufactures a critical part of an aircraft must permanently and legibly mark the part with -

- (a) a part number or an equivalent; and

- (b) a serial number or an equivalent.

### **Identification of replacement and modification materials, parts and appliances**

**21.15.6** (1) Except as provided in subregulation (2), every person who manufactures a replacement or modification part or appliance under Subpart 9 must, in addition to the identification information prescribed in regulation 21.15.2, permanently and legibly mark the part or appliance with -

- (a) the letters 'NAM-TSO' or 'NAM-PMA,' as appropriate;
- (b) the name, trademark or symbol of the holder of the authorisation;
- (c) the part number; and
- (d) the name and model designation of each product issued with a type certificate or type acceptance certificate on which the part is eligible for installation.

(2) Every person who manufactures a replacement or modification material, part or appliance under Subpart 9 must permanently and legibly mark the material, part or appliance in such a manner as to ensure it can be -

- (a) identified separately to those otherwise acceptable materials, parts and appliances; and
- (b) clearly related to its manufacturing data.

(3) If a material, part or appliance is too small or it is otherwise impractical to mark the material, part or appliance with the information required by subregulation (1) or (2), the information must be recorded on a tag attached to the material, part, appliance or its container.

(4) Where the marking required by subregulation (1)(d) is so extensive that to record it on a tag is impractical, the tag attached to the material, part, appliance or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a type certificate or type acceptance certificate on which the material, part or appliance is eligible for installation.

### **Life-limited component identification**

**21.15.7** (1) The manufacturer of a component for which a life-limitation has been established by type design must, in accordance with this regulation, place on the component the identification information referred to in subregulation (2).

(2) The identification information that must be placed on a component is -

- (a) the part number of the component or an equivalent series of identifying characters; and
- (b) the serial number of the component or an equivalent series of identifying characters.

(3) When requested by a person required to comply with this Subpart, the holder of a type certificate or design approval for a life-limited part must provide marking instructions or must state that the part cannot be practicably marked without compromising its integrity.

(4) Compliance with this Subpart may be made by providing marking instructions in readily available documents, such as the maintenance manual or the Instructions for Continued Airworthiness.

#### **Insertion of Part 24 in Regulations**

5. The Regulations are amended by the insertion after Part 21 of the following Part:

### **“PART 24**

### **AIRCRAFT: AIRWORTHINESS REQUIREMENTS: NON-TYPE CERTIFICATED AIRCRAFT**

#### **LIST OF REGULATIONS**

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**SUBPART 1  
GENERAL**

**Applicability**

- 24.01.1** (1) This Part applies to -
- (a) amateur-built aircraft;
  - (b) production-built aircraft;
  - (c) veteran aircraft, including warbirds;
  - (d) ex-military aircraft;
  - (e) any other aircraft not qualifying or no longer qualifying for the issue of a certificate of airworthiness in terms of Part 21.
- sub-groups - (2) The aircraft referred to in subregulation (1) are classified in the following
- (a) aeroplanes, including microlight aeroplanes;
  - (b) helicopters;
  - (c) gyroplanes and gyrogliders;
  - (d) gliders, including self-launching gliders and touring gliders;
  - (e) manned captive and manned free balloons;
  - (f) airships;
  - (g) remotely piloted aircraft;
  - (h) hang-gliders, including powered hang-gliders;
  - (i) paragliders, including powered paragliders and paratrikes;
  - (j) parachutes;
  - (k) model aircraft;
  - (l) rockets.
- (3) This Part does not apply to any aircraft that, for the purpose of flight -
- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
  - (b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; or
  - (c) is to be flown line-controlled by a person on the surface,



except that such aircraft may not be operated in contravention of these regulations or cause or be an obstruction to aviation.

(4) The airworthiness design standards for each sub-group of aircraft referred to in subregulation (2) are those referred to in regulation 24.02.1(10)(a).

#### **Reporting of failures, malfunctions and defects and other occurrences**

**24.01.2** (1) The holder of any authority to fly, proving flight authority or special flight permit issued in terms of the regulations in this Part, must, in accordance with subregulation (3), and in writing report to the Executive Director the occurrence and circumstances of 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-NTCA; 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-NTCA.
- (2) A report referred to in subregulation (1) must include -
- (a) the aircraft serial number;
  - (b) if the failure, malfunction or defect is associated with an article approved under 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) The holder of any authority or permit referred to in subregulation (1) must submit the report referred to in that subregulation to the Executive Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported, but a report which was due on a -

- (a) Saturday or a Sunday, may be submitted on the following Monday; or
- (b) public holiday, may be submitted on the next working day.

(4) In the case 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 must report to the Executive 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 must submit the data necessary for the issuing of an appropriate airworthiness directive to the Executive Director.

### Issuing of airworthiness directives

**24.01.3** (1) The Executive Director may, pursuant to section 38(3) of the Act, issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.

(2) Where the Executive Director issues an airworthiness directive under subregulation (1), the holder of any certificate, approval, authorisation or permit issued in terms of this Part for the aircraft or an aeronautical product of its design, must -

- (a) upon the request of the Executive Director, submit appropriate design changes to the Executive Director for approval; and
- (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all owners and operators of the aircraft or aeronautical product concerned.

### Safety inspections and audits

**24.01.4** (1) An applicant for the issuing of any certificate, approval, authorisation or permit in terms of this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests as may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval, authorisation or permit issued under this Part must 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.

(3) Any inspection carried out on a non-type certificated aircraft under subregulation (1) is of a conditional nature in that the inspector, an appropriately rated aircraft maintenance organisation, aircraft maintenance organisation or approved person is not required to guarantee the airworthiness of the aircraft.

(4) Despite subregulation (3), the owner or operator of the aircraft must at all times be responsible for the airworthiness status of the aircraft and, if called upon, must prove to an authorised officer, inspector or authorised person that the aircraft is in an airworthy condition.

### Suspension, revocation and appeal

**24.01.5** (1) Without prejudice to the Executive Director's powers to suspend, revoke or impose conditions upon any aviation document under sections 42 and 43 of the Act, an authorised officer, inspector or authorised person may suspend any certificate, approval, authorisation or permit issued under this Part, if -

- (a) after safety inspection or an audit carried out in terms of regulation 24.01.4, it is evident that the holder of the certificate, approval, authorisation or permit -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) has failed to remedy such non-compliance within 30 days after receiving notice in writing from the an authorised officer, inspector or authorised person to do so;

- (b) the an authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval, authorisation or permit or a person acting on behalf of that holder, from carrying out a safety inspection and audit in terms of regulation 24.01.4; or
- (c) the suspension is necessary in the interest of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended a certificate, an approval, authorisation or a permit in terms of subregulation (1) must deliver a written report in the manner acceptable to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The an authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2) to the holder of the certificate, approval, authorisation or permit which has been suspended.

(4) The holder of a certificate, an approval, authorisation or a permit that has been suspended may, pursuant to Subpart 4 of Part 13, seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1).

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

#### **Register of certificates, approvals, authorisations and permits**

**24.01.6** (1) The Executive Director or the designated organisation, as the case may be, must maintain as part of the Civil Aviation Registry, a register of all certificates, approvals, authorisations or permits issued in terms of the regulations in this Part.

(2) The register must contain the following particulars:

- (a) the full name of the holder of the certificate, approval, authorisation or permit;
- (b) the postal address, physical address and email address of the holder of the certificate, approval, authorisation or permit;
- (c) the date on which the certificate, approval, authorisation or permit was issued; and
- (d) a true, certified copy of the issued certificate, approval, authorisation or permit.

(3) The Executive Director must cause the particulars referred to in subregulation (2) to be recorded in the register within 30 days from the date on which the certificate, approval, authorisation or permit is issued.

(4) The register must be kept in a safe place as contemplated in regulation 3.04.6 or, if applicable, at the office of the designated organisation.

(5) The head of the CAR referred to in regulation 3.04.6 or, where applicable, the designated organisation, must in accordance with regulation 3.04.6, and on payment of the appropriate fee as prescribed in Part 187, furnish a copy of the register to any person who requests for the copy.

**Transitional provision**

**24.01.7** For the purposes of this Part, and until such time that an organisation has been designated in terms of Part 149, any person building or maintaining a non-type certificated aircraft for aviation recreational purposes must comply with the airworthiness standards and procedures determined by the national body representative of the particular aviation sport or activity for its members, provided that those standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

**SUBPART 2**  
**REQUIREMENTS FOR NON-TYPE CERTIFICATED AIRCRAFT**

**Airworthiness**

**24.02.1** (1) Before a non-type certificated aircraft, other than an aircraft classified in regulation 24.01.1(2)(k) and (l), is considered to be airworthy it must -

- (a) have been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be, in terms of this Part;
- (b) have been maintained in accordance with the provisions of Subpart 3;
- (c) have no known condition which could make the aircraft unsafe for flight; and
- (d) have on-board, and in working order, the relevant communication and navigation equipment prescribed in Part 94 and Part 96, as applicable, for the operation of the particular type of aircraft.

(2) In the case of amateur built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose build standard has been submitted to the Executive Director in the manner set out in subregulations (3) to (7), inclusive.

(3) Before any person commences with the construction of an aircraft which is intended to be put on the aircraft register pursuant to section 50 of the Act, that person must apply for a build number.

- (4) An application referred to in subregulation (3) must be -
  - (a) made to the Executive Director or the designated organisation, as the case may be;
  - (b) made in the appropriate form set out in Document NAM-CATS-AR-NTCA;
  - (c) accompanied by a copy of the design criteria of the aircraft, as set out in Document NAM-CATS- AR-NTCA; and
  - (d) accompanied by the appropriate fee prescribed in Part 187.

(5) The Executive Director or the designated organisation, as the case may be, must on receipt of the information and documentation required in terms of subregulation (4), issue the build number to the applicant.

(6) The Executive Director or the designated organisation, as the case may be, must maintain a register of build numbers issued and make relevant information available to any

authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.

(7) The applicant, on being issued with the build number, must enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.

(8) In the case of production built aircraft, the only aircraft that may be built in or imported into, and flown within, Namibia, are those whose -

- (a) type design;
- (b) local or foreign manufacturing organisation and facility;
- (c) local assembling organisation and facility or agent or distributor; and
- (d) build standard,

have been approved by the Executive Director.

(9) For the purposes of subregulations (2) to (8), inclusive, the Executive Director or the designated organisation, as the case may be, may consider a foreign manufacturing organisation as being approved, if the facility was approved by an appropriate authority.

(10) The design criteria and the build standard for an amateur or production-built aircraft must -

- (a) comply with the appropriate design criteria as set out in Document NAM-CATS- AR-NTCA;
- (b) comply with any special conditions prescribed in regulation 24.03.5 by the Executive Director or, if applicable, the designated organisation; and
- (c) not incorporate a feature or characteristic that makes the aircraft type unsafe for its intended use.

(11) In the case of -

- (a) an amateur built aircraft, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS- AR-NTCA.
- (b) a production built aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Executive Director, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification referred to in regulation 44.02.9, according to Document NAM-CATS- AR-NTCA.

(12) The airworthiness of the aircraft classified in regulation 24.01.1(2)(h) to (l) is the joint responsibility of the owner and operator of the aircraft in accordance with -

- (a) an agreement between them; or
- (b) in the absence of an agreement referred to in paragraph (a), generally accepted practices for such aircraft or as laid down by the approved designated organisation.

**Requirement for registration**

**24.02.2** A non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) may not be flown unless it has been registered and marked in accordance with the provisions of Part 47 and Document NAM-CATS-AR-NTCA.

**Aircraft documentation**

**24.02.3** (1) The owner of a non-type certificated aircraft specified under regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (g) must submit to the Executive Director or the designated organisation, as the case may be, for approval, the documentation specified in Document NAM-CATS-AR-NTCA.

(2) In the case of a production-built aircraft, a copy of the approved manuals and the aircraft logbook must accompany the -

- (a) aircraft;
- (b) kit, except for the logbook; or
- (c) approved build standards,

on its or their delivery to a customer.

(3) In the case where proving flights, for the purpose of consideration and issue of an authority to fly are carried out, the owner of the non-type certificated aircraft must retain all documents and records generated in the process for the duration of the life of the aircraft.

**Instruments, equipment and placards**

**24.02.4** (1) Any flight instrument as specified by the manufacturer of the aircraft, required to be installed in terms of these regulations, must be calibrated before first flight, and be checked for calibration annually thereafter.

(2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft must be as set out in Document NAM-CATS- AR-NTCA.

**SUBPART 3****AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY AND SPECIAL  
FLIGHT PERMIT****Application for authority to fly**

**24.03.1** (1) An owner of a non-type certificated aircraft classified in regulation 24.01.1(2)(a) to (g) or his, her or its authorised representative who wishes the aircraft to be flown in Namibia must apply for the issue or amendment of an authority to fly for the aircraft.

(2) An aircraft that is classified in regulation 24.01.1(2)(h) to (l) does not require an authority to fly or proving flight authority for it to be flown in Namibia.

(3) An application for the issue or amendment of an authority to fly must be -

- (a) made to the Executive Director or the designated organisation, as the case may be, on the appropriate form set out Document NAM-CATS- AR-NTCA; and

- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) proof of compliance with the provisions of regulation 24.02.1(11);
  - (iii) the aircraft logbook or similar document or certified true copies of all entries made in the logbook or similar document;
  - (iv) certified true copies of all documents and records in the construction or testing file;
  - (v) a certified true copy of the flight manual, if applicable; and
  - (vi) a certified true copy of the approved maintenance schedule referred to in regulation 44.04.1 or 44.04.2.

### **Requirements for authority to fly**

**24.03.2** (1) An applicant for the issue or an amendment of an authority to fly for a non-type certificated aircraft must provide the Executive Director or the designated organisation, as the case may be, with proof that, in the case of -

- (a) a non-type certificated aircraft built in Namibia -
    - (i) the provisions of Document NAM-CATS-AR-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and
    - (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4;
  - (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the aircraft register, the aircraft -
    - (i) has been de-registered in the country of export or was never registered;
    - (ii) had been issued with a certificate of airworthiness, an authority to fly or similar certificate by the military or appropriate authority of the State of de-registration; and
    - (iii) complies with all the applicable provisions of this Part; or
  - (c) a production-built aircraft which has not been previously issued with an authority to fly or similar certificate by an appropriate authority, it was manufactured or assembled by an organisation approved by the Executive Director in terms of Subpart 4.
- (2) A prospective owner of an aircraft referred to in subregulation (1)(b) or (c) must first consult the Executive Director and obtain approval before importing such an aircraft.
- (3) Documentation required to show compliance with the provisions of subregulation (1) is as set out in Document NAM-CATS-AR-NTCA.

(4) Except for the production-built aircraft referred to in subregulation (1)(c), only aircraft which previously have been registered and issued with a certificate of airworthiness, an authority to fly or similar document by the appropriate military authority or appropriate authority of the State of de-registration may be imported into Namibia.

(5) In addition to the provisions of subregulation (1), the applicant must provide the Executive Director with proof that -

- (a) any modification to the aircraft conforms to the design changes approved for the type;
- (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.3;
- (c) the aircraft is issued with the appropriate flight manual and any logbook, repair and alteration forms and documents which the Executive Director may require;
- (d) an annual inspection has been carried out in accordance with the requirements of regulation 44.02.4; and
- (e) the aircraft is in a condition for safe operation.

(6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant must provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft.

(7) On receipt of the proof required in terms of subregulation (6), the Executive Director must inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.

(8) In addition to the provisions of subregulations (1), (5) and (6), the applicant must provide the Executive Director or the designated organisation, as the case may be, with -

- (a) any other airworthiness data which the Executive Director or the designated organisation, as the case may be, may require; and
- (b) any document relating to the operation of the aircraft which the Executive Director or the designated organisation, as the case may be, may require.

