



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Civil Aviation Act 6 of 2016
section 236(2)

Namibian Civil Aviation Regulations (NAM-CARS), 2001

Government Notice 1 of 2001

[\(GG 2467\)](#)

came into force on 2 March 2001 (GN 1/2001)

These regulations were made in terms of section 22 of the Aviation Act 74 of 1962, which was repealed by the Civil Aviation Act 6 of 2016. They survive pursuant to section 236(2) of the Civil Aviation Act 6 of 2016.

Note that the Air Navigation Regulations, 1963 were repealed by reg 139.01.37 of the original regulations in GN 1/2001 ([GG 2467](#)); that regulation has since been substituted.

In addition, the Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975, were repealed in part by regulation 91.01.14 of the original regulations in GN 1/2001 ([GG 2467](#)) (which repealed Chapters 1, 2, 3, 4, 5, 10 and 11 of the 1975 regulations) and in part by regulation 172.01.10 of the original regulations in GN 1/2001 ([GG 2467](#)) (which repealed Chapters 6-9 inclusive of the 1975 regulations). The rules in question consisted of only 11 chapters, so these two provisions together constituted a full repeal. Both of these original regulations have since been substituted.

The Government Notice which publishes these regulations notes that they were made, where necessary, after consultation with the Minister of Finance.

as amended by

Government Notice 57 of 2006 ([GG 3615](#))

came into force on date of publication: 1 April 2006

The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

Government Notice 201 of 2006 ([GG 3741](#))

came into force on 1 December 2006 (GN 201/2006)

The Government Notice which publishes these amendments notes that they were made after consultation with the Minister of Finance.

Government Notice 80 of 2017 ([GG 6281](#))

came into force on date of publication: 4 April 2017

The Government Notice which publishes these amendments notes that they were made with the concurrence of the Minister responsible for finance.

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Government Notice 210 of 2018 (GG 6696)

came into force 90 days after date of publication (date of publication: 31 August 2018)

The Government Notice which publishes these amendments notes that they were made on the recommendation of the Board of Directors of the Namibia Civil Aviation Authority and with the concurrence of the Minister responsible for finance.

Government Notice 293 of 2018 (GG 6763)

as amended by Government Notice 369 of 2018 (GG 6816),

Government Notice 409 of 2019 (GG 7086),

Government Notice 112 of 2020 (GG 7199),

Government Notice 137 of 2021 (GG 7567),

Government Notice 90 of 2022 (GG 7775) and

Government Notice 294 of 2022 (GG 7917)

came into force on date of publication: 8 November 2018,

except for substituted Part 139, which comes into effect as follows:

- (i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, came into operation on **31 March 2023** [but see the amendments to Part 139 in GN 55/2023, which came into force in part on 31 March 2023];
- (ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the **interim period** regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and
- (iii) all the other provisions of Part 139 come into effect on **1 May 2020**.

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals the Civil Aviation Security Regulations, 1996 contained in GN 181/1996 (GG 1348) and made in terms of the Civil Aviation Offences Act 10 of 1972.

Government Notice 410 of 2019 (GG 7086)

came into force on date of publication: 30 December 2019

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority.

Government Notice 89 of 2020 (GG 7157)

came into force 90 days after date of publication (date of publication: 27 March 2020)

The Government Notice which publishes these amendments notes that they were made after consultation with the Board of Directors of the Namibia Civil Aviation Authority. It also repeals (i) the Air Navigation Regulations, 1976 published under RSA GN R.141/1976 (RSA GG 4975), as amended by RSA GN R.1283/1976 (RSA GG 5234), RSA GN R.2380/1977 (RSA GG 5804), GN 225/1995 (GG 1204) and GN 60/1998 (GG 1825); and (ii) Safety Directive No. DCA 97-1 published in General Notice 223/1997 (GG 1639).

Government Notice 236 of 2020 (GG 7348)

came into force 6 months after date of publication (date of publication: 30 September 2020),

with the exception of Part 21: Subparts 2, 3, 5, 6 and 7 and other provisions of Part 21

that make reference to type certification, which will be brought into force

on a date set by the Minister by notice in the *Government Gazette*

The Government Notice which publishes these amendments notes that they were made under sections 54-57 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. This Government Notice states that these regulations were amended by Government Notice 112/2020. This is incorrect; Government Notice 112/2020 amends Government Notice 293/2018 as recorded above, not Government Notice 1/2001.

Government Notice 55 of 2023 (GG 8056)

came into force on date of publication: 31 March 2023,

with the exception of the substitution of Part 139: Subpart 5,

which comes into force 18 months after the date of publication

The Government Notice which publishes these amendments notes that they were made under section 54 of the Act and after consultation with the Board of Directors of the Namibia Civil Aviation Authority. This Government Notice states that these regulations were amended by Government Notices 369/2018, 409/2019, 112/2020, 137/2021, 90/2022 and 294/2022. This is incorrect; these Government Notices amend Government Notice 293/2018 as recorded above, not Government Notice 1/2001. This Government Notice also fails to note the amendments made by Government Notices 410/2019, 89/2020 and GN 236/2020.

[The original regulations were presented in a format that is somewhat different from that used in other sets of regulations. However, recent amendments adopt a format that follows other

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AERODROMES AND HELIPORTS

PART 139
AERODROMES

[Part 139 is substituted by GN 293/2018.

GN 293/2018 as amended provides that the new Part 139 comes into effect as follows:

- “(i) Subpart 4 in relation to aerodromes in Category D, and Subpart 5 in relation to aerodromes in Category E, and any provision in Part 139 that refers to a Category D or E aerodrome, come into operation on 31 March 2023;**
- (ii) in relation to the Categories D and E aerodromes referred to in subparagraph (i), the Executive Director must, based on safety and security standards and recommended practices, make determinations in the interim period regarding the use of aerodromes by both commercial and non-commercial domestic air traffic of a maximum certified take-off mass of not more than 20 000 kilogrammes; and**
- (iii) all the other provisions of Part 139 come into effect on 1 May 2020.”**

Note that Subpart 5 is substituted in its entirety by GN 55/2023, which comes into force 18 months after its publication date of 31 March 2023.]

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**SUBPART 1
GENERAL REQUIREMENTS**

Applicability

139.01.1 (1) This Part applies to aerodromes and includes applicable requirements and standards relating to -

- (a) certification of aerodromes and operation of certified aerodromes;
- (b) licensing of aerodromes and operation of licensed aerodromes;
- (c) issuance of acknowledgement of registration to, and operation of, category D aerodromes;

[paragraph (c) substituted by GN 55/2023]

- (d) approval of non-licensed helicopter sites and their operation;
- (e) design and construction of aerodromes;
- (f) maintenance of aerodromes and associated facilities;
- (g) obligations of aerodrome operators; and
- (h) other matters relating to safety of aerodromes.

(2) This Part also sets out certain -

- (a) administrative requirements applying to the Executive Director; and
- (b) aviation security requirements applicable to aerodromes.

(3) A person may not use any place in Namibia as a place for the landing or departure of an aircraft operated in terms of Part 121 or 135 and an aircraft used during *ab initio* flying training, unless that place has been -

- (a) certified in accordance with Subpart 3;
- (b) licensed in accordance with Subpart 4;
- (c) issued with an acknowledgement of registration in accordance with Subpart 5; or
- (d) approved in accordance with Subpart 6; and operated in accordance with this Part.

[Subregulation (3) is substituted by GN 55/2023. The punctuation of this subregulation and the previous version of it both suggest that the final phrase should apply to all of the paragraphs rather than just to paragraph (d); it was probably intended to read as follows:

(3) A person may not use any place in Namibia as a place for the landing or departure of an aircraft operated in terms of Part 121 or 135 and an aircraft used during *ab initio* flying training, unless that place has been -

- (a) certified in accordance with Subpart 3;
- (b) licensed in accordance with Subpart 4;
- (c) issued with an acknowledgement of registration in accordance with Subpart 5; or
- (d) approved in accordance with Subpart 6;

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and operated in accordance with this Part.]

(3A) A person may not use a place in any urban area in Namibia as a place for the landing or take-off of helicopters operated in terms of Part 127 unless that person has obtained the prior approval of the Executive Director to use the place for the landing or take-off of helicopters operated in terms of Part 127.

[subsection (3A) inserted by GN 55/2023]

(4) A person may not use any area on any land, water or building for the landing or take-off of aircraft, if the air traffic in such area will in any way interfere with existing established procedures regarding controlled airspace.

Definitions for this Part

139.01.2 (1) In this Part, unless the context indicates otherwise -

“aerodrome charge” means an amount levied -

- (a) on an operator of an aircraft in connection with the arrival, parking or departure of such aircraft at an aerodrome; and
- (b) on aircraft passengers in connection with their arrival at or departure from the aerodrome by means of an aircraft;

[definition of “aerodrome charge” inserted by GN 55/2023]

“aerodrome operator” means a person who is -

- (a) certified to operate an aerodrome;
- (b) licensed to operate an aerodrome;
- (c) issued with an acknowledgement of registration to operate an aerodrome;

[paragraph (c) substituted by GN 55/2023]

- (d) approved to operate a non-licensed helicopter site;

“commercial aerodrome operator” means the use of an aerodrome by any aerodrome operator that levies aerodrome usage charge for public or private use;

[definition of “commercial aerodrome operator” inserted by GN 55/2023]

“critical aeroplane” means the most demanding type of aeroplane for which the aerodrome is intended as defined in Document NAM-CATS-AH;

“Environmental Management Act” means the Environmental Management Act, 2007 (Act No. 7 of 2007); and

“local authority council” means the entity that administers the affairs of a municipality, town or village referred to in section 1 of the Local Authority Act, 1992 (Act No. 23 of 1992), and includes a regional council that administers the affairs of a settlement area referred to in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992).

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“non-commercial aerodrome operator” means the use of an aerodrome by any aerodrome operator that does not levy an aerodrome usage charge for public or private use;

[definition of “non-commercial aerodrome operator” inserted by GN 55/2023]

“private use” means the use of an aerodrome that is not open or available for use by the public but may be made available by invitation of the owner or operator; and

[definition of “private use” inserted by GN 55/2023]

“public use” means the use of an aerodrome by the public or the right of access by the public.

[definition of “public use” inserted by GN 55/2023]

(2) In this Part, the term aerodrome whenever used includes aerodromes and heliports in terms of Annex 14 to the Chicago Convention, Volumes I and II.

Applicable technical standards

139.01.3 (1) The technical standards for this Part are contained in Document NAM-CATS-AH which provides for the following matters:

- (a) standards, including procedures, systems and documents used for the operation of an aerodrome;
- (b) standards for facilities and equipment used in the operation of an aerodrome;
- (c) standards for the training and checking of aerodrome personnel; and
- (d) any other standards as may be included in the technical standards by the Executive Director.

(2) Where a particular regulation in this Part makes reference to a standard in Document NAM-CATS-AH, that standard is construed to form part of the regulation.

(3) The Executive Director may approve a variation in the standards contained in Document NAM-CATS-AH where the aerodrome operator can demonstrate an equivalent level of aviation safety.

Use of common reference systems

139.01.4 (1) At any aerodromes -

- (a) the World Geodetic System - 1984 (WGS-84) must be used as the horizontal (geodetic) reference system;
- (b) the Mean Sea Level (MSL) datum must be used as the vertical reference system (elevation) at aerodromes; and
- (c) except where notified in the Aeronautical Information Publication (AIP) or the Aeronautical Information Circular (AIC) of Namibia, the Gregorian calendar and Coordinated Universal Time must be used as the temporal reference system.

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(2) The use of common reference systems must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Categories of aerodromes

139.01.5 Aerodromes must be categorised as follows:

- (a) category A: comprising any aerodrome which -
 - (i) is available for use for both international and domestic aircraft operations;
 - (ii) is available for use for commercial and non-commercial, scheduled and non-scheduled aircraft operations;
 - (iii) is designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and
 - (iv) provides aerodrome facilitation;
- (b) category B: comprising any aerodrome which -
 - (i) is available for use for both commercial and non-commercial and non-scheduled international aircraft operations;
 - (ii) is available for use for both commercial and non-commercial scheduled and non-scheduled domestic aircraft operations;

[A comma appears to have been omitted after the word "non-commercial" in subparagraph (ii); compare subparagraph (a)(ii) above.]

 - (iii) is designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and
 - (iv) provides aerodrome facilitation.
- (c) category C: comprising any aerodrome which -
 - (i) is available for use for both commercial and non-commercial operations;
 - (ii) is available for use for both scheduled and non-scheduled domestic aircraft operations; and
 - (iii) may be designated as a port of entry or exit under regulation 2A of the Regulations made under the Immigration Control Act 1993, published under Government Notice No. 134 of 29 July 1994; and
- (d) Category D: comprising any other aerodrome including a private and government owned aerodrome which is available for use for both scheduled and non-scheduled domestic aircraft operations.

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[regulation 139.01.5 substituted by GN 55/2023; capitalisation reproduced as it appears in the *Government Gazette*]

Aerodrome reference code

139.01.6 (1) An aerodrome reference code consisting of a code number and letter must be used for aerodrome planning purposes.

(2) The aerodrome reference code must be determined in accordance with the characteristics of the critical aeroplane for which the aerodrome facility is intended.

(3) The aerodrome reference code numbers and code letters required under subregulation (1) must be determined in accordance with the standards prescribed in Document NAM-CATS-AH.

Allocation of aerodrome location indicators

139.01.6A (1) The operator or owner of an aerodrome must apply to the Executive Director for the allocation of an aerodrome location indicator in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) An applicant for the allocation of an aerodrome location indicator must pay the appropriate application fee as prescribed in Part 187.

[regulation 139.01.6A inserted by GN 55/2023]

Notifying and reporting of aerodrome data and information

139.01.7 (1) An aerodrome operator of a certified or licensed aerodrome must notify and report to the Executive Director, air traffic service units concerned and the aeronautical information services any information which may affect the operation of aircraft.

[subregulation (1) substituted by GN 55/2023]

(2) The information to be notified as required by subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Restrictions and prohibitions on use of aerodromes

139.01.8 (1) The Executive Director may impose restrictions as to the use of an aerodrome and may limit or totally prohibit the operation of any aircraft -

- (a) not equipped with radio equipment; or
- (b) the radio equipment of which is not complementary to the radio equipment installed for the control of air traffic at such aerodrome, if the Executive Director is satisfied that such restriction, limitation or prohibition is necessary in the interests of aviation safety.

(2) An operator of a certified or licensed aerodrome may not allow the use of the aerodrome at night where such aerodrome lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operation of aircraft used in night flights.

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(3) Without prejudice to the obligations of the pilot-in-command to determine the suitability of conditions for the landing and take-off of an aircraft at any time and place, the Executive Director may prohibit flights by night to, or from, any aerodrome that in the opinion of the Executive Director lacks adequate facilities for night flights or where the terrain or other objects in the vicinity of the aerodrome are such that they endanger operators of aircraft using such aerodromes for night flights.

Deviations

139.01.9 (1) Any deviations must be approved by the Executive Director where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising safety and security.

[The verb “indicates” should be “indicate” to accord with the subject “results”.]

(2) An aerodrome operator must publish in the aerodrome manual or standard operating procedures, whichever is applicable, any deviation from the requirements stipulated in this Part.

(3) An aerodrome operator must publish information related to deviations in the Aeronautical Information Publication.

[regulation 139.01.9 substituted by GN 55/2023]

Publication of restrictions, deviations and exemptions and status of aerodromes

139.01.10 The Executive Director must, upon the -

- (a) imposition of any restriction, limitation or prohibition;
- (b) endorsement of deviations in the aerodrome operations manual;
- (c) approval of exemptions;
- (d) issuing or renewal of an aerodrome certificate in terms of Subpart 3;
- (e) issuing or renewal of an aerodrome licence in terms of Subpart 4;
- (f) issuing of an aerodrome registration in terms of Subpart 5; or
- (g) approval of a non-licensed helicopter site in terms of Subpart 6,

publish in the AIP, according to the provisions of Part 175 -

- (i) particulars of the restriction, exemption, limitation or prohibition;
- (ii) the category for which the aerodrome is certified, licensed or permitted;
- (iii) the restrictions, if any, relating to non-compliance with, or deviations from -
 - (aa) the appropriate aerodrome design, operation or equipment standards prescribed in this Part; or

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- (bb) the appropriate airspace classification requirements prescribed in Parts 71 and 172;
- (iv) limitations on size of aircraft commensurate with the level of aerodrome rescue and firefighting services provided.

Storage of inflammable goods

139.01.11 (1) Fuel, pyrotechnic stores and all highly inflammable matter at an aerodrome must be stored only in buildings or receptacles which comply with the appropriate standards provided for in any applicable law that regulates the storage of inflammable goods in Namibia.

- (2) Fuel storage facility in and around aircraft hangars or any building must comply with the -
 - (a) applicable technical standards set out in subregulation (1);
 - (b) applicable local authority council regulations or by-laws, if any; and
 - (c) requirements of any other law that regulates the storage of inflammable goods in Namibia.

Safety measures against fire

139.01.12 (1) An aerodrome operator must establish preventive measures against possible fires on the aerodrome and identify a person or group of persons to maintain a fire prevention programme for the aerodrome and aerodrome buildings.

- (2) A person may not -
 - (a) smoke in or bring an open flame into -
 - (i) any place where such an act is prohibited by a notice displayed;
 - (ii) any place within 30 metres of an aircraft or any aircraft fuelling or fuel delivery vehicle, storage area, or dump for liquid fuel or explosives;
 - (b) wilfully give a false fire alarm;
 - (c) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided for fire-fighting purposes;
 - (d) keep, store, discard or discharge any inflammable liquid, gas, signal flares or other like material in an aircraft except in the receptacle appropriate for the purpose or in a place on the aerodrome specifically approved by the aerodrome operator for the purpose; or
 - (e) store, stack or use any material or equipment in a manner which constitutes or is likely to constitute a fire hazard.
- (3) An aerodrome operator must -

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(a) display in conspicuous places appropriate signage in respect of the acts prohibited under subregulation (2); and

(b) ensure that no unsafe practice is performed on the aerodrome or within its vicinity.

