

REGULATIONS
Civil Aviation Act 6 of 2016
Namibian Civil Aviation Regulations, 2001

DEFINITIONS

PART 1
DEFINITIONS:
DEFINITIONS AND ABBREVIATIONS

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Definitions

1.00.1 In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

“ab initio training”, in relation to pilots, means initial training in an aircraft or a simulator;

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

“access control” means the application of means by which the entry of unauthorised persons or unauthorised vehicles or both may be restricted or prohibited;

[definition of “access control” inserted by GN 293/2018]

[definition of “accident” deleted by GN 293/2018]

[definition of “accountable manager and compliance officer” deleted by GN 293/2018]

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

[The word “altitude” is misspelt in the *Government Gazette* both time it appears in this definition, as reproduced above.]

“acoustical change” means any voluntary change in type design which may increase the noise levels of the aircraft;

“acts of unlawful interference” means acts or attempted acts so as to jeopardise the safety of civil aviation and air transport, including -

- (a) unlawful seizure of aircraft in flight;
- (b) unlawful seizure of aircraft on the ground;
- (c) hostage-taking on board aircraft or on aerodromes;

[The phrase “on aerodromes” may have been intended to be “in aerodromes” or “at aerodromes”.]

- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (f) communication of false information such as to jeopardise the safety of an aircraft in flight or on the ground, of passengers, crew members, ground personnel or the general public, at an airport or on the premises of a civil aviation facility; and
- (g) use of an aircraft with intent to cause death or serious bodily injury to persons, serious damage to an aircraft or other property or serious damage to the environment;

[definition of “acts of unlawful interference” inserted by GN 293/2018]

“administrative fines” are the category of fines referred to in section 54(2)(c)(ii) in the Act,

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and which are imposed by the Authority;

[definition of “administrative fines” inserted by GN 293/2018]

“adviser” means a person designated by the Director, on the basis of his or her qualifications, for the purpose of assisting the investigator-in-charge in an investigation;

“advisory airspace” means an airspace of defined dimensions, or designated route, within which an air traffic advisory service is available;

“advisory area” means a designated area within a flight information region where air traffic advisory services are available;

“advisory route” means a designated route along which an air traffic advisory service is available;

“aerial work” means an aircraft operation in which the aircraft is used for specialised services, including -

- (a) an acrobatic operation;
- (b) an aerial advertising operation;
- (c) an aerial patrol, observation or survey operation;
- (d) an aerial recording operation by photographic or electronic means;
- (e) an agricultural operation;
- (f) a cloud spraying, seeding or dusting operation;
- (g) a construction operation;
- (h) an emergency medical service operation;
- (i) a fire spotting, control or fighting operation;
- (j) a game and livestock cull operation;
- (k) a parachute dropping operation;
- (l) a search and rescue operation;
- (m) a semi-acrobatic operation;
- (n) a spraying, seeding or dusting operation other than for agricultural purposes and clouds;
- (o) a tug operation; and
- (p) a helicopter external-load operation;

“aerobatic flight” means an acrobatic flight;

[definition of “aerodrome” deleted by GN 293/2018]

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[definition of “aerodrome control service” deleted by GN 293/2018]

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

[definition of “aerodrome flight information service” deleted by GN 293/2018]

“aerodrome manager” means the person appointed as aerodrome manager in terms of Part 139 by the holder of an aerodrome licence;

“aerodrome operating minima” means the limits of usability of an aerodrome for -

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of the operation; and
- (c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

“aerodrome reference point” means the designated geographical location of an aerodrome;

[definition of “aerodrome traffic” deleted by GN 293/2018]

“aerodrome traffic area” means an airspace of defined dimensions at an aerodrome where an aerodrome flight information centre, established for the protection of aerodrome traffic, is in operation;

“aerodrome traffic zone” means an airspace of defined dimensions, established around an aerodrome for the protection of aerodrome traffic;

“Aeronautical Information Circular” means a notice issued by the -

- (a) Executive Director under these regulations and containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters; or

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

- (b) Head of Air Navigation Services pursuant to regulation 3.04.1;

[definition of “Aeronautical Information Circular” substituted by GN 293/2018]

“Aeronautical Information Publication” means a publication issued by or with the authority of the Director and containing aeronautical information of a lasting character essential to air navigation;

“aeronautical information regulation and control” means a system aimed at advance notification based on common effective dates, of circumstances that necessitate significant changes in operating practices;

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“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“agricultural operation” means an operation in which the aircraft is used to provide a service to persons engaged in agriculture or farming, including topdressing, seeding, dusting, spraying, dropping or poison baits and laying of poison;

[The phrase “dropping or poison baits” was probably intended to be “dropping of poison baits”.]

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

“air carrier” means a person who operates an air service as defined in section 1 of the Air Services, 1949 (Act No. 51 of 1949);

**[The definition of “air carrier” is inserted by GN 293/2018.
The word “Act” is omitted in the name of the “Air Services Act”.]**

[definition of “aircraft” deleted by GN 293/2018]

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

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

[definition of “aircraft maintenance engineer” inserted by GN 236/2020]

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

[definition of “aircraft maintenance organisation” inserted by GN 236/2020]

“aircraft in flight” means an aircraft from the moment when all its external doors are closed following embarkation until the moment when such doors are open for disembarkation;

[definition of “aircraft in flight” inserted by GN 293/2018]

“aircraft proximity” means a situation in which, in the opinion of a pilot or an air traffic service personnel member, the distance between aircraft as well as their relative positions and speed, have been such that the safety of the aircraft involved may have been compromised;

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

[definition of “aircraft register” inserted by GN 236/2020]

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

“aircraft stand taxilane” means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

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“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of engines, and landing gear of an aircraft and their accessories and controls;

[definition of “air navigation facility” deleted by GN 293/2018]

“airship” means a power-driven lighter-than-air aircraft;

“air operator certificate” means a certificate issued by the Director, authorising an operator to carry out specified commercial air transport operations;

“air racing” means participating in air races, including practising for such air races and flying to and from racing events;

“air side” means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof, access to which is controlled;

[definition of “air traffic” deleted by GN 293/2018]

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plans;

[definition of “air traffic control service” deleted by GN 293/2018]

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

“air traffic control service” means an area control service, an approach control service or an aerodrome control service provided for the purpose of -

- (a) preventing collisions -
 - (i) between aircraft; and
 - (ii) on the manoeuvring area between aircraft and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic;

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

[definition of “air traffic service” deleted by GN 293/2018]

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

“air traffic service incident” means an incident or serious incident associated with and related to the provision of air traffic services, including aircraft proximity or other serious difficulty resulting in a hazard to an aircraft, caused by faulty procedures, non-compliance with procedures, failure of ground facilities or any other similar cause;

“air traffic service personnel” means air traffic controllers and air traffic service assistants;

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“air traffic service reporting office” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

“air traffic service unit” means air traffic control unit, flight information centre or air traffic service reporting office;

“airway” means a control area or a portion thereof established in the form of a corridor;

“airworthiness data” means any information necessary to ensure that the aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment as appropriate, is assured;

“airworthiness design standards” includes maintenance standards;

“airworthiness directive” means an airworthiness directive which the Executive Director is empowered to issue under section 38(3) of the Act;

[definition of “airworthiness directive” inserted by GN 293/2018]

“airworthy” means, when used in relation to an aircraft, that the aircraft is serviceable and meets all the requirements prescribed for the issue of a certificate of airworthiness and such other requirements as have been prescribed for the continuing validity of such certificate;

“aisle” means a longitudinal passageway between aircraft seats;

[definition of “alerting service” deleted by GN 293/2018]

“all weather operations” means any take-off, en route or landing operations in IMC and operated in accordance with IFR;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing, and includes a take-off alternate aerodrome, an en route alternate aerodrome and a destination alternate aerodrome;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“amateur-built aircraft” means an aircraft of which 51 per cent or more of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

“amphibious aeroplane” means an aeroplane designed and constructed to take-off and land from land surfaces as well as water surfaces;

“amphibious aircraft” means amphibious aeroplanes and amphibious helicopters;

“amphibious helicopter” means a helicopter equipped with wheels, skids, floats or other devices enabling it to land and take-off from land and the surface of water;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating

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or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

“approach control office” means a unit established to provide an air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

[definition of “approach control service” deleted by GN 293/2018]

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

- (a) means any institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention; or
- (b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a), and which is recognised as such by the Director;

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

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

[definition of “approved person” inserted by GN 236/2020]

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

“apron” means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fueling, parking or maintenance;

“apron taxiway” means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

“area control centre” means a unit established to provide an air traffic control service to controlled flights in control areas under its jurisdiction;

[definition of “area control service” deleted by GN 293/2018]

“assistant services” means services of assisting air traffic controllers to discharge air traffic service-related duties, including coordination services, clearance delivery services, flight information services or aerodrome flight information services;

“ATS route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“authorised officer” means a person designated as such under 37(1)(a) of the Act;

[definition of “authorised officer” inserted by GN 89/2020]

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“authorised person” means a person designated as such under 37(1)(b) of the Act;

[definition of “authorised person” inserted by GN 89/2020]

“automatic activation device” means an automatic altitude and descent-rate activated device designated to self activate a parachute;

[The word “self-activate” should be written with a hyphen.]

“automatic fixed emergency locator transmitter” means an emergency locator transmitter which is permanently attached to an aircraft;

“automatic portable emergency locator transmitter” means an emergency locator transmitter which is rigidly attached to an aircraft but readily removable from the aircraft after a crash;

“automatically deployable emergency locator transmitter” means an emergency locator transmitter which is rigidly attached to an aircraft and deployed automatically or manually in response to a crash;

“aviation directive” means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

[The definition of “aviation directive” is inserted by GN 293/2018.
For correct alphabetical order, it should come after the definition of “available seat”.]

“available seat” means the seat or space on an aircraft configured for the purposes of passenger use in relation to its scheduled flight;

[definition of “available seat” inserted by GN 210/2018]

“aviation directive” means an aviation directive which the Executive Director is empowered to issue under section 38(6) of the Act;

[The definition of “aviation directive” is inserted above as directed by GN 293/2018.
For correct alphabetical order, it should come here, after the definition of “available seat”.]