### **Issue of authority to fly**

**24.03.3** (1) The Executive Director or the designated organisation, as the case may be, must grant an application made under regulation 24.03.1 and issue an authority to fly, if the applicant complies with the provisions of regulation 24.03.2.

(2) An authority to fly is issued subject to such conditions and limitations which may be determined by the Executive Director or the designated organisation, as the case may be.

(3) An authority to fly is issued on the appropriate form set out in Document NAM-CATS- AR-NTCA.

(4) Whether the authority to fly will include authority to operate the aircraft -



- (a) at night, under instrument meteorological conditions (IMC);
- (b) in commercial air transport operations; or
- (c) to conduct semi-acrobatic or acrobatic flights,

depends on the results of the proving flights and the installed equipment.

- (5) In the case of -
  - (a) a locally built amateur-built aircraft;
  - (b) any aircraft that previously has been issued with a certificate of airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the Chicago Convention; or
  - (c) any aircraft of which the certificate of airworthiness or authority to fly has become invalid as a result of a proposed major modification,

the authority to fly may normally be granted or re-issued, as the case may be, in two stages, namely, a proving flight authority and, thereafter, where applicable, the authority to fly.

(6) Before a proving flight authority or an authority to fly is issued, the Executive Director may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner or operator, if different, must be advised accordingly.

(7) The owner or operator of an aircraft referred to in subregulation (6) must make the aircraft available for the inspection, where and when required by the Executive Director or by the authorised officer, inspector or authorised person.

### **Proving flight authority**

**24.03.4** (1) If the Executive Director decides to issue a proving flight authority as contemplated in regulation 24.03.3(5), he or she must issue the authority on the appropriate form set out in Document NAM-CATS-AR-NTCA.

(2) A proving flight authority must show the base from which the proving flights are to be carried out.

(3) A proving flight authority may be extended for further periods at the discretion of the Executive Director or the designated organisation, as the case may be, on the submission of an inspection report equivalent to an annual inspection referred to in regulation 44.02.4.

(4) The constructor of an aircraft, if required, may effect modifications and repairs during the periods of validity of the proving flight authority, but, if a major modification or repair is required, the Executive Director or the designated organisation, as the case may be, may require that the proving flights be commenced afresh.

(5) A proving flight must be carried out in the manner set out in Document NAM-CATS-AR-NTCA.

- (6) Flights conducted in terms of a proving flight authority -
  - (a) are limited to an area not exceeding a 100 kilometre radius from the specified base from which such flights are to be undertaken, unless stated otherwise in the proving flight authority;

- (b) may only be conducted under visual meteorological conditions (VMC) by day;
- (c) are prohibited over open-air assemblies of persons; and
- (d) are prohibited over built-up areas, except where necessary for take-off and landing.

(7) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a proving flight authority.

(8) Where a proving flight authority is issued in respect of an aircraft of a new design or of which the originally-approved design has undergone major modification, the first flight or flights must be conducted by a pilot with the appropriate test flight rating.

(9) The owner or operator of the aircraft may, if suitably qualified, with the approval of the Executive Director carry out a flight or flights additional to the flight or flights referred to in regulation 24.03.3(5).

(10) For the purpose of subregulation (9), where the owner or operator of the aircraft consists of more than one natural person, one of these persons must be designated by the test pilot to carry out the proving flights.

(11) The owner or operator referred to in subregulation (9) must be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.

(12) Apart from any conversion training which may be required in terms of subregulation (11), flight training may not be conducted on an aircraft operated in terms of a proving flight authority.

(13) Where the limitations for flight still have to be established, such proving flight or flights must be carried out by a pilot with the appropriate test flight rating.

(14) The final proving flight for the issue of an authority to fly must be carried out by a pilot with the appropriate test flight rating who, if applicable, must be the pilot who carried out the proving flights referred to in subregulation (13).

### **Special flight permit**

**24.03.5** (1) The Executive Director or the designated organisation, as the case may be, may issue an authority to fly in the form of a special flight permit in respect of a non-type certificated aircraft.

- (2) A special flight permit for an aircraft may be issued for the purposes of -
  - (a) ferrying an aircraft, where the authority to fly has become invalid, to a base where maintenance can be carried out;
  - (b) delivering or exporting the aircraft;
  - (c) evacuating the aircraft from areas of impending danger;

- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 24.02.1; or
  - (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available, except that the excess mass that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.
- (3) An applicant for the issue or an amendment of a special flight permit for an aircraft must be made to the Executive Director or the designated organisation, as the case may be, in the appropriate form set out in Document NAM-CATS-AR-NTCA.
- (4) A special flight permit is issued on the appropriate form set out in Document NAM-CATS- AR-NTCA.
- (5) A special flight permit issued in terms of this Part is valid only for flights within the borders of Namibia and over international waters, and for flights over or within the territory of another State, permission of the responsible appropriate authority is required.

#### **Period of validity**

- 24.03.6** (1) An authority to fly, a proving flight authority or a special flight permit is valid until -
- (a) the expiry date which has been determined by the Executive Director or the designated organisation, as the case may be;
  - (b) it is surrendered by the holder of the authority or permit or is suspended by the Executive Director or the designated organisation, as the case may be, or by an authorised officer, inspector or authorised person;
  - (c) it is revoked by the Executive Director or the designated organisation, as the case may be;
  - (d) a major modification is effected to the aircraft; or
  - (e) the aircraft is involved in an incident or accident that results in major damage to its primary structure.
- (2) Subject to the provisions of subregulation (1), an authority to fly, proving flight authority or a special flight permit remains valid for as long as -
- (a) the aircraft remains registered on the aircraft register; and
  - (b) the aircraft is maintained in accordance with these regulations.
- (3) The holder of an authority to fly, a proving flight authority or a special flight permit which is suspended must forthwith produce the authority to fly, proving flight authority or special flight permit upon the suspension, to the Executive Director or to the designated organisation, as the case may be, or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(4) The holder of an authority to fly, a proving flight authority or a special flight permit which is revoked must forthwith surrender such authority to fly proving flight authority or special flight permit to the Executive Director or to the designated organisation, as the case may be.

(5) An authority to fly, a proving flight authority or a special flight permit, which has been suspended must be reinstated when the cause for the suspension has been corrected to the satisfaction of the Executive Director or the designated organisation, as the case may be.

### **International operations**

**24.03.7** (1) An authority to fly or a special flight permit is only valid for flight in Namibian airspace.

(2) Despite subregulation (1), a non-type certificated aircraft, issued with a Namibian authority to fly, may be flown outside Namibia's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the authority to fly is not equivalent to a certificate of airworthiness issued in terms of Annex 8 to the Chicago Convention.

### **Transferability**

**24.03.8** (1) Although a proving flight authority or an authority to fly may be transferred in the name of a new owner, the aircraft may be re-registered in the new owner's name only -

- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks have been handed over to the new owner; or
- (b) if the provisions of paragraph (a) have not or cannot be met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

(2) After the transfer of a proving flight authority, the provisions of regulation 24.03.4 apply with the necessary changes.

(3) The Executive Director or the designated organisation, as the case may be, must determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights must be commenced afresh.

(4) The provisions of Part 47 and of Document NAM-CATS-AR-NTCA apply with the necessary changes in respect of an application for the re-registration of an aircraft following a change of ownership.

### **Aircraft type approval**

**24.03.9** (1) A person who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft must make an application to the Executive Director.

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

- (a) made in the appropriate form set out in Document NAM-CATS-AR-NTCA; and

- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) proof of compliance with the provisions of regulation 24.02.1 and the technical standards set out in Document NAM-CATS-AR-NTCA;
  - (iii) a copy of the authority to fly issued for the prototype aircraft; and
  - (iv) proof that the applicant meets the requirements of regulation 24.04.1.
- (3) If the Executive Director is satisfied that -
  - (a) the applicant has been or may be approved as a manufacturing organisation in terms of regulation 24.04.2; and
  - (b) the aircraft will be manufactured according to the approved build standard,

he or she must issue a production-built aircraft type certificate on the form set out in Document NAM-CATS-AR-NTCA.

#### **SUBPART 4 APPROVAL OF ORGANISATIONS**

##### **Application for approval**

**24.04.1** (1) An applicant for the approval of a maintenance organisation or repair facility must comply with the provisions of Part 145.

(2) An applicant for the approval of a manufacturing organisation must comply with provisions of Part 148.

##### **Approved organisations**

**24.04.2** A list of approved organisations, if any, must be provided in Document NAM-CATS- AR-NTCA.

##### **Substitution of Parts 34, 36 and 43 of Regulations**

**6.** The Regulations are amended by the substitution for Parts 34, 36 and 43 of the following Parts:

#### **“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 Register of certificates
- 34.01.4 Suspension and revocation of certificate and appeal

**SUBPART 2: FUEL VENTING CERTIFICATES**

- 34.02.1 Fuel venting standards
- 34.02.2 Recognition of foreign fuel venting certificate
- 34.02.3 Application for fuel venting certificate
- 34.02.4 Issue of fuel venting certificate
- 34.02.5 Period of validity
- 34.02.6 Transfer of fuel venting certificate

**SUBPART 3: ENGINE EMISSION CERTIFICATES**

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

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

- 34.01.1** This Part applies -
- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured on or 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 under this Part must 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 must 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.

**Register of certificates**

**34.01.3** (1) The Executive Director must maintain or cause to be maintained, an updated register of fuel venting certificates and engine emission certificates issued under the regulations in this Part.

- (2) The register must contain the following particulars:
  - (a) the full name of the holder of the fuel venting certificate or engine emission certificate;
  - (b) the postal or contact address of the holder of the fuel venting certificate or engine emission certificate;
  - (c) the date on which the fuel venting certificate or engine emission certificate was issued;
  - (d) the number of the fuel venting certificate or engine emission certificate issued;
  - (e) the date on which the fuel venting certificate or engine emission certificate is suspended or revoked, if applicable; and
  - (f) 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 or contact address of the transferee.
- (3) The Executive Director must record or cause to be recorded the particulars referred to in subregulation (2) in the register within seven days from the date on which the fuel venting certificate or engine emission certificate is issued, transferred or suspended, as the case may be.
- (4) The register must be kept in a safe place as part of the CAR.
- (5) The Head of the CAR must, on payment of the appropriate fee as prescribed in Part 187, furnish the information from the register to any person who requests for such information.

### **Suspension and revocation of certificate and appeal**

**34.01.4** (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend 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 -
  - (i) does not comply with the requirements prescribed in this Part; and
  - (ii) 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; and
- (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.

(2) The authorised officer, inspector or authorised person who has suspended a fuel venting certificate or engine emission certificate in terms of subregulation (1), must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible 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.

(4) The holder of a fuel venting certificate or engine emission certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under in subregulation (1), pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

## **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;
- (e) the issuing of a supplementary type certificate; or
- (f) a standard category certificate of airworthiness,

must comply with fuel venting standards as set out in Document NAM-CATS-ENVIRO.

### **Recognition of foreign fuel venting certificate**

**34.02.2** The Executive 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 set out in Document NAM-CATS-ENVIRO.

### **Application for fuel venting certificate**

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

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and



- (b) accompanied by -
  - (i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1; and
  - (ii) the appropriate fee as prescribed in Part 187.

#### **Issue of fuel venting certificate**

**34.02.4** The Executive Director must grant an application made under regulation 34.02.3 and issue a fuel venting certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

#### **Period of validity**

- 34.02.5** (1) A fuel venting certificate is valid -
- (a) for -
    - (i) 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
    - (ii) as long as the holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1; or
  - (b) until the fuel venting certificate is -
    - (i) surrendered by the holder thereof; or
    - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

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

(3) The holder of a fuel venting certificate which is revoked must forthwith after the date on which the fuel venting certificate is revoked, surrender such fuel venting certificate to the Executive Director.

#### **Transfer of fuel venting certificate**

**34.02.6** A fuel venting certificate may only 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;
- (e) the issuing of a supplementary type certificate; or
- (f) a standard category certificate of airworthiness,

must comply with the appropriate engine emission standards set out in Document NAM-CATS-ENVIRO.

### **Recognition of foreign engine emission certificate**

**34.03.2** The Executive 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 set out in Document NAM-CATS-ENVIRO.

### **Application for engine emission certificate**

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

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

### **Issue of engine emission certificate**

**34.03.4** The Executive Director must grant an application made under regulation 34.03.3 and issue an engine emission certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

### **Period of validity**

**34.03.5** (1) An engine emission certificate is valid -

- (a) for -
  - (i) 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

- (ii) as long as such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1; or
- (b) until the engine emission certificate is -
  - (i) surrendered by the holder thereof; or
  - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 34.01.4.

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

(3) The holder of an engine emission certificate which is revoked must forthwith surrender such engine emission certificate to the Executive Director.

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

**34.03.6** An engine emission certificate may only 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 certificate                         |
| 36.00.6  | Issue of noise certificate                                |
| 36.00.7  | Period of validity  |
| 36.00.8  | Transfer of noise certificate                             |
| 36.00.9  | Register of certificates                                  |
| 36.00.10 | Suspension and revocation of noise certificate and appeal |

#### **Applicability**

- 36.00.1** This Part applies to -
- (a) subsonic jet aeroplanes;
  - (b) supersonic aeroplanes;
  - (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilogrammes;
  - (d) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilogrammes 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;
- (e) the issuing of a supplementary type certificate; or
- (e) a standard category certificate of airworthiness,

must comply with the appropriate noise standards set out in Document NAM-CATS-ENVIRO.

**Recognition of foreign noise certificate**

**36.00.3** The Executive 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 set out in Document NAM-CATS-ENVIRO.

**Safety inspections and audits**

**36.00.4** (1) An applicant for the issuing of a noise certificate under this Part must 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 noise certificate issued under this Part must 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.

**Application for noise certificate**

**36.00.5** An application for the issuing of a noise certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
  - (i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2; and
  - (ii) the appropriate fee as prescribed in Part187.

**Issue of noise certificate**

**36.00.6** The Executive Director must grant an application made under regulation 36.00.5 and issue a noise certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the noise standards referred to in regulation 36.00.2.

**Period of validity**

- 36.00.7** (1) A noise certificate is valid -
- (a) for -
- (i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid; and
- (ii) as long as the holder complies with the appropriate noise standards referred to in regulation 36.00.2; or
- (b) until the noise emission certificate is -
- (i) surrendered by the holder thereof; or
- (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 36.00.10.

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

(3) The holder of a noise certificate which is revoked must forthwith surrender such noise certificate to the Executive Director.

**Transfer of noise certificate**

**36.00.8** A noise certificate may only be transferred with the aircraft.

**Register of certificates**

**36.00.9** The Executive Director must maintain or cause to be maintained, an updated register of noise certificates issued under this Part in the Civil Aviation Registry.

**Suspension and revocation of certificate and appeal**

**36.00.10** (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend 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 -
- (i) does not comply with the requirements prescribed in this Part; and

- (ii) 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 noise certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 36.00.4.
- (2) The authorised officer, inspector or authorised person who has suspended a noise certificate in terms of subregulation (1) must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.
- (3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2), to the holder of the noise certificate which has been suspended.
- (4) The holder of a noise certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1), pursuant to Subpart 4 of Part 13.
- (5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.

