

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 109
AVIATION SECURITY TRAINING ORGANISATIONS

[Part 109 is inserted by GN 293/2018.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

- 109.01.1 Applicability
- 109.01.2 Certification of body or institution
- 109.01.3 Display of aviation security training organisation certificate
- 109.01.4 Advertisements
- 109.01.5 Security inspections and audits
- 109.01.6 Register of certificates
- 109.01.7 Cancellation, suspension and imposition of conditions

SUBPART 2: CERTIFICATION OF ORGANISATIONS
(AVIATION SECURITY TRAINING)

- 109.02.1 Requirement for certification
- 109.02.2 Manual of procedure
- 109.02.3 Quality assurance system
- 109.02.4 Personnel requirements
- 109.02.5 Facilities and equipment
- 109.02.6 Application for certification or amendment thereof
- 109.02.7 Issuing of certificate
- 109.02.8 Scope of certificate
- 109.02.9 Period of validity
- 109.02.10 Transferability
- 109.02.11 Changes in quality assurance system
- 109.02.12 Renewal of certificate
- 109.02.13 Duties of holder of certificate
- 109.02.14 Documents and records
- 109.02.15 Validation or accreditation of foreign certificate
- 109.02.16 Duplicate certificate

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

SUBPART 1
GENERAL

Applicability

109.01.1 (1) This Part applies to the certification and operation of organisations conducting aviation security training, including aviation security awareness training.

(2) For the purpose of this Part, aviation security training means the training referred to in the NCASTP.

Certification of body or institution

109.01.2 (1) The Executive Director may issue a certificate to an organisation or institution in order that it may -

- (a) exercise control over the aviation security training provided for in the NCASTP, and over the persons conducting such training;
- (b) develop materials for the aviation security training and for the training of such persons in accordance with training standards provided for in the NCASTP; and
- (c) advise the Executive Director on any matter connected with the delivery of aviation security training or aviation participants.

(2) The powers and duties referred to in subregulation (1) must be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in this Part, and provided for in the NCASTP.

(3) Any certificate issued by the Executive Director pursuant to subregulation (1) is an aviation document.

Display of aviation security training organisation certificate

109.01.3 The holder of an aviation security training organisation certificate must display the certificate in a prominent place, generally accessible to the public at that holder's principal place of business and, if a copy of the certificate is displayed, must produce the original certificate upon request by an authorised officer, inspector or authorised person.

Advertisements

109.01.4 Any advertisement by an organisation indicating that it is an aviation security training organisation must -

- (a) display the number of the aviation security training organisation certificate issued by the Executive Director; and
- (b) contain a reference to the type of aviation security training for which such certificate was issued.

Security inspections and audits

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

109.01.5 (1) An applicant for the issuing of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 109.02.6.

(2) The holder of an aviation security training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such inspections and audits which may from time to time be necessary to determine compliance with the appropriate requirements prescribed in this Part and provided for in the NCASTP.

Register of certificates

109.01.6 (1) The Executive Director must maintain a register of all aviation security training organisation certificates issued in terms of this Part.

(2) The register must contain the following particulars:

- (a) full names of the holder of the certificate;
- (b) the postal address and electronic mail address of the holder of the certificate;
- (c) the date on which the certificate was issued or renewed;
- (d) particulars of the scope of the certificate issued to the holder thereof;
- (e) the nationality of the holder of the certificate;
- (f) the principal place of business of the holder of certificate;
- (g) the telephone and telefax numbers of the holder of the certificate;
- (h) the number of the certificate issued; and
- (i) the date on which the certificate was cancelled, if applicable.

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

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

Cancellation, suspension and imposition of conditions

109.01.7 (1) Without prejudice to the powers of the Executive Director under Part 5 of the Act to cancel, suspend or impose conditions upon aviation documents, the Executive Director may suspend for a period not exceeding 30 days, an aviation security training organisation certificate issued under this Part, if -

- (a) after an inspection and audit carried out in terms of regulation 109.01.5, it is evident that the holder of the certificate does not comply with the requirements provided for

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

in the NCASTP and such holder has failed to remedy the non-compliance after receiving notice in writing to do so within the period specified in the notice;

- (b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate to carry out a security inspection and audit in terms of regulation 109.01.5; or
- (c) the suspension is necessary in the interests of aviation security.