“aviation recreation” means microlight flying, gliding, ballooning, gyroplane flying, hang gliding, paragliding, powered paragliding, parachuting, powerflying and any other flying for the purpose of recreation or sport or involvement in aviation events;

“aviation security” means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise or have the potential to jeopardise the security of civil aviation;

[definition of “aviation security” inserted by GN 293/2018]

“balloon” means a non-power-driven lighter-than-air aircraft, and for the purposes of Part 102, includes an airship;

“base jump” means a parachute descent from an object other than an aircraft;

“bogus part” means a part or material, intended for installation in a type certificated product, which has not been manufactured according to approved procedures, or does not conform to an

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approved type design or established civil aviation industry or Namibian civil aviation specifications, and includes -

- (a) a part which has been manufactured, reclaimed or reconditioned and marked by an unauthorised source and provided with documents which falsely indicate that the part is a genuine part and conforms to the specifications contained in a manufacturer's authorised Illustrated Parts Catalogue;
- (b) a part which has not been maintained, overhauled or repaired in accordance with approved airworthiness data or the provisions of the Regulations, or which has been maintained, overhauled or repaired by persons who are not authorised to perform and certify such maintenance, overhaul or repair; and
- (c) a part which is directly supplied to a purchaser by a manufacturer, supplier or distributor, who does not hold an appropriate production certificate for the part and who has not been authorised by the type certificate holder to directly supply such part to the purchaser;

"bomb threat" means a communicated threat, anonymous or otherwise, which suggests or infers, whether true or false, that the safety of an aircraft in flight or on the ground or of any airport or civil aviation facility or any person may be in danger from an explosive or other item or device;

[definition of "bomb threat" inserted by GN 293/2018]

"break", for the purposes of Part 65, means a period not exceeding 60 minutes within the period of operational duty, during which an air traffic controller or an air traffic service assistant is released from all duties;

"cabin crew member" means a crew member licensed in terms of Part 64, who performs, in the interest of the safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who does not act as a flight crew member;

"cargo aircraft", for the purposes of Part 92, means any aircraft, other than a passenger aircraft, which is carrying goods or property;

"cargo building" means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of "cargo building" is inserted below as directed by GN 293/2018.
For correct alphabetical order, it should appear here, before the definition of "causes".]**

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

"cargo building" means a building through which cargo passes between air and ground transport, and in which processing facilities are located or in which cargo is stored pending transfer to air or ground transport;

**[The definition of "cargo building" is inserted by GN 293/2018.
For correct alphabetical order, it should come before the definition of "causes".]**

"ceiling" means the height above the ground or water of the base of the lowest layer of cloud below 6 000 metres, or 20 000 feet, covering more than half the sky;

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“charges” include the following categories of charges:

- (a) in relation to air navigation services provided by the Authority -
 - (i) “aerodrome charge”, or ADR, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight arriving, departing, transiting or undertaken within any control zone (CTR) or aerodrome traffic zone (ATZ);
 - (ii) “en-route charge” means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight undertaken within the Windhoek Flight Information Region as designated by the Authority; and
 - (iii) “terminal control area charge”, or TMA, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight entering, exiting, transiting or undertaken within any TMA for air navigation services provided by the Authority; and
- (b) in relation to international or domestic carriage, “civil aviation safety charge” means the amount payable, either in respect of a domestic or an international flight, for services by the Authority which are provided directly, related to, or ultimately beneficial for the Namibia Civil Aviation Authority System in accordance with the requirements of the Act, by the holder or participant, inclusive of an owner or operator, who provides air services departing on an aircraft from an aerodrome within the territory of Namibia to a destination within or outside the territory of Namibia;

[definition of “charges” inserted by GN 210/2018]

“child” means an aircraft passenger who has reached his or her second but not his or her twelfth birthday;

“Civil Aviation Regulations” means the regulations contained in this schedule as amended from time to time;

**[The schedule referred to is the Schedule to GN 1/2002,
which published the original Civil Aviation Regulations.]**

“Class C airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class D airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class E airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class G airspace” means that portion of the airspace classified in terms of regulation 172.02.2;

“Class A helicopter-load combination” means a helicopter-load combination in which the external load can not move freely, can not be jettisoned, and which does not extend below the landing gear;

[The term “cannot” normally appears as one word.]

“Class B helicopter-load combination” means a helicopter-load combination in which the external load is jettisonable and which is lifted free of land or water during the helicopter operation;

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“Class C helicopter-load combination” means a helicopter-load combination in which the external load is jettisonable and which remains in contact with land or water during the helicopter operation;

“Class D helicopter-load combination” means a helicopter-load combination, other than a Class A, Class B or Class C helicopter-load combination, which has been specifically approved by the Director for that operation;

“Class I product” means a complete aircraft, aircraft engine or propeller, which -

- (a) has been type certificated in accordance with the provisions of these Regulations and for which Namibian Specifications or type certificate data sheets have been issued; or
- (b) is identical to a type certificated product referred to in paragraph (a) in all respects except as is otherwise acceptable to the appropriate authority of the importing State;

“Class II product” means -

- (a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces and installed equipment, the failure of which will jeopardise the safety of a Class I product; or
- (b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in Subpart 12 of Part 21;

“Class III product” means any part or component which is not a Class I or a Class II product and includes parts;

“clearance” means air traffic control clearance;

“clearance delivery service” means a service specifically dedicated to the issue of air traffic control clearances to pilots on behalf of one or more air traffic service units;

“clearway” means a defined rectangular area on the ground or water selected or prepared as a suitable area over which an aeroplane may make a portion of its initial climb to a specified height;

“close corporation” means a close corporation registered under the Close Corporations Act, 1988 (Act No. 26 of 1988);

[definition of “commercial air transport operation” deleted by GN 293/2018]

“Co-Mail” means air carrier company mail, shipped within the company’s network of stations;

“Co-Mat” means air carrier company materials, shipped within the company’s network of stations;

[The definitions of “Co-Mail” and “Co-Mat” are inserted below as directed by GN 293/2018, but they should appear here for correct alphabetical order (since hyphens are generally treated as being blank spaces in alphabetisation).]

“command and control (C2) link” means the data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight;

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[definition of “command and control (C2) link” inserted by GN 89/2020]

“communication failure procedure” means a procedure prescribed by the International Civil Aviation Organisation, the full details of which are published in the AIP;

“company” means a company incorporated under the Companies Act, 1973 (Act No. 61 of 1973);

[The Companies Act 61 of 1973 has been replaced by the Companies Act 28 of 2004.]

“condition”, which may be imposed by the Director or any person, body or institution as a functionary, on, and which must be complied with by, any other person, organisation, body or institution in case of applications for approval, consent or permission in connection with any matter, object or activity, or in any other case with regard to anything else, means, subject to other relevant provisions of the Act, these Regulations or any other applicable and relevant law, a condition -

- (a) which is clear, reasonable, practically executable and appropriate to the relevant matter;
- (b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these Regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest;
- (c) which may during the period of validity of the matter in respect of which the condition is imposed, if any, from time to time be amended on written application of the person, organisation, body or institution in respect of which the condition applies;
- (d) which provides that if the functionary imposing the condition is satisfied, after the person, organisation, body or institution referred to in paragraph (c) has been afforded a reasonable opportunity to be heard, that a contravention or failure to comply with the condition or a provision thereof has occurred, the functionary may, in his, her or its discretion, permit the person, organisation, body or institution within a stated period to cease the contravention or rectify the failure to comply, to the satisfaction of the functionary, or to notify that person, organisation, body or institution that the condition is deemed as having lapsed and that such person, organisation, body or institution shall forthwith cease carrying out any activity in respect of which the lapsed condition applied; and
- (e) which is to be reduced to writing, delivered to the other person, organisation, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

“configuration” means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

“consignment”, for the purposes of Part 92, one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

“contaminated runway”, for the purposes of these Regulations, means a runway of which more than 25 per cent of the runway surface area, whether in isolated areas or not, within the required length and width being used is covered by -

- (a) sand or other foreign objects, such as dung, sticks or grass;

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- (b) surface water more than three millimetres deep;
- (c) slush or loose snow, equivalent to more than three millimetres of water;
- (d) snow which has been compressed into a solid mass which resists further compression and will hold together or break into lumps if picked up; or
- (e) ice, including wet ice;

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

[definition of “contracted AMO” inserted by GN 236/2020]

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

[definition of “controlled airspace” deleted by GN 293/2018]

[definition of “controlled flight” deleted by GN 293/2018]

“control system” means a system by which the flight path, attitude or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

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

“control zone” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

[definition of “controlled flight” deleted by GN 293/2018]

“Convention” means the Convention on International Civil Aviation drawn up at Chicago on 7 December 1944, and includes any amendments thereof and additions thereto;

“conveyance by air” means conveyance in an aircraft in flight;

“coordination service” means a service of coordinating the discharge of air traffic service-related duties by an air traffic service assistant;

“co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

“Co-Mail” means air carrier company mail, shipped within the company’s network of stations;

“Co-Mat” means air carrier company materials, shipped within the company’s network of stations;

[The definitions of “Co-Mail” and “Co-Mat” are inserted by GN 293/2018. For correct alphabetical order, they should come before the definition of “command and control (C2) link”.]

[definition of “crew member” deleted by GN 293/2018]

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“critical phases of flight” includes all ground operations involving taxi, take-off, climb up to cruise or 10 000 feet, as the case may be, and approach from cruise altitude or 10 000 feet, as appropriate;

“cross country flight” when used in connection with the acquisition of flight experience required for a pilot licence, means a flight between a point of departure and a point of landing not less than 20 nautical miles apart;

“cull” includes selection, counting and herding;

“current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;

“damp runway” means a runway of which the surface is not dry and on which the moisture does not give the runway a shiny appearance;

“danger area” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

[definition of “dangerous goods” deleted by GN 293/2018]

“dangerous goods accident” means an occurrence associated with and related to the conveyance of dangerous goods by air which results in fatal or serious injury to a person or major property damage;

“dangerous goods incident” means -

- (a) an occurrence, other than a dangerous goods accident, associated with and related to the conveyance of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) any other occurrence, other than a dangerous goods accident, relating to the conveyance of dangerous goods which seriously jeopardises the aircraft or its occupants;

“date of application” when used in connection with the issue, renewal or reissue of a licence, certificate or rating, means the date on which the application is received in the prescribed form by the Director;

“day”, for the purposes of these Regulations, means the period from 15 minutes before sunrise to 15 minutes after sunset;

“decision altitude/height” means a specified altitude or height in a precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“defined point after take-off” means the point, within the take-off and initial climb phase, before which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

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“defined point before landing” means the point, within the approach and landing phase, after which the helicopter’s ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

“design work”, in relation to a terminal instrument flight procedure, means any of the following work:

- (a) designing the procedure or a part of the procedure;
- (b) verifying, maintaining, reviewing, amending or adapting the procedure; or
- (c) supervising a person carrying on any work mentioned in paragraph (a) or (b);

[definition of “design work” inserted by GN 293/2018]

“diplomatic bag” means a shipping container having diplomatic immunity from search or seizure;

[The definition of “diplomatic bag” is inserted by GN 293/2018. For correct alphabetical order, it should come after the definition of “destination alternate aerodrome”.]