## **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 Logbooks
- 43.01.4 Preservation of logbooks
- 43.01.5 Entries in logbooks
- 43.01.6 Entries of special significance
- 43.01.7 Maintenance of logbooks
- 43.01.8 Loss of logbooks

##### **SUBPART 2: MAINTENANCE**

- 43.02.1 Aircraft maintenance programmes and maintenance schedule
- 43.02.2 Persons to carry out maintenance
- 43.02.3 Carrying out of maintenance
- 43.02.4 Rectification of unsatisfactory items
- 43.02.5 Overhaul, repair and substitution of major components
- 43.02.6 Maintenance for IFR operations
- 43.02.7 Mass and balance
- 43.02.8 Progressive inspections
- 43.02.9 Mandatory inspections
- 43.02.10 Airspeed indicator and altimeter system tests and inspections
- 43.02.11 ATC transponder tests and inspections
- 43.02.12 Emergency locator beacon tests and inspections

|          |  |
|----------|--|
| 43.02.13 | Inspection requirements                                      |
| 43.02.14 | Non-destructive testing                                      |
| 43.02.15 | Airworthiness limitations                                    |
| 43.02.16 | Modifications to aircraft or equipment                       |
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| 43.02.20 | Aircraft compass requirements                                |
| 43.02.21 | Extended diversion time operations                           |
| 43.02.22 | RVSM operations  |
| 43.02.23 | Aircraft withdrawn from service for storage                  |
| 43.02.24 | Suspected unapproved parts                                   |
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### **SUBPART 3: RECORDING OF MAINTENANCE**

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| 43.03.1 | Maintenance records                             |
| 43.03.2 | Recording of overhaul                           |
| 43.03.3 | Recording of modifications and repairs          |
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| 43.03.5 | Annual review of maintenance                    |
| 43.03.6 | Installation of new parts                       |
| 43.03.7 | Installation of used parts                      |
| 43.03.8 | Installation and disposal of life-limited parts |

### **SUBPART 4: CERTIFYING FOR CONFORMITY AFTER MAJOR MODIFICATIONS OR MAJOR REPAIRS**

|         |                               |
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| 43.04.2 | Persons to certify conformity |
| 43.04.3 | Certifying requirements       |
| 43.04.4 | Certification                 |

### **SUBPART 5: RELEASE TO SERVICE**

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|----------|--|
| 43.05.1  | Persons to certify release to service          |
| 43.05.2  | Requirements for certifying release to service |
| 43.05.3  | Validity of certificate of release to service  |
| 43.05.4  | Certifying after inspection                    |
| 43.05.5  | Certifying after maintenance                   |
| 43.05.6  | Discrepancies                                  |
| 43.05.7  | Flight manual data                             |
| 43.05.8  | Duplicate inspection of controls               |
| 43.05.9  | Ground running checks: reciprocating engines   |
| 43.05.10 | Ground running checks: turbine engines         |
| 43.05.11 | Flight folio completion                        |
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### **SUBPART 6: MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT**

|         |                            |
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| 43.06.1 | Applicability of Subpart   |
| 43.06.2 | Performance of maintenance |
| 43.06.3 | Recording of overhaul      |
| 43.06.4 | Maintenance records        |

## **SUBPART 1 GENERAL**

### **Applicability**

- 43.01.1** (1) This Part applies to -
- (a) the maintenance, and the release to service after maintenance, of -
    - (i) type certificated aircraft registered in Namibia;
    - (ii) aircraft components to be fitted to such aircraft;
    - (iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and
  - (b) the annual review of airworthiness of the aircraft referred to in paragraph (a).
- (2) This Part does not apply to any aircraft specified in regulation 24.01.1.
- (3) Unless specified otherwise in a technical or operational arrangement, the requirements of subregulations (1) and (2) do not apply to a person performing maintenance on a Namibian registered aircraft or on a component intended to be fitted to a Namibian registered aircraft, if the maintenance is performed -
- (a) in another State that is party to a technical or operational arrangement entered into pursuant to section 4(1)(c) of the Act;
  - (b) under the authority of, and in accordance with, a maintenance organisation certificate or approval issued by the State referred to in paragraph (a);
  - (c) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (b);
  - (d) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (a), unless specified otherwise in the technical or operational arrangement; and
  - (e) in accordance with any conditions specified in the technical arrangement as mentioned in this subregulation.

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

- 43.01.2** A person may not make or cause to be made -
- (a) any fraudulent or false entry in any record 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.



**Logbooks**

**43.01.3** (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

- (a) an approved aircraft logbook for each aircraft;
  - (b) an approved engine logbook for each aircraft engine;
  - (c) an approved propeller logbook for each propeller; and
  - (d) an approved auxiliary power unit (APU) logbook for each APU, if applicable.
- (2) The owner or operator of an aircraft must -
- (a) ensure that logbooks are not kept in the aircraft, except where regulation 43.01.4(3) applies; and
  - (b) keep logbooks, or ensure that logbooks are kept, in a safe place.
- (3) Details in respect of maintenance carried out while away from base must be -
- (a) transferred to the appropriate logbook within 48 hours after the return of the aircraft to its base of operation; or
  - (b) entered within 48 hours of completion of any maintenance performed on the aircraft or other equipment at its base of operation.
- (4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.
- (5) For -
- (a) an aircraft with a maximum approved passenger seat configuration in excess of nine seats;
  - (b) an aeroplane with a maximum certificated mass in excess of 5 700 kilogrammes; or
  - (c) a helicopter with a maximum certificated mass in excess of 3 175 kilogrammes,

the logbook may refer to a separate system approved in its approved maintenance programme, including the maintenance schedule for component and major repair tracking, except that any entry in such system must meet the requirements as prescribed for logbooks.

- (6) The format of the logbooks must be as set out in Document NAM-CATS-GMR.

**Preservation of logbooks**

**43.01.4** (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 43.01.3(1) for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept, but the Executive Director may specify a longer period in respect of the logbook of an aircraft or of its engine or propeller of an aircraft involved in an accident or incident.

(2) A logbook must, preferably, not be carried in the aircraft to which it relates.

(3) In the case where -

(a) the provisions of subregulation (4) apply; or

(b) a logbook is needed for maintenance purposes and no other means of forwarding that logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

(a) a copy of the last major overhaul and repairs performed; and

(b) copies of the defects rectification for the last six months prior to export.

**Entries in logbooks**

**43.01.5** (1) The following persons must make and sign for entries in logbooks required to be kept in accordance with regulation 43.01.3(1) -

(a) the holder of an appropriately rated aircraft maintenance engineer licence;

(b) a person holding a valid authorisation given by an organisation holding an AMO approval; or

(c) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system, other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited.

**Entries of special significance**

**43.01.6** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

- (a) damage caused by a forced or hard landing; or
- (b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

**Maintenance of logbooks**

**43.01.7** The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -

- (a) "Instructions for use" in the logbook; and
- (b) standards set out in Document NAM-CATS-GMR,

the logbooks referred to in regulation 43.01.3(1).

**Loss of logbook**

**43.01.8** (1) If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

- (a) forthwith report the loss to the Executive Director; and
- (b) make a written request to the Executive Director to open a substitute logbook and the request must be accompanied by an affidavit which includes -
  - (i) information on the last available logbook entries as signed by -
    - (aa) the holder of an appropriately rated aircraft maintenance engineer licence;
    - (bb) a person holding a valid authorisation given by an organisation holding an AMO approval; or
    - (cc) a person approved for the purpose by the Executive Director;
  - (ii) details of the circumstances of the loss; and
  - (iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-GMR.

(4) If a logbook has been lost, the relevant certificate of airworthiness or authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

## **SUBPART 2 MAINTENANCE**

### **Aircraft maintenance programmes and maintenance schedule**

**43.02.1** (1) Every type certificated aircraft registered on the aircraft register must be maintained according to an approved aircraft maintenance programme, including the maintenance schedule referred to in subregulation (4).

(2) The owner or operator of an aircraft or a contracted AMO must draw up or cause to be drawn up a maintenance programme, including the maintenance schedule, for his or her or its aircraft in accordance with the standards set out in Document NAM-CATS-GMR.

(3) The owner, operator or contracted AMO must submit the proposed maintenance programme, including the maintenance schedule, to the Executive Director for approval.

(4) The Executive Director must, if the proposed maintenance programme, including the maintenance schedule submitted in terms of subregulation (3) meets all the requirements of the standards referred to in subregulation (2), approve the proposed aircraft maintenance programme, including the maintenance schedule, either as submitted or as amended by him or her in the interest of aviation safety.

(5) The owner, operator or contracted AMO referred to in subregulation (2) may request the Executive Director for a permanent or temporary amendment to the approved aircraft maintenance programme.

(6) The owner, operator or contracted AMO referred to in subregulation (2) must promptly furnish copies of all approved amendments to the maintenance programme to all organisations or persons to whom the maintenance programme has been issued.

### **Persons to carry out maintenance**

**43.02.2** (1) Subject to the provisions of subregulations (2) and (3), a person may not carry out maintenance on a type certificated aircraft or a component of such aircraft unless that person -

- (a) is the holder of a current aircraft maintenance engineer licence;
- (b) carries out maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence with an appropriate rating;
- (c) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, to carry out maintenance within the scope of such approval; or
- (d) for maintenance performed outside of Namibia, holds an appropriate current maintenance engineer licence or approval issued under the authority of an ICAO contracting State for the type of aircraft or component.

(2) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if -

- (a) such holder is the owner or operator of the aircraft and is appropriately trained; and
  - (b) the aircraft is used for non-commercial operations.
- (3) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as set in Document NAM-CATS-GMR if the holder -
- (a) is authorised by a gliding organisation to perform maintenance on a glider or glider component; or
  - (b) performs the maintenance under the direct supervision of a person who is authorised by a gliding organisation to perform maintenance on a glider or glider component.
- (4) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on -
- (a) aeroplanes with a maximum certificated mass in excess of 5 700 kilogrammes; or
  - (b) helicopters with a maximum certificated mass in excess of 3 175 kilogrammes,

must be undertaken and certified by an appropriately rated approved aircraft maintenance organisation only.

(5) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on an aircraft operating under Part 101 must be undertaken and certified by a person authorised by the Executive Director.

### **Carrying out of maintenance**

- 43.02.3** (1) Any person who carries out maintenance on an aircraft or aircraft component must -
- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;
  - (b) use methods, techniques and practices which are -
    - (i) specified in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;
    - (ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;
    - (iii) in accordance with Document NAM-CATS-GMR; or
    - (iv) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive 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 Executive Director;
- (d) use the tools, equipment and test equipment necessary to ensure completion of the work in accordance with paragraph (b);
- (e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;
- (f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;
- (g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;
- (h) 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
- (i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.

(2) A person who carries out maintenance on an aircraft or aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or aircraft component for -

- (a) a period of at least eight consecutive hours in the 24-hour period immediately before the maintenance is performed; and
- (b) at least 24 consecutive hours during any seven consecutive days' period.

(3) Despite subregulation (2), a person who carries out maintenance on an aircraft or aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft continue to be on duty for -

- (a) up to 16 consecutive hours; or
- (b) 20 hours in 24 consecutive hours,

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry

out such maintenance in accordance with the operator's approved maintenance control manual whose format and requirements must be as set out in Document NAM-CATS-GMR.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

#### **Rectification of unsatisfactory items**

**43.02.4** (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

- (a) found to be unserviceable; or
- (b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or aircraft component, equipment or item must -

- (a) transfer any deferred defects from the flight folio onto a work sheet; and
- (b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -
  - (i) clearly recorded in the relevant logbook or other approved recording system; and
  - (ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

#### **Overhaul, repair and substitution of major components**

**43.02.5** (1) The owner or operator of an aircraft or a contracted AMO must ensure that the aircraft and its components and installed equipment are overhauled or substituted at such times as recommended or specified by the manufacturer of the aircraft, unless the Executive Director has in writing approved different times for the overhaul or substitution to be carried out.

(2) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken by an appropriately rated approved aircraft maintenance organisation only.

(3) The procedure for reinstating the validity of a certificate of airworthiness deemed suspended when an aircraft is involved in an accident or incident that renders one or more Class I products defective is set out in Document NAM-CATS-GMR.

(4) The requirements for the overhaul of components and equipment installed on an aircraft and of engines and propellers are as set out in Document NAM-CATS-GMR.

(5) Where the Executive Director has approved a time between overhaul that differs from that recommended or specified by the manufacturer, that time between overhaul must be as specified in the aircraft's approved maintenance programme.

(6) Where a manufacturer has not recommended or specified the overhaul of an item at certain times but the Executive Director considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director may in writing specify a time between overhaul for such item in the aircraft's approved maintenance programme.

(7) The requirements for the substitution of products, components and parts with new or overhauled items are as set out in Document NAM-CATS-GMR.

### **Maintenance for IFR operations**

**43.02.6** Any person who carries out an inspection or maintenance on equipment required for communication navigation and surveillance in an aircraft to be used under IFR must carry out the inspection as set out in Document NAM-CATS-GMR.

### **Mass and balance**

**43.02.7** (1) Except with the written permission of the Executive Director, a person may not operate any Namibian registered aircraft unless the aircraft's -

- (a) current empty mass has been established by means of a mass meter;
- (b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-GMR.

(2) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

(3) An aircraft's empty mass must be established by means of -

- (a) computation; or
- (b) a mass meter by an appropriately approved aircraft maintenance organisation or a person acceptable to the Executive Director for that purpose,

after which the aircraft's new centre of gravity must be computed.

(4) The mass meter to be used under subregulation (3) must have been tested by the Namibian Standards Institution established by the Standards Act, 2005 (Act No. 18 of 2005) or a similar body acceptable to the Executive Director, 12 months before the date of determination of the aircraft's empty mass.

(5) The mass and centre of gravity data, as supplied by the manufacturer in respect of new aircraft, is acceptable for the purpose of this regulation for the first five-year period, provided that the empty mass was established by means of a mass meter.



(6) For the purpose of this regulation, the empty mass of an aircraft, as ascertained when the mass was last determined or computed, is the mass of the aircraft and its powerplant, including any engine coolant, unusable fuel, total oil, total hydraulic fluid, any fixed ballast and all items of fixed equipment.

(7) Despite the provisions of this regulation, the Executive Director may at any time when he or she considers it necessary in the interest of public safety, require the mass of any aircraft to be established by means of a mass meter or its centre of gravity to be computed.

(8) The procedure to establish mass and the form on which the results of balance computations must be recorded is as set out in the Document NAM-CATS-GMR.

### **Progressive inspections**

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

- (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 must only do so with the prior approval of the Executive Director.

### **Mandatory inspections**

**43.02.9** (1) A mandatory test and a mandatory inspection must be carried out in accordance with the approved maintenance programme for a particular aircraft at the times or intervals set out in Document NAM-CATS-GMR.

(2) A mandatory inspection includes -

(a) for -

- (i) an aeroplane with a maximum certificated mass of 5 700 kilogrammes or less or a maximum approved passenger seating configuration of not more than nine seats; and
- (ii) a helicopter with a maximum certificated mass of 3 175 kilogrammes or a maximum approved passenger seating configuration of not more than nine seats,

either -

- (aa) a mandatory periodic inspection; or
  - (bb) inspections in accordance with an approved progressive inspection programme;
- (b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance programme, including the maintenance schedule for the

particular category and type of aircraft at the intervals specified by the programme.

(3) An aircraft referred to in subregulation (2)(a) that has not accumulated 100 hours within 12 months since its last inspection must undergo a mandatory periodic inspection before it is released to service.

(4) An aircraft referred to in subregulation (2)(b) that has not completed its progressive inspection programme within the period specified by the manufacturer or the Executive Director must undergo the remainder of the progressive inspection programme before it is released to service.

(5) The maintenance programmes referred to in subregulation (1) are as set out in Document NAM-CATS-GMR.

#### **Air speed indicator and altimeter system tests and inspections**

**43.02.10** Any person who carries out air speed indicator and altimeter system tests and inspections must -

- (a) perform the tests and inspections as set out 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.

#### **ATC transponder tests and inspections**

**43.02.11** Any person who carries out air traffic control (ATC) transponder tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

#### **Emergency locator beacon tests and inspections**

**43.02.12** Any person who carries out emergency locator beacon tests and inspections must perform the tests and inspections as set out in Document NAM-CATS-GMR.