(4) If unsafe practices have to be performed during any day-to-day maintenance of, or on, the aerodrome, the aerodrome operator must alert the rescue and firefighting service concerned to be on standby for the duration of such practices.

[regulation 139.01.12 substituted by GN 55/2023]

Lights which endanger safety of aircraft

139.01.13 (1) The operator of an aerodrome must extinguish, screen or otherwise modify so as to eliminate the source of danger or cause to be extinguished, screened or otherwise modified any non-aeronautical ground light near an aerodrome which might endanger the safety of aircraft.

(2) Whenever any light or pattern of lights is exhibited -

(a) in the vicinity of an aeronautical light or system of aeronautical lights which by reason of the possibility of it being mistaken for such aeronautical light or lights, is likely to endanger the safety of aircraft; or

(b) which, being in the vicinity of a certified or licensed aerodromes, is liable by its glare to endanger the safety of aircraft arriving at or departing from such aerodrome,

the Executive Director may serve a notice on the owner of the place where the light is exhibited or on the person having charge of the light or on the person owning or having charge of the pattern of lights or any portion of such pattern, directing such owner or person within the period specified in such notice to extinguish or screen effectively the light or lights under his, her or its control and in the future to prevent the exhibition of any light or particular type of light either at all or when ineffectively screened.

Use of runways and taxiways

139.01.14 Except in an emergency or on the direction of the aerodrome operator a person may not -

(a) move an aircraft in the restricted area except on a runway or taxiway;

(b) move or operate an aircraft or vehicle onto a runway or a taxiway -

(i) without the permission or instruction of the air traffic service unit operating at the aerodrome, whether or not the air traffic service unit is manned at the time;

(ii) except in accordance with written instructions issued by the air traffic service unit operating at such aerodrome, if the air traffic service unit is not manned at the time;

(iii) where no written instructions have been issued by such air traffic service unit as contemplated in subparagraph (ii), and the air traffic service unit is not manned at the time, except -

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[The word “subparagraph” is misspelt in the *Government Gazette*, as reproduced above.]

- (aa) in a manner that will not endanger aircraft; or
- (bb) with the approval of the aerodrome operator;
- (c) use a portion of an aerodrome other than a runway for landing an aircraft or for taking off; and
- (d) land, take-off or operate on a runway, an aircraft fitted with a tailskid.

Points of entry into or exit from restricted areas of aerodrome

139.01.15 (1) A person, other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome except at points of entry or exit established by the aerodrome operator for that purpose.

(2) A person may not cause or allow an aircraft or a vehicle travelling on the surface of an aerodrome to enter or leave a restricted area of an aerodrome, except at points of entry or exit established by the aerodrome operator for that purpose.

- (3) Except in an emergency, a person -
 - (a) other than a person carried in an aircraft or in or on a vehicle, may not enter or leave a restricted area of an aerodrome; or
 - (b) may not move an aircraft or a vehicle travelling on the surface of an aerodrome into or from the restricted area,

except at an appropriate point of entry or exit stipulated in terms of subregulation (1) or (2).

Movement of aircraft or vehicles in restricted area on direction of aerodrome operator

139.01.16 (1) An operator of an aircraft or a vehicle operating within the restricted area of an aerodrome but outside the runway or taxiway must adhere to any direction given by the aerodrome operator.

(2) Where an operator or a person refuses or fails to comply with any direction given in accordance with subregulation (1), the aerodrome operator may relocate or remove the said aircraft or vehicle and may recover from such operator or person the costs incurred in having that aircraft or vehicle so moved and any such action by the aerodrome operator does not exempt that operator or person from a prosecution in respect of such refusal or failure.

(3) Any direction given by the aerodrome operator in terms of subregulation (1) does not authorise any person to move the aircraft or a vehicle onto a runway or a taxiway -

- (a) without the permission of the air traffic service unit operating at the aerodrome, if the air traffic service unit is manned at the time;
- (b) except in accordance with instructions issued by the air traffic service unit operating at that aerodrome, if the air traffic service unit is not manned at the time; or

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- (c) except in a manner that does not endanger other aircraft, if the air traffic service unit is not manned at the time and no instructions have been issued by such air traffic service unit.

Access to apron

139.01.17 (1) Except with the approval of the aerodrome operator and in accordance with approved procedures, a person may not have access to the apron of a certified or licensed aerodrome, unless -

- (a) that person is being carried in an aircraft or in or on a vehicle travelling on the surface of an aerodrome;
- (b) that person is about to embark in an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from the terminal building to that aircraft;
- (c) that person has disembarked from an aircraft parked on the apron and is proceeding under the supervision of the operator of that aircraft or his or her employee from that aircraft to the terminal building;
- (d) that person is the operator of an aircraft parked on or moving on the surface of the apron or the operator's employee only during the performance of that employee's duties or the course of his or her employment requires his or her presence on the apron; or
- (e) that person is the holder of the aerodrome certificate or licence or an employee of the holder in the performance of their duties.

(2) Except with the approval of the aerodrome operator, a person may not move an aircraft or a vehicle travelling on the surface of a certified or licensed aerodrome onto the apron.

(3) The aerodrome operator must determine procedures according to which permission to have access to the apron may be granted.

Points of access to or egress from apron

139.01.18 Except in an emergency, a person, other than a person carried in an aircraft or in or on a vehicle travelling on the surface of a certified or licensed aerodrome, may not access or depart the apron or move a vehicle or aircraft onto or from an apron, except at appropriate points of access or egress established by the operator for such purpose.

Movement of aircraft or vehicles on apron

139.01.19 (1) A person may not move an aircraft or any vehicle on the apron of an aerodrome -

- (a) if there is any reasonably foreseeable danger of a collision with a person or object on the aerodrome; and
- (b) unless a speed is maintained which is safe and reasonable under the circumstances, but which does not in any case exceed 25 km per hour, but -

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- (i) any signals given by hand or otherwise by an official on duty at the aerodrome by instruction of the aerodrome operator to a pilot in control of an aircraft which is being moved on the aerodrome or to a driver or other person in control of any vehicle which is being moved on the apron; or
- (ii) any mark or light on the aerodrome having the purpose of serving as an aid to a pilot-in-command of an aircraft or driver or person in control of any vehicle to indicate a specific route or parking bay on the aerodrome,

may not, in any circumstances, excuse or exempt that pilot, driver or other person from his, her or its obligation to stop such aircraft or vehicle or to take any other steps which might under the specific circumstances be imperative in order to avoid such collision or damage to property or loss of life.

(2) A person may not move an aircraft travelling under its own power on the surface of an aerodrome on the apron, unless that person is the holder of an appropriate licence which entitles that person to pilot that aircraft, except that a student pilot who holds a student pilot licence may move an aircraft on the apron while undergoing training, if the student is accompanied in the aircraft by the holder of a flight instructor rating.

Movement of aircraft on apron under direction of aerodrome operator

139.01.20 The operator of an aircraft which is on the apron must, on being directed to do so by the aerodrome operator, move that aircraft -

- (a) from the position in which it was placed to another position in the same parking place;
- (b) from the parking place in which it was parked to any other parking place on the apron; or
- (c) the apron,

and if the operator of such aircraft refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the aircraft moved to comply with the direction and may recover the costs incurred in having the aircraft so moved from the operator of the aircraft and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of the refusal or failure.

Movement of vehicles on apron under direction of aerodrome operator

139.01.21 The person in lawful charge of a vehicle on the apron must, on being directed to do so by the aerodrome operator, move that vehicle -

- (a) to another place on the apron indicated by the aerodrome operator; or
- (b) from the apron,

and if that person refuses or fails or is not present to comply forthwith with the direction, the aerodrome operator may have the vehicle moved to comply with the direction and may recover from that person the costs incurred in having the vehicle so moved and any such action by the aerodrome operator does not exempt that person from prosecution in respect of the refusal or failure.

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Parking of aircraft on apron

139.01.22 (1) An operator of a certified or licensed aerodrome must -

- (a) provide suitable parking stands based on the size and types of aircraft operating at the aerodrome; and
- (b) provide procedures to safely guide aircraft in to the parking bay where the docking system is not in place or is unserviceable.

[The term “in to” should be one word: “into”.]

(2) The operator of an aircraft must ensure that an aircraft is parked in the place on the apron allocated to it by the aerodrome operator and in the position required by the aerodrome operator.

(3) Where the aircraft operator refuses or fails to comply with the requirement of subregulation (2), the aerodrome operator may have that aircraft parked or positioned so as to comply with the terms of such allocation or positioning.

(4) An aerodrome operator may pursuant to subregulation (3), recover the costs incurred in so parking or positioning of that aircraft, from the operator of that aircraft and any such action by the aerodrome operator may not exempt that operator from prosecution in respect of the refusal or failure.

(5) Save in an emergency, a person may not move an aircraft from the parking place allocated to it or from the position in which it was placed in terms of these regulations except with the approval of the aerodrome operator.

Securing of parked aircraft

139.01.23 (1) The operator of an aircraft must properly secure an aircraft parked on the apron and unattended.

(2) An aircraft operator must ensure that appropriate chocks or mooring equipment are used to secure the aircraft.

(3) An aerodrome operator must -

- (a) make available facilities to enable aircraft operators to safely secure their aircraft.
- (b) ensure that the operator of an aircraft complies with the requirements of subregulations (1) and (2).

Embarkation or disembarkation of persons into, or from, aircraft

139.01.24 (1) An operator of an aircraft in which persons are to be embarked or from which persons are to be disembarked on the apron must -

- (a) supervise the embarking or disembarking of persons from such aircraft; and

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(b) where the aircraft requires the use of passenger stairs for embarking or disembarking persons in or from such aircraft, ensure that such stairs are correctly and securely placed at each aircraft door in accordance with operator's instructions prior to use.

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not embark in or disembark from an aircraft except on the apron.

(3) An operator of an aircraft must ensure that authorised aircraft operator personnel are on standby with appropriate fire extinguishers during the loading or unloading of passengers, and when aircraft fuelling operations are taking place.

(4) The pilot-in-command of an aircraft that is being refuelled with passengers on board must ensure that the 'no smoking sign' is activated within the cabin and that passengers are advised of extra safety information.

(5) If required by the aerodrome operator or aerodrome rescue and firefighting services (ARFFS), personnel must be placed on standby when refuelling of an aircraft is being performed with passengers on board.

Loading or unloading cargo and dangerous goods into, or from, aircraft

139.01.25 (1) An authorised officer, inspector or authorised person authorised to supervise loading or unloading cargo in or from aircraft on the apron must ensure that -

- (a) all working aircraft holds and doors are open to permit the efficient loading or unloading;
- (b) all proper labels are affixed to all items of cargo to be carried in such aircraft;
- (c) each item of cargo is placed in its appropriate place and without damage to the aircraft; and
- (d) any damage during loading or unloading of cargo is reported to the operator of the aircraft prior to the departure of the aircraft.

(2) Except in the case of an emergency or with the approval of the aerodrome operator, a person may not load or unload cargo from an aircraft, unless the loading or unloading takes place on the apron.

(3) The operator of an aircraft in which dangerous goods are to be loaded or from which dangerous goods are to be unloaded, as the case may be, on the apron must, before loading or unloading such dangerous goods, inform the aerodrome operator of the nature of the dangerous goods and the proposed time and method of the loading or unloading.

(4) If the operator of an aircraft has in terms of subregulation (3), informed the aerodrome operator of the proposed loading or unloading and the aerodrome operator considers that persons or property on the aerodrome will be endangered by the proposed loading or unloading, the aerodrome operator may -

- (a) permit such loading or unloading subject to such conditions which the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome;

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- (b) prohibit such loading or unloading; or
- (c) direct that such loading or unloading be undertaken at another time or by another method or both at another time and by another method, and the aerodrome operator may, in addition, impose any condition which the aerodrome operator may consider necessary for the purpose of safeguarding persons or property on the aerodrome.

(5) If dangerous goods have been loaded in or unloaded from an aircraft without the knowledge of the aerodrome operator, the aerodrome operator may direct that such dangerous goods be unloaded from or reloaded in such aircraft or give such other directions or impose such conditions which the aerodrome operator may consider necessary with a view to safeguarding persons or property at the aerodrome.

(6) The operator of an aircraft which is conveying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep that aircraft in that place until the aerodrome operator grants permission for that aircraft to be moved.

- (7) If the operator of an aircraft in which dangerous goods are conveyed -
 - (a) refuses or fails or is not present to comply forthwith with -
 - (i) any prohibitions made by the aerodrome operator in terms of subregulation (4); or
 - (ii) any direction given by the aerodrome operator in terms of subregulations (4), (5) or (6); or
 - (b) refuses or fails or is not present to comply forthwith with a condition imposed by the aerodrome operator in terms of subregulation (4) or (5),

the aerodrome operator may take all steps necessary to ensure that any such prohibition, direction or condition is complied with as expeditiously and as safely as possible and may recover from the operator of such aircraft the cost incurred in ensuring compliance with such prohibition, direction or condition and any such action by the aerodrome operator does not exempt that operator from a prosecution in respect of such refusal or failure.

Supply of fuel to aircraft

139.01.26 (1) A person may not supply any fuel to an aircraft except at a place and in a manner approved by the aerodrome operator.

(2) The aerodrome operator may require a person approved to supply fuel at an aerodrome in terms of subregulation (1) to comply with such conditions as the aerodrome operator may consider necessary for the purpose of safety.

- (3) The aerodrome operator must -
 - (a) develop procedures to be used for refuelling of aircraft at the aerodrome;
 - (b) institute measures to periodically monitor the refuelling processes to ensure compliance with the procedures developed in terms of paragraph (a) are maintained;

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- (c) institute measures to record, address and resolve any identified non-conformance with procedures for the supply of fuel to an aircraft;
- (d) ensure that arrangements are in place to summon and facilitate emergency services as may be required during refuelling of aircraft.

(4) The operator of an aerodrome must ensure that fixed installation refuelling facilities are provided with emergency cut-off switches that are clearly marked and situated in an accessible place without causing danger to persons or property in the event of an emergency.

Boarding or tampering with aircraft

139.01.27 Except with the permission of the aircraft operator or the person in lawful charge of an aircraft, a person may not on an aerodrome -

- (a) board the aircraft other than doing so under the direction of the aircraft operator; or
- (b) tamper or interfere in any way whatsoever with the aircraft or its associated equipment or anything used in connection with the aircraft.

Test-running of aircraft engines

139.01.28 A person may not test-run an aircraft engine at an aerodrome except at the approved aircraft maintenance facility of the aerodrome or a place designated for that purpose by the aerodrome operator.

Regulation of vehicular or other traffic at aerodrome

139.01.29 All vehicular traffic or other traffic when operated on an aerodrome must, where applicable, at all times comply with the Road Traffic and Transport, 1999 (Act No. 22 of 1999), and the related regulations or any other applicable laws.

Entering or leaving aerodrome

139.01.30 (1) A person, other than a person entering or leaving an aerodrome by means of an aircraft landing at, or taking off from, that aerodrome, may not enter or leave that aerodrome otherwise than through a gate or entrance provided by the aerodrome operator for the entry and exit of persons and vehicles.

(2) A person who is directed by an authorised person to leave the aerodrome or any part thereof, must do so forthwith and refusal or failure to comply with such direction constitutes the commission of an offence.

Animals in restricted area of aerodrome

139.01.31 (1) A person may not cause or permit any animal to graze or feed in the restricted area of an aerodrome unless such animal is in that area for the purpose of transportation on a flight.

(2) A person who brings an animal into the restricted area of an aerodrome or who receives an animal in the restricted area of an aerodrome must ensure that such animal is at all times under proper control while it remains in the restricted area of the aerodrome.

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Acts prohibited on aerodromes and in terminal buildings

139.01.32 (1) A person may not -

- (a) obstruct or interfere with the use of an aerodrome;
- (b) obstruct any person in the employment of the aerodrome operator acting in the execution of that person's duty in relation to the aerodrome;
- (c) remove any notice board erected by the aerodrome operator or with the permission of the aerodrome operator or any writing or document displayed on that notice board or deface any writing or document or any marking on that notice board or document;
- (d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;
- (e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome operator;
- (f) commit any act which amounts to nuisance or commit a disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or make use of offensive language;
- (g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or on property on the aerodrome;
- (h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome operator;
- (i) provide false information that results or could result in the deployment of the aerodrome emergency services; or
- (j) misuse the fire crash alarm for any other purposes than for deployment of the emergency services for an actual emergency, unless a request from an authorised person is received for the purposes of determining compliance with licensing audit requirements.

(2) Except with the written permission of the aerodrome operator, a person may not -

- (a) bring a vehicle into or drive a vehicle in or into a terminal building on an aerodrome;
- (b) obstruct an entrance to, or a passage in, a terminal building in such a manner as to inconvenience other users of the entrance or passage concerned; or
- (c) walk or drive a vehicle or other conveyance machine or device across any taxiway or runway.

(3) Except with the written permission of an aerodrome operator, a person may not on an aerodrome or on any public road or parking area adjacent to that aerodrome -

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- (a) damage, interfere or tamper with any part of the aerodrome, public road or parking area or any equipment associated with the operation of the aerodrome;
- (b) climb any wall, fence, barrier, railing, gate or post;
- (c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome operator;
- (d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;
- (e) go on to, or damage, any flower-bed or anything growing therein;
- (f) remove, pick or otherwise damage any tree, shrub, plant or flower;
- (g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;
- (h) display or post advertisements, posters, banners or anything similar;
- (i) handle any baggage or confront passengers to carry their baggage;
- (j) tout for any services, including public transport, taxi, car valet, accommodation, parking and car-wash services; or
- (k) solicit for funds.