“designated” means designated by the Director;

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

[definition of “designated inspector, authorised officer or authorised person” inserted by GN 293/2018 and deleted by GN 89/2020]

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

[definition of “designated organisation” inserted by GN 236/2020]

“destination alternate aerodrome” means an alternate aerodrome to which an aircraft may proceed should it become impossible or inadvisable to land at the aerodrome of intended landing;

“diplomatic bag” means a shipping container having diplomatic immunity from search or seizure;

[The definition of “diplomatic bag” is inserted above as directed by GN 293/2018, but it should appear here for correct alphabetical order.]

“disembarkation” means the leaving of an aircraft after a landing, except by crew or passengers continuing on the next stage of the same through-flight;

“ditching” means the forced landing of an aircraft on water;

“Document *CATS-AAR” means a document on the Namibian Civil Aviation Technical Standards relating to Airspace and Air Routes which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-AAR” inserted by GN 89/2020]

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“Document NAM-CATS-AH” means a document on the Namibian Civil Aviation Technical Standards relating to Aerodromes and Heliports, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AIS” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Information Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-AIS” (Aeronautical Information Services) substituted for definition of “Document NAM-CATS-AIRS” (Aeronautical Information and Related Services) by GN 89/2020]

“Document NAM-CATS-AMEL” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Engineer Licensing, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AMO” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Maintenance Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-AR” means a document on the Namibian Civil Aviation Technical Standards relating to Airworthiness Requirements, which is published by the Director in terms of section 22A of the Act;

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

[definition of “Document NAM-CATS-AR-NTCA” inserted by GN 236/2020]

“Document NAM-CATS-ARM” means a document on the Namibian Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ARO” means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Recreation Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ATEL” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Telecommunications Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-ATEL” inserted by GN 89/2020]

“Document NAM-CATS-ATO” means a document on the Namibian Civil Aviation Technical Standards relating to Aviation Training Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ATS” means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Services, which is published by the Director in terms of section 22A of the Act;

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“Document NAM-CATS-ATSPL” means a document on the Namibian Civil Aviation Technical Standards relating to Air Traffic Service Personnel Licensing, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-CCL” means a document on the Namibian Civil Aviation Technical Standards relating to Cabin Crew Licensing, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-DG” means a document on the Namibian Civil Aviation Technical Standards relating to the Conveyance of Dangerous Goods, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-DO” means a document on the Namibian Civil Aviation Technical Standards relating to Design Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-ENVIRO” means a document on the Namibian Civil Aviation Technical Standards relating to Environment Protection, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FCL 61” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Pilots, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FCL 63” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Crew Licensing: Flight Engineers, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-FPD” means a document on the Namibian Civil Aviation Technical Standards relating to Fight Procedure Design which is published by the Executive Director in terms of section 227 of the Act;

**[The definition of “Document NAM-CATS-FPD” is inserted by GN 89/2020.
The word “Flight” is misspelt in the *Government Gazette*, as reproduced above.]**

“Document NAM-CATS-GMR” means a document on the Namibian Civil Aviation Technical Standards relating to General Maintenance Rules, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-MET” means a document on the Namibian Civil Aviation Technical Standards relating to Aeronautical Meteorological Services which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-MET” inserted by GN 89/2020]

“Document NAM-CATS-MORG” means a document on the Namibian Civil Aviation Technical Standards relating to Manufacturing Organisations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-MR” means a document on the Namibian Civil Aviation Technical Standards relating to Medical Requirements, which is published by the Director in terms of section 22A of the Act;

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

[definition of “NAM-CATS-MR-NTCA” inserted by GN 236/2020]

“Document NAM-CATS-OPS 91” means a document on the Namibian Civil Aviation Technical Standards relating to General Operating and Flight Rules, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 98” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Powered Paragliders, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 100” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gyroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 102” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 103” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Microlight Aeroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 104” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Gliders, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 105” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Parachutes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 106” means a document on the Namibian Civil Aviation Technical Standards relating to Operation of Hang Gliders, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 121” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Large Aeroplanes, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 127” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Helicopters, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 133” means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter External-load Operations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-OPS 135” means a document on the Namibian Civil Aviation Technical Standards relating to Air Transport Operations: Small Aeroplanes, which is published by the Director in terms of section 22A of the Act;

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“Document NAM-CATS-OPS 137” means a document on the Namibian Civil Aviation Technical Standards relating to Agricultural Operations, which is published by the Director in terms of section 22A of the Act;

“Document NAM-CATS-PBN 90” means a document on the Namibian Civil Aviation Technical Standards relating to Performance-based Navigation, which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-PBN 90” inserted by GN 293/2018]

“Document NAM-CATS-RPA” means a document on the Namibian Civil Aviation Technical Standards relating to Remote Piloted Aircraft and Remote Piloted Aircraft systems which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-RPA” inserted by GN 89/2020]

“Document NAM-CATS-SAR” means a document on the Namibian Civil Aviation Technical Standards relating to Search and Rescue operations which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-SAR” inserted by GN 89/2020]

“Document NAM-CATS-SMS 140” means a document on the Namibian Civil Aviation Technical Standards relating to the Safety Management Systems, which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-SMS 140” inserted by GN 293/2018]

“Document NAM-CATS-UOM” means a document on the Namibian Civil Aviation Technical Standards relating to the Units of Measurement used in civil aviation, which is published by the Executive Director in terms of section 227 of the Act;

[definition of “Document NAM-CATS-UOM” inserted by GN 293/2018]

“dry operating mass” means the total mass of the aircraft ready for a specific type of operation, excluding all usable fuel and traffic load, and includes -

- (a) crew and crew baggage;
- (b) catering and removable passenger service equipment; and
- (c) portable water and lavatory chemicals;

“dry runway” means a runway which is neither wet nor contaminated, and includes those paved runways which have been specially prepared with grooves or porous pavement and maintained to retain “effective dry” braking action even when moisture is present;

“elevated heliport” means a heliport located on a raised structure on land;

“embarkation” means the boarding of an aircraft for the purpose of commencing a flight, except by such crew or passengers who have embarked on a previous stage of the same through-flight;

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“emergency locator transmitter” means equipment which broadcast distinctive signals on designated frequencies and, depending on application, may either sense a crash and operate automatically or be manually activated, and includes an automatic fixed emergency locator transmitter, an automatic portable emergency locator transmitter, an automatically deployable emergency locator transmitter and a survival emergency locator transmitter;

“emergency parachute” means a parachute assembly designed and intended to be used by persons in an emergency;

“emission change” means any voluntary change in type design of the aircraft or engine which may increase fuel venting or engine emission;

“employment permit” means a permit issued under the Immigration Control Act, 1993 (Act No. 7 of 1993), to a person who intends to enter or reside in Namibia for the purpose of employment or conducting a business or carrying on a profession or occupation in Namibia;

“enforcement code” means the code referred to in regulation 13.01.1(2) that enables the Executive Director to enforce the Act and these regulations;

**[The definition of “enforcement code” is inserted by GN 293/2018.
The Enforcement Code is contained in General Notice 28/2020 (GG 7100).]**

“en route alternate aerodrome” means an alternate aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;

“en route safe altitude” means an altitude which will ensure a separation height of at least 1 500 feet above the highest obstacle located within five nautical miles of the aircraft in flight;

“ensure”, in relation to any person, organisation, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

“estimated time of arrival” -

- (a) for IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and
- (b) for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

“exhibition” means exhibiting the aircraft’s flight capabilities, performance or unusual characteristics at air shows, motion picture, television and similar productions, and the maintenance of exhibition flight proficiency, including, for persons exhibiting aircraft, flying to and from such air shows and productions;

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“experimental certificate” means a special certificate of airworthiness issued in terms of Part 21 for the purpose of -

- (a) research and development;
- (b) showing compliance with the Regulations;
- (c) flight crew training;
- (d) exhibition;
- (e) air racing;
- (f) market surveys;
- (g) operating amateur-built aircraft; or
- (h) operating production-built aircraft;

“extended range operation” means any flight by an aeroplane with two turbine power-units where the flight time at the one power-unit inoperative cruise speed, in ISA and still air conditions, from a point on the route to an adequate alternate aerodrome, is greater than 60 minutes;

“external-load” means a load that is carried, or extends, outside of the helicopter fuselage;

“external-load attaching means” means the structural components used to attach an external-load to a helicopter, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external-load;

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

“final approach” means that part of an instrument approach procedure which commences at the specified approach fix, or where such a fix is not specified -

- (a) at the end of the last procedure turn, base turn or inbound turn of a racetrack procedure, if specified; or
- (b) at the point of interception of the last track specified in the approach procedure,

and ends at a point in the vicinity of an aerodrome from which a landing can be made or a missed approach procedure is initiated;

“final approach fix” means that fix or point of an instrument approach procedure where the final approach segment commences;

“final approach segment” means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

“first aid” means first aid appropriate to the type of aircraft, and includes -

- (a) the recognition and treatment of food poisoning;

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- (b) the recognition and treatment of contamination of the skin and eyes by aviation fuel and other fluids;
- (c) the recognition and treatment of hypoxia and hyperventilation;
- (d) first aid associated with survival training, appropriate to the routes to be operated; and
- (e) other related aeromedical aspects;

“flares”, for the purposes of Part 101, means flares other than flares used for air traffic control;

“flight crew member” means a crew member licensed in terms of Part 61 or Part 63 and charged with duties essential to the operation of an aircraft during flight time;

“flight information centre” means a unit established to provide flight information services and alerting services;

“flight information region” means an airspace of defined dimensions within which flight information services and alerting services are provided;

[definition of “flight information service” deleted by GN 293/2018]

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

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals and is separated from other such surfaces by specific pressure intervals;

“flight manual” means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

“flight plan” means specified information provided to air traffic service units, relative to an intended flight or portion of a flight of an aircraft;

“flight recorder” means any type of recorder installed in the aircraft for the purposes of complementing aviation accident or incident investigation, and for the purposes of Part 91, includes a flight data recorder and a cockpit voice recorder;

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

“flight visibility” means the visibility forward from the cockpit of an aircraft in flight;

“forecast” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“glide path” means a descent profile determined for vertical guidance during a final approach;

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“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight, and for the purposes of these Regulations, includes a motor glider;

“ground visibility” means the visibility at an aerodrome, as reported by an observer who is recognised by the Director for the purpose;

“gyroplane” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

“handicapped passenger” means a passenger who is physically or mentally handicapped due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

“hang glider” means a non-power-driven heavier-than-air aircraft capable of being carried, launched and landed solely by the energy of the pilot, having -

- (a) a rigid primary structure with pilot weightshift as the primary method of control; or
- (b) a rigid primary structure with movable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Part 106, includes a paraglider;