#### **Inspection requirements**

**43.02.13** (1) Any person who carries out an inspection must -

- (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, progressive inspection or scheduled inspection, use a checklist, which includes the scope and detail of the tests and inspections, referred to in regulation 43.02.9.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;

- (c) the main rotor and centre section (or the equivalent area); and
- (d) the tail rotor of the helicopter.

### **Non-destructive testing**

**43.02.14** Any person performing maintenance on an aircraft or aircraft component where the applicable maintenance data requires a non-destructive test using fluorescent penetrant, magnetic particle, eddy current, ultrasonic or radiography methods must -

- (a) be the holder of a certificate appropriate to the technique being used and to the level of qualification required as specified in Document NAM-CATS-GMR or an equivalent certificate approved by the Executive Director;
- (b) perform the non-destructive test using appropriate methods, techniques and standard practices as specified in Document NAM-CATS-GMR; and
- (c) use test equipment necessary to ensure that the non-destructive test is performed in accordance with the appropriate manufacturer's requirements.

### **Airworthiness limitations**

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

### **Modifications to aircraft or equipment**

**43.02.16** (1) A person may not, without the prior written approval of the Executive Director, carry out any modifications to a type certificated aircraft, including changes to equipment or the installation of the equipment, which affect or are likely to affect the -

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or of any other persons or property,

other than in compliance with the provisions of this Part.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a modification as contemplated in subregulation (1) must apply for such approval to the Executive Director.

- (3) An application under subregulation (2) must be -
  - (a) made in the appropriate form set out in Document NAM-CATS-GMR; and
  - (b) accompanied by -
    - (i) such information, acceptable technical data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification as the Executive Director may require;
    - (ii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and

- (iii) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) An applicant referred to in subregulation (1) must ensure that every modification and repair to an aircraft conforms to a design change approved in accordance with acceptable technical data set out in Document NAM-CATS-GMR for the aircraft type.

(5) Where the manufacturer of the type of aircraft or equipment concerned recommends that modifications be made to the aircraft or equipment, the modifications may be carried out in accordance with the manufacturer's recommendations, so long as the proposed modifications are submitted to, and approved by, the Executive Director prior to the commencement of such modifications.

(6) An unapproved modification to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

### **Major repairs to aircraft or equipment**

**43.02.17** (1) A person may not, without the prior written approval of the Executive Director, carry out any major repairs, as defined in Document NAM-CATS-GMR, to a type certificated aircraft which affect or are likely to affect the -

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or of any other persons or property.

(2) The owner of the aircraft or any other person who requires the written approval of the Executive Director for a major repair as contemplated in subregulation (1) must apply for such approval to the Executive Director.

- (3) An application under subregulation (2) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-GMR; and
- (b) accompanied by -

- (i) such information, acceptable technical data, the documents encompassing the Instructions for Continuing Airworthiness (ICA) such as, but not limited to, maintenance manuals, servicing instructions, overhaul manuals, and repair manuals containing adequate maintenance procedures that are recognised by the Executive Director as either approved or acceptable for purposes of accomplishing repairs to aircraft;
- (ii) a structural repair manual containing State of Design approved repair schemes for typical damages or structural failures that can be readily applied by an operator without the need for obtaining prior approval of the Executive Director;
- (iii) the make and model of the affected aeronautical product, including the registration or serial number, and its type certificate number (or approval reference);
- (iv) the title, detailed description and purpose of the repair design;

- (v) the proposed airworthiness standards to which the proposed repair is intended to show compliance with, including the identification of any impact on approved airworthiness limitations contained in the ICA for the affected aeronautical product;
- (vi) documentation or substantiating data of the repair design;
- (vii) for a foreign applicant, evidence of prior approval by the State that has jurisdiction over the individual or organisation responsible for the repair design;
- (viii) such other information and details as may be required by the standards set out in Document NAM-CATS-GMR; and
- (ix) payment or proof of payment of the appropriate fee as prescribed in Part 187.

(4) Where the repair action specifically requires designing a repair scheme, the repair design must be approved by the Executive Director.

(5) All changes to life-limited components limits must be incorporated in the maintenance programme following the design repair approval.

(6) An unapproved major repair design to an aircraft or its equipment renders a certificate of airworthiness for that aircraft invalid.

### **Test flights**

**43.02.18** (1) After any major repair or major modification to an aircraft test flights, if required by the Executive Director, must be carried out in the aircraft under such conditions and in the manner set out in Document NAM-CATS-GMR.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

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

**43.02.19** (1) Any repair to an aircraft or aircraft component which has been damaged after an accident or an incident must be carried out in accordance with the requirements set out in Document NAM-CATS-GMR.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the definition of “accident” contained in section 1 of the Act has undergone permanent repairs, that aircraft must be inspected by -

- (a) an authorised officer, inspector or authorised person; or
- (b) another person specifically appointed for the purpose in writing by the Executive Director,

before it is released to service.

(3) The maintenance organisation or repair facility that carried out the repair as contemplated in this regulation must pay the applicable inspection fees as prescribed in Part 187.

**Aircraft compass requirements**

**43.02.20** Any compass fitted to an aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS-GMR.

**Extended diversion time operations**

**43.02.21** The additional maintenance requirements for twin-engine turbine aeroplanes certified for extended-diversion time operations (EDTO) are set out in Document NAM-CATS-GMR.

**RVSM operations**

**43.02.22** The additional maintenance requirements for aircraft holding a reduced vertical separation minima (RVSM) approval certificate issued under regulation 21.08.14 must be as set out in Document NAM-CATS-GMR.

**Aircraft withdrawn from service for storage**

**43.02.23** (1) An aircraft withdrawn from service for storage must meet the preservation instructions of the aircraft's manufacturer as specified in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period.

(2) Before an aircraft referred to in subregulation (1) is returned to service, any maintenance required to be carried out in terms of the original equipment manufacturer manuals must be carried out prior to release to service.

**Suspected unapproved parts**

**43.02.24** A person carrying out maintenance or repairs on an aircraft in terms of this Part must consider any Class I, Class II or Class III part, component or product, whether new or previously used, for which -

- (a) no historical records are available or traceable; or
- (b) the available records do not confirm that it has been approved by a responsible aviation authority,

to be unserviceable and may not fit the part, component or product on any type-certificated aircraft.

**Maintenance required under Part 145**

**43.02.25** (1) A person may not, except under the authority of a maintenance organisation approval certificate issued under Part 145, perform maintenance on, or certify for release to service -

- (a) an aircraft that has a MCTOW of more than 5 700 kilogrammes, or in the case of an aircraft operated in terms of Part 135, of less than 5 700 kilogrammes, if the aircraft is used or is to be used to perform air operations under the authority of an air operator certificate issued by the Executive Director under Part 121, 127 or 135; or
- (b) a component fitted or intended to be fitted to an aircraft referred to in paragraph (a).

(2) Except as provided in subregulation (3), a person may not (except under the authority of a maintenance organisation approval certificate issued under Part 145) perform any of the following kinds of maintenance on an aircraft or aircraft component or certify the aircraft or component for release to service after the maintenance:

- (a) overhaul of a component;
  - (b) maintenance on an aircraft or aircraft component, if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Executive Director;
  - (c) maintenance on an aircraft component, if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if -
    - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and
    - (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks;
  - (d) maintenance on an aircraft engine, if the maintenance involves -
    - (i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly for the replacement of a main casing or rotating assembly; or
    - (ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except where the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the -
      - (aa) instructions for continued airworthiness for the engine provides instructions for the replacement; and
      - (bb) replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or
    - (iii) disturbance of reduction gear;
  - (e) aircraft propeller balancing other than *in situ* dynamic propeller balancing in accordance with the aircraft manufacturer's instructions; and
  - (f) maintenance on a helicopter, if the maintenance involves the dismantling of any transmission gearbox, except where the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.
- (3) Subregulation (2) does not apply to -
- (a) an aircraft that has a special category airworthiness certificate issued by the Executive Director under Part 21;

- (b) a microlight aircraft;
- (c) a glider or powered glider;
- (d) a free manned hot air balloon;
- (e) remotely piloted aircraft; and
- (f) any aircraft specified in regulation 24.01.1

### **Radio station tests and inspections**

**43.02.26** Any person who carries out an inspection of an aircraft radio station must perform the tests and inspections as set out in Document NAM-CATS-GMR.

## **SUBPART 3 RECORDING OF MAINTENANCE**

### **Maintenance records**

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

- (a) details of the maintenance including, where applicable, the type of inspection and any approved technical data used;
- (b) for a mandatory periodic, progressive or scheduled 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 air speed indicator or altimeter system pilot static 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 references to the documents used to carry out the maintenance and their revision status;
- (h) the name of the person completing such maintenance, if different from the person certifying the release to service;
- (i) the location and, if applicable, the name of the facility where such maintenance was carried out;
- (j) 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;
- (k) the references to the applicable release documentation;



- (1) the requirement for an operational flight check, if the maintenance requires a flight check under regulation 43.05 2(1)(d).
- (2) The person who carries out the maintenance must -
  - (a) record the details referred to in subregulation (1) in the appropriate logbook or in a maintenance record approved by the Executive 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, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Executive Director.
- (3) The manner for completion of logbooks, flight folios and maintenance records referred to in subregulation (2), and the contents of the records and the period for which such documents must be retained are as set out in Document NAM-CATS-GMR.

### **Recording of overhaul**

**43.03.2** A person may not state in any maintenance document entry required by these regulations, including a job card, logbook or a certificate of release to service, that an aircraft, airframe, engine or engine module, propeller, rotor, appliance or other aircraft component has been overhauled unless it has been -

- (a) disassembled, cleaned, inspected, repaired as necessary and reassembled using methods, techniques and practices acceptable to the Executive Director; and
- (b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with -
  - (i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21, in a manual, airworthiness directive, service letter, service bulletin or other similar document considered to be mandatory by the Executive Director; or
  - (ii) other standards or technical data approved by the Executive Director.

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

**43.03.3** Any person who carries out a modification or repair in terms of regulation 43.02.16 or regulation 43.02.17 must, in addition to the entry referred to in regulation 43.03.1, record the modification or repair and process the certificate relating to the maintenance of the aircraft in the manner as set out in Document NAM-CATS-GMR.

### **Recording of inspection and certification**

**43.03.4** (1) A person who carries out an inspection under regulation 43.02.8 or 43.02.9 must -

- (a) record the inspection in the appropriate logbook; and
- (b) ensure that mandatory inspections or any maintenance to an aircraft issued with a standard category certificate of airworthiness are certified by the holder of an aircraft maintenance organisation approval with the appropriate rating.

(2) Only a holder of an appropriately-rated approved aircraft maintenance organisation may inspect and certify an aircraft on which the last mandatory inspection was certified by the holder of an aircraft maintenance engineer licence and for which the issue of a standard category certificate of airworthiness in terms of Part 21 is required.

(3) Only an appropriately rated approved aircraft maintenance organisation may, at the times specified -

- (a) carry out an overhaul classified as mandatory for aircraft issued with a standard category certificate of airworthiness; and
- (b) inspect and certify in the manner set out in Document NAM-CATS-GMR that the aircraft has been overhauled.

(4) The responsible aircraft maintenance engineer or an authorised person in the aircraft maintenance organisation concerned must record on a checklist and certify in the relevant logbook, any additional work performed during an inspection.

(5) The person carrying out an inspection or maintenance on an aircraft in terms of this Part or the owner or operator of that aircraft must ensure that -

- (a) records pertaining to life-limited or previously used parts are available and traceable; and
- (b) parts with no historical record are considered to be unserviceable and that such parts are not fitted to an aircraft.

#### **Annual review of maintenance**

**43.03.5** (1) Any person who carries out and certifies an annual review of maintenance for an aircraft must enter in the aircraft logbook or other technical record approved by the Executive Director -

- (a) the inspection statement as set out in Document NAM-CATS GMR;
- (b) his or her name, signature, licence or authorised number and the date on the entry;
- (c) the date of the review in the appropriate section of the aircraft technical log; and
- (d) the due date for the next annual review of maintenance in the technical log referred to in paragraph (c).

(2) The person referred to in subregulation (1) must forward a report of the annual review to the Executive Director in a form acceptable to the Executive Director -

- (a) within seven days from the date of completing and certifying the review in accordance with subregulation (1); or
  - (b) if the review is not completed and certified in accordance with subregulation (1), within seven days from the expiry of the 30 day period specified in subregulation (6) for completing the review.
- (3) Except for instruments and equipment that are expressly permitted to be inoperative in accordance with these regulations, a person who performs an annual review of maintenance for an aircraft may not certify the review as being complete unless -
- (a) every defect has been rectified; and
  - (b) the aircraft has been certified for release to service in accordance with Subpart 4.
- after -
- (4) The next annual review of maintenance may not be more than 12 months
  - (a) the date that the review is certified under subregulation (1); or
  - (b) the beginning of the extension period, if the due date for the review has been extended by the Executive Director.
- person -
- (5) A person may not perform a review of airworthiness on a glider, unless that
  - (a) is authorised to perform a review of airworthiness on a glider by a gliding organisation; and
  - (b) the person has satisfactorily completed a course of instruction, including an examination, that is acceptable to the Executive Director, on the inspection of aircraft and components for conformity with these regulations.
- (6) Except as provided in subregulation (2), a person performing a review of maintenance required in terms of this regulation for an aircraft must, within the 30 day period immediately before certifying that the review has been completed -
- (a) check that the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Executive Director;
  - (b) check that every instrument and item of equipment required in terms of Part 91 is fitted;
  - (c) record the aircraft's total time-in-service in the technical log;
  - (d) check that since the last review of maintenance or inspection for the issue of an airworthiness certificate -
    - (i) every modification and repair has been correctly recorded and certified for release to service, referencing the applicable technical data listed in Document NAM-CATS-GMR;
    - (ii) all due maintenance specified in the applicable maintenance programme, including the maintenance schedule, has been correctly recorded and certified for release to service;

- (iii) every airworthiness directive relevant to the aircraft type and its installed components has been assessed and certified as being ‘embodied’, ‘found embodied’, or ‘not applicable’, and if an airworthiness directive is repetitive, check that it is recorded in the repetitive section of the appropriate maintenance logbook;
- (iv) every defect recorded in the technical log has been rectified and the aircraft released to service or the defective instruments and equipment are recorded in the technical log, and placarded as inoperative if they are permitted to be inoperative under Part 91;
- (v) every applicable release to service has been completed and certified in accordance with Subpart 4;
- (vi) the recorded mass and balance data reflects any changes to the aircraft’s mass and balance and that the recorded mass and balance data is within the published mass and balance limitations for the aircraft;
- (vii) the flight manual, including every applicable supplement, is the current version for the aircraft in its existing state;
- (e) check that the overhaul and finite life of each life-limited component is recorded and is within the limits laid down in the applicable manufacturer’s documents and, if practicable, verify serial numbers by physical inspection; and
- (f) perform a general condition inspection of the aircraft.

(7) The requirements in subregulations (1)(a) and (2)(a) do not apply to an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

(8) The person performing the review of airworthiness must record any new defects identified during the review in the technical log and in the appropriate maintenance logbook.

### **Installation of new parts**

**43.03.6** (1) A person may not install a new part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of new parts and, subject to subregulations (2) and (3), has been certified under Part 21.