(4) An operator of an aerodrome reserves the right of admission to terminal buildings of the aerodrome, and signs to this effect must be erected in a conspicuous place near all entrances to those terminal buildings.

(5) The operator of an aerodrome or an authorised person may request any person on the aerodrome property to provide valid reasons for being there, and if an acceptable reason cannot be furnished, order that person to leave the aerodrome and its premises.

(6) Any person ordered by a duly authorised person to vacate or leave an aerodrome and its premises must do so forthwith and refusal or failure to comply with such order constitutes the commission of an offence.

(7) The operator of a certified or licensed aerodrome or an authorised person may carry out a search of any article, parcel or baggage in possession of, or under the control of, any person at an aerodrome.

(8) A person may not, on a certified or licensed aerodrome, carry out any trade or business unless that person is the holder of a valid permit, licence or concession, issued by or on behalf of the aerodrome operator, which entitles the holder thereof to carry out the trade or business specified on that particular aerodrome.

(9) A person may not provide false information that will or is likely to necessitate the deployment of the emergency services or might result in the sounding or activation of fire or any other safety or security alarm system.

Lead-in lights

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139.01.33 Where the Executive Director so requires, an operator of a certified or licensed aerodrome must ensure that such aerodrome has a runway lead in light system which -

[The two words “lead in” should be hyphenated as “lead-in”, as in the heading.]

- (a) provides visual guidance along a specific approach path;
- (b) assists in the avoidance of hazardous terrain; and
- (c) assists in noise abatement.

Safeguarding of aerodrome surroundings

139.01.34 (1) The aerodrome operator must protect and safeguard land use activities within a vicinity of an aerodrome to limit the impact of illegal occupation affecting aircraft safety and for future expansion of the aerodrome, to ensure that air transport develops in a safe and orderly manner.

(2) A person who intends to carry out land use activities in the vicinity of aerodromes must, during the planning for such land use activities, conduct consultations with the Executive Director and owner or operator of the aerodrome with regard to safety impacts of constructions proposed to be built within the limits of the obstacle limitation surfaces as well as other surfaces associated with the aerodrome, human or surrounding communities activities, and land use such as -

- (a) any development or change in land use in the aerodrome area;
- (b) any development which may create obstacle-induced turbulence that could be hazardous to aircraft operations;
- (c) the use of hazardous, confusing and misleading lights;
- (d) the use of highly reflective surfaces or glint and glare effects that may affect a pilot’s interpretation of visual aids or air traffic control tower personnel’s ability to monitor aircraft;
- (e) the altering of existing habitat or creation of areas that may encourage wildlife activity, which may be harmful to aircraft operations; and
- (f) sources of electrical interference or non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation aids and surveillance systems.

(3) All land use practices and activities in the vicinity of an aerodrome must conform to the standards prescribed in Document NAM-CATS-AH.

(4) The aerodrome owner or operator of a certified or licensed aerodrome must develop an aerodrome master plan which supports a layout designed to yield the optimum airport capacity consistent with the available land, within the vicinity of the aerodrome and take into account, where appropriate, land use control measures.

(5) The aerodrome master plan must conform to the standards prescribed in Document NAM-CATS-AH.

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[regulation 139.01.34 substituted by GN 55/2023]

Aeronautical studies

139.01.35 (1) An operator of an aerodrome must monitor the aerodrome's operations for any significant change or changes that may affect the safety of aerodrome operations.

(2) Despite subregulation (1), the Executive Director may require an operator of an aerodrome to conduct an aeronautical study for any significant change or changes that may affect the safety of aerodrome operations.

(3) An aeronautical study pursuant to subregulation (2) must be conducted in accordance with standards prescribed in Document NAM-CATS-AH.

Safety inspections and audits

139.01.36 (1) An applicant for the issuing of an aerodrome certificate or licence must permit a person authorised by the Executive Director to carry out such safety inspections and audits which may be necessary to verify the validity of the application concerned.

(2) A holder of an aerodrome certificate or licence must permit a person authorised by the Executive Director access to carry out safety inspections and audits of such holder's aerodrome, documents, equipment, records and personnel as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Testing of aerodrome facilities, equipment and procedures

139.01.37 (1) The operator of an aerodrome must allow a person or persons authorised by the Executive Director to conduct tests of aerodrome facilities, equipment or operating procedures at the aerodrome for the purpose of ensuring aviation safety.

(2) The operator must allow a person or persons authorised by the Executive Director access to any part of the aerodrome or any aerodrome facilities, equipment or records for the purposes of carrying out such tests.

(3) The person or persons authorised by the Executive Director must give reasonable notice of any tests to be conducted in terms of subregulation (1) or (2), to the operator and carry out the tests at a reasonable time as agreed with the operator.

Register of aerodrome certificates and licences

139.01.38 (1) The Executive Director must maintain a register of all aerodrome certificates and licences issued in terms of this Part in accordance with section 52 of the Act.

(2) The register for certified and licensed aerodromes must be identified as the "Register of Certified Aerodromes" and "Register of Licensed Aerodromes" respectively and each register must contain the following particulars:

- (a) the full name and, if any, the trade name of the holder of the certificate or licence;
- (b) the postal, electronic mail and physical address of the holder of the certificate or licence;

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- (c) the telephone, cell phone and telefax numbers of the holder of the certificate or licence;
- (d) the name and the location of the aerodrome for which the certificate or licence was issued;
- (e) the category of the aerodrome;
- (f) the number of the certificate or licence issued to the holder;
- (g) the date on which the certificate or licence was issued;
- (h) the file reference numbers of initial and subsequent safety inspection records and audit reports in respect of all aerodromes certified or licensed; and
- (i) the nationality of the holder of the certificate or licence.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the certificate or licence is issued or renewed, as the case may be, by the Executive Director.

(4) The register must be kept in a safe place at the office of the Executive Director as part of the Civil Aviation Registry established in terms of section 52(1) of the Act and be accessible to the public in terms of section 52(3) of the Act.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fees prescribed in Part 187.

Use of military aerodromes

139.01.39 (1) Subject to the approval of the Minister responsible for defence, the Executive Director may, upon application by any operator of an aircraft who desires to use a military aerodrome for civil aviation purposes, authorise the use of the military aerodrome for civil aviation purposes.

(2) An authorisation to use the military aerodrome must be granted in writing and may include such conditions as the Executive Director may determine, if the Executive Director is satisfied that the use of that military aerodrome by the operator will not jeopardise aviation safety or security.

(3) The application and the grant of an authorisation to use a military aerodrome must be in accordance with standards prescribed in Document NAM-CATS-AH.

Specific procedures for aerodrome operations

139.01.40 (1) An operator of a certified or licensed aerodrome must ensure that when the aerodrome accommodates an aircraft that exceeds the certificated characteristics of the aerodrome, the compatibility between the operation of the aeroplane and aerodrome infrastructure and operations are assessed and appropriate measures developed and implemented in order to maintain an acceptable level of safety during operations.

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(2) The assessment of the compatibility of the operation of a new aeroplane with an existing aerodrome in accordance with subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Security measures

139.01.41 (1) An aerodrome operator must ensure that the security requirements are determined during the design and construction of an aerodrome.

(2) The security measures at an aerodrome must take into account the provisions of Part 111, and the related standards, procedures and practices.

(3) Despite the requirements of subregulation (1) and (2), the operator of any aerodrome that has been designated as a security designated aerodrome in accordance with section 130 of the Act, must ensure compliance with the relevant aviation security provisions of the Act and the applicable requirements in Part 111.

Low visibility operations

139.01.42 An operator of a certified or licensed aerodrome, must have procedures in place for operations during conditions of low visibility in accordance with standards prescribed in Document NAM-CATS-AH.

Exemptions

139.01.43 (1) The Executive Director may in accordance with section 46 of the Act grant an aerodrome operator an exemption from specific provisions of these regulations taking into account all aviation safety-related aspects of the aerodrome.

(2) The Executive Director may approve an exemption under subregulation (1) where the results of an aeronautical study conducted in accordance with regulation 139.01.35, indicates that an alternative level of compliance may be established without compromising aviation safety.

(3) Where an exemption is granted in accordance with subregulation (1), the Executive Director may determine the conditions necessary to ensure an equivalent level of safety referred to in subregulation (2), and such conditions must be set out in an endorsement on the aerodrome certificate or licence.

(4) An aerodrome operator must comply with any conditions specified by the Executive Director in the endorsement on the aerodrome certificate or licence.

(5) An aerodrome operator must publish in the aerodrome manual, any exemptions granted by the Executive Director under this regulation.

Compensation payable for spilling substances on certain areas

139.01.44 (1) Where fuel, hydraulic liquid or any other substance which causes damage to, or defaces, the apron or manoeuvring area or poses a safety hazard is spilled from or by any aircraft, vehicle or any other technical equipment on the apron or manoeuvring area of an aerodrome, the owner or operator of such aircraft, vehicle or technical equipment, as the case may be, must compensate the aerodrome operator for the cleaning of the apron or manoeuvring area as a result of such spilling.

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(2) The compensation payable under subregulation (1) must be determined on a cost recovery basis.

Firing of rockets, missiles, flares or other objects in vicinity of aerodromes

139.01.45 (1) A person may not fire a rocket, missile, flares or any other object other than those used for aeronautical distress within the vicinity of an aerodrome, unless that person has been granted permission to do so by the Executive Director.

(2) Despite subregulation (1), the firing of rockets, missiles, flares or any other objects may not take place at or within 15 kilometres from the aerodrome reference point of a certified or licensed aerodrome.

**SUBPART 2
AERODROME DESIGN AND CONSTRUCTION REQUIREMENTS**

Applicability of Subpart

139.02.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.02.1 substituted by GN 55/2023]

Construction of aerodrome

139.02.2 (1) A person may not construct an aerodrome unless that person has obtained the necessary authorisation issued by the Executive Director.

(2) An application to construct an aerodrome must be submitted to the Executive Director in the form and manner determined by the Executive Director and must be accompanied by -

- (a) full particulars of the particular area demarcated for the development of the aerodrome, and the location thereof;
- (b) a detailed design of the proposed construction including related architectural requirements approved, where possible, by the relevant local authority council;
- (c) written approval from the following institutions for the intended aerodrome development:
 - (i) for private aerodromes, approval from the relevant local authority council;
 - (ii) for commercial aerodromes intended for domestic operations, approval from the relevant local authority council; and
 - (iii) for international aerodromes, approval from the relevant local authority council and the Ministry responsible for works and transport; and
- (d) aerodrome data in accordance with the characteristics of the critical aeroplane for which the aerodrome is intended;
- (e) a topographical map of the proposed aerodrome site;

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- (f) an environmental clearance certificate issued under the Environmental Management Act; and
- (g) the applicable fees as prescribed under Part 187.

(3) On receipt of the application, the Executive Director must assess the suitability of the place proposed for construction taking into consideration -

- (a) the proximity of the place to other aerodromes and landing areas including military aerodromes;
- (b) the obstacles, terrain and existing airspace restrictions; and
- (c) that it is not against public interest that the place where the aerodrome is to be constructed should be used as such.

(4) The Executive Director must make arrangements for the inspection of the proposed site of the aerodrome prior to commencement of construction to ascertain compliance with the applicable technical standards.

(5) The Executive Director may grant the application, if he or she is satisfied that the requirements of subregulations (2) and (3) have been met and the results of the inspection required under subregulation (4) indicate that the construction of the aerodrome will not jeopardise aviation safety.

(6) The Executive Director must make arrangements for the inspection of the proposed aerodrome during construction to ascertain compliance with the applicable technical standards and any conditions specified in the authorisation.

(7) A person authorised to construct an aerodrome must ensure that the design and construction of the aerodromes -

- (a) is undertaken by a person registered with, or approved by, the relevant professional body; and
- (b) takes into account, as appropriate, land-use and environmental control measures.

Requirements for aerodrome design

139.02.3 (1) An applicant for the construction of an aerodrome must ensure that the aerodrome design required under regulation 139.02.2(2)(b) is appropriate to the critical aeroplane for which the aerodrome is intended.

(2) An applicant for the construction of an aerodrome must integrate architectural and infrastructure-related requirements for the optimum implementation of international civil aviation security measures referred to in regulation 139.01.41 into the design and construction of new facilities and alterations to existing facilities at an aerodrome.

(3) An aerodrome design must -

- (a) indicate the physical characteristics of the aerodrome appropriate to the characteristics of the critical aeroplane for which the aerodrome is intended to serve;

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- (b) indicate the obstacle limitation surfaces;
- (c) indicate visual aids for -
 - (i) navigation;
 - (ii) denoting obstacles; and
 - (iii) restricted areas; and
- (cA) indicate the electrical systems;

[paragraph (cA) inserted by GN 55/2023]

- (d) indicate aerodrome data including the appropriate equipment and installations;
- (e) indicate an airspace classification referred to in Parts 71 and 172;
- (f) indicate an appropriate level of firefighting services appropriate to the characteristics of the critical aeroplane it intends to serve in accordance with regulation 139.16.3;
- (g) indicate the lowest meteorological minima for each runway;
- (h) be in accordance with the standards prescribed in Document NAM-CATS-AH.

Issuance of certificate of intent

139.02.4 (1) Where an application to construct an aerodrome has been granted by the Executive Director, a proposed holder of an aerodrome certificate or licence may submit an application to the Executive Director for the grant of a certificate of intent.

(2) An application for the issuing of a certificate of intent must be made to the Executive Director in the form and manner determined by the Executive Director.

(3) The application for a certificate of intent must be accompanied by -

- (a) the documents listed under 139.02.2(2); and
- (b) written comments from the air navigation service provider regarding the impact on the existing airspace structure and the feasibility of accommodating the intended aerodrome development in the airspace structure.

(4) The Executive Director must, as soon as practicable after the receipt of an application for certificate of intent, publish a notice in the *Gazette* the following particulars in respect of the application concerned:

- (a) the full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

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(5) Any person may, after the publication of the notice referred to in subregulation (4), submit in writing representations to the Executive Director against or in favour of the application concerned.

(6) The Executive Director may grant the application if he or she is satisfied that the application complies with the requirements prescribed in these regulations.

(7) A certificate of intent must be issued on the form as determined by the Executive Director.

(8) The certificate of intent must specify the conditions and the restrictions which the Executive Director considers necessary in the interests of aviation safety.

(9) A certificate of intent -

(a) is not transferable; and

(b) must remain valid for the period determined by the Executive Director, which period must not exceed five years, calculated from the date on which the certificate is issued.

SUBPART 3
CERTIFICATION OF AERODROMES

Applicability of Subpart

139.03.1 (1) This Subpart applies to category A aerodromes.

(2) This Subpart also applies to aerodromes in category B that have to be certified as considered necessary by the Executive Director.

(3) Despite subregulations (1) and (2), an aerodrome operator may apply for certification of that operator's aerodrome in accordance with the provisions of this Subpart.

Requirement for aerodrome certificate

139.03.2 (1) A person may not operate an aerodrome used for international operations unless that person holds a certificate issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome certificate is subject to the aerodrome complying with these regulations and the standards prescribed in Document NAM-CATS-AH.

[The verb "is" should be "are" to be grammatically correct.]

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding certificate period or before the issuing of a new certificate, determine compliance with these regulations and standards for the purposes of issuing or renewal of a certificate.

(4) The Authority must charge fees on the aerodrome certificate holder, upon issuance or renewal of an aerodrome certificate, in accordance with fees as prescribed in Part 187.

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Application for aerodrome certificate

139.03.3 (1) An applicant for the issuing of an aerodrome certificate must -

(a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and

(b) pay the appropriate application fee as prescribed in Part 187.

(2) An application under subregulation (1) must include -

(a) a completed application form;

(b) the aerodrome manual prepared in accordance with Subpart 7;

(c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;

(d) evidence of lawful entitlement to use the place as an aerodrome;

(e) an aerodrome environmental management programme referred to in regulation 139.08.15;

(f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;

(g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;

(h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;

(i) particulars of non-compliance with or deviations from -

(i) the appropriate aerodrome design, operation or equipment standards;

(ii) the appropriate airspace classification in terms of Parts 71 and 172;

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

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the certificate is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome certificate or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

(a) the full name of the applicant;

(b) full particulars of the location of the aerodrome; and

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- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

Issuance of aerodrome certificate

139.03.4 (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.03.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.03.3(4).

(2) The Executive Director must issue a certificate in the form and manner by him or her, if the Executive Director is satisfied that -

- (a) the applicant has complied with the application requirements in regulation 139.03.3;
- (b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;
- (c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;
- (d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;
- (e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;
- (f) the safety management system in terms of regulation 139.08.6 is in place;
- (g) a quality management system in terms of regulation 139.08.4 is in place; and

[paragraph (g) substituted by GN 55/2023]

- (h) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome certificate subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a certificate to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

(5) After the issuance of an aerodrome certificate, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the certificate and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

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(6) The Executive Director may endorse on a certificate the conditions for use of an aerodrome and any other details as may be considered necessary.

Aerodrome certificate

139.03.5 (1) An aerodrome certificate must be issued on the appropriate form as determined by the Executive Director.

- (2) The certificate must specify -
- (a) the category of the aerodrome for which the aerodrome is certified;
 - (b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;
 - (c) the period of validity of the certificate; and
 - (d) the appropriate airspace classification in accordance with Parts 71 and 172.

Validity of aerodrome certificate

139.03.6 (1) An aerodrome certificate is valid for a period of two years from the date on which the certificate is issued or renewed.

(2) The certificate remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(3) The holder of a certificate which has expired, must within five days after the expiry, surrender the licence to the Executive Director.

(4) Failure to surrender a certificate in accordance with this subregulation (3) is subject to enforcement action under Parts 13 and 185.

