

REGULATIONS
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Namibian Civil Aviation Regulations, 2001

PART 11

ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND PROCEDURES

[Part 11 is substituted by GN 293/2018. In the table of contents of the regulations, as amended by GN 293/2018, the heading of the substituted Part 11 is “ESTABLISHMENT OF TECHNICAL COMMITTEES, PANELS AND RELATED PROCEDURES”.]

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SUBPART 1
INTERNAL CIVIL AVIATION REGULATIONS, TECHNICAL COMMITTEES,
PANELS AND RELATED PROCEDURES

General

11.01.1 (1) The Executive Director must establish internal technical committees or panels to advice and recommend appropriate regulatory measures to comply with the powers conferred on, or the functions or duties entrusted to, the Executive Director by or under the Act and these regulations, based on good corporate governance and the proper management and control of the affairs of the Authority.

(2) For the purposes of this Part the following internal technical aviation safety and security committees may be established on the basis of subregulation (1):

- (a) Civil Aviation Regulations Technical Advisory Panel (CARTAP);
- (b) National Airspace Committee (NAirC); and
- (c) National Safety Programme Steering Committee (NSPC)

[There should be a full stop at the end of paragraph (c).]

(3) The establishment of additional committees is done on the recommendation of a committee of the Board established in terms of section 20 of the Act.

Meetings of internal committees

11.01.2 (1) Each committee established under this Part must be chaired by the Executive Director or a staff member of the Authority assigned by the Executive Director for the purposes of chairing a committee in the Executive Director's stead.

(2) The membership of a committee consists of not less than three staff members of the Authority designated by the Executive Director for respective purposes.

- (3) A committee may consist of representatives, designates or invitees from -
 - (a) the Namibian Police Force;
 - (b) the Namibian Defence Force ;
 - (c) the Namibia Revenue Agency established by the Namibia Revenue Agency Act, 2017 (Act No. 12 of 2017);
 - (d) the department of immigration control in the Ministry responsible for home affairs;
 - (e) an organisation or association representing aviation operators and owners associations;
 - (f) an organisation or association representing commercial aviation operators;
 - (g) an organisation or association representing recreational aviation operators;

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- (h) the Ministry;
- (i) the Air Navigation Services unit referred to in section 49 of the Act;
- (j) the Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998); and
- (k) any other organisation designated by the Executive Director.

(3) Each committee must make resolutions at its meetings on recommendations and advice to the Executive Director by way of consensus, and any divergent views must be formally recorded.

(4) Each committee must hold meetings at such times and places as may from time to time be determined by the chairperson, but at least three meetings each year must be held.

(5) The Executive Director may at any time call an extraordinary meeting of the committee in circumstances which the Executive Director considers it necessary.

Secretariat, minutes and records

11.01.3 (1) Each committee must be supported by a secretariat which consists of staff of the Authority designated for that purpose by the Executive Director.

(2) The secretariat must cause minutes to be kept of every meeting of the respective committees, and which must in each case also be submitted as a report to the Executive Director indicating the matters discussed at the meeting.

(3) The minutes of a committee must be tabled for approval at an ensuing meeting of the committee and be filed with the CAR for recordkeeping by the secretariat.

(4) Subject to the provisions in this Part, a committee must develop its terms of reference determining the procedures to be followed in the performance of its functions and the procedures to be followed by any subcommittee, if any, in the performance of the functions of the subcommittee, for approval by the Executive Director.

(5) Committees may establish subcommittees of experts of limited duration and membership to provide technical guidance on the work or programme of a committee, and the secretariat referred to in subregulation (1) must provide secretarial services to any such subcommittee.

Remuneration of members

11.01.4 A member of a committee established in terms of this Part, and a member of any subcommittee established in terms thereof, may not be remunerated in respect of the functions performed by such member as a member of the committee or a subcommittee, unless they have been assigned by the Executive Director to perform a task which requires specialist expertise or skills.

SUBPART 2
NATIONAL AIRSPACE COMMITTEE

Institution of Committee

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11.02.1 (1) In accordance with the objectives set out in section 56 of the Act on navigable airspace, the National Airspace Committee (the Committee) must consider proposals made by users and service providers and provide guidelines and recommendations to the Executive Director on -

- (a) the designation of airspace and related matters for purposes of air navigation services;
- (b) the classification of such designated airspace and related matters for purposes of air navigation services;
- (c) the introduction, amendment or withdrawal of such airspaces;
- (d) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;
- (e) the validity of current airspace structures and associated air traffic services provided within such structures as defined in the national airspace master plan (NAMP);
- (f) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or air traffic management (ATM) facilities, where these affect the designation or classification of airspace or the NAMP;
- (g) the application for an aerodrome aviation document as well as any significant amendment thereof as required under Part 139, where such aerodrome is situated -
 - (i) within any portion of airspace designated as a control zone (CTR) or an aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace's boundary;
 - (ii) under any portion of airspace designated as a terminal control area (TMA);
- (h) proposals for significant amendments of aerodrome aviation documents for any airspace or manoeuvring changes;
- (i) the compliance and use of the airspace by any remotely piloted aviation system (RPAS) or any unmanned aerial vehicle system (UAVS), or any part thereof, for beyond visual line of sight (BVLOS) use; and
- (j) any matter relating to the national airspace, including such matter referred to it by the Executive Director.

(3) A representative of the Namibian Defence Force (Namibian Airforce referred to in section 2 of the Defence Act, 2001 (Act No. 1 of 2001) or a representative from that force designated for such a meeting, must be the chairperson of the Committee.