- (2) A certification referred to in subregulation (1) is not required where the -
  - (a) new part is a foreign-manufactured part that is certified pursuant to an agreement entered into with the Authority pursuant section 10(6)(h) of the Act, which agreement provides for the acceptance of export airworthiness certification;
  - (b) new part is a foreign-manufactured part that is obtained from a manufacturer holding a type design recognised by the Executive Director and the part is certified in accordance with the laws of the State of Manufacture;
  - (c) new part, whose accompanying documentation has been verified, has been inspected in accordance with the requirements of Document NAM-CATS-GMR;

- (d) certificate of airworthiness falls under the owner-maintenance or amateur-built classification; or
  - (e) part is made in accordance with Part 21.
- (3) A certification referred to in subregulation (1) is not required in respect of a new part that bears markings identifying it as a part specified in the type design and that -
- (a) is a standard part;
  - (b) is a commercial part; or
  - (c) is a part that was not originally designed and manufactured for aeronautical use, but has been approved for use on the aeronautical product in the type design.

#### **Installation of used parts**

**43.03.7** (1) A person may not install a used part on an aeronautical product, other than aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the part meets the standards of airworthiness that are applicable to the installation of used parts and are set out in Document NAM-CATS-GMR and the part to be installed -

- (a) is an airworthy part that has been removed from an aircraft for immediate installation on another aircraft;
  - (b) is an airworthy part that has undergone maintenance for which a maintenance release has been issued by the Executive Director; or
  - (c) has been inspected and tested to ensure that the part conforms to its type design and is in a safe condition, and a maintenance release has been signed to that effect by the Executive Director.
- (2) If, under the terms of a loan agreement or an air operator parts pooling agreement, a used part has been obtained from a source not subject to these regulations, the owner or operator of, or a person who is in charge of, the aircraft on which the part has been installed may not permit the part to remain in service for longer than 90 days, unless specifically authorised by the Executive Director on receipt of documentation demonstrating that the part conforms to the applicable type design.

#### **Installation and disposal of life-limited parts**

**43.03.8** (1) A person may not install a used life-limited part on an aeronautical product unless the part meets the standards of airworthiness set out in Document NAM-CATS-GMR, and -

- (a) the technical history of the part is available to show that the time in service authorised for that part in the type certificate governing the installation has not been exceeded; and
  - (b) the history referred to in paragraph (a) is incorporated into the technical record for the aeronautical product on which the part is installed.
- (2) A person may not install a used life-limited part in a place other than that from which it was removed unless the part is installed -

- (a) in the same or in an identical position on another aeronautical product bearing the same part number as that from which the part was removed; or
  - (b) in conformity with the requirements in respect of technical data that have been approved or the use of which has been approved by the manufacturer of the part.
- (3) When a life-limited part has reached the time in service authorised in its type design, the part must be rendered unusable and -
- (a) clearly identified as not airworthy and kept segregated from airworthy parts; or
  - (b) disposed of in such a way as to prevent misuse by any other person.

#### **SUBPART 4**

#### **CERTIFYING FOR CONFORMITY AFTER MAJOR MODIFICATIONS OR MAJOR REPAIRS**

##### **Applicability of Subpart**

**43.04.1** This Subpart prescribes regulations and rules governing the certification of an aircraft that is issued with a standard or restricted category airworthiness certificate under Subpart 8 of Part 21 for conformity with acceptable technical data following major modifications or major repairs.

##### **Persons to certify conformity**

**43.04.2** (1) A person may not certify that an aircraft or component conforms to acceptable technical data following a major modification or a major repair unless that person -

- (a) holds an authorisation issued by the holder of a maintenance organisation approval certificate, to certify conformity of the aircraft or component; or
- (b) is authorised by the manufacturer of the aircraft or component to certify conformity of the aircraft or component.

(2) Despite subregulation (1), a person may certify that a glider or glider component conforms to acceptable technical data following a major modification or a major repair if that person -

- (a) is authorised by a gliding organisation to certify conformity of gliders and glider components; and
- (b) has attended a course of instruction and passed an examination on the inspection of gliders and glider components that is acceptable to the Executive Director.

##### **Certifying requirements**

**43.04.3** Each person certifying conformity of an aircraft or aircraft component following a major modification or a major repair must, before certifying to that effect, ensure that the modification or repair conforms to the applicable technical data acceptable to, or approved by, the Executive Director.

**Certification**

**43.04.4** (1) Except as provided by subregulation (2), every person who certifies that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 following a major modification or a major repair, in addition to the entry referred to in regulation 43.03.1, must -

- (a) complete the necessary maintenance record in the logbook; and
- (b) process the certificate relating to the maintenance of the aircraft in the manner set out in Document NAM-CATS-GMR.

(2) The person certifying that an aircraft or aircraft component conforms to the applicable technical data required by regulation 43.04.3 must provide the holder of the certificate of registration for the aircraft with the copy of the completed record.

(3) Every person who certifies conformity must forward a copy of the completed record to the Executive Director, within seven days of the completion of the certification.

**SUBPART 5  
RELEASE TO SERVICE**

**Persons to certify release to service**

**43.05.1** (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless that person -

- (a) is the holder of an aircraft maintenance engineer licence with an appropriate rating;
- (b) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating, issued to certify maintenance within the scope of such approval;
- (c) is authorised by the Executive 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 an appropriate authority acceptable to the Executive Director, for the type of aircraft or aircraft component.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may certify maintenance which has been carried out in accordance with the conditions referred to in regulation 43.02.2(2).

**Requirements for certifying release to service**

**43.05.2** (1) A person may not certify an aircraft or aircraft component for release to service after maintenance unless -

- (a) such maintenance has been carried out in accordance with the provisions of this Part;
- (b) the person meets the requirements of regulation 43.05.1;

- (c) in respect of that maintenance, the aircraft or component is fit for release to service;
  - (d) if the aircraft has undergone maintenance that may have appreciably affected the flight characteristics or operation of the aircraft -
    - (i) a satisfactory operational flight check has been carried out and the completion of the flight check is recorded in the aircraft maintenance logbook or worksheet, and the technical log; or
    - (ii) ground tests, inspections, or both, show conclusively that the maintenance has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft and details of the ground tests and inspections, as the case may be, have been recorded in the aircraft maintenance logbook or worksheet; or
    - (iii) the release to service is for the purpose of performing the operational flight check required under subparagraph (i).
- (2) A person may not certify an aircraft or aircraft component for release to service after the performance of a major modification or a major repair unless -
- (a) the person meets the requirements of regulation 43.05.1;
  - (b) the major modification or major repair has been certified for conformity with acceptable technical data in accordance with Subpart 4;
  - (c) in respect of that major modification or major repair, the aircraft or component is fit for release to service; and
  - (d) if the acceptable technical data under paragraph (b) includes changes to the operating limitations or flight data in the flight manual, the changes have been incorporated into the flight manual.
- (3) The person responsible for certifying an aircraft for release to service under subregulation (1)(d)(iii) for the purpose of an operational flight check must record in the aircraft maintenance logbook or worksheet, and the technical log -
- (a) the following statement of release-to-service: *“In respect of the recorded work, the aircraft is released to service for an operational flight check only”*; and
  - (b) adjacent to the statement of release to service -
    - (i) the person’s name;
    - (ii) the person’s signature, except where the maintenance logbook or worksheet is in electronic format;
    - (iii) the person’s licence, approval or authorisation number; and
    - (iv) the date of entry.



**Validity of certificate of release to service**

**43.05.3** (1) A certificate of release to service for an aircraft may be validated by the Executive Director for -

- (a) a period not exceeding 12 months or 100 hours of flight time, whichever comes first; or
- (b) such other time as approved in the progressive inspection programme referred to in regulation 43.02.8.

(2) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a defect not affecting the primary structure, the validity of the certificate is restored when the defect has been rectified and the necessary certification has been made.

(3) If a certificate of airworthiness becomes invalid due to an aircraft sustaining a serious defect in an accident or incident that affects the serviceability of a Class I product, the certificate of release to service becomes invalidated as well.

**Certifying after inspection**

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

- (a) the statement as set out in Document NAM-CATS-GMR; and
- (b) his or her signature, licence or authorisation number and the date of the entry.

**Certifying after maintenance**

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

- (a) the statement set out in Document NAM-CATS-GMR; and
- (b) his or her name, signature, licence or authorisation number and the date of the entry.

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

**Discrepancies**

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

- (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 appear to be imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item “inoperative”; and
- (c) the date of entry, his or her name, signature, licence or authorisation number and the appropriate statement as set out in Document NAM-CATS-GMR, in the appropriate logbook or flight folio.

### **Flight manual data**

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

### **Duplicate inspection of controls**

**43.05.8** (1) A person may not certify an 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) the applicable requirements of this Subpart have been complied with;
- (b) a duplicate safety inspection of the control system of the aircraft or the component, as the case may be, has been carried out and functions correctly;
- (c) in respect of the maintenance that has been carried out, the control system is assembled correctly and every required locking mechanism is in place; and
- (d) the duplicate safety inspection is recorded and certified in the appropriate logbook or other maintenance record approved by the Executive Director.

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

- (a) an inspection by a person referred to in regulation 43.05.1 to certify the aircraft or component for release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is nominated by the person referred to in regulation 43.05.1, and has adequate training, knowledge and experience to carry out the safety inspection and who holds -
  - (i) a current appropriately rated aircraft maintenance engineer licence;
  - (ii) a current pilot licence with a rating on the aircraft type issued in accordance with Part 61 or Part 62;
  - (iii) a current authorisation issued by the holder of a maintenance organisation approval certificate issued in accordance with Part 145, to certify maintenance within the scope of such approval; or

- (iv) a current appropriate maintenance engineer licence or approval issued under the appropriate authority of an ICAO contracting State.

#### **Ground running checks: reciprocating engines**

**43.05.9** A person may not certify a reciprocating engine-powered aircraft for release to service after a mandatory inspection unless that 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 the maintenance record.

#### **Ground running checks: turbine engine**

**43.05.10** A person may not certify a turbine engine-powered aircraft for release to service after a mandatory inspection unless that 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;
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded -
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in the maintenance record approved by the Executive Director;
- (c) the engine parameters are recorded in accordance with the manufacturer's recommendations -
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in the maintenance record approved by the Executive Director.

#### **Flight folio completion**

**43.05.11** A person may not certify an aircraft or aircraft component for release to service in an aircraft flight folio unless -

- (a) each applicable section of the flight folio has been completed; and
- (b) the section where any rectification of deferred defects has been recorded.

### **Engine performance checks**

**43.05.12** A person may not certify an aircraft for release to service after the following maintenance activities:

- (a) a 100-hour or equivalent inspection carried out in accordance with the aircraft manufacturer's maintenance schedule;
- (b) an engine change;
- (c) a propeller change; or
- (d) any other form of maintenance, if the aircraft manufacturer recommends an engine performance check after the maintenance,

unless an engine performance check has been performed in accordance with the aircraft manufacturer's recommendations.

## **SUBPART 6 MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT**

### **Applicability of Subpart**

**43.06.1** This Subpart prescribes regulations that are additional to, or exceptions from, the requirements of Subparts 2 and 5 for the maintenance of an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

### **Performance of maintenance**

**43.06.2** A person performing maintenance in accordance with a maintenance programme, including the maintenance schedule required under regulation 43.02.1, on an aircraft that has a special category airworthiness certificate or a component fitted or intended to be fitted to an aircraft that has a special category airworthiness certificate must -

- (a) at the start of the maintenance programme, including the maintenance schedule, inspect the aircraft for any defect or configuration anomalies which would be unlikely to be detected by the inspections required under paragraph (b); and
- (b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme, including the maintenance schedule.

### **Recording of overhaul**

**43.06.3** (1) Despite the provisions of regulation 43.03.2, and subject to subregulation (2), a person may state in an appropriate maintenance document for an aircraft that has a special category airworthiness certificate that an airframe or engine, a propeller or component of the aircraft has been overhauled if it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested using methods and techniques documented by -

- (a) the aircraft or component manufacturer; or
- (b) a military authority to standards acceptable to the Executive Director.

(2) For an aircraft that has a special category-exhibition airworthiness certificate or a special category-limited airworthiness certificate, the methods and techniques required by subregulation (1) must be specified in the maintenance programme, including the maintenance schedule required under regulation 43.02.1.

### **Maintenance records**

**43.06.4** (1) Despite regulation 43.03.1(1)(k), a person performing maintenance on an aircraft that has a special category airworthiness certificate must, on completion of the maintenance, record the following references for any replacement part or component:

- (a) the origin of the part or component;
- (b) the source of the part or component;
- (c) documentation associated with the part or component; and
- (d) the history of the part or component,

in the appropriate logbook.”.

### **Insertion of Part 44 in Regulations**

7. The Regulations are amended by the insertion after Part 43 of the following Part:

## **“PART 44 AIRCRAFT: MAINTENANCE RULES: NON-TYPE CERTIFICATED AIRCRAFT**

### **LIST OF REGULATIONS**

#### **SUBPART 1: GENERAL**

- 44.01.1 Applicability
- 44.01.2 Falsification, reproduction or alteration of maintenance documents
- 44.01.3 Logbooks
- 44.01.4 Preservation of logbooks
- 44.01.5 Entries in logbooks
- 44.01.6 Entries of special significance
- 44.01.7 Maintenance of logbooks
- 44.01.8 Loss of logbooks

#### **SUBPART 2: MAINTANANCE**

- 44.02.1 Persons to carry out maintenance
- 44.02.2 Carrying out of maintenance
- 44.02.3 Rectification of unsatisfactory items
- 44.02.4 Annual inspections
- 44.02.5 Periodic and other inspections
- 44.02.6 Mandatory maintenance and inspections
- 44.02.7 Inspection requirements
- 44.02.8 Mass and balance

- 44.02.9 Modifications
- 44.02.10 Test flights
- 44.02.11 Overhaul, repair and substitution of major components
- 44.02.12 Temporary and permanent repairs after accidents or incidents
- 44.02.13 Aircraft compass requirements
- 44.02.14 Record keeping and audits

### **SUBPART 3: RELEASE TO SERVICE**

- 44.03.1 Release to service

### **SUBPART 4: ACCEPTED MAINTENANCE SCHEDULES**

- 44.04.1 Accepted maintenance schedule: private non-type certificated aircraft use
- 44.04.2 Accepted maintenance schedule: commercial non-type certificated aircraft use
- 44.04.3: Maintenance control manual

## **SUBPART 1 GENERAL**

### **Applicability**

- 44.01.1** (1) This Part applies to -
  - (a) the maintenance and the release to service after maintenance of -
    - (i) non -type certificated aircraft specified in regulation 24.01.1 and registered in Namibia;
    - (ii) aircraft components to be fitted to such aircraft;
    - (iii) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft; and
  - (b) the annual, periodic and mandatory inspection of the aircraft referred to in paragraph (a).
- (2) The provisions of regulations 44.01.3 to 44.01.7, inclusive, do not apply to non-type certified aircraft that have been exempted in terms of Part 94.

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

- 44.01.2** A person may not make or cause to be made -
  - (a) any fraudulent or false entry in any record which is required to be made, kept or used to show compliance with any requirements prescribed in this Part.
  - (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

### **Logbooks**

- 44.01.3** (1) Subject to the provisions of subregulation (2), the registered owner or operator of a Namibian registered non-type certificated aircraft or a contracted AMO must keep the following logbooks in respect of the aircraft and other specified equipment for the purpose of recording in that logbook the maintenance history of the equipment to which each relates:

- (a) a single approved aircraft logbook which may also be used as the engine, propeller and airframe logbook; or
- (b) an approved logbook for -
  - (i) the aircraft airframe;
  - (ii) the engine, one logbook per engine;
  - (iii) the propeller, one logbook per propeller, but in the case of a fixed pitch propeller, the airframe logbook may be used as the propeller logbook.
- (2) In the event that the current logbooks being used in respect of the aircraft are those specified in subregulation (1)(b), then the owner or operator of the aircraft must continue to use the same logbooks.
- (3) The owner or operator of an aircraft must -
  - (a) ensure that logbooks are not kept in the aircraft, except where regulation 44.01.4(3) applies; and
  - (b) keep logbooks, or ensure that logbooks are kept, in a safe place.
- (4) Every logbook that is to be kept and maintained in terms of these regulations must be made available to an authorised officer, inspector or authorised person at all times for inspection.
- (5) For an aircraft with an approved separate system as specified in its accepted maintenance schedule, the logbook must, for the purposes of component and major repair tracking, refer to that system and must meet the requirements specified in the technical standards for logbooks.
- (6) The format for logbooks must be as set out in Document NAM-CATS- MR-NTCA.