Renewal of aerodrome certificate

139.03.7 (1) An application for the renewal of an aerodrome certificate must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

- (a) the updated copy of the aerodrome manual if significant changes have been made following the initial certification;
- (b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and
- (c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current certificate.

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Amendment of aerodrome certificate

139.03.8 (1) An application for amendment of an aerodrome certificate pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.03.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

- (a) a change in the ownership of the aerodrome;
- (b) a change in the use or operation of the aerodrome;
- (c) a change in the boundaries of the aerodrome;
- (d) if the holder of the certificate requests an amendment; or
- (e) if the Executive Director considers it necessary.

[subregulation (2) substituted by GN 55/2023]

Suspension and revocation of aerodrome certificate

139.03.9 (1) The Executive Director may, by written notice given to the holder of an aerodrome certificate, suspend or revoke the certificate in accordance with section 42, 43 or 64 of the Act.

[subregulation (1) substituted by GN 55/2023]

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome certificate if -

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the certificate does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out a safety inspection and audit in terms of regulation 139.01.36; or
- (c) the suspension is necessary in the interest of aviation safety.

(3) A holder of a certificate that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a certificate which is suspended, must within 48 hours after the suspension, produce the certificate thereof to the Executive Director for the appropriate endorsement.

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(5) The holder of a certificate which is revoked must, within seven days from the date on which the certificate is revoked, surrender that certificate to the Executive Director.

(6) Failure to surrender a certificate in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

Surrender of aerodrome certificate

139.03.10 (1) Subject to subregulation (2), a holder of an aerodrome certificate may surrender the certificate to the Executive Director at any time.

(2) A holder of an aerodrome certificate who wishes to surrender the certificate must give the Executive Director not less than 60 days' notice in writing, before the date on which the certificate is to be surrendered.

(3) The Executive Director must revoke the aerodrome certificate on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the certificate, the holder of the certificate must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a certificate pursuant to subregulation (3), regulation 139.03.9(1) or 139.03.9(2), the Executive Director must arrange for -

- (a) the revocation to be notified through NOTAM; and
- (b) details of the certificate and any other information about the aerodrome to be removed from the AIP.

Transferability of aerodrome certificate

139.03.11 (1) An aerodrome certificate issued under these regulations is not transferable.

(2) A change in ownership of the holder of a certificate is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the certificate was originally issued.

Breach of conditions for issuance of aerodrome certificate and non-conformance with certificate requirements

139.03.12 (1) The breach of any conditions subject to which a certificate is issued including any approval, permission or exemption may lead to the suspension or revocation of the certificate.

(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a certified aerodrome in the event of non-conformance with the certification requirements or any unresolved safety concerns.

Charges at certified aerodromes

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139.03.13 (1) A holder of an aerodrome certificate may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a certificate to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

Changes to certificate holder's manual and organisation

139.03.14 (1) A holder of an aerodrome certificate must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The certificate holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The certificate holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a certificate holder changes any of the following, prior approval by the Executive Director is required:

- (a) the senior accountable manager;
- (b) the key safety personnel; or
- (c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a certificate holder must operate during or following any of the changes specified in subregulation (4).

(6) The certificate holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator certificate, the certificate holder must, within five days after the change, forward the certificate to the Executive Director for endorsement of the change.

(8) The certificate holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

Notification of availability of certified aerodrome

139.03.15 An aerodrome operator must -

- (a) in the case of a certificate to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and

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- (b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the certificate.

Issuance of interim aerodrome certificate

139.03.16 (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome certificate to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

- (a) an aerodrome certificate in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome certificate has been completed; and
 - (b) the grant of the interim certificate is in the public interest and is not detrimental to aviation safety.
- (2) An interim aerodrome certificate issued pursuant to subregulation (1) expires on -
- (a) the date on which the aerodrome certificate is issued; or
 - (b) the expiry date specified by the Executive Director in the interim aerodrome certificate,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome certificate apply, subject to necessary changes required by the context, to an interim aerodrome certificate issued by the Executive Director.

**SUBPART 4
LICENSING OF AERODROMES IN CATEGORIES B, C AND D**

Applicability of Subpart

139.04.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.04.1 substituted by GN 55/2023]

Requirements for aerodrome licence

139.04.2 (1) A person may not operate an aerodrome to which this Subpart applies unless that person holds a licence issued by the Executive Director in accordance with this Subpart.

(2) The issuance and renewal of an aerodrome licence is subject to the aerodrome complying with these regulations and the applicable standards prescribed in Document NAM-CATS-AH.

[The verb "is" should be "are" to be grammatically correct.]

(3) The Authority must, by means of audit procedures and inspections at various times as determined by the Executive Director, during the preceding licence period or before the issuing

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of a new licence, determine compliance with these regulations and standards for the purposes of issuing or renewal of a licence.

(4) The Authority must levy fees from aerodrome licence holders, upon renewal or issuing of an aerodrome licence, in accordance with the fees as prescribed in Part 187.

Application for aerodrome licence

139.04.3 (1) An applicant for the issuing of an aerodrome licence must -

(a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and

(b) pay the appropriate application fee as prescribed in Part 187.

(2) An application under subregulation (1) must include -

(a) a completed application form;

(b) the aerodrome manual prepared in accordance with Subpart 7;

(c) the plan of the aerodrome and its facilities approved by the appropriate local authority council;

(d) evidence of lawful entitlement to use the place as an aerodrome;

(e) an aerodrome environmental management programme referred to in regulation 139.08.15;

(f) the procedures for the notification and reporting of aerodrome data and information referred to in Subpart 9;

(g) written approval from the local authority, regional or traditional authority council in whose area of jurisdiction the proposed aerodrome is situated, and from all relevant governmental offices, ministries, agencies and entities whose approval is required;

(h) proof that the applicant is financially capable of operating the aerodrome, including the provision of firefighting service required under Subpart 16;

(i) particulars of non-compliance with or deviations from -

(i) the appropriate aerodrome design, operation or equipment standards;

(ii) the appropriate airspace classification in terms of Parts 71 and 172;

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

(3) The application must be submitted to the Executive Director not less than 90 days before the date that the licence is required.

(4) The Executive Director must, as soon as practicable after the receipt of an application for an aerodrome licence or for an amendment thereof, publish by notice in the *Gazette* the following particulars in respect of the application concerned:

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- (a) the full name of the applicant;
- (b) full particulars of the location of the aerodrome; and
- (c) reference to the date by which the representations referred to in subregulation (5) must be submitted to the Executive Director.

(5) Any person may, after the publication of the notice referred to in subregulation (4), in writing submit representations to the Executive Director against or in favour of the application concerned.

Issuance of aerodrome licence

139.04.4 (1) The Executive Director must as soon as practicable consider an application referred to in regulation 139.04.3, together with all representations, information and other documents relating to such application which are received within the period specified in the notice published in terms of regulation 139.04.3(4).

(2) The Executive Director must issue a licence in the form and manner by him or her, if the Executive Director is satisfied that -

- (a) the applicant has complied with the application requirements in regulation 139.04.3;
- (b) the applicant and the personnel of the applicant are adequate in number and have the necessary competency and experience to operate and maintain an aerodrome;
- (c) the aerodrome manual prepared for the aerodrome and submitted with the application contains all the relevant information;
- (d) the aerodrome facilities, services and equipment are established in accordance with the standards prescribed in Document NAM-CATS-AH;
- (e) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft;
- (f) a quality management system in terms of regulation 139.08.4 is in place; and

[paragraph (f) substituted by GN 55/2023]

- (g) the applicant has complied with the aerodrome security requirements specified in this Part and Parts 108 to 114, inclusive.

(3) The Executive Director may issue an aerodrome licence subject to any conditions that the Executive Director may consider necessary for the purpose of civil aviation safety and security.

(4) If the applicant does not satisfy the requirements set out in subregulation (2) or in any provision of the Act or these regulations, the Executive Director may refuse to grant a licence to an applicant and where the Executive Director so refuses, he or she must notify the applicant in writing of the reasons for the refusal, not later than 14 days after making that decision.

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(5) After the issuance of an aerodrome licence, the Executive Director must carry out surveillance and inspections to ensure continuing validity of the licence and continuing capacity of the aerodrome operator to maintain safe and regular operation of the aerodrome and associated facilities and services.

(6) The Executive Director may endorse on a licence the conditions for use of an aerodrome and any other details as may be considered necessary.

Aerodrome licence

139.04.5 (1) An aerodrome licence must be issued on the appropriate form as determined by the Executive Director.

- (2) The licence must specify -
- (a) the category of the aerodrome for which the aerodrome is licensed;
 - (b) the restrictions, if any, relating to non-compliance with or deviations from the appropriate aerodrome design, operation or equipment standards;
 - (c) the period of validity of the licence; and
 - (d) the appropriate airspace classification in accordance with Parts 71 and 172.

Validity of aerodrome licence

139.04.6 (1) An aerodrome licence is valid for a period of two years for aerodromes in category B, and three years for aerodromes in categories C, calculated from the date on which the licence is issued or renewed

[subregulation (1) substituted by GN 55/2023]

(2) The licence remains in force until it expires or is suspended or revoked by the Executive Director pursuant to sections 42 and 43 of the Act, as the case maybe.

[The word "maybe" should be the two words "may be".]

(3) The holder of a licence which has expired, must within five days after the expiry surrender the licence to the Executive Director.

(4) Failure to surrender a licence in accordance with this Subpart is subject to enforcement action under Parts 13 and 185.

Renewal of aerodrome licence

139.04.7 (1) An application for the renewal of an aerodrome licence must be made to the Executive Director in the form and manner determined by the Executive Director, and must be accompanied by -

- (a) the updated copy of the aerodrome manual if significant changes have been made following the initial licensing;

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- (b) particulars of non-compliances with, or deviations, if any, from the appropriate design, operation or equipment standards; and
- (c) the appropriate fees as prescribed in Part 187.

(2) An application for renewal must be submitted at least 60 days before the expiry of the current licence.

Amendment of aerodrome licence

139.04.8 (1) An application for amendment of an aerodrome licence pursuant to section 45 of the Act must be submitted to the Executive Director and the requirements of regulation 139.04.7, subject to necessary changes required by the context, apply to that application.

(2) An amendment must be applied for whenever there is a change in one or more of the following circumstances:

- (a) a change in the ownership of the aerodrome;
- (b) a change in the use or operation of the aerodrome;
- (c) a change in the boundaries of the aerodrome;
- (d) if the holder of the licence requests an amendment; or
- (e) if the Executive Director considers it necessary.

[subregulation (2) substituted by GN 55/2023]

Suspension and revocation of aerodrome licence

139.04.9 (1) The Executive Director may, by written notice given to the holder of an aerodrome licence, suspend or revoke the licence in accordance with section 42, 43 or 64 of the Act.

[subregulation (1) substituted by GN 55/2023]

(2) Despite subregulation (1), the Executive Director may suspend or revoke an aerodrome licence if -

- (a) after a safety inspection and audit carried out in terms of regulation 139.01.36, it is evident that the holder of the licence does not comply with the requirements prescribed in this Part and that holder fails to remedy the non-compliance within the time frame specified by the Executive Director in a written notice requiring the holder to do so; or
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out a safety inspection and audit in terms of regulation 139.01.36; or
- (c) the suspension is necessary in the interest of aviation safety.

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(3) A holder of a licence that has been suspended or revoked may appeal in accordance with section 225 of the Act.

(4) The holder of a licence which is suspended, must within 48 hours after the suspension, produce the licence thereof, to the Executive Director for the appropriate endorsement.

(5) The holder of a licence which is revoked must, within seven days from the date on which the licence is revoked, surrender that licence to the Executive Director.

(6) Failure to surrender a licence in accordance with this subregulation (4) or (5) is subject to enforcement action under Parts 13 and 185.

Surrender of aerodrome licence

139.04.10 (1) Subject to subregulation (2), a holder of an aerodrome licence may surrender the licence to the Executive Director at any time.

(2) A holder of an aerodrome licence who wishes to surrender the licence must give the Executive Director not less than 60 days' notice in writing, before the date on which the licence is to be surrendered.

(3) The Executive Director must revoke the aerodrome licence on the expiry of the period of notice referred to in subregulation (2).

(4) Where, after the expiry of the period in subregulation (2), an aerodrome is abandoned or is not maintained in accordance with the conditions of the licence, the holder of the licence must remove, obliterate or modify the aerodrome markings required under this Part.

(5) Upon revocation of a licence pursuant to subregulation (3), regulation 139.04.9(1) or 139.04.9(2), the Executive Director must arrange for -

- (a) the revocation to be notified through NOTAM; and
- (b) details of the licence and any other information about the aerodrome to be removed from the AIP.

Transferability of aerodrome licence

139.04.11 (1) An aerodrome licence issued under these regulations is not transferable.

(2) A change in ownership of the holder of a licence is deemed to be a change of significance and the written approval of the Executive Director must be obtained where a change of ownership does or may give rise to alterations to approved elements or criteria upon which the licence was originally issued.

Breach of conditions for issuance of aerodrome licence and non-conformance with licence requirements

139.04.12 (1) The breach of any conditions subject to which a licence is issued including any approval, permission or exemption may lead to the suspension or revocation of the licence.

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(2) The Executive Director may in accordance with section 38(6) of the Act, impose operating restrictions or prohibitions at a licensed aerodrome in the event of non-conformance with the licensing requirements or any unresolved safety concerns.

Charges at licensed aerodromes

139.04.13 (1) A holder of an aerodrome licence may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a licence to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

Changes to licence holder's manual and organisation

139.04.14 (1) A holder of an aerodrome licence must ensure that the aerodrome manual required under this Part is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures and facilities.

(2) The licence holder must ensure that any amendment made to its aerodrome manual meets the applicable requirements of this Part and complies with the amendment requirements in Subpart 7.

(3) The licence holder must forward to the Executive Director for retention, a copy of each amendment to its aerodrome manual as soon as practicable after the amendment is incorporated into the manual.

(4) Before a licence holder changes any of the following, prior approval by the Executive Director is required:

- (a) the senior accountable manager;
- (b) the key safety personnel; or
- (c) the system for safety management, if the change is a material change.

(5) The Executive Director may impose conditions under which a licence holder must operate during or following any of the changes specified in subregulation (4).

(6) The licence holder must comply with any conditions imposed by the Executive Director under subregulation (5).

(7) If any change referred to in these regulations requires an amendment to the aerodrome operator licence, the licence holder must, within five days after the change, forward the licence to the Executive Director for endorsement of the change.

(8) The licence holder must make such amendments to the holder's aerodrome manual as the Executive Director may direct in the interests of aviation safety.

Notification of availability of licensed aerodrome

139.04.15 An aerodrome operator must -

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- (a) in the case of a licence to operate an aerodrome for public use, notify, the times during which the aerodrome is to be available for take-off and landing of aircraft for public transport or instruction in flying; and
- (b) upon request, furnish to an authorised officer, inspector or authorised person, information concerning the terms of the licence.

Issuance of interim aerodrome licence

139.04.16 (1) The Executive Director may, under section 67(3) of the Act, issue an interim aerodrome licence to an applicant authorising the applicant to operate an aerodrome if the Executive Director is satisfied that -

- (a) an aerodrome licence in respect of the aerodrome will be issued to the applicant as soon as the application procedure for the grant of an aerodrome licence has been completed; and
 - (b) the grant of the interim licence is in the public interest and is not detrimental to aviation safety.
- (2) An interim aerodrome licence issued pursuant to subregulation (1) expires on -
- (a) the date on which the aerodrome licence is issued; or
 - (b) the expiry date specified by the Executive Director in the interim aerodrome licence,

whichever is the earlier.

(3) The requirements of this Part and the associated standards in as far as they apply to an aerodrome licence apply, subject to necessary changes required by the context, to an interim aerodrome licence issued by the Executive Director.

**SUBPART 5
CATEGORY E AERODROMES**

[Subpart 5 will be substituted by GN 55/2023 18 months from the date of publication of that notice, which was 31 March 2023. For information purposes, the substituted text will be as follows:

“Applicability of Subpart

139.05.1 This Subpart applies to aerodromes in category D.

Aerodrome design and construction of category D aerodromes

139.05.2 (1) After the commencement of these regulation a person may not construct a category D aerodrome unless the design and construction has been approved by the Executive Director.

(2) An applicant for construction of a category D aerodrome must submit an application, accompanied by -

- (a) the design of the proposed construction;
- (b) aerodrome data commensurate with the type of aircraft the aerodrome is intended to serve;
- (c) a layout or a map of the proposed site that includes details of:
 - (i) the proximity of the aerodrome to other aerodromes and landing sites, including military aerodromes;
 - (ii) obstacles and terrain;
 - (iii) any excessive operational restriction requirements;
 - (iv) any existing restrictions and controlled airspace; and

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- (v) any existing instrument procedures;
- (d) written permission from the owner of the land or evidence of ownership of the land on which the aerodrome is to be constructed;
- (e) fees as prescribed in Part 187.
- (3) The Executive Director must prior to the issuance of approval for construction of a category D aerodrome, assess the suitability of the place proposed for construction taking into consideration -
 - (a) the proximity of the place to other aerodromes and landing areas including military aerodromes, obstacles, terrain and existing airspace restrictions;
 - (b) that it is not against public interest that the place where the aerodrome is to be constructed may be used as an aerodrome;
 - (c) that the applicant holds a valid authorisation for use of the place as an aerodrome; and
 - (d) that the applicant has complied with the requirements of the Environmental Management Act, 2007 (Act No. 7 of 2007).
- (4) The Executive Director must within 30 days from the date of application, issue an approval or a rejection to construct a category D aerodrome.