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

“Head of Air Navigation Services” means the head of Air Navigation Services appointed in terms of section 49(2) of the Act;

[definition of “Head of Air Navigation Services” inserted by GN 293/2018]

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“height” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“helicopter-load combination” means the combination of a helicopter and an external-load, including the external-load attaching means;

“helideck” means a heliport located on a floating or fixed off-shore structure;

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

“heliport operating minima” means the limits of usability of a heliport for -

- (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions;

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- (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude or height as appropriate to the category of operation; and
- (c) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height and, if necessary, cloud conditions;

“high-risk cargo or mail” means cargo or mail presented by an unknown entity and cargo or mail showing signs of tampering must be considered as high risk if, in addition, it meets either one of the following criteria:

- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
- (b) the cargo or mail shows anomalies that give rise to suspicion; or
- (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft;

[definition of “high-risk cargo or mail” inserted by GN 293/2018]

[definition of “incident” deleted by GN 293/2018]

“industrial aid” means an operation in which an aircraft is operated solely for the benefit of a company or a group of companies, or any subsidiary thereof, in its commercial activities by a person who is a member or in the employ of such company or group of companies or subsidiary, and which is not offered for remuneration or hire to the public in general;

“infant” means an aircraft passenger who has not reached his or her second birthday;

“initial approach fix” means the fix determined in terms of instrument approach procedures which identifies the beginning of the initial approach segment;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with an approved standard;

“inspector” means a person designated as such under 37(1)(a) of the Act;

[definition of “inspector” inserted by GN 89/2020]

“instructions for safe operation and continued airworthiness” means instructions prepared by the holder of a type certificate for a product, comprising descriptive data and accomplishment instructions;

“instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply;

“instrument approach and landing operations” means approach and landing operations using instrument approach procedures and classified as -

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- (a) non-precision approach and landing operations; and
- (b) precision approach and landing operations;

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

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

“instrument meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“instrument time” means instrument flight time or instrument ground time;

“integrated training” means an uninterrupted training course, consisting of a theoretical and practical syllabus, designed to train a student with no knowledge of aviation, to the standard required for a commercial pilot licence or an airline transport pilot licence;

“Integrated Aeronautical Information Package” means a package which consists of the following elements:

- (a) AIP, including an amendment service;
- (b) supplements to the AIP;
- (c) NOTAM and pre-flight information bulletins;
- (d) AIC; and
- (e) checklists and summaries;

[definition of “international flight” deleted by GN 293/2018]

“International Regulations for Preventing Collisions at Sea” means the International Regulations for Preventing Collisions at Sea made under the Convention on the International Regulations for Preventing Collisions at Sea, signed at London on 20 October 1972, set out in the Third Schedule to the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“in-flight supplies” means all items intended to be taken on board an aircraft for use, consumption or purchase by passengers or crew members during a flight, other than -

- (a) cabin baggage;
- (b) items carried by persons other than passengers; and
- (c) air carrier company mail (Co-Mail) and company materials(Co-Mat);

[definition of “in-flight supplies” inserted by GN 293/2018]

“in the vicinity of an aerodrome”, in relation to an aircraft, means when the aircraft is in, entering or leaving an aerodrome traffic circuit;

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“investigation”, for the purposes of Regulations Regarding the Investigation of Accidents, 2000, means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations;

“investigator” means a person designated by the Director in terms of Regulations Regarding the Investigation of Accidents, 2000;

[This refers to the Regulations regarding the Investigation of Aircraft Accidents contained in GN 82/2000 (GG 2298).]

“investigator-in-charge” means a person charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an investigation;

“kite” means a framework, covered with paper, cloth, metal, or other material, intended to be flown at the end of a rope or cable, and having as its only support the force of the wind moving past it surfaces;

[The word “it” in the phrase “it surfaces” should be “its” to be grammatically correct.]

“known consigner”, relation to -

- (a) cargo, means the originator of property for transportation by air, and who has established business with a regulated agent or aircraft operator;
- (b) mail, means the originator of mail for transportation by air, and who has established business with a regulated postal authority or administration,

and who in either case, has been certificated by the Executive Director as such;

**[The definition of “known consigner” is inserted by GN 293/2018.
The word “in” has been omitted in the introductory phrase: “in relation to”.]**

“known supplier of airport supplies” means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of airport supplies to a security restricted area;

[definition of “known supplier of airport supplies” inserted by GN 293/2018]

“known supplier of in-flight supplies” means a supplier whose procedures meet the security rules and standards prescribed in Part 108 sufficiently to allow delivery of in-flight supplies to an air carrier or regulated supplier, but not directly to aircraft;

[definition of “known supplier of in-flight supplies” inserted by GN 293/2018]

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“landing decision point” means the point used in determining landing performance from which, a power unit failure occurring at this point, the landing may be safely continued or a balked landing initiated;

“landing distance available” means the length of the runway which is declared available and suitable for the ground run of an aeroplane landing;

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“landside” means that area of an airport and buildings to which both travelling passengers and the non-travelling public have unrestricted access;

[definition of “landside” inserted by GN 293/2018]

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

“letter of TSO design approval” means a design approval for a foreign-manufactured article which complies with a specific TSO;

“lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;

“line flight” means a flight carried out under normal commercial operations by the holder of an air operator certificate;

“line flying” means flying done by flight crew under normal commercial operations;

“low-visibility procedures” means procedures applied at an aerodrome for the purpose of ensuring safe operations during Category II and III approaches and take-offs;

“low-visibility take-off” means a take-off where the runway visual range is less than 400 metres;

“Mach number” means the ratio of true airspeed to the speed of sound;

“mail” means dispatches of correspondence and other items tendered by, and intended for delivery to, postal services;

[definition of “mail” inserted by GN 293/2018]

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

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

“major change” means any change in the type design which is extensive enough to require a substantially complete investigation to determine compliance with the type certification basis;

“major modification” means a modification not listed in the aircraft, aircraft engine, or propeller specifications -

- (a) which may appreciably affect mass, balance, structural strength, performance, powerplant operations, flight characteristics, or other qualities affecting airworthiness; or
- (b) which is not done according to accepted practices or cannot be done by elementary operations;

“major repair” means a repair -

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- (a) which, if improperly done, may appreciably affect mass, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or
- (b) which is not done according to accepted practices or cannot be done by elementary operations;

“mandatory periodic inspection” means an inspection carried out and certified at intervals not exceeding 12 months or 100 hours of flight time, whichever occurs first, or any other approved inspection programme;

[definition of “manoeuvring area” deleted by GN 293/2018]

“market surveys” means the use of aircraft for purposes of conducting market surveys, sales demonstrations and customer crew training;

“Master” means the Master of the High Court appointed in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

“master minimum equipment list” means a list established for a particular aircraft type by the manufacturer with the approval of the State of Manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight, and which may be associated with special operating conditions, limitations or procedures;

“maximum approved passenger seating configuration” means the maximum passenger seating capacity of an aircraft, excluding pilot seats, cockpit seats or flight deck seats and cabin crew seats as applicable, used by the operator in a commercial air transport operation, approved by the Director and specified in the operations manual;

“maximum certificated mass” means the maximum permissible mass shown in the aircraft flight manual or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

“maximum certificated take-off mass” means maximum certificated mass;

“maximum mass” means maximum certificated take-off mass;

“meteorological information” means any meteorological report, analysis, forecast and any other statement relating to existing or expected meteorological conditions;

“meteorological service” means any of the following services which provide meteorological information in support of aviation:

- (a) Climatology service, which is a service for the development and supply of climatological information for a specific place or airspace;
- (b) Forecast service, which is a service for the supply of forecast meteorological information for a specific area or portion of airspace;
- (c) Information dissemination service, which is a service for the collection and dissemination of meteorological information:

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- (d) Meteorological briefing service, which is a service for the supply of written and oral meteorological information on existing and expected meteorological conditions;
- (e) Meteorological reporting service, which is a service for the supply of routine meteorological reports: and
- (f) Meteorological watch service, which is a service for maintaining a watch over meteorological conditions affecting aircraft operations in a specific area;

“microlight aeroplane” means an aeroplane of which the maximum certificated mass does not exceed 450 kilogram;

“minimum descent altitude or minimum descent height” means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

“minimum equipment list” means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the master minimum equipment list established for the aircraft type;

“minor change” means any change in type design which has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics or other characteristics affecting the airworthiness of the product;

“minor modification” means a modification other than a major modification;

“missed approach point” means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

“missed approach procedure” means the procedure to be followed if the approach cannot be continued;

“model aircraft” means a heavier-than-air aircraft of limited dimensions, with or without a power source and not able to carry a human being, which can be sustained in the atmosphere by forces exerted on it by the air;

“modification” means the alteration of an aircraft or aircraft component in conformity with an approved standard;

“motor glider” means an aircraft equipped with one or more engines which has, with the engine or engines not operating, the performance characteristics of a glider;

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

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

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

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[definition of “NAM-TSO authorisation” inserted by GN 236/2020]

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

“newly overhauled”, when used to described a product, means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with the provisions of these Regulations;

[The word “described” should be “describe” to be grammatically correct.]