#### **Preservation of logbooks**

**44.01.4** (1) The owner or operator of an aircraft or a contracted AMO must preserve the logbooks required to be kept in accordance with regulation 44.01.3 for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept, but the Executive Director or the designated organisation, as the case may be, may specify a longer period in respect of the logbooks of an aircraft, its engine or propeller involved in an accident or incident.

- (2) A logbook must, preferably, not be carried in the aircraft to which it relates.
- (3) In the case where -
  - (a) the provisions of subregulation (4) apply; or
  - (b) a logbook is needed for maintenance purposes and no other means of forwarding such logbook is reasonably available,

the logbook may be carried in the relevant aircraft.

(4) When an aircraft is exported and the logbook is transported with the aircraft, the exporter or the responsible aviation maintenance organisation, as the case may be, must retain -

- (a) a copy of the last major overhaul and repairs performed; and
- (b) copies of the defects rectification for the last six months prior to export.

### **Entries in logbooks**

**44.01.5** (1) The following persons must make and sign for the entries in the logbooks required to be kept in accordance with regulation 43.01.3(1) -

- (a) the holder of an appropriately rated aircraft maintenance engineer licence;
- (b) a person holding a valid authorisation given by an organisation holding an AMO approval;
- (c) an appropriately rated approved person; or
- (d) a person approved for the purpose by the Executive Director.

(2) The pilot-in-command of an aircraft must enter into the logbook and sign for any matters that could not have come to the notice of the persons referred to in subregulation (1).

(3) Any person having possession of, custody of, or control over, any record kept for the purpose of compiling a logbook entry or where reference is made to a record system other than the logbook, must produce the record when called upon to do so in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) If a correction is made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(6) The use of a correction method or any other method which could obscure the original entry is prohibited

### **Entries of special significance**

**44.01.6** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of -

- (a) damage caused by a forced or hard landing; or
- (b) defects that occasioned a forced or hard landing,

the entry or entries made in the relevant logbook or logbooks in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

### **Maintenance of logbooks**

**44.01.7** The owner or operator of an aircraft or a contracted AMO must keep up to date and maintain in a legible and permanent manner and in accordance with the -



- (a) “Instructions for use” in the logbook; and
- (b) standards set out in Document NAM-CATS-MR-NTCA,

the logbooks referred to in regulation 44.01.3.

### **Loss of logbooks**

**44.01.8** If a logbook that is currently in use for an aircraft is lost, the registered owner of the aircraft must -

- (a) forthwith report the loss to the Executive Director or the designated organisation, as the case may be; and
- (b) make a written request to the Executive Director or the designated organisation, as the case may be, to open a substitute logbook and the request must be accompanied by an affidavit which includes -
  - (i) information on the last available logbook entries as signed by -
    - (aa) the holder of an appropriately rated aircraft maintenance engineer licence;
    - (bb) a person holding a valid authorisation given by an organisation holding an AMO approval; or
    - (cc) a person approved for the purpose by the Executive Director;
  - (ii) details of the circumstances of the loss; and
  - (iii) the appropriate data for the purpose of reconstructing the logbook.

(2) If the Executive Director or the designated organisation, as the case may be, approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is set out in NAM-CATS-MR-NTCA.

(4) If a logbook has been lost, the authority to fly relating to the aircraft is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

## **SUBPART 2 MAINTENANCE**

### **Persons to carry out maintenance**

**44.02.1** (1) A person may not carry out maintenance on an amateur built aircraft or a production-built non-type certificated aircraft or any component of that aircraft, unless that person -

- (a) is appropriately rated and approved on type by the Executive Director or the designated organisation, as the case may be, to carry out maintenance;

- (b) carries out the maintenance under the supervision of a person authorised by the Executive Director or by the designated organisation, in which case the person referred to in paragraph (a) must perform a dual check of the maintenance carried out;
- (c) is the owner of the aircraft provided that an appropriately rated AMO, AME or approved person performs a dual check on the maintenance which was carried out by the owner;
- (d) is -
  - (i) the holder of an appropriately rated aircraft maintenance engineer licence;
  - (ii) a person holding a valid authorisation given by an organisation holding an AMO approval;
  - (iii) an appropriately rated approved person.

(2) A component or a part intended to be used on non-type certificated aircraft may be fabricated by a person or organisation not licensed or approved in terms of Part 66 or Part 145.

(3) The owner or operator of the aircraft referred to in subregulation (2) must provide the Executive Director or the designated organisation designated, as the case may be, with evidence that the component or part meets the minimum specification for the component or part as specified by the Original Equipment Manufacturer.

(4) An appropriately rated person referred to in subregulation (1)(d) must sign off the component or part referred to in subregulation (3) in the appropriate logbook.

### **Carrying out of maintenance**

**44.02.2** (1) Any person who carries out maintenance on an aircraft or an aircraft component must -

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component;
- (b) use methods, techniques and practices which are -
  - (i) specified in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;
  - (ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;
  - (iii) in accordance with Document NAM-CATS-MR-NTCA; or
  - (iv) equivalent to the methods, techniques, and practices that are approved by the State of Design and acceptable to the Executive 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 Executive Director;
- (d) use the tools, equipment, and test equipment necessary to ensure completion of the work in accordance with paragraph (b);
- (e) use the test equipment recommended by the manufacturer or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition;
- (f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director;
- (g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement;
- (h) 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
- (i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission.

(2) A person who carries out maintenance on an aircraft or an aircraft component may not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or component for -

- (a) a period of at least 12 consecutive hours in the 24-hour period immediately before the maintenance is performed; and
- (b) at least 24 consecutive hours during any seven consecutive days' period.

(3) Despite subregulation (2), a person who carries out maintenance on an aircraft or an aircraft component may in situations involving unscheduled aircraft unserviceability, perform maintenance functions for aircraft and continue to be on duty for -

- (a) up to 16 consecutive hours; or
- (b) 20 hours in 24 consecutive hours,

but must have a mandatory rest period of 10 hours following the unscheduled duty periods.

(4) If maintenance is carried out on an aircraft operated under an operating certificate, the person who carries out maintenance on the aircraft or aircraft component must carry

out such maintenance in accordance with the operator's approved maintenance schedule whose format and requirements must be as set out in Document NAM-CATS-MR - NTCA.

(5) For an aircraft on lease, the operator of the aircraft must provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance control manual acceptable to the Executive Director.

(6) For an aircraft on lease, the operator must provide the Executive Director with a copy of the operator's maintenance control manual, together with all amendments or revisions to it and must incorporate in it such mandatory material as the Executive Director may require.

#### **Rectification of unsatisfactory items**

**44.02.3** (1) If during any maintenance or at any other time any part, product, component, equipment or item is -

- (a) found to be unserviceable; or
- (b) unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection,

the person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must take such rectification action as considered necessary to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) The person who is carrying out the maintenance on an aircraft or an aircraft component, equipment or item must -

- (a) transfer any deferred defects from the flight folio onto a work sheet; and
- (b) ensure that any maintenance carried out to restore the serviceability of any part, component, equipment or item is -
  - (i) clearly recorded in the relevant logbook or other approved recording system; and
  - (ii) certified by an appropriately rated licence holder or an AMO approval holder prior to releasing the aircraft to service.

(3) The person who certifies an entry as required by subregulation (2)(b)(ii) must further certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

(4) In the case where an unsatisfactory item cannot be rectified -

- (a) an approved aircraft maintenance organisation, appropriately rated in accordance with Part 145;
- (b) an appropriately rated aircraft maintenance engineer; or
- (c) a person approved by the Executive Director for that purpose,

must make an entry into the relevant logbook, stating any limits to the serviceability of the aircraft.

## Annual inspections

**44.02.4** (1) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2) (a) to (g) must ensure that the aircraft undergoes an annual inspection no later than 12 months since the previous annual inspection or an inspection equivalent to an annual inspection, was carried out.

(2) The items to be inspected as part of an annual inspection are those listed in Document NAM-CATS-MR-NTCA for the particular type of aircraft, and must be incorporated in the approved maintenance schedule for the aircraft.

(3) The person by whom, or under whose required supervision, the annual inspection was carried out must record the annual inspection in the aircraft logbook and certify that he or she or it has carried out the annual inspection.

(4) The owner or operator of the aircraft in respect of which an annual inspection is carried in terms of this regulation must, within 30 days from the day that the annual inspection is completed -

- (a) complete the annual inspection form or ensure that the annual inspection form is completed as set out in Document NAM-CATS-MR-NTCA; and
- (b) forward the completed form referred to in paragraph (a), together with the fee prescribed in Part 187, to the Executive Director or the designated organisation, as the case may be.

(5) An appropriately rated approved person who may not be the owner or operator of the aircraft, even if the owner or operator is also an appropriately rated approved person, must carry out the inspection referred to in regulation 24.03.2(5)(d) -

- (a) prior to the issue of a proving flight authority; and
- (b) prior to the issue or re-issuing of an authority to fly,

of an amateur-built or production-built aircraft.

## Periodic and other inspections

**44.02.5** (1) In addition to the annual inspection referred to in regulation 44.02.4, the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act, on his or her own accord or on request by a designated organisation, direct that additional periodic inspections be carried out in respect of a non-type certificated aircraft depending on the type of aircraft and its intended use.

(2) A schedule, reflecting the periodic inspections required in terms of subregulation (1), must be incorporated into the accepted maintenance schedule referred to in regulation 44.04.1 or regulation 44.04.2, as applicable.

(3) In addition to the periodic inspections referred to in subregulation (1), the Executive Director may, by way of an airworthiness directive issued under section 38(3) of the Act on his or her own accord or on request by a designated organisation, direct that any additional inspection be carried out in respect of a non-type certificated aircraft if considered necessary in the interest of safety.

## **Mandatory maintenance and inspections**

**44.02.6** Every special inspection and modification directed by the Executive Director on his or her own accord or on request by the designated organisation, to detect and correct an unsafe condition of a non-type certificated aircraft must be considered as mandatory.

## **Inspection requirements**

**44.02.7** (1) Any person who carries out an inspection must -

- (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 24; and
- (b) if carrying out an annual inspection or mandatory or periodic inspection, use a checklist, which includes the scope and detail of the tests and inspections, set out in Document NAM-CATS-MR-NTCA.

(2) Any person performing an inspection required on a rotorcraft must inspect the following systems in accordance with the maintenance manual or instructions for continued airworthiness of the manufacturer concerned:

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;
- (c) the main rotor and centre section (or the equivalent area); and
- (d) the tail rotor of the helicopter.

## **Mass and balance**

**44.02.8** (1) Except with the written permission of the Executive Director or designated organisation, as the case may be, a person may not operate any Namibian registered aircraft unless the aircraft's -

- (a) current empty mass has been established by means of a mass meter;
- (b) centre of gravity has been computed,

within the preceding five years as specified in Document NAM-CATS-MR-NTCA.

(2) The empty mass and centre of gravity of an aircraft, which must be determined in accordance with subregulation (4), must be determined before any authority to fly or proving flight authority is issued by the Executive Director or the designated organisation, as the case may be.

(3) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be altered accordingly.

(4) An aircraft's empty mass must be established by means of -

- (a) computation; or
- (b) a mass meter by an appropriately approved aircraft maintenance organisation or a person authorised to do so by the Executive Director,

after which the aircraft's new centre of gravity must be computed.

(5) Only an appropriately rated AMO, AME or approved person may sign for the mass and centre of gravity data which must be in the appropriate form set out Document NAM-CATS-MR-NTCA.

(6) The person who was responsible for establishing the mass and the computing of the centre of gravity of the aircraft must make an appropriate entry in the airframe logbook of the aircraft concerned.

### **Modifications and repairs**

**44.02.9** (1) A person may not carry out any modifications or repairs, including changes to equipment or the installation of the equipment which affect, or are likely to affect, the -

- (a) serviceability of the aircraft; or
- (b) safety of its occupants or any other persons or property,

other than in compliance with the provisions of this Part.

(2) In the case of -

- (a) a minor modification or repair to -
  - (i) an amateur built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, once the modification or repair has been performed;
  - (ii) a production built aircraft, a notification of the modification or repair must be submitted to the Executive Director or the designated organisation, as the case may be, within 30 days of the modification or repair being performed, and all subsequent modifications or repairs must be treated as an amendment to the build standard;
- (b) a major modification or a major repair to amateur built or production built aircraft, an application for the approval of the modification or repair and authority to fly, as set out in Document NAM-CATS- MR-NTCA, must be submitted to the Executive Director or the designated organisation , as the case may be, before the modification or repair is performed.

(3) The application referred to in subregulation (2)(b) must be accompanied by the appropriate fee as prescribed in Part 187.

(4) The person who carries out modifications or repairs to an aircraft must enter or cause to be entered all approved modifications or repairs into the appropriate logbook.

(5) An appropriately rated AMO, AME or approved person must sign in the appropriate logbook that all procedures, as stated in the application for modification or repair, were adhered to and that he or she is satisfied with the quality of the work which was carried out.

### **Test flights**

**44.02.10** (1) After any major modification or major repair to an aircraft which may affect the flight characteristics, serviceability or safety, test flights, if required by the Executive

Director or the designated organisation, as the case may be, must be carried out in the aircraft under such conditions and in the manner as set out in Document NAM-CATS-MR-NTCA.

(2) No person, other than essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board an aircraft undergoing a test flight.

#### **Overhaul, repair and substitution of major components**

**44.02.11** (1) The owner or operator of an aircraft or a contracted AMO must ensure that the overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine or propeller is undertaken and signed out for by an appropriately rated AMO, AME or approved person.

(2) The procedure for the reissuing of a proving flight authority or authority to fly that is deemed to be suspended when an aircraft is involved in an accident that renders one or more Class I products defective is set out in Document NAM-CATS -MR-NTCA.

(3) Where the manufacturer's instruction or recommendation for the frequency of overhaul of an aircraft's components or equipment has not been complied with, such components or equipment must be overhauled as and when their condition show that it is necessary to keep the aircraft serviceable.

(4) In the case of an aircraft operated in terms of Part 94, a component or part may be fitted to an aircraft for which traceable records are not available, except that it is the responsibility of the appropriately rated AMO, AME or approved person to ensure that the component or part is acceptable in fit, form and function.

(5) Despite the provisions of subregulation (3), the following provisions apply in respect of a non-type certificated aircraft operated under Part 96 or Part 141:

(a) where -

(i) the Executive Director or the designated organisation, as the case may be, has approved a time between overhauls that differs from that recommended or specified by the manufacturer, such time between overhauls must be specified in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2; and -

(ii) a manufacturer has not recommended or specified the overhaul of an aircraft or a component of that aircraft at certain times but where the Executive Director or the designated organisation, as the case may be, considers its overhaul at certain intervals necessary in the interest of safety, the Executive Director or the designated organisation, as the case may be, may determine a time between overhauls for such aircraft or component in the aircraft's accepted maintenance schedule referred to in regulation 44.04.2;

(b) the requirements for the substitution of products, components and parts with new or overhauled items are those set out in Document NAM-CATS-AR-NTCA; and

(c) a part for which traceable records are not available may not be fitted to an aircraft, and it is the responsibility of the appropriately rated AMO, AME or approved person to -



- (i) ensure that any part received comes from a reliable source and is serviceable;
- (ii) ensure that the storage limitations have not been exceeded; and
- (iii) sign for and certify the substitution of parts.