(2) The authorised officer, inspector or authorised person who has carried out security inspections and audit in terms of regulation 109.01.5, must deliver a report in writing to the Executive Director, stating the reasons why, in the inspector's, authorised officer's or authorised person's opinion, an aviation security training organisation certificate should be suspended.

(3) The Executive Director must submit a copy of the report referred to in subregulation (2), to the holder of the certificate which has been suspended.

(4) The holder of a certificate which has been suspended may appeal against such suspension to the High Court in terms of section 225 of the Act.

SUBPART 2
CERTIFICATION OF ORGANISATIONS (AVIATION SECURITY TRAINING)

Requirement for certificate

109.02.1 A person or an organisation may not conduct aviation security training except under the authority of, and in accordance with the provisions of, an aviation security training organisation certificate issued under this Subpart.

Manual of procedure

109.02.2 An applicant for the issuing of an aviation security training organisation certificate must provide the Executive Director with its manual of procedure which -

- (a) complies with the requirements prescribed in this Subpart; and
- (b) contains the information as provided for in the NCASTP.

Quality assurance system

109.02.3 (1) An applicant for an aviation security training organisation certificate must establish a quality assurance system, to be included in its manual of procedure, for the control and supervision of the aviation security training covered by the application.

(2) The minimum standards for a quality assurance system are as provided for in the NCASTP.

Personnel requirements

109.02.4 (1) The applicant for an aviation security training organisation certificate must employ, contract or otherwise engage -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) a senior person to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements provided for in the NCASTP, and who must in addition, be vested with the following powers and duties in respect of the compliance with such requirements:
 - (i) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
 - (ii) full rights of consultation with any such person in respect of compliance by that person;
 - (iii) powers to order cessation of any activity where there is not effective compliance with the requirements;
 - (iv) a duty to establish liaison mechanisms with the Executive Director with a view to ascertain correct manners of compliance with the said requirements and interpretations of such requirements by the Executive Director, and to facilitate liaison between the Executive Director and the organisation concerned; and
 - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality control, and who has direct access to the senior person referred to in paragraph (a) on matters affecting aviation security; and
- (c) adequate personnel to plan, conduct and supervise the aviation security training covered by the application.

(2) The applicant for an aviation security training organisation certificate must establish a procedure for initially assessing and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation security training covered by the application.

(3) The applicant for an aviation security training organisation certificate must have personnel responsible for training or assessing students, who have competence and experience adequate for the level of competence required for such training or assessment.

Facilities and equipment

109.02.5 The applicant for an aviation security training organisation certificate must provide adequate facilities and equipment to enable the personnel to conduct the aviation security training covered by the application.

Application for certificate or amendment thereof

109.02.6 An application for the issuing of an aviation security training organisation certificate or an amendment thereof, must be -

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

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and
 - (iii) copies of training material to be used in such training.

Issuing of certificate

109.02.7 (1) The Executive Director must issue an aviation security training organisation certificate and number the certificate accordingly, if he or she is satisfied that -

- (a) the applicant complies with the requirements prescribed in regulations 109.02.2 to 109.02.6 and provided for in the NCASTP;
- (b) the applicant and any senior personnel required by regulation 109.02.4 are fit and proper persons; and
- (c) the granting of the certificate is not contrary to the interests of aviation safety or security.

(2) The Executive Director must issue the certificate in the form determined by him or her.

Scope of certificate

109.02.8 An aviation security training organisation certificate must specify the aviation security training which the holder of the certificate is entitled to conduct as provided for in the NCASTP.

Period of validity

109.02.9 (1) An aviation security training organisation certificate is valid for the period determined by the Executive Director, which period may not exceed 24 months, calculated from the date of issuing or renewal thereof.

(2) The certificate remains in force until it expires or is suspended or cancelled by the Executive Director.

(3) The holder of a certificate which has expired or has been cancelled, must, within five working days of the expiry or cancellation, surrender the certificate to the Executive Director.

(4) The holder of a certificate which is suspended must, within 48 hours of the suspension, produce the certificate upon suspension thereof, to the inspector, authorised officer or authorised person concerned for the appropriate endorsement.

Transferability

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

109.02.10 An aviation security training organisation certificate is not transferable.

Changes in quality assurance system

109.02.11 (1) If the holder of an aviation security training organisation certificate desires to make a material change in the quality assurance system referred to in regulation 109.02.6, such holder must apply to the Executive Director for the approval of such change.