“night”, for the purposes of these Regulations, means the period from 15 minutes after sunset to 15 minutes before sunrise;

“night duty” means a period of not less than 4 hours between 20h00 and 06h00 of the next day;

“non-precision approach and landing operation” means an instrument approach and landing which does not utilize electronic glide path guidance;

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

[definition of “non-type certificated aircraft” inserted by GN 236/2020;
the word “rebuild” should be “rebuilt” and the word “fullscale” should be “full-scale”]

“Notice to Airmen” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

“obstacle” means any fixed, whether temporary or permanent, or mobile object, or part thereof, that is located on an area intended for the surface movement of aircraft or that extends above a defined surface intended to protect aircraft in flight;

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

“operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;

“operations personnel”, for the purposes of Subpart 11 of Part 91, means personnel assigned to or directly involved in ground and flight emergency medical service operations;

“operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;

“organisation” includes a natural person, trust, company, close corporation and voluntary association;

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“ornithopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted;

“overhaul” means the restoration of an aircraft or aircraft component by inspection and replacement in conformity with an approved standard to extend the operational life;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

[definition of “owner” deleted by GN 293/2018]

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for conveyance;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards prescribed in Part 92;

“packing” means the art and operation by which articles or substances are enveloped in wrappings, enclosed in packagings or otherwise secured;

“parachute” means any device comprising a flexible drag, or drag and lift, surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition;

“parachute assembly” means any parachute and its associated harness and container system, and other attached equipment for use by a person;

“parachute descent” means any descent made from an aircraft by a person with the prior intention of deploying a parachute;

“parachute drop zone” means a designated area of airspace in which parachute descents are intended to be made, and includes a parachute landing area;

“parachute landing area” means an area of ground or water onto which parachute landings are intended to be made;

“paraglider” means a hang glider with no rigid primary structure;

“passenger aircraft”, for the purposes of Part 92, means an aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorised officer or a person accompanying a consignment or other cargo;

“period of operational duty” means the period during which an air traffic controller or an air traffic service assistant is actually exercising the privileges of the air traffic service licence;

[definition of “pilot-in-command” deleted by GN 293/2018]

“precision approach and landing operation” means an instrument approach and landing using precision azimuth and glide path guidance with minima as determined by the category of operation specified in regulation 1.00.4;

“precision approach procedure” means an instrument approach procedure utilising azimuth and glide path information provided by ILS or PAR;

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“pre-flight information bulletin” means a presentation of current NOTAM information of operational significance, prepared prior to flight;

“preliminary report” means the communication used for the prompt dissemination of data obtained in the early stages of the investigation;

“pressure altitude” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the standard atmosphere;

“problematic use of substances” means the use of one or more psychoactive substances by flight crew, cabin crew, air traffic service personnel and aircraft maintenance engineers in a way which -

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;

“process release certificate or report” means a certificate or report which verifies compliance with a specific process standard;

“product”, for the purposes of Part 21, means an aircraft, aircraft engine or propeller;

“production-built aircraft” means an aircraft of which less than 51 per cent of the airframe has been constructed and assembled by the owner thereof, or an organisation which has not been approved in terms of Part 147, exclusively for non-commercial use;

“progressive inspection” means a sustained airworthiness inspection of an aircraft, its components, installed systems and equipment, at scheduled intervals in accordance with approved procedures;

“prohibited area” means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is prohibited;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

“psychoactive substance” includes alcohol, optoids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, but excludes coffee and tobacco;

[The word “optoids” was probably intended to be “opioids”.]

“rapid exit taxiway” means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimising runway occupancy times;

“rating” means an authorisation entered on or associated with a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;

“receptacle” means any container used for or capable of receiving and holding substances or articles, including any means of closing;

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“register” means any register which is kept or required to be kept in terms of these regulations and which register forms part of the Civil Aviation Registry established in terms of section 52 of the Act;

[definition of “register” substituted by GN 89/2020]

“registry manual” means the manual of the Civil Aviation Registry (CAR) referred to in regulation 3.01.1(3);

[definition of “registry manual” inserted by GN 293/2018]

“regulated agent” means an agent, freight forwarder or any other entity who conducts business with an operator and provides and ensures security controls that are accepted or required by the Executive Director in respect of cargo, and mail and who has certificated by the Executive Director as such;

[definition of “regulated agent” is inserted by GN 293/2018;
The word “been” has been omitted in the phrase “who has been certificated”]

“regulated supplier of in-flight supplies” means a supplier whose procedures meet the security rules prescribed in Part 108 to a standard sufficient to allow delivery of in-flight supplies directly to aircraft, and who has been certificated by the Executive Director as such;

[definition of “regulated supplier of in-flight supplies” inserted by GN 293/2018]

“rejected take-off distance required” means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power-unit failure and rejection of the take-off at the take-off decision point;

“release to service” -

- (a) in relation to an aircraft, means -
 - (i) in respect of scheduled maintenance, the issue of a certificate of release to service or an aircraft release certificate, as the case may be; and
 - (ii) in respect of line maintenance, the appropriate entry in the technical logbook or technical log, as the case may be; and
- (b) in relation to an aircraft component, means the issuing of -
 - (i) a serviceable label; or
 - (ii) an authorised release certificate;

“remotely piloted aircraft (RPA)” means an unmanned aircraft which is piloted from a remote pilot station;

[definition of “remotely piloted aircraft (RPA)” inserted by GN 89/2020]

“remote pilot station” means the component of the RPA system containing the equipment used to pilot the RPA;

[definition of “remote pilot station” inserted by GN 89/2020]

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“RPA system” means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design;

[The definition of “RPA system” is inserted by GN 89/2020. The full stop at the end of the inserted definition has been corrected to be a semicolon since the list of definitions continues.

Note also that the directions for insertion in GN 89/2020 have the result that this definition is not in the correct alphabetical order; it should appear after the definition of “rotorcraft”.]

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

“rescue co-ordination centre” means a unit responsible for promoting efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

“rescue subcentre” means a unit subordinate to a rescue co-ordination centre, established to complement the latter within a specified portion of a search and rescue region;

“research and development” means the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques or new uses for aircraft;

“reserve parachute” means an emergency parachute assembly designed and approved to be used as the secondary parachute after the failure of a main parachute;

“resident of Namibia” means a person who has his or her ordinary residence in Namibia and who is a Namibian citizen or is in possession of a permanent residence permit or a temporary residence permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993);

“restricted area” means an airspace of defined dimensions, above the land areas or territorial waters of Namibia, within which the flight of aircraft is restricted in accordance with certain specified conditions, and -

(a) for the purposes of these Regulations, includes a danger area; and

(b) for the purposes of Part 139, means air side;

“rigger” means a person who certifies parachute equipment;

“river” includes a canal;

“rocket” means -

(a) an aircraft propelled by ejected expanding gases generated in the engine of the aircraft from self-contained propellants and not dependent on the intake of outside substances; and

(b) any part of the aircraft which becomes separated from such aircraft during its operation,

and for the purposes of Part 101, includes pyrotechnics, missiles and flares;

“rotorcraft” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

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“RPA system” means a remotely piloted aircraft, its associated remote pilot station or stations, the required command and control links and any other components as specified in the type design;

[The definition of “RPA system” is inserted above as directed by GN 89/2020,
but it should appear here to be in correct alphabetical order.]

“runway” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“runway visual range” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“safety” means the freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property;

“safety recommendation” means a proposal of the Inspector of Accident based on information derived from the investigation or any other proposal made with the intention of preventing accidents or incidents;

“scheduled commercial air transport operation” means a commercial air transport operation in connection with which flights are undertaken -

- (a) (i) between the same two or more points; or
- (ii) with such a slight variation from the same two or more points that each flight can reasonably be regarded as being between the same two or more points;
- (b) (i) according to a published timetable; or
- (ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series; and
- (c) in such a manner that each flight is open to use by members of the public;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

[definition of “screening” inserted by GN 293/2018]

“seaplane” means an aeroplane designed and constructed to take off from and land on water surfaces only;

“search and rescue region” means an area of defined dimensions within which search and rescue services are provided;

“security” means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

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“security background check” means the procedures prescribed in section 134 of the Act, including a check of a person’s identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual’s fitness to implement a security control or for unescorted access to a security restricted area;

“security control” means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security equipment” means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

“security programme” means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

[The definitions of “security”, “security audit”, “security background check”, “security control”, “security equipment”, “security inspection” and “security programme” are inserted by GN 293/2018. For correct alphabetical order, these definitions should appear after the definition of “sector”.]

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

“security” means a combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme;

“security background check” means the procedures prescribed in section 134 of the Act, including a check of a person’s identity and previous experience including, where legally permissible, any criminal history, as part of the assessment of an individual’s fitness to implement a security control or for unescorted access to a security restricted area;

“security control” means a process by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented;

“security equipment” means devices of a specialised nature for use, individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities;

“security inspection” means an examination of the implementation of relevant national civil aviation security programme requirements by an operator of an aircraft, airport, or other entity involved in security;

“security programme” means written measures adopted to safeguard international civil aviation against acts of unlawful interference;

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[The definitions of “security”, “security audit”, “security background check”, “security control”, “security equipment”, “security inspection” and “security programme” are inserted above as directed by GN 293/2018. For correct alphabetical order, these definitions should appear here, after the definition of “sector”.]

“Selcal watch and Selcal callsign” means a selective calling system to effect communication with aircraft by the use of a specific code which is detected by apparatus in the aircraft;

“senior accountable manager” means the natural person of the participant or holder, including an owner or operator, who is to have or is likely to have control over the exercise of privileges under an aviation document, carries responsibility for day-to-day aviation activities and compliance of the participant or holder, performs the duties as required by the Act, these regulations and technical standards, and who meets the fit and proper person test and other relevant prescribed requirements in the manner contemplated in section 69 of the Act;

[definition of “senior accountable manager” inserted by GN 293/2018]

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

- (a) a technical loss of separation, a near collision requiring an avoidance manoeuvre to avoid the collision or an unsafe situation or when an avoidance action would have been appropriate;
- (b) a controlled flight into terrain only marginally avoided;
- (c) a rejected take-off on a closed or engaged runway;
- (d) a take-off from a closed or engaged runway with marginal separation from an obstacle;
- (e) a landing or attempted landing on a closed or engaged runway;
- (f) a gross failure to achieve predicted performance during take-off or initial climb;
- (g) fire or smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;
- (h) an event requiring an emergency descent or the emergency use of oxygen by the flight crew;
- (i) an engine fails or is shut down as a precautionary measure;
- (j) an aircraft structural failure or engine disintegration not classified as an accident;
- (k) a multiple malfunction of one or more aircraft systems seriously affecting the operation of the aircraft;
- (l) any crew member whose duties are directly related to the safe operation of the aircraft is unable to perform its duties as a result of a physical incapacitation that poses a threat to the safety of any person, property or the environment;
- (m) a fuel shortage occurs that necessitates a diversion or requires approach and landing priority at the destination of the aircraft;

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- (n) the aircraft is refueled with the incorrect type of fuel or contaminated fuel;
- (o) where the aircraft fails to remain within the landing or take-off area, lands with all or part of the landing gear retracted or drags a wingtip, an engine pylon or any other part of the aircraft;
- (p) difficulties in controlling the aircraft are encountered owing to any aircraft system, malfunction, weather phenomena, wake turbulence, uncontrolled vibrations or operations outside the flight envelope;
- (q) a failure of more than one system in a redundancy system mandatory for flight guidance and navigation;
- (r) any dangerous goods are released in or from the aircraft;
- (s) a crew member declares an emergency or indicates any degree of emergency that requires priority handling by an air traffic control unit or the standing by of emergency response services;
- (t) a transmission gearbox malfunction occurs; and
- (u) an external-load is released unintentionally, or as a precautionary or emergency measure;

“serious injury” means an injury which is sustained by a person in an accident and which -

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of any bone, except simple fractures of fingers, toes or nose;
- (c) involves lacerations which cause severe haemorrhage, or nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than five per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation;

“serviceable” means, when used in relation to an aircraft, that the aircraft has been maintained and inspected in accordance with the requirements of the approved maintenance schedule and that all adjustments and rectifications found to be necessary, have been satisfactorily made;