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

**44.02.12** (1) Any repair to an aircraft or aircraft component which has been damaged after an accident, must be carried out in accordance with the requirements set out in Document NAM-CATS- MR-NTCA.

(2) Where an aircraft that has been involved in an accident that causes the damage contemplated in paragraph (b) of the definition of “accident” contained in section 1 of the Act has undergone permanent repairs, that aircraft must meet the requirements for the initial authority to fly after the repairs.

#### **Aircraft compass requirements**

**44.02.13** (1) Any compass fitted to a non-type certificated aircraft must be swung and maintained in accordance with the requirements set out in Document NAM-CATS- MR-NTCA.

(2) Despite subregulation (1), alternate means of direction indication may be installed in non-type certificated aircraft in accordance with regulation 44.02.9.

(3) Maintenance for all direction indication equipment must be carried out initially and thereafter every five years and in the event of an equipment modification which could affect it as set out in Document NAM-CATS- MR-NTCA.

#### **Record keeping and audits**

**44.02.14** (1) Unless specifically exempted in terms of Part 94, the owner of a non-type certificated aircraft classified in regulation 24.01.01(2)(a) to (g) must maintain accurate maintenance records in accordance with subregulation (3) and the standards set out in Document NAM-CATS-MR-NTCA.

(2) The Executive Director or the designated organisation, as the case may be, or an authorised officer, inspector or authorised person may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner must allow unrestricted access for purposes of such audits.

(3) A person who carries out maintenance on a non-type certificated aircraft or aircraft component must, on completion of the maintenance record, record all details as specified in Document NAM-CATS-MR-NTCA.

### **SUBPART 3 RELEASE TO SERVICE**

#### **Release to service**

**44.03.1** (1) The release to service for an aircraft must be issued subject to the compliance with the accepted maintenance schedule as prescribed in Subpart 4.

(2) In the case of a non-type certificated aircraft operated in terms of -

- (a) Part 94, the release to service must be confirmed by the aircraft owner following simple line maintenance or the annual inspection; and
  - (b) Part 96 or Part 141, the release to service must be issued by an appropriately rated AMO, AME or approved person.
- (3) The format for the issuing of the release to service must be that set out in Document NAM-CATS- MR-NTCA or determined by the Executive Director.

#### **SUBPART 4**

#### **ACCEPTED MAINTENANCE SCHEDULES**

##### **Accepted maintenance schedule: private non-type certificated aircraft**

**44.04.1** (1) The owner or operator of a non-type certificated aircraft for which a authority to fly is required in terms of these regulations must submit to the Executive Director or the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS-MR-NTCA, for the aircraft.

(2) The owner or operator of a non-type certificated aircraft specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j) must ensure that the aircraft is maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(4) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

##### **Accepted maintenance schedule: commercial non-type certificated aircraft use**

**44.04.2** (1) The owner or operator of a non-type certificated aircraft for which an authority to fly is required in terms of these regulations must submit to the Executive Director or the designated organisation, as the case may be, for acceptance a maintenance schedule or document similar to the one set out in Document NAM-CATS- MR-NTCA, for the aircraft.

(2) The owner or operator of a non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in regulation 24.01.1(2)(a) to (j), must ensure that the aircraft is maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) If the aircraft is operated under Part 96, the accepted maintenance schedule, referred to in subregulation (1) must -

- (a) specify the ratings of an appropriately rated AMO, AME or approved person who may carry out maintenance of the aircraft;
- (b) specify any special conditions under which maintenance must be carried out; and
- (c) be in the format set out in Document NAM-CATS- MR-NTCA or determined by the Executive Director.

(4) Any non-type certificated aircraft, other than those referred to in subregulation (2), must be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(5) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines in relation to a non-type certificated aircraft, those instructions or guidelines must be adhered to.

#### **Maintenance control manual**

**44.04.3** Where an owner or operator is required in terms of Part 96 to maintain an operations manual, both the owner and the operator must include a maintenance control manual in the format as set out in Document NAM-CATS-MR-NTCA.”.

8. The Regulations are amended by the substitution for Part 47 of the following Part:

### **“PART 47 AIRCRAFT: REGISTRATION AND MARKING OF AIRCRAFT**

#### **LIST OF REGULATIONS**

#### **SUBPART 1: REQUIREMENTS FOR REGISTRATION AND MARKING**

- 47.01.1 Applicability
- 47.01.2 Requirement for aircraft registration
- 47.01.3 Requirement for aircraft marking
- 47.01.4 Nationality and registration marks of aircraft

#### **SUBPART 2: REGISTRATION OF AIRCRAFT**

- 47.02.1 Application for registration
- 47.02.2 Registration and issue of certificate
- 47.02.3 Duties of holder of certificate
- 47.02.4 Application for amendment of certificate
- 47.02.5 Duplicate certificate

#### **SUBPART 3: TRANSFER OF POSSESSION AND DE-REGISTRATION OF AIRCRAFT**

- 47.03.1 Notification of transfer of right of possession of aircraft
- 47.03.2 Application for certificate of de-registration
- 47.03.3 Revocation of registration and de-registration of aircraft
- 47.03.4 Duration of certificate of registration

#### **SUBPART 4: NAMIBIA REGISTER OF AIRCRAFT**

- 47.04.1 Namibia Register of Aircraft
- 47.04.2 Notice of error in information in aircraft register
- 47.04.3 Reservation of registration mark
- 47.04.4 Identifiable paint schemes and markings
- 47.04.5 Change of identifiable paint scheme and markings
- 47.04.6 Destruction, loss, theft, withdrawal from use or foreign registration of aircraft
- 47.04.7 Currency of information in certificate
- 47.04.8 Registration of identifiable paint scheme and markings
- 47.04.9 Change of registration mark
- 47.04.10 Marks to be on foreign registered aircraft in Namibian territory

**SUBPART 1**  
**REQUIREMENTS FOR REGISTRATION AND MARKING**

**Applicability**

- 47.01.1** This Part applies to -
- (a) the registration of aircraft used in Namibia;
  - (b) the allocation of nationality, registration and marks for new aircraft to be registered in Namibia; and
  - (c) the display of marks on aircraft registered in Namibia.
- (2) This Part does not apply to any -
- (a) hang-glider;
  - (b) paraglider;
  - (c) unmanned free balloon;
  - (d) captive balloon;
  - (e) kite;
  - (f) model aircraft;
  - (g) foreign registered aircraft;
  - (h) parachute;
  - (i) powered paraglider; and
  - (j) remotely piloted aircraft.

**Requirement for aircraft registration**

**47.01.2** (1) Every person lawfully entitled to the possession of an aircraft must, if the aircraft flies into, from, within or over Namibian territory, hold a valid certificate of registration for such aircraft issued by any one of the following:

- (a) the Executive Director, where the aircraft, whether a production built or an amateur built aircraft, is to be registered in Namibia; or
- (b) in the case of any aircraft which is not intended to be registered in Namibia either -
  - (i) the appropriate authority of another contracting State of ICAO; or
  - (ii) the appropriate authority of a State which is not a member State of ICAO, but which is party to an agreement with the Government of Namibia providing for the acceptance by Namibia of the aircraft registrations of that State.

(2) The Executive Director may not register an aircraft that holds a current registration in any other State.

### **Requirement for aircraft marking**

**47.01.3** (1) The Executive Director is responsible for the allocation of nationality and registration marks to be displayed on Namibian registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.02.2(1), the Executive Director may -

- (a) if the aircraft was previously registered in Namibia, allocate the same registration marks as were originally borne by such aircraft, if the registration marks are still available; or
- (b) allocate special registration marks as requested by the applicant, if the requested marks are available,

so long as the application for registration is -

- (i) made in the appropriate form set out in NAM-CATS-ARM; and
- (ii) accompanied by the appropriate fee as prescribed in Part 187.

(3) A person may not use a Namibian registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with specifications set out in Document NAM-CATS-ARM.

(4) A person may not place on any Namibian registered aircraft any mark or symbol which modifies the registration mark allocated or which has, in the opinion of the Executive Director -

- (a) the potential to confuse or mislead as to the character, nationality, apparent intended use or other status of the aircraft; or
- (b) is otherwise in conflict with the intent of the marking required to be displayed in accordance with the specifications referred to in subregulation (3).

(5) A police mark for display on a Namibian registered aircraft must, in addition to any other required marking, comprise the word POLICE followed by a number allocated by the Executive Director.

### **Nationality and registration marks of aircraft**

**47.01.4** (1) An aircraft registered on the Namibian register becomes a Namibian registered aircraft and is deemed to have Namibian nationality.

(2) The nationality mark of a Namibian registered aircraft is denoted by the capital letter and number V5.

- (3) The registration mark of a Namibian registered aircraft -
  - (a) is allocated to the aircraft by the Executive Director; and

- (b) comprises a group consisting of three letters appearing after and separated from the nationality mark by a hyphen.

(4) The three letter registration mark referred to in subregulation (3)(b) must exclude the following combinations that might be confused with five-letters used in the International Code of Signals:

- (a) combination with the first letter Q reserved for Q-Code in aviation language;
- (b) combination with SOS used for distress signal;
- (c) combination with XXX used for urgency signal;
- (d) combination with PAN used for urgency signal; or
- (e) combination with TTT used for urgency signal.

## **SUBPART 2 REGISTRATION OF AIRCRAFT**

### **Application for registration**

**47.02.1** (1) An application for the registration of an aircraft and the issue of a certificate of registration must be made to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM.

(2) If an application referred to in subregulation (1) is in respect 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 in terms of Part 21, it must be accompanied by -

- (a) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or
- (b) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (c) the original of -
  - (i) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or
  - (ii) the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (d) an export airworthiness approval -
  - (i) from the appropriate authority of the State in which the aircraft is registered; or
  - (ii) in the case of a new aircraft or an aeronautical product, by an exporter of the aircraft or aeronautical product in the State of the Manufacturer;

- (e) confirmation that a type acceptance certificate has been issued by the Executive Director; and
  - (f) proof of compliance with the provisions of the Value Added Tax Act, 2000 (Act No. 10 of 2000) (Value Added Tax Act) and the Customs and Excise Act, 1998 (Act No. 20 of 1998) (Customs and Excise Act), as the case may be, as specified in Document NAM-CATS-ARM.
- (3) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft which is imported into Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -
- (a) in the case of a production-built aircraft, it must be accompanied by -
    - (i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or
    - (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
    - (iii) a copy of the certificate of conformity issued by the manufacturer;
    - (iv) the original of -
      - (aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
      - (bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;
    - (v) confirmation that a certificate of acceptance for the non-type certificated aircraft has been issued by the Executive Director; and
    - (vi) proof of compliance with the provisions of the Value Added Tax Act and Customs and Excise Act, as specified in the Document NAM-CATS-ARM;
  - (b) in the case of an amateur-built aircraft, it must be accompanied by -
    - (i) a certificate or notification of revocation or de-registration from the appropriate authority of the State or territory in which the aircraft was last registered; or
    - (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
    - (iii) the original of -

- (aa) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
- (bb) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (d) proof of compliance with the provisions of the Value added Tax Act and the Customs and Excise Act as specified in the Document NAM-CATS-ARM.

(4) If an application referred to in subregulation (1) is in respect of a type certificated or a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 21 or Part 24, it must be accompanied by -

- (a) a copy of the certificate of conformity issued by the manufacturer; and
- (b) a copy of the type certificate issued by the Executive Director.

(5) If an application referred to in subregulation (1) is in respect of a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered on the register in terms of Part 24 -

- (a) in the case of a production-built aircraft, it must be accompanied by -
  - (i) a copy of the certificate of conformity issued by the manufacturer; and
  - (ii) confirmation that a certificate of acceptance of the non-type certificated aircraft has been issued by the Executive Director;
- (b) in the case of an amateur-built aircraft derived from an approved kit, it must be accompanied by -
  - (i) a copy of the certificate of conformity issued by the manufacturer; and
  - (ii) confirmation that a certificate of acceptance of non-type certificated aircraft has been issued by the Executive Director;
- (c) in the case of an amateur-built aircraft derived from approved plans, it must be accompanied by notification of authorisation for registration issued by the Executive Director.

(6) If an application referred to in subregulation (1) is in respect of a veteran aircraft or an ex-military aircraft that has to be registered in Namibia for the first time or returns to Namibia and has to be re-registered in terms of Part 24, it must be accompanied by -

- (a) an aircraft individual or group type certificate, as the case maybe, issued by the appropriate authority of the State of Design;



- (b) an export certificate of airworthiness issued by the appropriate authority of the last State of Registry;
  - (c) a copy of the certificate of airworthiness depicting the operational limitations and authorised categories of operations issued by the appropriate authority of the last State of Registry;
  - (d) an airframe logbook, a powerplant logbook and a propeller logbook indicating the operational and maintenance history maintenance history of the aircraft or equivalent document, from the last owner or operator of the aircraft;
  - (e) an aircraft technical status report;
  - (f) information and documentation showing that all required airworthiness directives have been complied with, including required operational service bulletins for the aircraft, powerplant and propeller; and
  - (g) the designation type data plates from the manufacturer, for the airframe, powerplant and propeller.
- (7) In addition to the requirements of subregulation (6), the aircraft in relation to which the application is made must meet the following requirements:
- (a) the instruments and avionics of the aircraft must meet regulatory requirements contained in Part 91, 121, 127, 133, 135 or 137, depending on the intended use of the aircraft;
  - (b) in case of an ex-military aircraft, it must be inspected by an authorised officer, inspector or authorised person and be issued with a conformity statement allowing it entry into Namibia; and
  - (c) the importation of an ex-military aircraft should be accepted by the Executive Director by the issuance of the letter of no objection for the importation of such an aircraft.
- (8) In case the aircraft is to be registered in the name of -
- (a) an individual, the application must be accompanied by proof of his or her identity;
  - (b) a company, the application must be accompanied by -
    - (i) proof of registration of the company with the Registrar of Companies in terms of the Companies Act, 2004 (Act No. 28 of 2004) (Companies Act);
    - (ii) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act;
    - (iii) proof of identity of the director authorised to act on behalf of the applicant; and
    - (iv) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;

- (c) a close corporation, the application must be accompanied by -
  - (i) a certified true copy of its founding statement approved by the Registrar of Close Corporations in terms of the Close Corporation Act, 1988 (Act No. 28 of 1988) (Close Corporation Act);
  - (ii) proof of identity of the member authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM;
- (d) a trust, the application must be accompanied by a certified true copy of -
  - (i) the trust instrument issued by the Master of the High Court of Namibia; or
  - (ii) the appropriate letter of appointment; and
  - (iii) proof of identity of the trustee authorised to act on behalf of the applicant; and
  - (iv) the authorising resolution concerned in the appropriate form set out in Document NAM-CATS-ARM;
- (e) any other applicant, the application must be accompanied by -
  - (i) a certified true copy of any other founding documents;
  - (ii) proof of identity of the person authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate form set out in Document NAM-CATS-ARM.

(9) Each application made under this regulation must be accompanied by the appropriate fee as prescribed in Part 187.

(10) Any application seeking exemption from compliance with the prescribed requirements must comply with Subpart 3 of Part 3.