(2) The provisions of regulation 109.02.6 apply with the necessary changes required by the context to an application for the approval of a change in the quality assurance system.

(3) An application for the approval of a change in the quality assurance system must be granted if the Executive Director is satisfied, upon submission of appropriate proposed changes to its manual of procedure that the applicant will continue to comply with the provisions of regulation 109.02.2, after the implementation of such approved change.

Renewal of certificate

109.02.12 (1) An application for the renewal of an aviation security training organisation certificate must be -

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
 - (i) the appropriate fee as prescribed in Part 187;
 - (ii) the manual of procedure referred to in regulation 109.02.2; and
 - (iii) copies of training material to be used in such training.

(2) The holder of the certificate must at least 30 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

Duties of holder of certificate

109.02.13 The holder of an aviation security training organisation certificate must -

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 109.02.2, at each training facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements provided for in the NCASTP.

Documents and records

109.02.14 (1) The holder of an aviation security training organisation certificate must -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) keep copies of all relevant documents which may be necessary -
 - (i) for the specified aviation security training conducted by such holder; and
 - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart;
- (b) establish procedures to control the documents referred to in paragraph (a) to ensure that -
 - (i) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;
 - (ii) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation security training undertaken by the holder of the certificate;
 - (iii) all obsolete documents are promptly removed from all points of issue or use; and
 - (iv) changes to documents are reviewed and authorised by the appropriate personnel.

(2) The holder of the certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary for the specified aviation security training conducted by that holder and to determine compliance with the appropriate requirements prescribed in this Subpart, and to ensure that -

- (a) a record is kept of each quality control review of the holder of the certificate;
- (b) a record is kept of each person who conducts the specified aviation security training, including particulars of the competence assessments and experience of each such person;
- (c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and practical sessions and assessments of each such student;
- (d) all records are legible; and
- (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

Validation or accreditation of foreign certificate

109.02.15 (1) Any organisation that has been approved as an aviation security training organisation by any other recognised foreign civil aviation authority may apply to the Executive Director in the form and manner determined by the Executive Director, for a validation or accreditation of such certificate, in accordance with the procedures and requirements prescribed in this Part.

- (2) The application for a validation referred to in subregulation (1) -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) must be accompanied by -
 - (i) a certified copy of the certificate to which the validation refers;
 - (ii) the appropriate fee as prescribed in Part 187;
 - (iii) the manual of procedure referred to in regulation 109.02.2;
 - (iv) copies of training material to be used in such training; and
 - (v) credentials of the aviation security instructor; and
- (b) is subject to the inspection of the facility where the aviation security training will be conducted.

(3) The validation issued by the Executive Director is -

- (a) valid for 24 months calculated from the date of issue of such a validation and

[The word “is” should be part of paragraph (a) instead of the introductory phrase, as it does not fit paragraph (b). There should be a semicolon before the word “and”.]

- (b) may be renewed for a further period or periods upon application to the Executive Director.

(4) The holder of certificate validated by the Executive Director, may apply to the Executive Director for the renewal of the certificate within 30 days before the date of expiry of such certificate or validation.

(5) The holder of a certificate validated by the Executive Director must comply with the requirements prescribed in this regulation.

(6) The provisions of regulation 109.02.9 do, with necessary changes required by the context, apply in relation to suspension and cancellation of the validation of a certificate validated by the Executive Director.

Duplicate certificate

109.02.16 (1) The holder of a certificate issued or validated by the Executive Director which has been lost destroyed or defaced to such an extent that the particulars thereon are illegible, must apply to the Executive Director for the issuing of a duplicate certificate.

- (2) An application for the issuing of a duplicate certificate must be -
 - (a) made in the form and manner determined by the Executive Director; and
 - (b) accompanied by the appropriate fee as prescribed in Part 187.
- (3) The Executive Director must -
 - (a) issue a duplicate certificate, if the applicant complies with the requirements referred to in subregulation (2); and

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

(b) endorse the duplicate certificate with the word “DUPLICATE” thereon.

(4) If, after the issuing of a duplicate certificate, the original certificate is found, the holder of the duplicate certificate must take all reasonable steps to obtain such original certificate and surrender it forthwith to the Executive Director.