“shift” means the period between the actual commencement and the actual end of a period of duty during which an air traffic controller or an air traffic service assistant exercises, or may be called upon to exercise, the privileges of the rating at the air traffic service unit for which such rating is validated, and includes breaks and time spent on other duties including training, aerodrome inspection, administration, flight information service and any extension of duty;

“shift cycle” means a consecutive 28 day period;

“showing compliance with the Regulations” means conducting flight tests and other operations to show compliance with the regulations in Part 21, including flights to show compliance for the

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issue of type certificates and supplemental type certificates, flights to substantiate major design changes and flights to show compliance with the function and reliability requirements;

“shipper” means any person who prepares or offers a package or overpack of dangerous goods for conveyance by air;

“SIGMET information” means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en route weather phenomena which may affect the safety of aircraft operations;

“simulator” means a synthetic flight training;

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

“special flight permit” means a special certificate of airworthiness issued in terms of Part 21 for an aircraft which may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of -

- (a) flying the aircraft to a base where repairs, modifications or maintenance are to be performed, or to a point of storage;
- (b) delivering or exporting the aircraft;
- (c) production flight testing new production aircraft;
- (d) evacuating aircraft from areas of impending danger; or
- (e) conducting customer demonstration flights in new production aircraft which have satisfactorily completed production flight tests;

“special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

“standard training” means ongoing training;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design of the aircraft;

“State of Manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

“State of Registry” means the State on whose register the aircraft is entered;

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“stopway” means a defined rectangular area on the ground at the end of take-off run available prepared as a suitable area in which an aircraft can be stopped in the case of an abandoned take-off;

“stores” means articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies;

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“student parachutist” means a person who is at the first level of training;

“student pilot-in-command instrument time” means flight time during which a flight instructor will only observe the student acting as pilot-in-command without influencing or controlling the flight of the aircraft;

“subsonic aeroplane” means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of one;

“supplemental type certificate” means a certificate issued in terms of regulation 21.05.3, which authorises the holder thereof to alter a product for which such holder is not the type certificate holder, by introducing a major change in the type design which is not great enough to require a new application for a type certificate;

“survival emergency locator transmitter” means an emergency locator transmitter which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency and activated by survivors, or automatically activated;

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

- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical and electronic aircraft systems control functions, the normal environment of flight crew members and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical and electronic aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions, and which is approved by the Director for the purpose;

“take-off alternate aerodrome” means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;

“take-off decision point” means the point used in determining take-off performance from which, a power unit failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

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

“take-off mass” means the mass of the aircraft, including everything and every person carried in the aircraft at the commencement of the take-off run or lift-off, as the case may be;

“take-off run available” means the length of runway declared available and suitable for the ground run of an aeroplane taking off;

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“tandem master” means the person responsible for the direct control of a tandem parachute descent using a tandem parachute assembly when a tandem passenger is being carried and who has been authorised by an approved aviation recreation organisation;

“tandem parachute descent” means a parachute descent involving a tandem passenger and tandem master in a common tandem parachute assembly which is under the direct control of the tandem master;

“tandem pair” means a tandem master and tandem passenger;

“tandem passenger” means a person participating in a tandem parachute descent under the direct control of a tandem master using the secondary harness of a tandem harness system;

“taxi” means the movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, and includes an aircraft stand taxilane, an apron taxiway and a rapid exit taxiway;

“technical standard”, in relation to civil aviation, means any standard, including any rule, requirement, method, specification, characteristic or procedure, issued by the Executive Director in accordance with section 227 of the Act in respect of civil aircraft or aircraft components, or in respect of persons engaged in any civil aviation activity or in respect of civil aviation related services, facilities or equipment;

[definition of “technical standard” inserted by GN 293/2018]

“Technical Standard Order” means a minimum performance standard issued by the Director for specified materials, parts, processes or appliances, used on aircraft;

“temporary training” means any intermittent training;

“terminal control area” means a control area normally established at the confluence of ATS routes in the vicinity of one or more major aerodromes;

“the Act” means the Civil Aviation Act, 2016 (Act No. 6 of 2016);

[definition of “the Act” substituted by GN 293/2018]

“the Regulations” means the regulations contained in this Schedule in the several Parts of the Namibian Civil Aviation Regulations, including this Part, as amended from time to time;

“these Regulations” means the Regulations;

“threshold” means the beginning of that portion of the runway usable for landing;

“through-flight” means a particular operation of aircraft, identified by the operator by the use throughout of the same symbol from point of origin via any intermediate points to point of destination;

“total cosmic radiation” means the total of ionizing and neutron radiation of galactic and solar origin;

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“touchdown and lift-off area” means a load bearing area on which a helicopter may touch down of lift off;

[The phrase “touch down of lift off” was probably intended to be “touch down or lift off”.]

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

“traffic load” means the total mass of passengers, baggage and cargo, including any non-revenue load;

“training” means -

- (a) the training courses; or
- (b) the tests or verifications of skill or proficiency,

specified in these Regulations;

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

“type certificate” means a design approval for a Class I product, issued in terms of regulation 21.02.8;

“type of aircraft” means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

“unaccompanied baggage” means baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

[definition of “unaccompanied baggage” inserted by GN 293/2018]

“unknown cargo” means any cargo for which there is no evidence that it has been subjected to the applicable screening procedures or continuous security controls specified in Part 108 and the NCASP;

[definition of “unknown cargo” inserted by GN 293/2018]

“unit load device” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“unmanned free balloon” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“valid” when used in connection with a licence, certificate or rating issued, renewed or reissued under these Regulations, means that all the requirements applicable to such licence, certificate or rating, as prescribed by these Regulations, have been complied with;

“validation”, for the purposes of Part 65, means an authorisation entered on a licence and forming part thereof, to exercise a specific rating at a specific air traffic service unit, containing special conditions, privileges or limitations pertaining to such rating;

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“validation examiner” means an official validation examiner appointed by the Director or a validation examiner who has been designated in terms of regulation 65.01.9;

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

[definition of “veteran aircraft” inserted by GN 236/2020]

“violation” means the breach, including the contravention or failure to comply with, or manner of careless or incompetent manner in which the privileges or duties of an aviation document was carried out or utilised, or grossly negligent or wilful conduct in respect of, any provisions of the Act, a regulation, a technical standard or an aviation directive;

[The definition of “violation” is inserted by GN 293/2018. There is a grammatical problem with the phrase “the breach, including the contravention or failure to comply with, or manner of careless or incompetent manner in which the privileges or duties of an aviation document was carried out or utilised”; it is not clear what was intended.]

“visibility” means the ability, as determined by atmospheric conditions and expressed in units of measurement, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

“visual approach” means an approach when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

“visual meteorological conditions” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

“wet runway” means a runway of which less than 25 per cent of the surface is covered with water, slush or loose snow or when there is sufficient moisture on the runway surface to cause it to appear reflective, but without significant areas of standing water;

[The full stop at the end of this definition has been corrected to be a semicolon (since the list of definitions continues).]

“Windhoek Flight Information Region” is as defined in the current edition of Namibian AIP ENR Section.

Abbreviations

1.00.2 In these Regulations -

- (a) AGL means above ground level;
- (b) AIC means an Aeronautical Information Circular;
- (c) AIP means an Aeronautical Information Publication;
- (d) AIP SUP means an AIP Supplement;
- (e) AIRAC means aeronautical information regulation and control;

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(eA) A-MET means Aviation Meteorological Services;

[Paragraph (eA) is inserted by GN 89/2020; note that
this abbreviation is not in the correct alphabetical order]

(eA) AME means aircraft maintenance engineer;

[Paragraph eA is inserted by GN 236/2020 without deletion of the existing eA.]

(eB) AIS means Aeronautical Information Services;

[paragraph (eB) inserted by GN 89/2020]

(eB) AMO means aircraft maintenance organisation;

[Paragraph eB is inserted by GN 236/2020 without deletion of the existing eB.]

(f) ATA means aerodrome traffic area;

(fA) ATEL means Aeronautical Telecommunications Services;

[paragraph (fA) inserted by GN 89/2020]

(g) ATS means air traffic service;

(h) ATZ means an aerodrome traffic zone;

(i) AVGAS means aviation gasoline;

(iA) CAR means the Civil Aviation Registry established under section 52 of the Act;

[paragraph (iA) inserted by GN 293/2018]

(j) COL means a configuration deviation list;

(k) CTA means a control area;

(l) CTR means a control zone;

(m) DA/H means decision altitude/height;

(n) DAME means designated aviation medical examiner;

(o) ELT means emergency locator transmitter;

(p) ELT (AF) means automatic fixed emergency locator transmitter;

(q) ELT (AP) means automatic portable emergency locator transmitter;

(r) ELT (AD) means automatic deployable emergency locator transmitter;

(s) ELT (S) means survival emergency locator transmitter;

(t) EROPS means extended range operations;

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- (u) ETOPS means extended range operations with twin-engine aircraft;
- (v) FL means flight level;
- (vA) FPD means Flight Procedure Design;

[paragraph (vA) inserted by GN 89/2020]

- (w) IAIP means an Integrated Aeronautical Information Package;
- (x) IFR means instrument flight rules;
- (y) ILS means instrument landing system;
- (z) JMC means instrument meteorological conditions;
- (aa) LDP means landing decision point;
- (bb) MCM means maximum certificated mass;
- (bbA) MCTOW means maximum certificated take-off weight;

[paragraph (bbA) inserted by GN 236/2020]

- (cc) MDA means minimum descent altitude;
- (dd) MDA/H means minimum descent altitude/height;
- (ee) MDH means minimum descent height;
- (ff) MEL means a minimum equipment list;
- (gg) MMEL means a master minimum equipment list;
- (hh) MNPS means minimum navigation performance specifications;
- (ii) MSL means mean sea level;
- (iiA) NCASCQP means the Namibia Civil Aviation Security Quality Control Programme;
- (iiB) NCASP means the Namibia Civil Aviation Security Programme;
- (iiC) NCASTP means Namibia Civil Aviation Security Training Programme;

[paragraphs (iiA)-(iiC) inserted by GN 293/2018]

- (jj) NAM-CARs means Namibian Civil Aviation Regulations;
- (jjA) NAM-PMA means Namibia Parts Manufacturing Approval;

[paragraph (jjA) inserted by GN 236/2020]

- (jjB) NAM-TSO means Namibia Technical Standard Order;

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[paragraph (jjB) inserted by GN 236/2020]

- (kk) NOB means a non-directional radio beacon;
- (ll) nm means nautical mile;
- (mm) NOTAM means Notice to Airmen;
- (nn) PI means pilot-in-command;
- (oo) PII means co-pilot;
- (pp) PAR means Precision Approach Radar;
- (qq) PBE means portable breathing equipment;
- (rr) PIB means Pre-flight Information Bulletin;
- (ss) PPI means a Plan Position Indicator;
- (tt) RNP means the required navigation performance;
- (ttA) RPA means remotely piloted aircraft;

[paragraph (ttA) inserted by GN 89/2020]

- (ttA) RVSM means reduced vertical separation minima;

[Paragraph (ttA) is inserted by GN 236/2020 without deletion of the existing paragraph (ttA); it is inserted in correct place with regard to the lettering of the paragraphs, but this results in incorrect alphabetical order.]