[The phrase: "Namibian Defence Force (Namibian Airforce)" was probably intended to be "Namibian Defence Force: Namibian Air Force". See section 2 of the Defence Act 1 of 2001.]

(4) Subject to the provisions of the regulations in this Part, the Committee must, in consultation with the Executive Director, determine the procedures to be followed and the criteria to be taken into account when the Committee exercises its functions.

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Submission of proposals

11.02.2 (1) Any interested person may submit to the National Airspace Committee referred to in regulation 11.02.1, a proposal on -

- (a) the introduction, amendment or withdrawal of national airspace designation or classification;
- (b) the allocation of air traffic services provided or intended to be provided within airspaces or at aerodromes;
- (c) the introduction, amendment or withdrawal of communication navigation and surveillance (CNS) or ATM facilities where these affect the designation or classification of airspace or the national airspace master plan (NAMP);
- (d) the application for an aerodrome aviation document as well as any significant amendment thereof as per regulation 139.03.8, in case of a certificate, and 139.04.8, in case of a licence, where such aerodrome is situated -
 - (i) within any portion of airspace designated as a control zone (CTR) or aerodrome traffic zone (ATZ) or within 10 nautical miles of such airspace's boundary; or
 - (ii) under any portion of airspace designated as a terminal control area (TMA); or
- (e) the use of an RPAS or UAVS for BVLOS usage in designated airspace.

(2) The proposal referred to in subregulation (1) must be submitted in writing to the Authority, and must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority as set out in the "Notice of Intention to Amend Airspace Designation or Classification" issued by the Executive Director in the *Gazette*.

Processing and consideration of proposals

11.02.3 (1) The secretariat of the Committee must put any received proposal on the agenda of the next meeting of the committee, as long as the agenda has not yet been closed, in which case it must be put on the agenda of the subsequent meeting.

(2) The secretariat must notify the proposer in writing of the time and place of the meeting during which the proposal will be considered, to give the proposer the opportunity to motivate his or her proposal and to participate in the deliberations thereon in person or in support of a representative association, organisation or body, if he or she so wishes.

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(3) The Committee must give due consideration to the proposal and take a position thereon, if necessary after obtaining additional information and advice.

(4) The secretariat must inform the proposer in writing of any decision by the Committee in respect of his or her proposal, and should the decision have been a rejection, stating the reasons therefore.

(5) The Committee must give due consideration to any comments received and make an appropriate recommendation to the Executive Director.

Issuing of aeronautical information

11.02.4 The Executive Director must, if he or she is satisfied, after considering the recommendation made by the Committee in terms of regulation 11.02.1(1), that giving effect to the proposal is in the interest of aviation safety, publish the changes in the AIP.

SUBPART 3
STATE SAFETY PROGRAMME STEERING COMMITTEE

State Safety Programme

11.03.1 (1) The Authority is the custodian or placeholder organisation of the State Safety Programme (SSP) for aviation in Namibia in the manner contemplated in Annex 19 of the Chicago Convention.

(2) In compliance with subregulation (1), the Executive Director is responsible and accountable for the formulation of the SSP, and oversees its implementation and coordination within the Namibia civil aviation system contemplated in Part 10 (NCAS) of the Act, and in compliance with Part 140 and the technical standards prescribed in Document NAM-CATS-SMS 140.

SSP Steering Committee: composition and functions

11.03.2 (1) The Executive Director must establish an SSP Steering committee, chaired by the designated head of safety in the Authority, that must coordinate the SSP implementation and continuous monitoring activities involving relevant national regulatory and administrative organisations.

[The word “committee” in the phrase “SSP Steering Committee” should be capitalised.]

- (2) The SSP Steering Committee may further consist of -
- (a) the Director of Investigations in the Directorate or a person designated by him or her;
 - (b) the head of meteorological services in the Ministry or a person designated by him or her;
 - (c) a representative from the Government nominated by the Permanent Secretary of the Ministry;
 - (d) the senior accountable manager at the Air Namibia (Proprietary) Limited or a person designated by him or her;

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- (e) the senior accountable manager at the Namibian Airports Company referred to in section 2 of the Airports Company Act, 1998 (Act No. 25 of 1998) or a person designated by him or her;
 - (f) the president of the Aircraft Owners and Pilots Association of Namibia or a person designated by him or her;
 - (g) a representative from the Namibian Defence Force (Namibian Airforce); and
 - (h) the Head of the Air Navigation Services Unit of the Authority or a person designated by him or her.
- (3) The SSP Steering Committee may co-opt any expert body or person as adviser at its discretion.
- (4) The functions of the SSP Steering Committee include -
- (a) the development of policy and decisions pertaining to SSP activities as considered necessary;
 - (b) periodic review of the State safety policy, and its priorities and performance indicators;
 - (c) advise on, and review of, senior accountable management and key personnel requirements to meet the safety requirements of the Namibia civil aviation system, the enforcement policy and safety data protection and voluntary or mandatory information sharing;
- [The word “advise” should be “advice”.]**
- (d) the resolution of the issues pertaining to the implementation of the SSP; and
 - (e) the promotion of the SSP to applicable service providers.
- (5) The SSP Steering committee may meet as frequently as may be necessary to ensure resolution of safety concerns.

[The word “committee” in the phrase “SSP Steering Committee” should be capitalised.]

- (6) The Executive Director must ensure that the decisions taken during proceedings of the committee are communicated to relevant entities, and monitor the implementation of decisions in accordance with acceptable management practices.