Registration of category D aerodrome

139.05.3 (1) The owner or operator or interested party in the operations of a category D aerodrome must provide the Executive Director with -

- (a) the general information of the aerodrome containing -
 - (i) the full name of the owner or operator;
 - (ii) the postal address of the owner or operator;
 - (iii) the telephone and mobile number of the owner or operator; and
 - (iv) email address of the owner or operator;
- (b) the aerodrome name and location information containing -
 - (i) its geographical coordinates to the closest minute;
 - (ii) its geographical description;
 - (iii) an indication whether the aerodrome is serviceable or unserviceable;
 - (iv) its runway length, width and magnetic orientation; and
 - (v) its runway surface type as to whether it is gravel, asphalt, sand or grass; and
- (c) the map of the aerodrome containing the following particulars -
 - (i) the layout of runways, their designations (runway numbers) and length in meters;
 - (ii) the layout of taxiways and aprons, where applicable;
 - (iii) the location of the aerodrome reference point;
 - (iv) the boundaries of the aerodrome;
 - (v) the major aerodrome facilities and equipment;
 - (vi) the aerodrome visual and non-visual aids;
 - (vii) the location of all wind direction indicators;
 - (viii) the elevation of the aerodrome at the highest point of the landing surface; and
 - (vx) distance to the nearest city or town, and the name of that city or town.
- (2) The information referred to in subregulation (1), must be registered in the approved form and accompanied by payment of applicable fee as prescribed in Part 187.
- (3) The information referred to in subregulation (1), must be re-submitted every five years from the date of initial submission.

Acknowledgment of registration to operate category D aerodromes

139.05.4 The Executive Director must acknowledge registration of a category D aerodrome within 30 days from date of submission of information as referred to under regulation 139.05.3.

Transferability of change of aerodrome ownership

139.05.5 The registration of aerodromes under these regulations is transferable subject to subregulation 139.05.3 if the holder of such registration provides the Executive Director with written notice of the change in ownership of the aerodrome.

General duties of category D aerodrome operator

- 139.05.6** An aerodrome operator must, where practical -
- (a) maintain the aerodrome and its facilities in a serviceable condition;
 - (b) keep the aerodrome free of unauthorised persons or vehicles or animals which are not under proper control or any other obstructions;
 - (c) mark all obstructions;
 - (d) inform the Executive Director in writing any alterations to obstruction or works on the aerodrome;
 - (e) install an apparatus to show the surface direction of the wind speed and direction, and ensure that the apparatus is installed and functions satisfactorily;

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- (f) maintain any markings in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground; and
- (g) notify the Executive Director as soon as practical on any changes in the information submitted under subregulation 139.05.3.

Operating standards for category D aerodromes with heightened safety and security measures

139.05.7 (1) The aerodrome operator of category D aerodrome must establish operating standards, where scheduled air services or charter aircraft with a maximum take-off weight of more than 5700kg or where more than 500 passengers arrive and depart from the aerodrome during the busiest three consecutive months of a calendar year.

- (2) The operating standards referred to in subregulation (1) must address matters relating to -
 - (a) aerodrome reporting;
 - (b) aerodrome maintenance;
 - (c) control of obstacles;
 - (d) coordination of emergency management;
 - (e) risk assessment of aerodrome rescue and fire-fighting services; and
 - (f) notification of changes on information published in the Aeronautical Information Publication (AIP).

(3) The aerodrome operator of category D that is open for scheduled air services may establish operating standards as set out in subregulation (1).

Reporting officer at category D aerodromes

139.05.8 (1) This subregulation applies to aerodromes operated under regulation 139.05.7.

(2) The operator of a category D aerodrome must designate, one or more reporting officers for the aerodrome, to be responsible for -

- (a) monitoring and reporting the serviceability of the aerodrome in accordance with procedures developed by the operator; and
- (b) notifying the Aeronautical Information Services (AIS) of the Authority and where applicable, air traffic control services, of any changes in conditions, or any other occurrences, at the aerodrome.

Charges at category D aerodromes

139.05.9 (1) An operator of a registered category D aerodrome who intends to levy aerodrome charges or to amend existing aerodrome charges for the use of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation must when determining or amending such charges, not discriminate between or against various users of such aerodrome.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director may require an operator of a registered category D aerodrome to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

Deregistration of category D aerodromes

139.05.10 (1) In order to ensure that adequate warning has been given to the users of an aerodrome, an operator of a category D aerodrome must give the Executive Director at least 60 days' written notice of the aerodrome operator's intention to deregister the aerodrome or cease its operations.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is deregistered or is abandoned or is not being maintained in accordance with the conditions of registration, the aerodrome operator must remove, obliterate, or modify all aerodrome markings as the Executive Director may direct.

(3) On completion of the task referred to in subregulation (2), the Executive Director must remove the aerodrome from the aerodrome register.”]

Applicability of Subpart

139.05.1 This Subpart applies to aerodromes in category E.

Construction of category E aerodromes

139.05.2 (1) A person may not construct a category E aerodrome unless the construction has been approved by the Executive Director.

(2) The Executive Director may consider for approval an application for construction of a category E aerodrome if the applicant -

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- (a) holds a valid authorisation from the relevant government authorities for use of the place as an aerodrome;
- (b) has complied with the requirements of the Environmental Management Act.

(3) The Executive Director must, prior to issuance of approval for construction of category E aerodrome, assess the suitability of the place proposed for construction taking into consideration -

- (a) the proximity of the place to other aerodromes and landing areas, including military aerodromes;
- (b) obstacles, terrain and existing airspace restrictions; and
- (c) that it is not against public interest that the place where the aerodrome is to be constructed may be used as such.

(4) An applicant for construction of a category E aerodrome must submit an application in the approved form, accompanied by -

- (a) the design of the proposed construction;
- (b) aerodrome data in accordance with the characteristics of the aircraft for which the aerodrome is intended;
- (c) a topographical map of the proposed aerodrome site;
- (d) written permission from the owner of the land or evidence of ownership of the proprietary interest in the land on which the aerodrome is to be constructed; and
- (e) fees as prescribed in Part 187.

(5) The Executive Director must issue an approval to construct a category E aerodrome in writing where the application meets the requirements specified in this Subpart and any other requirements as may be specified by any other relevant authorities.

Application for permit to operate category E aerodrome

139.05.3 (1) The operator of a category E aerodrome must apply to the Executive Director for a permit to operate the aerodrome.

(2) An application for a permit to operate a category E aerodrome must be made in the form and manner determined by the Executive Director, and must be accompanied by -

- (a) the map of the aerodrome as described in Document NAM-CATS-AH;
- (b) the information about the aerodrome as described in Document NAM-CATS-AH;
- (c) a written declaration by the applicant to the effect that the aerodrome has complied with applicable standards; and
- (d) the applicable fee as prescribed in Part 187.

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Permit to operate category E aerodrome

139.05.4 (1) The Executive Director must, before issuing a permit to operate a category E aerodrome, make arrangements for the inspection of the aerodrome to ascertain compliance with standards set out in regulation 139.05.10.

- (2) The Executive Director must -
- (a) issue a permit to operate a category E aerodrome in an approved form where the Executive Director is satisfied that the applicant has satisfied the requirements of this Subpart;
 - (b) enter the information about the issuance of a permit in the aerodrome register in accordance with subregulation 139.05.6(2);
 - (c) direct aeronautical information service (AIS) to publish in the AIP, details of the permit and the information about the aerodrome.

Refusal to issue permit to operate category E aerodrome

139.05.5 Where the Executive Director refuses to issue a permit to operate a category E aerodrome the Executive Director must, not later than seven days after refusing to issue the permit, give the operator of the aerodrome written notice of the refusal and the reasons for the refusal.

Register of category E aerodromes permits

139.05.6 (1) The Executive Director must maintain a register of permits issued for category E aerodromes.

(2) The register referred to in subregulation (1) must be identified as “Register of Category E Aerodromes” and must contain the following particulars:

- (a) the full name and, if any, the trade name of the holder of the permit;
- (b) the postal, electronic mail and physical address of the holder of the permit;
- (c) telephone, cell phone and telefax number of the holder of the permit;
- (d) the name and the location of the aerodrome;
- (e) the category of the aerodrome;
- (f) the number of the permit;
- (g) the date on which the permit was issued; and
- (h) the nationality of the holder of the permit.

(3) The particulars referred to in subregulation (2) must be recorded in the register within seven days from the date on which the permit is issued or renewed as the case may be, by the Executive Director.

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(4) The register must be kept in a safe place at the office of the Executive Director as part of the Civil Aviation Registry established under section 52 of the Act and is accessible to the public in terms of section 52(3) of the Act.

(5) The Executive Director must furnish a copy of the register to any person who requests the copy upon payment of the appropriate fees prescribed in Part 187.

Duration of permit to operate category E aerodrome

139.05.7 (1) The permit to operate a category E aerodrome remains in force for a period of five years from the date of issue, unless it is revoked by the Executive Director.

(2) The holder of the permit may apply for renewal at least 60 days before the expiry of the permit and the provisions of regulations 139.05.3 to 139.05.5 apply with necessary changes required by the context.

Revocation of permit to operate aerodrome on request of holder

139.05.8 (1) If the operator of a category E aerodrome wishes the permit to be revoked, the operator must give the Executive Director not less than 30 days' written notice of the date on which the operator wishes the permit to be revoked.

(2) The Executive Director must revoke the permit on the date specified in the notice and arrange for -

- (a) the revocation to be notified through NOTAM; and
- (b) details of the permit and any other information about the aerodrome to be removed from the AIP.

Revocation or suspension of permit to operate aerodrome by Executive Director

139.05.9 (1) The Executive Director may, by written notice given to the operator of a category E aerodrome, suspend or revoke the permit issued to the aerodrome in accordance with sections 42, 43 and 44 of the Act if there are reasonable grounds for believing that -

- (a) the aerodrome fails to meet any of the standards applicable to the aerodrome under regulation 139.05.10; or
- (b) the operator of the aerodrome has failed to comply with these regulations regarding -
 - (i) unhindered access by the Authority's designated inspectors to the aerodrome facilities;

[Government Notice 89/2020 amends the regulations globally to substitute the expression "authorised officer, inspector or authorised person" for the expression "designated inspector, authorised officer or authorised person". No change has been made here where the term "designated inspectors" appears without being followed by the other indicated terms, but the intention may have been for this term to be substituted by the term "authorised inspectors" or "inspectors".]

- (ii) notification of changes in physical conditions of the aerodrome;

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- (iii) notification of changes in information published in the AIP;
- (iv) requirements relating to aviation safety inspections;
- (v) any other reason as may be considered necessary in the public interest by the Executive Director.

(2) A holder of an aerodrome permit which is suspended or revoked must surrender the permit to the Executive Director in accordance with sections 42 and 43 of the Act.

Operating standards for category E aerodromes

139.05.10 (1) The requirements and standards applicable to category E aerodromes are -

- (a) the requirements and standards applicable to certified and licensed aerodromes in relation to the following matters:
 - (i) physical characteristics of the movement area;
 - (ii) obstacle limitation surfaces;
 - (iii) aerodrome markings;
 - (iv) lighting;
 - (v) wind direction indicators;
 - (vi) signal panel and ground signals; and
- (b) any other applicable standards prescribed in Document NAM-CATS-AH.

(2) An operator of a category E aerodrome must establish procedures to ensure that aircraft movements are restricted or prohibited on parts of the aerodrome where an unsafe condition exists.

- (3) An operator of a category E aerodrome must -
 - (a) provide the Executive Director with an annual report of traffic movement data for the aerodrome; and
 - (b) whenever requested in writing by the Executive Director at any one time, collect and report traffic movement data for the aerodrome.

Reporting officer at category E aerodromes

139.05.11 The operator of a category E aerodrome must appoint in accordance with standards prescribed in Document NAM-CATS-AH, one or more reporting officers for the aerodrome, to be responsible for -

- (a) monitoring and reporting the serviceability of the aerodrome in accordance with the standards specified in 139.05.10; and

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- (b) reporting to the NOTAM office and as applicable, to the relevant air traffic control service, any changes in conditions, or any other occurrences, at the aerodrome that must be notified under regulation 139.05.12.

Notice of changes in physical condition of category E aerodrome

139.05.12 (1) The operator of a category E aerodrome must give notice to the NOTAM office of -

- (a) any temporary or permanent change in the physical condition of the aerodrome that may affect the safety of aircraft; or
- (b) any other occurrence relating to the operation or maintenance of the aerodrome that may affect the safety of aircraft.

(2) If the aerodrome is controlled by an air traffic control service, the notice must also be given to that air traffic control service.

Notification of changes in information published in Aeronautical Information Publication

139.05.13 To maintain the accuracy of the information published in the Aeronautical Information Publication (AIP) in relation to a category E aerodrome, the operator of the aerodrome must inform aeronautical information services, in writing, as soon as practicable of any change required to that information, other than a change that is published in NOTAMS.

[The term “NOTAM” means “Notice to Airmen”; the plural here should be written as “NOTAMS” (as it appears in other regulations).]

Safety inspection of category E aerodromes

139.05.14 (1) The Executive Director must arrange for a designated inspector of the Authority to conduct a safety inspection of the aerodrome at least once every three years.

[Government Notice 89/2020 amends the regulations globally to substitute the expression “authorised officer, inspector or authorised person” for the expression “designated inspector, authorised officer or authorised person”. No change has been made here where the term “designated inspector” appears without being followed by the other indicated terms, but the intention may have been for this term to be substituted by the term “authorised inspector” or “inspector”.]

(2) The inspector must give the Executive Director and the aerodrome operator, a written report that covers the following matters as described in Document NAM-CATS-AH:

- (a) details of the aerodrome;
- (b) aerodrome operating procedures;
- (c) reporting officer referred to in regulation 139.05.11; and
- (d) details relating to the movement area.

(3) The written report required under subregulation (2) must specify any remedial work that is necessary for the aerodrome to comply with the applicable standards.

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(4) Within 30 days after receiving the report, the operator must give to the Executive Director, a statement as to when and how the operator intends to do the remedial work, if the report specifies any remedial work as being necessary.

Charges at category E aerodromes

139.05.15 (1) A holder of a permit to operate a category E aerodrome may impose charges for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.

(2) Without prejudice to any other law on aerodrome charges, the Executive Director, may require a holder of a permit to furnish the particulars of the charges for the use of an aerodrome or the performance of services at the aerodrome.

SUBPART 6**NON-LICENSED HELICOPTER AND EMERGENCY LANDING SITES****Operation of non-licensed helicopter sites**

139.06.1 (1) A pilot-in-command of a helicopter may not land at, or take off from, any place unless the place is situated so as to permit the helicopter, in the event of an emergency arising during such landing or take-off, to land without undue hazard to persons or property on the surface.

(2) Subject to subregulation (3), a pilot-in-command of a helicopter may not land on or take-off from any building, structure or place situated within 100 metres of any other building or structure, unless such building, structure or place has been approved for that purpose by the Executive Director and upon payment of the applicable fees prescribed under Part 187.

[subregulation (2) substituted by GN 55/2023]

(3) The provisions of subregulation (2) do not apply to a helicopter -

- (a) landing on, or taking off from any place with the written permission of the Executive Director, in conjunction with the local authority council concerned;
- (b) engaged in an approved air ambulance operation, a fire service or undertaking a flight for the exercising of any power in terms of any law.

(4) A local authority council may after consultation with the Executive Director, extend the scope of the provisions of subregulation (3)(a) to include other places in its area of jurisdiction.

(5) The Executive Director may, in the interest of aviation safety, impose conditions or institute restrictions as to the use of any building, structure or place for the landing or take-off of helicopters or require special flight procedures to be adopted at, or special routes to be followed to or from, such building, structure or place by helicopters, and the Executive Director may impose different conditions, institute different restrictions or require different special flight procedures to be adopted in respect of different buildings, structures or places.

(6) Nothing in this regulation is to be construed as -

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- (a) conferring any right to land at any building, structure or place against the will of the owner of or any other person who has an interest in the building, structure or place; or
- (b) prejudicing the rights or remedies of any person in respect of an injury to persons or damage to property caused by the helicopter or its occupants.

Emergency landing sites

139.06.2 (1) The Executive Director may in accordance with sections 59 and 60 of the Act, designate an emergency landing site or sites to be used in case of an emergency or for alleviating or minimising the effects of an emergency.

(2) Where an emergency landing site is designated in accordance with subregulation (1), the Executive Director may impose such conditions for the operation of such site as may be necessary for the safety and security of aircraft operations.

(3) The Executive Director may, in accordance with section 59(3) Act, revoke at any time as he or she may determine, any designation of a landing site or sites made under subregulation (1).

SUBPART 7
AERODROME MANUAL

Applicability of Subpart

139.07.1 This Subpart applies to -

- (a) all aerodromes in category A;
- (b) all other aerodromes that are certified in accordance with Subpart 3;
- (c) all aerodromes that are licensed in accordance with Subpart 4.

Requirements for aerodrome manual

139.07.2 (1) The operator of a certified or licensed aerodrome (hereafter “the operator”) must have an aerodrome manual for the aerodrome, which is prepared in accordance with regulation 139.07.3 and the standards prescribed in Document NAM-CATS-AH.

(2) The operator must submit to the Executive Director, two copies of the aerodrome manual for approval.

(3) The operator must -

- (a) keep a copy of the approved aerodrome manual at the operator’s principal place of business or at the aerodrome;
- (b) make the copy of the manual kept at the operator’s principal place of business or at the aerodrome available to an authorised officer, inspector or authorised person during normal business hours; and
- (c) keep the copies of the aerodrome manual for the aerodrome in a printed form.

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(4) Despite subregulation (3)(c), the operator may keep copies of the manual in an electronic form.

(5) The aerodrome manual may consist of more than one document where the operator prepares stand-alone documents to supplement the aerodrome manual.

(6) The operator must keep the manual in a way that makes is clear to a person reading the manual -

[The word "is" should be "it".]

- (a) when changes have been made to the information in the manual; and
- (b) whether the manual is up-to-date.

(7) The operator of a certified or licensed aerodrome must appoint a person to be responsible for the preparation and maintenance of the aerodrome manual for the aerodrome.