### **Registration and issue of certificate**

**47.02.2** (1) The Executive Director must grant an application made under regulation 47.02.1, register the aircraft and issue a certificate of registration to the applicant if -

- (a) the documentation, record entries and other administrative steps necessary to issue a registration certificate have been completed; and
- (b) any investigation considered by the Executive Director necessary to determine the applicant's ability to meet the requirements specified in this Part have been completed satisfactorily, and -
  - (i) in the case of an individual, the applicant is a lawful resident of Namibia;

- (ii) in the case of a juristic person, the applicant is registered and has its principal place of business in Namibia; and
    - (iii) the aircraft is not registered in any other State or territory; and
  - (c) the granting of the certificate is not contrary to the interest of aviation safety.
- (2) Registration of an aircraft and the issuing of a certificate of registration under this Part does not confer or imply ownership of the aircraft.
- (3) The Executive Director must issue a certificate of registration on the appropriate form set out in Document NAM-CATS-ARM.
- (4) If the Executive Director grants an application and issues a certificate of registration in accordance with subregulation (1), the Executive Director must enter or cause to be entered in the aircraft register -
- (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 date on which the aircraft was registered on the aircraft register for the first time;
  - (d) the date on which the aircraft was registered in the name of the holder;
  - (e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;
  - (f) the nationality and registration marks of the aircraft;
  - (g) the airworthiness category of the aircraft;
  - (h) the date of registration; and
  - (i) if applicable, the description of the identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5.
- (5) A certificate of registration issued under subregulation (1) for an aircraft that in accordance with Part 21 has, or is to be issued with, a restricted airworthiness certificate must be accompanied by a standard or restricted category type certificate or type acceptance certificate that has been issued for the aircraft type by the Executive Director or by the State of Design.

#### **Duties of holder of certificate**

**47.02.3** The holder of a certificate of registration must -

- (a) keep the original certificate of registration 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) carry a certified true copy of the certificate of registration in the aircraft at all times;

- (c) on an annual basis, confirm to the Executive Director in the appropriate form set out in Document NAM-CATS-ARM -
  - (i) that he, she or it is still the owner of the aircraft; and
  - (ii) his, her or its postal and physical address.

#### **Application for amendment of certificate**

**47.02.4** (1) If the holder of a certificate of registration desires to amend -

- (a) the name in which the certificate of registration was issued;
- (b) the address on the certificate of registration; or
- (c) any other information contained in the certificate,

such holder must apply to the Executive Director for such amendment.

(2) An application under subregulation (1) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM ; and
- (b) accompanied by -
  - (i) if the aircraft is registered in the name of a company and the name of the company is changed, a certified true copy of the certificate of change of name of the company, approved by the Registrar of Companies in terms of the Companies Act;
  - (ii) if the aircraft is registered in the name of a close corporation and the name of that close corporation is changed, a certified true copy of the amended founding statement of the close corporation, approved by the Registrar of Close Corporations in terms of the Close Corporations Act; and
  - (iii) the appropriate fee as prescribed in Part 187.

(3) If a bank or other financier registers a mortgage over an aircraft, the holder of a certificate of registration for such a mortgaged aircraft may simultaneously apply for an amendment of such certificate in order to have the said certificate endorsed with the details of mortgage, mortgagee, mortgagor and date of registration of the mortgage.

(4) An application for amendment referred to in subregulation (3) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM ; and
- (b) accompanied by -
  - (i) a certified excerpt from the Deeds Registry indicating registration of the said mortgage; and
  - (ii) the appropriate fee for the amendment by endorsement of a certificate of registration as prescribed in Part 187.

(5) The Executive Director must issue the amended certificate in the appropriate form set out in Document NAM-CATS-ARM.

#### **Duplicate certificate**

**47.02.5** (1) If a certificate of registration is lost, stolen, damaged or destroyed or so damaged that particulars are no longer clearly legible, the holder of the certificate 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 Executive Director for the issue of a duplicate of the certificate of registration.

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

- (a) made in the appropriate form set out in Document NAM-CATS -ARM;
- (b) accompanied, where applicable, by the damaged certificate; and
- (c) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate of registration is issued on the appropriate form set out in Document NAM-CATS-ARM.

### **SUBPART 3**

#### **TRANSFER OF POSSESSION AND DE-REGISTRATION OF AIRCRAFT**

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

**47.03.1** (1) If -

- (a) the holder of a certificate of registration -
  - (i) transfers to another person the right of possession of the aircraft specified in the certificate; or
  - (ii) ceases to have lawful entitlement to possession of the registered aircraft for a period of 28 days or longer; or
- (b) a certificate of registration in respect of an aircraft becomes invalid for whatever reason on the date the certificate holder ceases to have lawful entitlement to possession of the aircraft,

that holder must, within 14 days from the date of transfer of possession, ceasing to have possession of the aircraft or the certificate becoming invalid, as the case may be, notify the Executive Director of the transfer, ceasing to have possession of the aircraft or invalidation by applying for the revocation of the certificate of registration in the appropriate form set out in Document NAM-CATS ARM.

(2) An application referred to in subregulation (1) must be accompanied by the appropriate fee prescribed in Part 187.

(3) If the holder in whose name the aircraft is registered -

- (a) is an individual and has died, and an executor has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965) (Administration of Estates Act);

- (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) (Insolvency Act); or
  - (c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, the application referred to in subregulation (1) must be accompanied by a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be.
- (4) The person to whom the ownership or possession of an aircraft has been transferred to in accordance with subregulation (1) must -
- (a) complete the appropriate form set out in Document NAM-CATS-ARM and submit the form to the Executive Director within 14 days after the date of the transfer; and
  - (b) apply for the registration of the aircraft in his or her or its name in accordance with subregulation (5).
- (5) An application referred to in subregulation (4), must be -
- (a) made in terms of regulation 47.02.1 within 30 days from the date of transfer; and
  - (b) accompanied by the appropriate fee prescribed in Part 187.
- (6) A certificate of registration becomes invalid from the twenty- eighth day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.
- (7) From the date on which a certificate of registration has become invalid in terms of subregulation (6), a person may not 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 Executive Director.
- (8) From the date on which a certificate of registration becomes invalid in terms of subregulation (6), the Executive Director may prohibit any further flight or operation of such aircraft by way of written notification to the Head of Air Navigation Services as well as the person to whom the right of possession has been transferred.
- (9) A prohibition imposed under subregulation (8) is effective as from the date of the said notification and may not be withdrawn until the latest owner of the aircraft has -
- (a) complied with all such requirements, as prescribed in these regulations, as may be necessary to issue a new certificate of registration; and
  - (b) paid the appropriate fees prescribed in Part 187 for registration as well as the withdrawal of such prohibition.

**Application for certificate of de-registration**

**47.03.2** (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside Namibia, that holder must apply to the Executive Director for a certificate of de-registration of the aircraft.

(2) An application referred to in subregulation (1) must be made in the appropriate form set out in Document NAM-CATS-ARM and must be accompanied by -

- (a) the original of the last certificate of registration;
  - (b) in the case of an aircraft other than an amateur-built or production-built, the original of the last certificate of airworthiness issued in terms of Part 21;
  - (c) in the case of an amateur-built or production-built aircraft, the original of the last authority to fly issued by the Executive Director in terms of Part 24;
  - (d) if the holder in whose name the aircraft is registered -
    - (i) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;
    - (ii) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or
    - (iii) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and
  - (e) the appropriate fee prescribed in Part 187.
- (3) If a Namibian registered aircraft -
- (a) is destroyed, lost or stolen;
  - (b) is damaged beyond repair and becomes permanently useless as an aircraft; or
  - (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned must as soon as possible -

- (i) apply to the Executive Director for the de-registration of the aircraft and revocation of such certificate of registration; and
  - (ii) in addition, give provisional notice in writing to the Executive Director within 30 days from the date on which such event occurred, of his or her or its intention to apply for such de-registration.
- (4) An application referred to in subregulation (3) must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM; and
- (b) be accompanied by -
  - (i) the original of the latest certificate of registration;
  - (ii) in the case of any amateur-built aircraft or production-built aircraft, the special flight permit issued by the Executive Director in terms of Part 21 or Part 24;
  - (iii) in the case of an aircraft other than an amateur-built aircraft or production-built aircraft, the certificate of airworthiness issued by the Executive Director in terms of Part 21;
  - (iv) the airframe data plate of the aircraft;
  - (v) if the holder in whose name the aircraft is registered -
    - (aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act;
    - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act; or
    - (cc) is a company or close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act or the Close Corporations Act, as the case may be; and
  - (vi) the appropriate fee prescribed in Part 187.

### **Revocation of registration and de-registration of aircraft**

**47.03.3** (1) An aircraft remains registered on the register until the registration of that aircraft is revoked or the aircraft is de-registered by the Executive Director.

- (2) The Executive Director must -
  - (a) revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation -
    - (i) on receipt of an application for revocation made pursuant to regulation 47.03.1(1);
    - (ii) if the certificate of registration becomes invalid by virtue of regulation 47.03.1(6); or
    - (iii) if the Executive Director is satisfied of the occurrence of any of the events referred to in subregulation (3); or



- (b) de-register an aircraft, amend the aircraft register and issue a certificate of de-registration if an application is made for such de-registration pursuant to regulation 47.03.2(1) or (3).
- (3) The Executive Director may revoke the registration of an aircraft, amend the aircraft register and issue a certificate of revocation, if the holder of the certificate of registration -
  - (a) has not submitted the maintenance records of the aircraft for a period of three months;
  - (b) has not paid any fees that are payable to the Authority under the Act or these regulations for a period of three months;
  - (c) has submitted an application for registration which does not comply with these regulations and the registration was erroneously placed in the aircraft register; or
  - (d) has not complied with the duties of a holder of the certificate prescribed in regulation 47.02.3.
- (4) A certificate of revocation or de-registration referred to in subregulation (2) is issued on the appropriate form set out in Document NAM-CATS-ARM.

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

- 47.03.4** (1) A certificate of registration remains valid until -
- (a) it has been invalidated in terms of regulation 47.03.1(6); or
  - (b) the registration of the aircraft is suspended or revoked or the aircraft is de-registered by the Executive Director.
- (2) The holder of a certificate of registration which has become invalid in terms of this Part, must surrender the certificate of registration immediately to the Executive Director for the appropriate endorsement.

### **SUBPART 4 NAMIBIA REGISTER OF AIRCRAFT**

#### **Namibia Register of Aircraft**

- 47.04.1** (1) The Executive Director must, pursuant to section 50 of the Act, establish and maintain or cause to be maintained the aircraft register.
- (2) The Executive Director must enter or cause to be entered the following particulars into the aircraft register:
- (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 date on which the aircraft was registered on the register for the first time;
  - (d) the date on which the aircraft was registered in the name of the holder;

- (e) particulars of the manufacturer's designation, serial number and maximum certificated mass of the aircraft;
- (f) the nationality and registration marks of the aircraft; and
- (g) the airworthiness category of the aircraft.

(3) The Executive Director must, on written request and on payment of the appropriate fee prescribed in Part 187, furnish an extract of the aircraft register to any person who may request such an extract.

#### **Notice of error in information in aircraft register**

**47.04.2** If the holder of a certificate of registration for an aircraft finds out that anything in the aircraft register in relation to the aircraft is no longer correct, the holder must inform the Executive Director in writing within 14 days after establishing the information about the change that must be made.

#### **Reservation of registration mark**

**47.04.3** (1) Subject to subregulations (3) and (4), the Executive Director may, on application made to him or her, reserve a registration mark for a period not exceeding 12 months after the day on which the registration mark was reserved.

(2) An application referred to in subregulation (1) may be made by a person who intends to register an aircraft in the aircraft register, and the application must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ARM; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A registration mark may not be reserved if it is currently in use on another registered aircraft.

(4) The Executive Director may refuse to reserve a registration mark, if the Executive Director considers use of the registration mark to be undesirable.

(5) A registration mark that has been reserved may not, while reserved, be allocated to an aircraft as a registration mark otherwise than at the request of the person on whose request the registration mark was reserved.

#### **Identifiable paint schemes and markings**

**47.04.4** (1) The Executive Director may, on application made to him or her for the registration of an identifiable paint scheme and markings by the holder of a certificate of registration for an aircraft, grant the application and register the paint scheme and markings.

(2) An application referred to in subregulation (1) must -

- (a) be made in the appropriate form set out in Document NAM-CATS-ARM;
- (b) contain the following particulars:
  - (i) the registration mark allocated to the aircraft by the Executive Director;

- (ii) a written description of the particular paint scheme and markings of the aircraft;
  - (iii) a three-view set of photographs that clearly show the paint scheme and all relevant markings of the aircraft; and
  - (iv) such further particulars relating to the aircraft and the holder of the certificate of registration as may be required by the Executive Director; and
- (c) be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Executive Director may register an identifiable paint scheme and markings, if the scheme is acceptable to the Executive Director as being sufficiently clear and unique to distinguish the aircraft from other aircraft of the same or similar type and model.

(4) A person intending to change a registered identifiable paint scheme and markings must apply for registration of the new scheme and markings in accordance with regulation 47.04.5 and the Executive Director may request for further information in relation to such an application.

(5) If the Executive Director reasonably requires further information to enable him or her to consider an application for the registration of the scheme and markings, the Executive Director may request the applicant, in writing, to provide that information, and the Executive Director must describe the required information in the request.

(6) The Executive Director may refuse to consider or may cease considering, the application for the registration of the scheme and markings until the applicant complies with the request made under subregulation (5).

#### **Change of identifiable paint scheme and markings**

**47.04.5** (1) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under regulation 47.04.4 who intends to change the paint scheme or markings must apply for approval of a new paint scheme and markings in terms of that regulation.

(2) The holder of a certificate of registration for an aircraft displaying an identifiable paint scheme and markings approved under subregulation (1) who intends to discontinue the display of the paint scheme and markings must -

- (a) notify the Executive Director in writing accordingly; and
- (b) mark the aircraft in accordance with regulation 47.04.4.

#### **Destruction, loss, theft, withdrawal from use or foreign registration of aircraft**

**47.04.6** (1) The holder of a Namibian certificate of registration must -

- (a) within 14 days after becoming aware that the aircraft is -
  - (i) destroyed, lost or stolen; or
  - (ii) permanently withdrawn from use; or

- (b) immediately upon the application for registration of the aircraft on the aircraft register of any other country,

notify the Executive Director in accordance with subregulation (2).

- (2) A notification under subregulation (1) must -
  - (a) be made in writing;
  - (b) be signed by the certificate holder;
  - (c) set out the circumstances of what has occurred; and
  - (d) be accompanied by the certificate of registration.

### **Currency of information in certificate**

**47.04.7** (1) The holder of a Namibian certificate of registration must notify the Executive Director, as soon as possible, of any change that affects the current status of any information contained in the certificate.

(2) If, after receiving a notification under subregulation (1), the Executive Director amends or revokes the certificate of registration and issues a new certificate in its place in accordance with the Act, the Executive Director must update the relevant particulars in the aircraft register.

### **Registration of identifiable paint scheme and markings**

**47.04.8** The identifiable paint scheme and markings approved under regulation 47.04.4 or 47.04.5 must be entered in the aircraft register in accordance with regulation 47.04.1.

### **Change of registration mark**

**47.05.9** (1) The holder of a Namibian certificate of registration may apply to the Executive Director for a new registration mark to replace the mark allocated to the aircraft specified in the certificate.

(2) The applicant for a change of registration mark must apply in the appropriate form set out in Document NAM-CATS-ARM and submit to the Executive Director -

- (a) the certificate of registration;
- (b) the registration mark sought; and
- (c) payment of the appropriate fee prescribed in Part 187.

(3) On receiving an application under subregulation (2), the Executive Director may revoke the registration mark allocated to the aircraft and allocate the new registration mark.

(4) On allocation of a new registration mark under subregulation (3), the Executive Director must enter in the aircraft register, the particulars of the new registration mark allocated to the aircraft.

**Marks to be on foreign registered aircraft in Namibian territory**

**47.04.10** A person may operate a foreign registered aircraft in Namibian territory only if the aircraft bears its nationality and registration marks in accordance with the law of the country in which it is registered.

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