- (uu) RVR means runway visual range;
- (uuA) SI means the International System of Units;
- (uuB) SSP means the State Safety Programme;

[paragraphs (uuA) and (uuB) inserted by GN 293/2018]

- (vv) STOL means short take-off and landing;
- (ww) TOP means take-off decision point;
- (xx) TLOF means touchdown and lift-off area;
- (yy) TMA means a terminal control area;
- (zz) TSO means Technical Standard Order;
- (aaa) VFR means visual flight rules;
- (bbb) VHF means very high frequency;

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(ccc) VMC means visual meteorological conditions;

(ddd) VOR means VHF omnidirectional radio range.

Classification of aircraft

1.00.3 Aircraft are classified as -

- (a) a lighter-than-air aircraft:
 - (i) a non-power-driven aircraft:
 - (aa) a free balloon- spherical or non-spherical; or
 - (bb) a captive balloon- spherical or non-spherical; and
 - (ii) a power-driven aircraft: an airship - rigid, semi-rigid or non-rigid; and
- (b) a heavier-than-air aircraft:
 - (i) a non-power-driven aircraft:
 - (aa) a glider - land or sea; or
 - (bb) a kite; and
 - (ii) a power-driven aircraft:
 - (aa) an aeroplane - land, sea or amphibian; or
 - (bb) a rotorcraft:
 - (A) a gyroplane- land, sea or amphibian; or
 - (B) a helicopter - land, sea or amphibian; and
 - (cc) an ornithopter - land, sea or amphibian.

Categories of precision approach and landing operations

[The word "operations" is misspelt in the *Government Gazette*, as reproduced above.]

1.004 (1) The categories of precision approach and landing operations are the following:

- (a) Category I operation - a precision instrument approach and landing with a decision height not lower than 60 m, or 200 ft, and with either a visibility not less than 800 m or a runway visual range not less than 550 m;
- (b) Category II operation a precision instrument approach and landing with a decision height lower than 60 m, or 200 ft, but not lower than 300 m, or 100 ft, and a runway visual range not less than 350 m;

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- (c) Category IIIA operation - a precision instrument approach and landing with -
 - (i) a decision height lower than 30 m, or 100 ft, or no decision height; and
 - (ii) a runway visual range not less than 200 m;
- (d) Category IIIB operation - a precision instrument approach and landing with -
 - (i) a decision height lower than 15 m, or 50 ft, or no decision height; and
 - (ii) a runway visual range less than 200 m but not less than 50 m; and

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

- (e) Category IIIC operation - a precision instrument approach and landing with no decision height and no runway visual range limitations.

(2) Where decision height and runway visual range fall into different categories of operation, the instrument approach and landing operation shall be conducted in accordance with the requirements of the most demanding category.

SCHEDULE

Commencement, savings and transitional provisions

1. (1) Except as provided under subregulation (2), (3) and (4) -
 - (a) a licence, permit or authorisation relating to a matter covered under these regulations and which was issued in terms of the Act or deemed to have been issued in terms of the Act before the commencement of these regulations remains valid for the period for which it was issued, unless revoked or suspended in terms of the Act; and
 - (b) these regulations commence on the date of publication in the *Gazette*.
- (2) Regulations 65.01.6 and 65.01.8 contained in Part 65 of the Regulations commence after twelve months from the date of commencement of these regulations.
- (3) The regulations contained in Subpart 4 of Part 66 of the Regulations commence after 12 months from the date of commencement of these regulations.
- (4) Regulation 66.01.12 contained in Part 66 of the Regulations commences after twelve months from the date of commencement of these regulations.

Definitions

2. In these regulations a word or an expression to which a meaning has been assigned in the Civil Aviation Act, 2016 (Act No.6 of 2016) has that meaning and unless the context indicates otherwise -

“the Regulations” means the Namibian Civil Aviation Regulations Published under Government Notice No. 1 of 2 January 2001 as amended by Government Notice No. 57 of 1 April 2006, Government Notice No. 201 of 1 November 2006, Government Notice No. 80 of 4 April 2017, Government Notice No. 210 of 31 August 2018, Government Notice No. 293 of 8 November 2018, Government Notice No. 409 of 30 December 2020, Government Notice No. 410 of 30 December 2020, Government Notice No. 89 of 27 March 2020 and Government Notice No. 112 of 30 April 2020.

Amendment of Regulation 1.00.1 of the Regulations

3. Regulation 1. 00.1 of the Regulations is amended by -
 - (a) the insertion after the definition of “aeroplane” of the following definitions:

“ “aeroplane certificated for single-pilot operation” means a type of aircraft which the Executive Director has in terms of the Regulations and technical standards determined, during the certification process, can be operated safely with a minimum crew of one pilot;

“aeroplane required to be operated with a co-pilot” means type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;”;
 - (b) the insertion after the definition of “AIP Supplement” of the following definition:

“ “aircraft category” means a classification of an aircraft according to specified basic characteristics such as aeroplane, helicopter, glider or free balloon;”;

- (c) the insertion after the definition of “air traffic service personnel” of the following definition:
- “ “air traffic service personnel member” means a person licensed in terms of Part 65 to provide air traffic control service;”;
- (d) the insertion after the definition of “approach control office” of the following definition:
- “ “appropriate airworthiness requirements” means the comprehensive and detailed airworthiness standards and codes established, adopted or accepted by Namibia in terms of Part 21 or the class of aircraft, engine or propeller under consideration;”;
- (e) the substitution for the definition for “approved” of the following definition:
- “ “approved” unless the context indicates otherwise, means approved by the Executive Director in terms of the Regulations and technical standards;”;
- (f) insertion after the definition of “approved” of the following definitions:
- “ “approved ATO” means an organisation approved in terms of Part 141 to perform functions required for the issuance of an aviation document;
- “approved training” means training conducted under special curricula and supervision approved by the Executive Director in terms of the Regulations and technical standards;
- “air traffic control surveillance service” means a service provided directly by means of an air traffic control surveillance system;
- “ATS system” means air traffic services surveillance systems such as ADS-B, PSR, SSR or any comparable ground-based system referred to in Part 172 that enables the identification of an aircraft;”;
- (g) the insertion after the definition of “ceiling” of the following definition:
- “ “certify as airworthy” means to certify that an aircraft or parts of an aircraft comply with current airworthiness requirements after maintenance has been performed on the aircraft or parts of the aircraft;”;
- (h) the insertion after the definition of “company” of the following definition:
- “ “competency” means a combination of skills, knowledge and attitudes required to perform a task to the specified standards;”;
- (i) the insertion after the definition of “Co-Mat” of the following definition:
- “ “credit” means recognition of alternative means or prior qualifications;”;
- (j) the insertion after the definition of “critical phases of flight” of the following definition:
- “ “cross-country” means a flight between a point of departure and a point of arrival not less than the prescript distances apart following a pre-planned route using standard navigation procedures;”;

- (k) the insertion after the definition of “designated” of the following definition:
- “ “designated examiner” means a person designated by the Executive Director as such in terms of the regulations to conduct skill tests and proficiency checks on pilots and other persons for purposes specified in the Regulations;”;
- (l) the insertion after the definition of “Document NAM-CATS-FCL 61” of the following definition:
- “ “Document NAM-CATS-FCL 62” means a document on the Namibian Civil Aviation Technical Standards relating to Recreational Pilot Licensing, which is published by the Executive Director in terms of section 227 of the Act;”;
- (m) the insertion after the definition of “Document NAM-CATS-FPD” of the following definitions:
- “ “Document NAM-CATS-FSTD” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;
- “Document NAM-CATS-FSTD A” means a document on the Namibian Civil Aviation Technical Standards relating to Aeroplane Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;
- “Document NAM-CATS-FSTD H” means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;”;
- (n) the insertion after the definition of “diplomatic bag” of the following definition:
- “ “differences training” means training required to acquire additional knowledge and skills on an appropriate FSTD or the aircraft;”;
- (o) by the insertion after the definition of “dry runway” of the following definition:
- “ “dual instruction time” means flight time during which a person is receiving flight instruction from –
- (a) an authorised pilot, on board the aircraft, or
- (b) an authorised remote pilot, using the remote pilot station during a remotely piloted aircraft flight;”;
- (p) by the insertion after the definition of “facility” of the following definition:
- “ “familiarisation training” means training that requires the acquisition of additional knowledge;”;
- (q) the substitution for the definition of “flight crew member” of the following definition:
- “ “flight crew member” means a crew member licenced in terms of Parts 61, 62, 63 and 64 and tasked with duties essential to the operation of an aircraft during a flight duty period;”;

- (r) the insertion after the definition of “flight recorder” of the following definition:

“ “flight simulators or training device” means any one of the following four types of apparatus in which flight conditions are simulated on the ground -

- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type or an accurate representation of the remotely piloted aircraft system (RPAs) to the extent that the mechanical, electrical, electronic aircraft systems, control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (b) a flight procedures trainer, which provides a realistic flight deck environment or realistic RPAS environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight or the RPAS environment in instrument flight conditions; or
- (d) ATC (Radar or aerodrome) or flight engineer training devices;”;

- (s) the substitution for the definition of “flight time ” of the following definition:

“ “flight time” -

- (a) in relation to aeroplanes, means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;
- (b) in relation to remotely piloted aircraft systems, means the total time from the moment a command and control (C2) link is established between the remote pilot station (RPS) and the remotely piloted aircraft (RPA) for the purpose of taking off or from the moment the remote pilot receives control following a handover until the moment the remote pilot completes a handover or the C2 link between the RPS and the RPA is terminated at the end of the flight;
- (c) in relation to glider, means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;
- (d) in relation to helicopter, the total time from the moment a helicopters rotor blades starts turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;”;

- (t) the insertion after the definition of “handicapped passenger” of the following definition:

“ “handover” means the act of passing piloting control from one remote pilot station to another;”;

- (u) the insertion after the definition of “high-risk cargo or mail ” of the following definition:

“ “human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;”;

- (v) the substitution for the definition of “instrument flight time” of the following definition:

“ “instrument flight time” means the time during which a pilot is piloting an aircraft, or a remote pilot is piloting a remotely piloted aircraft, solely by reference to instruments and without external reference points;”;

- (w) the substitution for the definition of “instrument ground time” of the following definition:

“ “instrument ground time” mean the time during which a pilot is practising, on the ground, simulated instrument flight in a flight simulator training device approved by the Executive Director;”;

- (x) the insertion after the definition of “lighter-than-air aircraft” of the following definitions:

“ “likely” in the context of the medical provisions in Part 67 means with a probability of occurring that is unacceptable to the medical assessor;”;

- (y) the substitution for the definition of “maintenance” of the following definition:

“ “maintenance” in relation to the airworthiness of an aircraft, means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;”;

- (z) the insertion after the definition of “modification” of the following definition:

“ “monitor” in relation to compliance by examiners with the regulations and technical standards, means a cognitive process to compare an actual state to an expected state;”;

- (aa) by the insertion after the definition of “movement area” of the following definition:

“ “NAM-CATS-FSTD” means the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices which is published by the Executive Director in terms of section 227 of the Act;”;

- (bb) the insertion after the definition of “passenger aircraft” of the following definition:

“ “performance criteria” means a statement used to assess whether the required levels of performance have been achieved for a competency and performance criterion consists of an observable behaviour, condition and a competency standard;

“pilot” when used as a verb means to manipulate the flight controls of an aircraft during flight time;

“pilot flying (PF)” means the pilot whose primary task is to control and manage the flight path, and the secondary tasks of the PF are to perform non-flight path related actions such as radio communications, aircraft systems, other operational activities and to monitor other crew members;”;

- (cc) the insertion after the definition of “pilot in command” of the following definitions:
- “ “pilot-in-command-under-supervision” means co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, in accordance with a method of supervision acceptable to the Executive Director;
- “powered-lift” means a heavier-than-air aircraft capable of vertical take-off, vertical landing, and low-speed flight, which depends principally on engine-driven lift devices or engine thrust for the lift during these flight regimes and on non-rotating aerofoil for lift during horizontal flight;
- “proficiency check” means demonstration of skill to revalidate or renew ratings and this includes such oral examination as may be required;”;
- (dd) by the insertion after the definition of “remote pilot station” of the following definition:
- “ “renewal” means the administrative action taken by the Executive Director in terms of the regulations with respect to the validity of a licence, rating, authorisation or certificate that allows the holder to continue to exercise the privileges of a licence, rating, authorisation or certificate for a further specified period;”;
- (ee) by the insertion after the definition of “repair” of the following definition:
- “ “revalidation” means an administrative action taken by the Executive Director in terms of the regulations within the period of validity of a rating which allows the holder of the validation to continue to exercise the privileges of the rating for a further specified period;”;
- (ff) by the insertion after the definition of “small aeroplane” of the following definitions:
- “ “significant” in relation to the medical provisions in Part 67, means to a degree or of a nature that is likely to jeopardise flight safety;
- “solo flight time” means flight time during which a student pilot is -
- (a) is the sole occupant of an aircraft;
- (b) remotely piloting an aircraft system; or
- (c) controlling the remotely piloted aircraft system, acting solo;”;
- (gg) the substitution of the definition of “validate” of the following definition:
- “ “validate in relation to a licence, means the action taken by the Executive Director in terms of the regulations and the technical standards, as an alternative to issuing a Namibian licence, in accepting a licence issued by a contracting state as the equivalent of its own licence;”;
- (hh) the deletion of the definitions of “simulator” and “synthetic flight trainer.”.

General amendment of the Regulations

4. The Regulations are amended by the substitution for the phrases “simulator” and “synthetic flight trainer” wherever they occur in the Regulations of the phrase “flight simulation training device”.

Amendment of regulation 1.00.2 of the Regulations

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

“(eB) ASPL means Airship Pilot Licence;
(jA) CASL means Commercial Airship Pilot Licence;
(fB) ATO means Aviation Training Organisation;
(fC) ATPL means Airline Transport Pilot;
(iB) CFBL means Commercial Free Balloon Pilot Licence;
(jA) CASL means Commercial Airship Pilot Licence;
(jB) CPL means Commercial Pilot Licence;
(nA) DFE means Designated Flight Examiner;
(uA) FBPL means Free Balloon Pilot Licence;
(uB) FCL means Flight Crew Licence;
(uC) FE means Flight Examiner;
(vB) FSTD means Flight Simulator Training Device;
(vC) GPL means Glider Pilot Licence;
(yA) IR means Instrument Rating;
(mm) P1 means Captain or Pilot-In-Command;
(nn) P2 means Co-Pilot;
(ooA) P3 means Third Pilot or Cruise Relief Pilot;
(ppA) PIC means Pilot-In-Command;
(qqA) PICUS means Pilot-In-Command-Under-Supervision;
(qqB) PPL means Private Pilot Licence;
(ttB) RPAS means Remotely Piloted Aircraft System;
(ttC) RPL means Recreational Pilot Licence;
(ttD) RPS means Remote Pilot Station;
(uuBB) SOP means Standard Operating Procedure;
(uuAA) SPL means Student Pilot Licence;
(vvA) TEM means Threat and Error Management.”.

Insertion of Part 60 in the Regulations

6. The following Part is inserted after Part 47 of the Regulations:

“PART 60**FLIGHT SIMULATORS OR TRAINING DEVICES****SUBPART 1: GENERAL**

- 60.01.1 Applicability
- 60.01.2 Qualification levels for flight simulator or training device
- 60.01.3 Application for initial qualification for flight simulator or training device
- 60.01.4 Qualification criteria for flight simulator or training device
- 60.01.5 Issue of Certificate for flight simulator or training device
- 60.01.6 Period of validity of Certificate of Qualification
- 60.01.7 Recurrent evaluation of qualified flight simulator or training device
- 60.01.8 Variation, cancellation or suspension of qualified flight simulator or training device
- 60.01.9 Approvals for users of qualified flight simulator or training device
- 60.01.10 Quality system
- 60.01.11 On-going fidelity requirements
- 60.01.12 Modification of qualified flight simulator or training device
- 60.01.13 Change in qualification level of qualified flight simulator or training device
- 60.01.14 Deactivation, relocation or reactivation of qualified flight simulator or training device

SCHEDULE

Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Civil Aviation Act, 2016 (Act No. 6 of 2016) has that meaning and unless the context indicates otherwise - “the Regulations” means the Namibian Civil Aviation Regulations Published under Government Notice No. 1 of 2 January 2001 as amended by Government Notice No. 57 of 1 April 2006, Government Notice No. 201 of 1 November 2006, Government Notice No. 80 of 4 April 2017, Government Notice No. 210 of 31 August 2018, Government Notice No. 293 of 8 November 2018, Government Notice No. 409 of 30 December 2019, Government Notice No. 410 of 30 December 2019, Government Notice No. 89 of 27 March 2020, Government Notice No. 112 of 30 April 2020, Government Notice No. 236 of 30 September 2020, Government Notice No. 137 of 30 June 2021, Government Notice No. 90 of 31 March 2022, Government Notice No. 294 of 30 September 2022, Government Notice No. 137 of 31 March 2023 and Government Notice No. 178 of 26 June 2023.

Amendment of Regulation 1.00.1 of the Regulations

2. Regulation 1. 00.1 of the Regulations is amended by –

(a) the insertion after the definition of “air side” of the following definition:

““Air Service Act” means the Air Service Act, 1949 (Act No. 51 of 1949);”;

(b) the insertion after the definition of “area control service” of the following definition:

““Article 83bis agreement” means an agreement signed between contracting states in terms of Article 83bis of the Chicago Convention;”;

(c) “the insertion after the definition of “contained runway” of the following definition:

““contracting state” means a state which has consented to be bound by the Chicago Convention;”;

(d) the insertion after the definition of “Document NAM-CATS-GMR” of the following definition:

““Document NAM-CATS-LA 48” means a document on the Namibian Civil Aviation Technical Standards relating to Leasing of Aircraft, which is published by the Executive Director in terms of section 227 of the Act;”

(e) by the deletion of the definition “pilot” and “pilot flying (PF)”;

(f) by the insertion of the following definitions after the definition of “period of operational duty”:

““pilot” when used as a verb means to manipulate the flight controls of an aircraft during flight time;

“pilot flying” means the pilot whose primary task is to control and manage the flight path, and the secondary tasks of the pilot flying are to perform non-flight path related actions such as radio communications, aircraft systems, other operational activities and to monitor other crew members;

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

SCHEDULE

Definitions

1. In these regulations, “the Regulations” means the Namibian Civil Aviation Regulations published under Government Notice No. 1 of 2 January 2001 as amended by Government Notices No. 57 of 1 April 2006, No. 201 of November 2006, No. 80 of 1 April 2017, No. 210 of 31 August 2018, No. 410 of 30 December 2019, No. 89 of 27 March 2020, No. 112 of 30 April 2020, No. 236 of 30 September 2020, No. 137 of 30 June 2021, No. 90 of 31 March 2022, No. 294 of 30 September 2022, No. 137 of 31 March 2023, No. 178 of 26 June 2023 and No. 11 of 1 February 2024.

Amendment of regulation 1.00.1

2. Regulation 1.00.1 of the Regulations is amended by –

- (a) the deletion of the definition of “available seat”; and
- (b) the insertion after the definition of “obstacle” of the following definition:

““occupied seat” means the seat or space on an aircraft occupied for the purposes of passenger use in relation to an international or a domestic flight providing air services whether scheduled or non-scheduled;”.

Amendment of Regulations

3. The Regulations are amended by the substitution for Part 187 of the following Part:

“PART 187 FEES LIST OF REGULATIONS

187.00.1	Fees relating to Part 3
187.00.2	Fees relating to Part 13
187.00.3	Fees relating to Part 21
187.00.4	Fees relating to Part 24
187.00.5	Fees relating to Part 34
187.00.6	Fees relating to Part 36
187.00.7	Fees relating to Part 43
187.00.8	Fees relating to Part 44
187.00.9	Fees relating to Part 47
187.00.10	Fees relating to Part 60
187.00.11	Fees relating to Part 61
187.00.12	Fees relating to Part 62 reserved
187.00.13	Fees relating to Part 63
187.00.14	Fees relating to Part 64
187.00.15	Fees relating to Part 65
187.00.16	Fees relating to Part 66
187.00.17	Fees relating to Part 67
187.00.18	Fees relating to Part 71
187.00.19	Fees relating to Part 91
187.00.20	Fees relating to Part 92
187.00.21	Fees relating to Part 93 reserved
187.00.22	Fees relating to Part 94 reserved
187.00.23	Fees relating to Part 96 reserved
187.00.24	Fees relating to Part 101