(8) The functions of the person appointed under subregulation (7) are to ensure that -

- (a) a record is kept of the persons who hold copies of the whole or a part of the aerodrome manual; and
- (b) updates of information for the manual are distributed to those persons.

Contents of aerodrome manual

139.07.3 (1) The aerodrome manual required under these regulations must include the following information as described in Document NAM-CATS-AH:

- (a) general information;
- (b) particulars of the aerodrome site;
- (c) particulars of the aerodrome to be reported to AIS;
- (d) particulars of the aerodrome operating procedures;
- (e) the aerodrome administration, and safety and quality management systems; and
- (f) particulars of any condition to which the operator's aerodrome certificate or licence is subject and any direction given to the aerodrome operator by the Executive Director under regulation 139.07.4.

(2) If particular information referred to in subregulation (1) is not included in the aerodrome manual because it is not applicable to the aerodrome, the following information must be included:

- (a) a statement to the effect that the information is not applicable; and
- (b) the reasons why it is not applicable.

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(3) If the Executive Director grants the operator an exemption in relation to the aerodrome, the following must be included in the manual:

- (a) any identifying number given to the exemption by the Executive Director;
- (b) the date on which the exemption came into effect; and
- (c) any condition subject to which the exemption is granted.

Amendment of aerodrome manual

139.07.4 (1) The operator of a certified or licensed aerodrome must amend the aerodrome manual for the aerodrome, whenever it is necessary to do so, to maintain the accuracy of the manual and in accordance with standards prescribed in Document NAM-CATS-AH.

(2) To maintain the accuracy of the aerodrome manual, the Executive Director may give written directions to the operator requiring the operator to amend the manual in accordance with the direction.

- (3) An operator must -
 - (a) comply with a direction given by the Executive Director under subregulation (2); and
 - (b) inform the Executive Director, in writing, of any amendment that the operator makes to the aerodrome manual for the aerodrome within 30 days after the amendment is made.

SUBPART 8
OBLIGATIONS OF AERODROME OPERATORS

Applicability of Subpart

139.08.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.08.1 substituted by GN 55/2023]

Aerodrome operations, maintenance and compliance with conditions

139.08.2 (1) An aerodrome operator must comply with any directives that the Executive Director may issue and conditions that may be endorsed on a certificate, licence or permit granted under these regulations.

(2) Subject to any directives that the Executive Director may issue, an operator of a certified or licensed aerodrome must operate and maintain an aerodrome in accordance with the procedures set out in the operator's aerodrome manual.

(3) An aerodrome operator must ensure proper and efficient maintenance of the aerodrome facilities and such maintenance must be in accordance with the requirements specified in Subpart 17.

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(4) The aerodrome certificate or licence holder must coordinate with the air traffic service (ATS) provider in order to be satisfied that appropriate air traffic services are available to ensure the safety of aircraft in the airspace associated with the aerodrome.

(5) The coordination pursuant to subregulation (4) must cover other areas related to safety such as aeronautical information service, air traffic services, designated meteorological services and security.

Personnel requirements: accountable manager and key personnel

139.08.3 (1) The operator or owner of an aerodrome must designate a suitable natural person as an accountable manager and other suitable key personnel as may be necessary for the proper functioning and operation of the aerodrome.

(2) If the operator or owner fails to designate an accountable manager as required by subregulation (1) -

- (a) the Authority may order the operator or owner to pay the administrative fine prescribed in Part 185 for as long as the non-compliance exists; and
- (b) the certificate, licence or permit may be suspended or revoked or be endorsed by the imposition of a condition in the manner contemplated by sections 42 or 43 of the Act, respectively.

(3) Despite the provisions of subregulation (2), an operator or owner who fails to comply with a directive issued by the Executive Director, commits an offence and may be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act.

(4) Where the Executive Director or any other relevant authority requires certification of competence for the personnel of an aerodrome, the operator must employ only those persons with the required certification.

(5) The operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, establish a procedure for initially assessing, and a procedure for maintaining the competence of those personnel involved in operating and maintaining the aerodrome and its services and facilities.

(6) An operator of an aerodrome must, in accordance with standards prescribed in Document NAM-CATS-AH, have in place a training programme for its technical staff that includes initial, currency, recurrent and specialised training for those personnel involved in operating and maintaining the aerodrome and its services and facilities.

Quality management system

139.08.4 (1) An operator of a certified or licensed aerodrome must establish a quality management system for the control and supervision of its services and facilities to ensure the aerodrome's compliance with, and the adequacy of procedures required to meet the requirements of this Part.

[There should be a comma after the phrase "and the adequacy of procedures required to meet" to offset that phrase properly.]

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- (2) The quality management system must -
- (a) ensure the correct operation and maintenance of the aerodrome and its facilities;
 - (b) ensure that the operator's activities are conducted in a planned and systematic manner and identifies and addresses identified deficiencies;

**[The verbs "identifies and addresses" should be
"identify and address" to be grammatically correct.]**

- (c) be integrated with the safety management system established in terms of regulation 139.08.6 and Part 140;
- (d) be implemented in accordance with standards prescribed in Document NAM-CATS-AH.

(3) The aerodrome operator must appoint a person who has the responsibility for internal quality management who has direct access to the accountable manager on matters affecting the safety of aircraft operations and the performance of the aerodrome services and facilities.

[regulation 139.08.4 substituted by GN 55/2023]

Changes in quality management system

139.08.5 (1) A holder of an aerodrome certificate or licence who wishes to make any change in the quality management system established in terms of regulation 139.08.4 which has a significant impact or effect on the holder's capacity to comply with the appropriate requirements prescribed in this Part must apply to the Executive Director in writing for the approval of that change.

(2) An application for changes to the aerodrome operator's quality management system must be accompanied by a copy of the aerodrome manual and a copy of the quality management manual, as appropriate, indicating the proposed changes.

(3) The Executive Director may grant an approval of a change in the quality management system if the applicant satisfies the Executive Director, upon submission of appropriate proposed changes to the aerodrome manual that the applicant will, after the implementation of such approved change, continue to comply with the aerodrome certification requirements and any conditions under which the certificate or licence was granted.

[regulation 139.08.5 substituted by GN 55/2023]

Safety management system

139.08.6 (1) This regulation applies to -

- (a) all category A aerodromes;
- (b) category B aerodromes which are certified in accordance with Subpart 3; and
- (c) any other aerodrome that is certified in accordance with Subpart 3.

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(2) An operator of a certified aerodrome must establish, implement, and maintain a system for safety management that is acceptable to the Executive Director and that, as a minimum -

- (a) identifies safety hazards;
- (b) ensures that remedial action necessary to maintain safety is implemented;
- (c) provides for continuous monitoring and regular assessment of the achieved level of safety; and
- (d) aims to make continuous improvement to the overall safety of the aerodrome.
- (e) provides safety performance standards annually; and

[paragraph (e) inserted by GN 55/2023]

- (f) aims to make continuous improvement to the overall safety of the aerodrome.

[paragraph (f) inserted by GN 55/2023]

(3) The safety management system must -

- (a) comply with the requirements of Part 140;
- (b) be implemented in accordance with the framework for implementation and maintenance of a safety management system by an aerodrome operator described in Document NAM-CATS-AH; and
- (c) be commensurate with the size and complexity of the aerodrome.

Runway safety programme

139.08.7 An operator of a certified aerodrome must establish at the aerodrome a runway safety programme for the prevention of runway incursion in accordance with the standards prescribed in Document NAM-CATS-AH.

Demarcation of restricted areas

139.08.8 (1) The holder of an aerodrome certificate or licence must, on the aerodrome, demarcate a restricted area and indicate its boundaries by means of -

- (a) markings on the surface of that aerodrome;
- (b) obstructions or notices erected along the boundaries of the restricted area or a fence; or
- (c) a combination of such markings, fences, obstructions or notices to achieve the desired level of control.

(2) Subject to the provisions of subregulation (1) relating to the manner in which a boundary must be indicated, the holder of the certificate or licence may alter any boundary or any portion of a boundary of the restricted area.

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(3) Fences or obstructions or notices erected along the boundaries of a restricted area must have emergency access gates in line or as close as possible to the threshold of all available runways to ensure an acceptable response times can be met.

[The phrase “an acceptable response times” should be either “an acceptable response time” or “acceptable response times”.]

(4) The emergency access gates referred to in subregulation (3), may not be used for gaining access to the aerodrome but must be used solely for emergencies inside or outside the aerodrome perimeter and the control of these emergency gates is the responsibility of the fire fighting service established in terms of Subpart 16.

Control of entry into restricted areas

139.08.9 (1) The holder of an aerodrome certificate or licence must exercise control over entry into a restricted area.

(2) The control referred to in subregulation (1) must be exercised according to the procedures and criteria approved by the holder of the certificate or licence.

(3) An aerodrome operator must make arrangements to -

- (a) prohibit unauthorised persons from entering a restricted area; and
- (b) order any person to leave a restricted area immediately, when it is considered necessary, whether that person has been granted permission to be within a restricted area or not.

Demarcation of routes on apron

139.08.10 (1) The holder of an aerodrome certificate or licence must by means of markings on the surface of an aerodrome or by notices or by means of both those markings and notices demarcate routes on the apron for use by -

- (a) persons other than a person carried in an aircraft or in or on a vehicle;
- (b) aircraft travelling on the surface of an aerodrome; or
- (c) vehicles and equipment.

(2) The aerodrome operator may restrict the use of routes on an apron to be used by any person or aircraft or vehicle for the purpose of movement in one direction only.

(3) Except in case of an emergency a person -

- (a) other than a person carried in an aircraft or in or on a vehicle, may not proceed on foot on the apron; or
- (b) may not move, an aircraft or a vehicle travelling on the surface of an aerodrome, on the apron,

except along an appropriate route demarcated in terms of subregulation (1).

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(4) An aerodrome operator must ensure that in the event of an accident on or in the vicinity of the apron, the emergency services are exempted from any restrictions on the use of demarcated routes as may be necessary for the purpose of attending to such emergency in the shortest period of time.

(5) The operator of an aerodrome must provide the minimum clearance between -

- (a) an aircraft using an aircraft stand and any adjacent building; and
- (b) an aircraft parked on an aircraft stand and any other objects on the apron.

Aerodrome inspection programme

139.08.11 (1) A holder of an aerodrome certificate or licence must -

(a) establish and maintain an aerodrome inspection programme which includes -

- (i) procedures to ensure that job specific competent aerodrome personnel execute the relevant programme effectively; and
- (ii) a reporting system for ensuring prompt correction of an unsafe aerodrome condition that is noted during an aerodrome inspection;

(b) provide appropriate equipment for use in conducting the aerodrome inspections;

(c) establish procedures for ensuring that personnel performing aerodrome inspections are appropriately trained.

(2) The operator of a certified or licensed aerodrome must have in place an audit and inspection programme for evaluating providers of services at the aerodrome, including fixed-base operators, ground handling agencies and other organisations working at the aerodrome.

139.08.12

[regulation 139.08.12 deleted by GN 55/2023]

139.08.13

[regulation 139.08.13 deleted by GN 55/2023]

Aerodrome special inspections

139.08.14 (1) An aerodrome operator must conduct a special inspection of an aerodrome -

- (a) as soon as practicable after any accident or incident;

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- (b) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety of aircraft operation; and
- (c) at any other time when there are conditions at the aerodrome that may affect aviation safety.

(2) The operator must notify and report to the Executive Director within the specified time limits, information on any special inspection conducted referred to in subregulation (1).

[regulation 139.08.14 substituted by GN 55/2023]

Aerodrome environmental management programme

139.08.15 (1) A holder of an aerodrome certificate or licence must establish an aerodrome environment management programme to minimise the effects of hazards or potential hazards caused by -

- (a) foreign object debris;
- (b) oil and fuel spillages; or
- (c) birds and animals.

(2) The environment management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodromes works safety

139.08.16 (1) The operator of a certified or licensed aerodrome must -

- (a) establish procedures for ensuring that any works carried out on the aerodrome, do not endanger aircraft operations;
- (b) take precautions to ensure that any aerodrome works at the aerodrome are carried out in a way that does not create a hazard to aircraft or confusion to pilots; and
- (c) submit to the Executive Director a design report of any intended works to be carried out on the aerodrome.

[subregulation (1) substituted by GN 55/2023]

(2) The aerodrome operator must comply with the standards prescribed in Document NAM-CATS-AH in relation to the works safety plan and notice requirements that must be satisfied before aerodrome works may be carried out.

(3) A person may not perform hot work or work with an open flame on the airside of the aerodrome before notifying the fire-fighting services and all other affected parties of -

- (a) the type of work to be performed;
- (b) the location where the work will be performed; and
- (c) the expected duration of the work to be performed.

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(4) If considered necessary by the aerodrome operator or where the type of work can have an impact on aviation safety, the fire services must perform standby duties during such hot work or work with an open flame until the work is completed.

Protection of navigation aids

139.08.17 An aerodrome operator must -

- (a) prevent any construction or activity on the aerodrome or surrounding area that the aerodrome operator has authority over, that could have an adverse effect on the operation of any electronic or visual navigation aid or air traffic service facility for the aerodrome; and
- (b) prevent, as far as it is within the operator's authority, any interruption of electronic or visual navigation aid or air traffic service facility for the aerodrome.

Notification of aerodrome condition

139.08.18 An aerodrome operator must, as soon as practicable, notify the aeronautical information service provider of any aerodrome operational condition at the aerodrome that may affect the safe operation of aircraft, for the purpose of issuance of a NOTAM.

Unsafe conditions

139.08.19 A holder of an aerodrome certificate or licence must establish procedures for ensuring that aircraft operations are restricted or if necessary, prohibited, on any part of the aerodrome where an unsafe condition may exist.

Discontinuation of certified or aerodrome operations

139.08.20 (1) In order that adequate warning may be given to the users of an aerodrome, the holder of an aerodrome certificate or licence must give the Executive Director at least 60 days written notice of the holder's intention to discontinue the maintenance of the aerodrome or to abandon the aerodrome.

(2) If, after the expiry of the period of notice referred to in subregulation (1), an aerodrome is abandoned or is not being maintained in accordance with the conditions of the certificate or licence, the holder of the certificate or licence must remove, obliterate or modify all aerodrome markings as the Executive Director may direct.

(3) On completion of the task referred to in subregulation (2), the holder must surrender the certificate or licence to the Executive Director.

General duties of aerodrome operator

139.08.21 (1) An aerodrome operator must -

- (a) maintain the aerodrome in a serviceable condition;
- (b) keep the aerodrome free of unauthorised persons, vehicles and animals which are not under proper control or any other obstructions;

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- (c) mark all obstructions in accordance with any guidelines provided for in these regulations;
- (d) inform the Executive Director of any design, alterations to obstruction or works on the aerodrome;

[paragraph (d) substituted by GN 55/2023]

- (e) install an apparatus to show the surface direction of the wind and ensure that the apparatus is installed and functions satisfactorily;
 - (f) maintain any markings provided for in these regulations in a conspicuous condition and ensure that they are readily visible to aircraft in the air or manoeuvring on the ground;
 - (g) ensure the facilities offered to the public are available and in a serviceable condition;
 - (h) ensure that all apparatus installed by that holder to promote safety in flight, is functioning efficiently;
 - (i) appropriately mark the unserviceable areas on the landing terrain;
 - (j) inform the Executive Director whenever the aerodrome becomes unserviceable through any cause or where any portion of the surface of the landing area deteriorates to such an extent that the safe operation of aircraft may be endangered and aircraft operations are limited to those portions of the aerodrome not rendered unsafe by those conditions;
 - (k) submit to the Executive Director reports on the condition of the aerodrome as may be required from time to time; and
 - (l) ensure that personnel operating on the airside wear high visibility clothing at all times while on the airside.
- (2) A holder of an aerodrome certificate or licence must -
- (a) hold at least one complete and current copy of the aerodrome manual referred to in Subpart 7 at the aerodrome;
 - (b) comply with all procedures detailed in approved manuals;
 - (c) make each applicable part of the approved manuals available to the personnel who require those parts to carry out their duties; and
 - (d) continue to comply with the appropriate requirements prescribed in this Part.
- (3) A holder of an aerodrome certificate or licence must ensure that -
- (a) organisations performing activities at the aerodrome comply with safety procedures specified by the aerodrome operator;
 - (b) very high frequency (VHF) direction finding (VDF) equipment, when installed on an aerodrome where an air traffic service unit is present, functions in accordance

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with standards and specifications provided for in these regulations, except that this requirement may be omitted if the air traffic service unit is serviced by surveillance;

- (c) the facilities offered to the public are available and in a serviceable condition;
- (d) carry out a survey after every five years on the aerodrome for the purpose of the approval of let-down procedures by the Executive Director.

[paragraph (d) substituted by GN 55/2023]

(4) The holder of an aerodrome certificate or licence must ensure that -

(a) where -

- (i) an air traffic service unit is present on the aerodrome;
- (ii) scheduled commercial operations are conducted; or
- (iii) unscheduled commercial operations exceeding six movements a week are conducted and the maximum certified mass of the aircraft involved exceeds 5700 kilograms,

sensing equipment are installed to provide data to the air traffic services unit, and the specifications of such sensing equipment are in accordance with the standards provided for in these regulations.

[The verb “are” should be “is” to be grammatically correct.]

- (b) data provided in terms of paragraph (a) is displayed in the aerodrome control tower or air traffic service unit and at the aeronautical meteorological station, where applicable;
- (c) where an air traffic service unit is not in operation and where scheduled commercial operations occur, data provided in terms of paragraph (a) is transmitted automatically to a minimum range of five nautical miles from the aerodrome reference point;
- (d) where pilot training operations are being undertaken at the aerodrome, wind direction, speed, surface air temperature and barometric pressure data are made available at a location accessible to pilots prior to take off; and
- (e) where the aerodrome is used for flights coming from outside Namibia or for flights departing to a destination outside Namibia, satisfactory office facilities are available for an aeronautical meteorological station.

(5) The holder of an aerodrome certificate or licence must -

- (a) furnish the Executive Director with the most current audited year of aerodrome financial data and the aerodrome traffic statistics for each certification or licence period;
- (b) in the case of security designated aerodromes establish an airport facilitation committee and compile a facilitation programme in accordance with the provisions of Part 111;

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[paragraph (b) substituted by GN 55/2023]

- (c) monitor aircraft noise on and in the vicinity of an aerodrome, and report any deviations from the technical standards to the Executive Director;
- (d) when the air traffic service unit at the aerodrome is not in operation, be responsible for the maintenance of flying discipline on, and in the vicinity of, that aerodrome;
- (e) furnish in writing to the Executive Director, as soon as practicably possible, but within 30 days from the day of engagement, employment or contracting, full particulars of the accountable manager and key personnel referred to in regulation 139.08.3; and

[paragraph (e) substituted by GN 55/2023]

- (f) furnish the Executive Director on monthly basis with the statistical data of incidents and accidents occurring on the airside of the aerodrome.
- (6) The holder of an aerodrome certificate or licence must ensure that in accordance with the national civil aviation security programme referred to in section 118 of the Act -
 - (a) all originating hold baggage to be carried on a commercial air transport aircraft engaged in civil aviation operations are screened prior to being loaded onto the aircraft; and
 - (b) the operator of a commercial air transport aircraft engaged in a scheduled commercial air service does not carry any originating hold baggage, unless such baggage has been screened prior to being loaded into the aircraft.

Removal of obstructions from aerodrome surface

139.08.22 An aerodrome operator must remove from the aerodrome surface any vehicle or other obstruction that is likely to be hazardous to aircraft operations.

Warning notices

139.08.23 When low flying aircraft, at or near an aerodrome or taxiing aircraft are likely to be hazardous to people or vehicular traffic, the aerodrome operator must -

- (a) post hazard warning notices on any public road that is adjacent to the manoeuvring area; or
- (b) if such a public road is not controlled by the aerodrome operator, inform the authority responsible for posting the notices on the public way that there is a hazard.

SUBPART 9

AERODROME DATA

Applicability of Subpart

139.09.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

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[regulation 139.09.1 substituted by GN 55/2023]

Aeronautical data

139.09.2 An aerodrome operator must make arrangements for the determination, validation, verification and reporting of aerodrome-related aeronautical data in accordance with standards prescribed in Document NAM-CATS-AH.

[regulation 139.09.2 substituted by GN 55/2023]

Aerodrome reference point

139.09.3 (1) An aerodrome operator must establish an aerodrome reference point for an aerodrome.

(2) The aerodrome reference point must be located near the initial or planned geometric centre of the aerodrome and must remain where first established.

(3) The position of the aerodrome reference point must be measured and reported to the aeronautical information services in WGS-84 format.

Aerodrome and runway elevation

139.09.4 An aerodrome operator must measure and report to the aeronautical information services, the aerodrome and runway elevations in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome reference temperature

139.09.5 An aerodrome operator must determine and notify an aerodrome reference temperature for the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome dimensions and related information

139.09.6 An aerodrome operator must measure or describe, as appropriate, and publish the dimensions and related information for each facility provided for use at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

Strength of pavements

139.09.7 (1) An aerodrome operator must determine and report the bearing strength of pavements at the aerodrome.

(2) The bearing strength of pavements must be determined and reported in accordance with the standards prescribed in Document NAM-CATS-AH.

Pre-flight altimeter check point

139.09.8 An aerodrome operator must establish for the aerodrome, one or more pre-flight altimeter check locations and report such information in accordance with the standards prescribed in Document NAM-CATS-AH.

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Declared distances

139.09.9 (1) An operator of a certified or licensed aerodrome must calculate and publish the following distances for the runway or runways at the aerodrome -

- (a) take-off run available;
- (b) take-off distance available;
- (c) accelerate-stop distance available; and
- (d) landing distance available.

(2) The declared distances must be calculated in accordance with standards prescribed in Document NAM-CATS-AH.

Condition of movement area and related facilities

139.09.10 (1) An aerodrome operator must -

- (a) provide to the aeronautical information services, information on the condition of the movement area and the operational status of related facilities;
- (b) provide to the air traffic services units, information of operational significance regarding the condition of the movement area and the operational status of related facilities; and
- (c) monitor the condition of the movement area and the operational status of related facilities and provide a report on matters of operational significance affecting aircraft and aerodrome operations.

(2) The aerodrome conditions must be provided and monitored in accordance with standards prescribed in Document NAM-CATS-AH.

Information on disabled aircraft removal

139.09.11 An aerodrome operator must make available in accordance with standards prescribed in Document NAM-CATS-AH, information concerning the capability of the aerodrome to remove an aircraft disabled on or adjacent to the movement area.

Information on rescue and fire fighting level of protection

139.09.12 (1) An aerodrome operator must make available information concerning the level of protection provided at an aerodrome for aircraft rescue and firefighting purposes.

(2) The level of protection available at an aerodrome and any changes in the level of protection must be notified in accordance with the standards prescribed in Document NAM-CATS-AH.

Information concerning visual approach slope indicator systems

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Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

139.09.13 An aerodrome operator must make available information concerning the visual approach slope indicator system installed at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Coordination between aeronautical information services and aerodrome authorities

139.09.14 (1) An operator of a certified or licensed aerodrome must -

- (a) make arrangements to provide to aeronautical information services, information regarding the status and condition of the aerodrome and its associated facilities and services;
- (b) before introducing changes to the air navigation system, carry out close coordination of such changes with aeronautical information services;
- (c) provide raw aeronautical information or data to the aeronautical information services to meet the needs of users.

(2) Coordination between the aerodrome operator and aeronautical information services must be carried out in accordance with standards prescribed in Document NAM-CATS-AH.

SUBPART 10
AERODROME PHYSICAL CHARACTERISTICS

Applicability of Subpart

139.10.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.10.1 substituted by GN 55/2023]

Runways

139.10.2 An aerodrome operator must ensure that the physical characteristics of the runway or runways at the aerodrome, including the number of runways and orientation, location of the threshold, actual length of the runways, width, slopes on runways, strength and surfaces of runways and the minimum distance between parallel runways, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway shoulders

139.10.3 An aerodrome operator must ensure that the physical characteristics of the runway or runways shoulders at an aerodrome including the widths, slopes and strength of the runway shoulders are in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway turn pads

139.10.4 An aerodrome operator must ensure that, where a runway turn pad is required, the physical characteristics and the design of such runway turn pad is in accordance with the standards prescribed in Document NAM-CATS-AH.

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[The second use of the verb “is” in this regulation should be “are” to be grammatically correct: “characteristics and... design... are...”.]

Runway strips

139.10.5 An aerodrome operator must ensure that a runway at an aerodrome and any associated stopway is included in a strip and that the physical characteristics of that runway strip is in accordance with the standards prescribed in Document NAM-CATS-AH.

[Both uses of the verb “is” in this regulation should be “are” to be grammatically correct: “runway... and... stopway are...”; “characteristics... are...”.]

Runway end safety areas

139.10.6 An aerodrome operator must ensure that a runway end safety area is provided at each end of a runway strip where required in accordance with the standards prescribed in Document NAM-CATS-AH, and that the physical characteristics of that runway end safety area is in accordance with the specified standards.

[The verb “is” after the phrase “the physical characteristics of that runway end safety area” should be “are” to be grammatically correct.]

Clearways

139.10.7 An aerodrome operator must ensure that where a clearway is provided for a particular runway at an aerodrome, that clearway is established in accordance with standards prescribed in Document NAM-CATS-AH.

Stopways

139.10.8 An aerodrome operator must ensure that where a stopway is provided for a particular runway at an aerodrome, that stopway is established in accordance with standards prescribed in Document NAM-CATS-AH.

Radio altimeter operating area

139.10.9 An aerodrome operator must ensure that where a radio altimeter operating area is provided at an aerodrome, that radio altimeter operating area is established in accordance with standards prescribed in Document NAM-CATS-AH.

Taxiways

139.10.10 An aerodrome operator must ensure that the design and the physical characteristics of a taxiway provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Taxiway shoulders

139.10.11 An aerodrome operator must ensure that the physical characteristics of a taxiway shoulders at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Taxiway strips

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139.10.12 An aerodrome operator must ensure that the physical characteristics of taxiway strips are established in accordance with the standards prescribed in Document NAM-CATS-AH.

Holding bays, runway-holding positions, intermediate holding positions and road-holding positions

139.10.13 An aerodrome operator must ensure that when provided, holding bays, a runway-holding position, intermediate holding position and road-holding positions are established in accordance with the standards prescribed in Document NAM-CATS-AH.

Aprons

139.10.14 An aerodrome operator must ensure that the physical characteristics of an apron provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

Isolated aircraft parking position

139.10.15 (1) An operator of a certified or licensed aerodrome must designate an isolated aircraft parking position at the aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) Where an isolated aircraft parking position has not been designated in accordance with subregulation (1), the aerodrome control tower must be advised of an area or areas suitable for the parking of an aircraft which is known or believed to be the subject of an act of unlawful interference or which for other reasons needs isolation from normal aerodrome activities.

SUBPART 11
OBSTACLE RESTRICTION AND REMOVAL**Applicability of Subpart**

139.11.1 (1) This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[subregulation (1) substituted by GN 55/2023]

(2) This Subpart does not apply to aerodromes used solely as heliports.

Erection of obstacles

139.11.2 (1) A person may not cause or permit the erection or growth of an obstacle at, or in the vicinity of, an aerodrome, where the obstacle may prevent an aircraft operation from being conducted safely or the aerodrome from being usable.

(2) The erection of buildings or other objects in the navigable airspace or in the vicinity of an aerodrome or navigation aid must be in accordance with standards prescribed in Document NAM-CATS-AH.

(3) A person may not cause or permit any object, including new or extension of existing objects to penetrate the obstacle limitation surface, established in accordance with regulation 139.11.3, without the written permission of the Executive Director.

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- (4) An applicant for the erection of obstacles must -
 - (a) submit an application to the Executive Director in the form and manner determined by the Executive Director; and
 - (b) pay the appropriate application fee as prescribed in Part 187.

[subregulation (4) inserted by GN 55/2023]

Establishment of obstacle limitation surfaces

- 139.11.3** (1) An aerodrome operator must -
- (a) establish obstacle limitation surfaces for the aerodrome;
 - (b) monitor the established obstacle limitation surfaces around the aerodrome for infringement by objects, buildings or other structures;
 - (c) establish a systematic means of surveying and monitoring any object that penetrates the obstacle limitation surfaces around the aerodrome and report any penetration immediately to the Executive Director; and
 - (d) notify, through the aeronautical information services, any object that penetrates obstacle limitation surfaces around the aerodrome.

(2) The operator of an aerodrome must work jointly with the Executive Director to plan and determine the allowable height limits for new developments in the vicinity of, and outside of, the aerodrome and the type of instrument or visual flight operations that may be permitted, taking the obstacle survey plan into account.

Obstacle limitation surfaces

139.11.4 (1) The obstacle limitation surfaces established for an aerodrome must consist of the following:

- (a) outer horizontal surface;
- (b) conical surface;
- (c) inner horizontal surface;
- (d) approach surface;
- (e) inner approach surface;
- (f) transitional surface;
- (g) inner transitional surface;
- (h) balked landing surface; and
- (i) take-off climb surface.

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(2) The obstacle limitation surfaces referred to in subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation requirements

139.11.5 (1) An aerodrome operator must establish obstacle limitation surfaces for non-instrument runways, non-precision approach runways and precision approach runways and for runways meant for take-off.

(2) The obstacle limitation surfaces established in terms of subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH, and must be clear of any penetration of obstacles temporary or otherwise.

Objects outside obstacle limitation surfaces

139.11.6 (1) A person may not construct any building, structure or other objects beyond the limits of the obstacle limitation surfaces of an aerodrome that extend above a height of 45 metres above the mean level of the aerodrome landing areas unless -

- (a) that person has had prior consultation with the Executive Director; and
- (b) the construction is in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The Executive Director must whenever necessary, permit an aeronautical study to be conducted on the effect of the construction referred to in subregulation (1) on the operation of aircraft.

Removal of obstacles and other objects

139.11.7 (1) A person must remove any object that will adversely affect the optimum siting or performance of visual or non-visual aids or constitute a hazard to aircraft operation as prescribed in Document NAM-CATS-AH.

(2) The Executive Director may direct the removal of any obstacle which, in the opinion of the Executive Director, constitutes a hazard to aircraft operations, and the cost of such removal must be borne by the owner of the obstacle or the person who placed the obstacle at the place where it is removed from.

**SUBPART 12
VISUAL AIDS FOR NAVIGATION****Applicability of Subpart**

139.12.1 (1) This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[subregulation (1) substituted by GN 55/2023]

- (2) This Subpart does not apply to aerodromes used solely as heliports.

Wind direction indicator

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139.12.2 (1) An aerodrome operator must ensure that an aerodrome is equipped with at least one wind direction indicator.

(2) A wind direction indicator required by subregulation (1) must be located so as to be visible from aircraft in flight or on the movement area and in such a way as to be free from the effects of air disturbances caused by nearby objects.

(3) The characteristics of the wind direction indicator must be in accordance with standards prescribed in Document NAM-CATS-AH.

Landing direction indicator

139.12.3 An aerodrome operator must ensure that, where a landing direction indicator is provided at an aerodrome, it is located in a conspicuous place on the aerodrome and the characteristics of such landing direction indicator are in accordance with standards prescribed in Document NAM-CATS-AH.

Signaling lamp

139.12.4 (1) An aerodrome operator must ensure that a signaling lamp is provided in the aerodrome control tower at an aerodrome where air traffic control service is provided to aerodrome traffic.

(2) The characteristics of the signalling lamp must be in accordance with standards prescribed in Document NAM-CATS-AH.

Signal panels and signal areas

139.12.5 Where provided at an aerodrome, the location and characteristics of a signal panel and signal area must be in accordance with standards prescribed in Document NAM-CATS-AH.

Markings

139.12.6 An aerodrome operator must ensure that markings displayed at an aerodrome are conspicuous and such markings are displayed in accordance with standards prescribed in Document NAM-CATS-AH.

Lights

139.12.7 (1) An aerodrome operator must ensure that any lights or emissions that may endanger the safety of aircraft or cause confusion to aircraft operating at an aerodrome are extinguished, screened or otherwise modified so as to eliminate the source of the danger or confusion.

(2) An aerodrome operator must ensure that -

(a) elevated approach, runway, stopway and taxiway lights and their supporting structures, are frangible and are designed in accordance with standards prescribed in Document NAM-CATS-AH;

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- (b) light fixtures inserted in the surface of runways, stopways, taxiways and aprons are designed and fitted in accordance with standards prescribed in Document NAM-CATS-AH; and
- (c) the intensity of the runway lighting at the aerodrome is adequate and compatible with that of the approach lighting system and that suitable intensity control system that allows for the adjustment of the light intensity is provided.

(3) Aerodrome lighting systems provided at an aerodrome must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Signs

139.12.8 (1) An aerodrome operator must provide at an aerodrome, signs to convey a mandatory instruction, information on a specific location or destination on a movement area or to provide other information.

(2) An aerodrome operator must ensure that signs provided at an aerodrome are frangible and that their locations and specifications are in accordance with the standards prescribed in Document NAM-CATS-AH.

Markers

139.12.9 (1) An aerodrome operator must ensure that markers provided at an aerodrome are frangible, and when located near a runway or taxiway must be sufficiently low to preserve clearance for propellers and for the engine pods of jet aircraft.

(2) An aerodrome operator must ensure that location and specifications of markers provided at an aerodrome are in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 13
VISUAL AIDS FOR DENOTING OBSTACLES**Applicability of Subpart**

139.13.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.13.1 substituted by GN 55/2023]

Objects to be marked or lighted

139.13.2 (1) An aerodrome operator must ensure that objects within the lateral boundaries of the obstacle limitation surfaces are marked, as appropriate, and if used at night or in conditions of low visibility, lighted, in accordance with standards prescribed in Document NAM-CATS-AH, except that aircraft servicing equipment and vehicles used only on aprons may be exempted from this requirement.

(2) An aerodrome operator must ensure that obstacles outside the lateral boundaries of the obstacle limitation surfaces are marked and lighted in accordance with standards prescribed in Document NAM-CATS-AH.

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Marking and lighting of objects

139.13.3 (1) The presence of objects which must be lighted, as specified in regulation 139.13.2, must be indicated by low, medium or high intensity obstacle lights or a combination of such lights in accordance with specifications prescribed in Document NAM-CATS-AH.

[In the *Government Gazette*, the hyphen is missing between “CATS” and “AH”; it has been inserted above, to facilitate word searches for this term.]

(2) Mobile objects, fixed objects and wind turbines must be marked or lighted in accordance with the standards prescribed in Document NAM-CATS-AH.

SUBPART 14

VISUAL AIDS FOR DENOTING RESTRICTED USE AREAS

Applicability of Subpart

139.14.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.14.1 substituted by GN 55/2023]

Closed runways and taxiways or parts thereof

139.14.2 (1) An aerodrome operator must ensure that a closed marking is displayed on a runway or taxiway or portion thereof which is permanently closed to the use of all aircraft.

(2) The location and characteristics of a closed marking required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Non-load-bearing surface

139.14.3 An aerodrome operator must ensure that the boundaries between non-load-bearing surfaces and the load-bearing surfaces are marked in accordance with the standards prescribed in Document NAM-CATS-AH.

Pre-threshold area

139.14.4 Where provided at an aerodrome, the paved surface of a pre-threshold area must be marked in accordance with the standards prescribed in Document NAM-CATS-AH.

Unserviceable areas

139.14.5 (1) An aerodrome operator must -

- (a) display conspicuous unserviceability markers on unserviceable areas; and
- (b) ensure that unserviceability lights are used on a movement area used at night or in conditions of low visibility.

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(2) The location and characteristics of unserviceability markers and lights required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 15
ELECTRICAL SYSTEMS**

Applicability of Subpart

139.15.1 (1) This Subpart applies to certified aerodromes.

(2) This Subpart also applies to licensed aerodromes where electrical systems are provided for use at the aerodrome.

Electrical power supply systems for air navigation facilities

139.15.2 (1) An operator of an aerodrome must make available, adequate power supply at the aerodromes for the safe functioning of air navigation facilities.

(2) The provision, design and installation of the electrical systems, required under these regulations including power supply connections, the time interval between failure of the primary source of power and the complete restoration of the services and the switch-over times must be in accordance with the standards prescribed in Document NAM-CATS-AH.

(3) An operator of an aerodrome must provide adequate secondary power to ensure essential facilities are automatically connected to power supply upon failure of the primary source of power.

(4) The secondary power provided in accordance with subregulation (3) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Systems design

139.15.3 (1) An aerodrome operator must ensure that the electrical systems for the power supply, lighting and control of the lighting systems are so designed that an equipment failure will not leave the pilot with inadequate visual guidance or misleading information.

(2) The systems design must be in accordance with the standards prescribed in Document NAM-CATS-AH.

Monitoring

139.15.4 (1) An operator of an aerodrome must have in place, a system for monitoring the operational status of lighting systems at the aerodrome.

(2) The system for monitoring required by subregulation (1) must be in accordance with the standards prescribed in Document NAM-CATS-AH.

**SUBPART 16
AERODROME OPERATIONAL SERVICES, EQUIPMENT AND INSTALLATIONS**

Applicability of Subpart

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139.16.1 (1) This Subpart applies to certified aerodromes.

(2) This Subpart may apply to licensed aerodromes where considered necessary by the Executive Director.

Aerodrome emergency planning

139.16.2 (1) An operator of an aerodrome must establish an aerodrome emergency plan at the aerodrome that -

- (a) is commensurate with the aircraft operations and other activities conducted at the aerodrome;
- (b) provides for the coordination of the actions to be taken in an emergency occurring at the aerodrome or in its vicinity including -
 - (i) aircraft emergencies;
 - (ii) sabotage including bomb threats;
 - (iii) unlawfully seized aircraft;
 - (iv) dangerous goods occurrences;
 - (v) building fires;
 - (vi) natural disaster; and
 - (v) public health emergencies such as -
 - (aa) increased risk of travellers or cargo spreading a serious communicable disease internationally through air transport;
 - (bb) severe outbreak of a communicable disease potentially affecting a large proportion of aerodrome staff;
- (c) coordinates the response or participation of all existing agencies which, in the opinion of the aerodrome operator, could be of assistance in responding to an emergency;
- (d) provides for cooperation and coordination with the rescue coordination centre, as necessary;
- (e) includes at least the following -
 - (i) types of emergencies planned for;
 - (ii) agencies involved in the plan;
 - (iii) responsibility and role of each agency, the emergency operations centre and the command post for each type of emergency;

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- (iv) information on names and telephone numbers of offices or people to be contacted in the case of a particular emergency; and
- (v) a grid map of the aerodrome and its immediate vicinity;
- (f) observes human factor principles;
- (g) provides for the establishment of an emergency operations centre and command post;
- (h) provides for adequate communication systems;
- (i) contains procedures for periodic testing of the adequacy of the plan and the reviewing of the results of such tests;
- (j) provides for the testing of the plan through -
 - (i) full-scale aerodrome emergency exercise; or
 - (ii) a series of modular tests;
- (k) provides for the reviewing of the plan after the testing or after an actual emergency; and
- (l) provides for the handling of emergencies in difficult environments.

(2) An aerodrome emergency plan must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Rescue and firefighting services

- 139.16.3** (1) An operator of an aerodrome must -
- (a) provide rescue and firefighting equipment and services at the aerodrome;
 - (b) designate suitably located and equipped public and private organisations to provide the rescue and firefighting service; and
 - (c) where the aerodrome is located close to water or swampy areas or difficult terrain, make available, specialist rescue services and firefighting equipment appropriate to the hazard and risk.
- (2) An operator of an aerodrome must -
- (a) ensure that the established rescue and firefighting services at the aerodrome is capable of providing the required level of protection appropriate to the aerodrome fire services category of the aerodrome;
 - (b) ensure that the rescue and firefighting services level of protection, extinguishing agents and rescue equipment are determined and established;
 - (c) ensure that the rescue and firefighting services is capable of meeting the required response times;

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[The verb “is” should be “are” to be grammatically correct.]

- (d) ensure that emergency access roads, fire stations, communication and alerting systems are provided;
- (e) ensure that the number of firefighting vehicles are commensurate with the established aerodrome category;

[The verb “are” should be “is” to be grammatically correct: “number... is...”.]

- (f) ensure the availability of sufficient trained and competent personnel commensurate with the aerodrome firefighting category;
- (g) have in place a rescue and firefighting personnel training programme which includes training in human performance and team coordination; and
- (h) ensure that all responding rescue and firefighting personnel are provided with protective clothing and respiratory equipment.

(3) The aerodrome rescue and firefighting services established in accordance with subregulations (1) and (2) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Disabled aircraft removal

139.16.4 An operator of a certified or licensed aerodrome must establish a plan for coordinating the removal of an aircraft disabled on, or adjacent to, the movement area of the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

Wildlife hazard management

139.16.5 (1) An operator of a certified or licensed aerodrome must have in place a wildlife management programme that includes -

- (a) assessment of the wildlife strike hazard on, or in the vicinity of, an aerodrome; and
- (b) monitoring, recording and reporting the presence of wildlife on, or in the vicinity of, an aerodrome.

(2) The wildlife management programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

- (3) The operator of a certified or licensed aerodrome must -
 - (a) ensure that wildlife strike reports are collected and forwarded to the Executive Director;
 - (b) adopt measures to minimise the likelihood of collisions between wildlife and aircraft;
 - (c) take action to eliminate or to prevent the establishment of garbage disposal dumps or any other source which may attract wildlife to the aerodrome or its vicinity, unless

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an appropriate wildlife assessment indicates that they are unlikely to create conditions conducive to a wildlife hazard problem;

- (d) where the elimination of existing sites is not possible, ensure that any risk to aircraft posed by these sites is assessed and reduced to as low as reasonably practicable; and
- (e) give due consideration to aviation safety concerns related to land developments in the vicinity of the aerodrome that may attract wildlife.

Apron management service

139.16.6 (1) An operator of a certified or licensed aerodrome may, when warranted by the volume of traffic and operating conditions, provide an appropriate apron management service at the aerodrome.

(2) The apron management service established in terms of subregulation (1) must be in accordance with standards prescribed in Document NAM-CATS-AH.

Ground servicing of aircraft

139.16.7 An aerodrome operator must establish procedures for ground servicing of an aircraft in accordance with standards prescribed in Document NAM-CATS-AH.

Aerodrome vehicle operations

139.16.8 (1) A vehicle must be operated -

- (a) on a manoeuvring area only as authorised by the aerodrome control tower; and
- (b) on an apron only as authorised by the designated apron management service.

(2) The driver of a vehicle operating on the movement area must -

- (a) comply with all mandatory instructions conveyed by markings and signs except where otherwise authorised by -
 - (i) the aerodrome control tower when on the manoeuvring area; or
 - (ii) the designated apron management service when on the apron;
- (b) comply with all mandatory instructions conveyed by lights;
- (c) be appropriately trained for the tasks to be performed;
- (d) comply with the instructions issued by -
 - (i) the aerodrome control tower when on the manoeuvring area; and
 - (ii) the designated apron management service, when on the apron;
- (e) when driving a radio-equipped vehicle, establish satisfactory two-way radio communication with the -
 - (i) aerodrome control tower before entering the manoeuvring area; and

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- (ii) designated apron management service before entering the apron;
- (f) when driving a radio-equipped vehicle, maintain a continuous listening watch on the assigned frequency when on the movement area.

(3) The aerodrome operator must have procedures in place to guide ground vehicle operations in accordance with standards prescribed in Document NAM-CATS-AH.

Surface movement guidance and control systems

139.16.9 (1) An operator of a certified aerodrome must have surface movement guidance and control system (SMGCS) at the aerodrome in accordance with standards prescribed in Document NAM-CATS-AH.

(2) The characteristics of an surface movement guidance and control system including the design must be in accordance with standards prescribed in Document NAM-CATS-AH.

[The word “an” should be “a”.]

Siting of equipment and installations on operational areas

139.16.10 (1) A person may not place any equipment or installation on a runway strip, a runway end safety area, a taxiway strip or on a clearway if it may endanger an aircraft.

(2) Any equipment or installation required for air navigation or for safety of aircraft and which must be located on the areas specified in subregulation (1) must be frangible and must be located in accordance with the standards prescribed in Document NAM-CATS-AH.

Fencing

139.16.11 (1) An operator of a certified or licensed aerodrome must provide a fence or other suitable barrier on an aerodrome to -

- (a) prevent the entrance of animals to the movement area; and
- (b) to deter the inadvertent or premeditated access of an unauthorised person onto a non-public area of the aerodrome.

(2) The fence or barrier required under subregulation (1) must be provided in accordance with standards prescribed in Document NAM-CATS-AH.

Security lighting

139.16.12 Where it is considered desirable, for security reasons, a fence or other barrier provided at an aerodrome for the protection of civil aviation must be illuminated in accordance with standards prescribed in Document NAM-CATS-AH.

Autonomous runway incursion warning system

139.16.13 Where an autonomous runway incursion warning system (ARIWS) is installed at an aerodrome, the characteristics must be in accordance with the standards prescribed in Document NAM-CATS-AH.

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SUBPART 17
AERODROME MAINTENANCE

Applicability of Subpart

139.17.1 This Subpart applies to aerodromes categorised as A, B and C by regulation 139.01.5.

[regulation 139.17.1 substituted by GN 55/2023]

Maintenance programme

139.17.2 (1) An operator of a certified or licensed aerodrome must establish a maintenance programme, including preventive maintenance, to maintain aerodrome facilities in a condition which does not impair the safety, regularity or efficiency of air navigation.

(2) The maintenance programme must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Maintenance of pavements and friction measurement

139.17.3 (1) An operator of a certified or licensed aerodrome must establish a maintenance programme for the maintenance of aerodrome facilities.

(2) The aerodrome maintenance programme required by subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

Removal of contaminants

139.17.4 The operator of an aerodrome must remove standing water, mud, dust, sand, oil, rubber deposits and other contaminants from paved surfaces at an aerodrome in accordance with the standards prescribed in Document NAM-CATS-AH.

Runway pavement overlays

139.17.5 (1) An operator of an aerodrome must ensure that projects involving runway pavement overlays are undertaken in accordance with the standards prescribed in Document NAM-CATS-AH.

(2) The aerodrome operator must ensure that the characteristics of a temporary ramp, when constructed for use by aircraft during runway pavement overlay, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Maintenance of visual aids for navigation

139.17.6 (1) An operator of a certified or licensed aerodrome must establish and implement in accordance with the standards prescribed in Document NAM-CATS-AH, a programme for the maintenance of visual aids for navigation that are installed on the aerodrome.

(2) The maintenance programme required by subregulation (1) must include -

(a) a system of preventive maintenance of visual aids;

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- (b) procedures for ensuring that each visual aid for navigation continues to provide reliable and accurate guidance information to the user in accordance with the applicable standards;
- (c) details on the number of lights that may be allowed to be unserviceable in each lighting system to ensure continuity of guidance to the user; and
- (d) procedures for restoring any unserviceable or deteriorated item back into service without undue delay.

(3) An operator of a certified or licensed aerodrome must restrict construction or maintenance activities in the proximity of aerodrome electrical systems whenever low visibility procedures are in use.

SUBPART 18
REQUIREMENTS SPECIFIC TO HELIPORTS

Applicability of Subpart

- 139.18.1** (1) This Subpart applies to -
- (a) all heliports intended to be used by helicopters; and
 - (b) areas designated for the exclusive use of helicopters at an aerodrome that is primarily meant for the use of helicopters.
- (2) This Subpart covers aspects specific to heliport planning, design and operations.

Definitions for this Subpart

139.18.2 In this Subpart, unless the context otherwise indicates -

“heliport” means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects or parts thereof, that -

- (a) are located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation.

Heliport reference point

139.18.3 (1) A heliport operator must establish a heliport reference point for a heliport or a landing location not collocated with an aerodrome and when the heliport or landing location is collocated with an aerodrome, the established aerodrome reference point serves both the aerodrome and heliport or landing location.

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- (2) The heliport operator must ensure that -
- (a) the heliport reference point is located near the initial or planned geometric centre of the heliport or landing location and must normally remain where first established; and
 - (b) the position of the heliport reference point is measured and reported to the aeronautical information services in degrees, minutes and seconds.

Heliport elevations

139.18.4 A heliport operator must measure and report to the aeronautical information services, the heliport elevation and geoid undulation in accordance with the standards prescribed in Document NAM-CATS-AH.

Heliport dimensions and related information

139.18.5 A heliport operator must measure and provide to aeronautical information services, the dimensions and relevant information on the landing and take-off facilities at the heliport in accordance with the standards prescribed in Document NAM-CATS-AH.

Declared distances

139.18.6 A heliport operator must declare and report to aeronautical information services the following distances for the heliport -

- (a) take-off distance available;
- (b) rejected take-off distance available; and
- (c) landing distance available.

Physical characteristics of surface-level heliports

139.18.7 (1) An operator of a surface-level heliport must ensure that the physical characteristics of a surface-level heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift-off areas, helicopter clearways, the safety areas, helicopter ground taxiways and taxi routes, helicopter air taxiways and air taxi routes and helicopter stands, are in accordance with the standards prescribed in Document NAM-CATS-AH.

- (2) An operator of a surface-level heliport must ensure that -
- (a) no fixed object is permitted above the surface of the ground on a helicopter ground taxi-route, except for frangible objects, which, because of their function, must be located thereon;
 - (b) no mobile object is permitted on a ground taxi-route during helicopter movement; and
 - (c) objects whose function requires them to be located on a helicopter ground taxi-route comply with the standards prescribed in Document NAM-CATS-AH.

Physical characteristics of elevated heliports

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139.18.8 An operator of an elevated heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area, the touchdown and lift off areas, the clearways, the safety areas, taxiways and taxi routes and aprons, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Physical characteristics of helidecks

139.18.9 An operator of helideck must ensure that the physical characteristics of the helideck, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

[The word “a” appears to have been omitted before the first use of the word “helideck”.]

Physical characteristics of shipboard heliports

139.18.10 An operator of a shipboard heliport must ensure that the physical characteristics of the heliport, including the physical characteristics of the final approach and take-off area and the touchdown and lift off areas, are in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation surfaces and sectors

139.18.11 The obstacle limitation surfaces and sectors for heliports must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Obstacle limitation requirements

139.18.12 (1) An operator of a surface level heliport must establish the obstacle limitation surfaces in accordance with the standards prescribed in Document NAM-CATS-AH including -

- (a) take-off climb surface;
- (b) approach surface; and
- (c) transitional surfaces.

(2) The surfaces listed in subregulation (1) must be established in accordance with standards prescribed in Document NAM-CATS-AH.

(3) Obstacle limitation surfaces for elevated heliports must conform to the requirements for surface-level heliports specified in subregulations (1) and (2), and must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

(4) An operator of a helideck must ensure that -

- (a) the helideck has an obstacle-free sector;
- (b) there are no fixed obstacles within the obstacle-free sector above the obstacle-free surface;

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- (c) obstacle protection are provided for helicopters in the immediate vicinity of the helideck below the helideck level and in accordance with the standards prescribed in Document NAM-CATS-AH; and

[The verb “are” should be “is” to be grammatically correct.]

- (d) objects within the TLOF comply with the standards prescribed in Document NAM-CATS-AH.

(5) When helicopter operating areas are provided in the bow or stern of a ship they must conform the obstacle criteria for helidecks.

(6) The obstacle limitation requirements for shipboard heliports including requirements for location of objects within the TLOF and for the winching area must be as prescribed in Document NAM-CATS-AH.

Visual aids

139.18.13 (1) An operator of a heliport must provide visual aids at the heliport including -

- (a) wind direction indicators;
- (b) markings and markers; and
- (c) lights.

(2) The visual aids required by subregulation (1) must be in accordance with the requirements of regulations 139.18.14, 139.18.15 and 139.18.16 and the associated standards prescribed in Document NAM-CATS-AH.

Wind direction indicator

139.18.14 An operator of a heliport must ensure that -

- (a) at least one wind direction indicator is provided at the heliport;
- (b) the wind direction indicator is located and constructed in accordance with standards prescribed in Document NAM-CATS-AH; and
- (c) a wind direction indicator at a heliport intended for use at night is illuminated.

Markings and markers

139.18.15 An operator of a heliport must ensure that markings and markers at the heliport comply with the standards prescribed in Document NAM-CATS-AH.

Lights

139.18.16 An operator of a heliport must ensure that lighting systems at the heliport comply with standards prescribed in Document NAM-CATS-AH.

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Heliport emergency planning

139.18.17 (1) An operator of a certified heliport must establish a heliport emergency plan commensurate with the helicopter operations and other activities conducted at the heliport.

(2) The plan established in terms of subregulation (1) must be established in accordance with the standards prescribed in Document NAM-CATS-AH.

Rescue and firefighting

139.18.18 An operator of a certified or licensed heliport must provide rescue and firefighting services in accordance with regulation 139.16.3 and the standards prescribed in Document NAM-CATS-AH.