

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 110
AVIATION SECURITY SCREENERS AND INSTRUCTORS CERTIFICATION

[Part 110 is inserted by GN 293/2018.]

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SUBPART 1
GENERAL

Applicability

110.01.1 This Part applies to the certification of screeners and aviation security instructors, the functions and limitations of such certification and related matters.

Authority to act

110.01.2 (1) A person may not act as a screener at a security designated aerodrome within Namibia, unless such person has been certified or validated in terms of this Part.

(2) A screener may not perform functions other than the functions authorised by such certification.

(3) A screener certificate issued by the Executive Director and the validation of a foreign screener certificate by the Executive Director are both aviation documents for the purposes of the Act.

Competency

110.01.3 (1) A screener may not exercise the privileges granted by a screener certificate unless such screener maintains and demonstrates fitness and competency through compliance with the requirements provided for in the NCASTP.

(2) The holder of a screener certificate must submit copies of all documentation demonstrating continued maintenance of competency to the Executive Director within seven days of receiving a request for such documentation from the Executive Director.

Documentation

110.01.4 The Executive Director must ensure that any screener certificate issued contains information sufficient to enable the currency and validity of the certificate to readily be determined by any appropriate authority.

Logbooks

110.01.5 (1) A screener certified to operate technical screening equipment at any security designated airport must maintain and have available for inspection in the workplace, a logbook recording therein all the time spent on duty as a screener.

(2) The form of, and information to be contained in, a logbook referred to in subregulation (1) and the manner in which such logbook must be maintained must be as provided for in the NCASTP.

Register of certificates

110.01.6 (1) The Executive Director must maintain a register of all screener certificates issued or validated in terms of this Part.

(2) The register must be identified as the “Register of Certificated Screeners” and must contain the following particulars:

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- (a) full names of the holder of the certificate;
- (b) the physical, electronic mail and postal address of the holder of the certificate;
- (c) the date on which the certificate was issued or validated;
- (d) the nationality of the holder of the certificate; and
- (e) the organisation in which the holder thereof is employed.

(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 or validated, as the case may be, by the Executive Director.

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

Language

110.01.7 The holder of a screener certificate issued or validated in terms of this Part must be able to demonstrate sufficient ability in reading, speaking and understanding the English language to enable the holder to adequately carry out his or her responsibilities as a certified screener.

Cancellation of certificate

110.01.8 (1) Without prejudice to the powers of the Executive Director to suspend, revoke or impose conditions on any aviation document under the Act, the Executive Director may cancel a screener certificate issued under this Part if -

- (a) the holder of the certification does not comply with the requirements prescribed in this Part, and provided for in the NCASTP; or
- (b) the privileges or duties for which the document was granted are not being carried out by the holder or are not able to be carried out by the holder; and
- (c) the cancellation is necessary in the interests of civil aviation safety and security.

(2) Unless there is a compelling safety or security reason, before taking any action under subregulation (1), the Executive Director must notify the holder in writing of the proposed action and give the holder a reasonable opportunity to comment or make submissions on the proposed action.

SUBPART 2 **SCREENER CERTIFICATION**

Requirements for screener certification

110.02.1 The requirements for the issuing of a screener certification are as follows:

- (a) the applicant must be 18 years of age or older;

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- (b) the applicant must hold a valid medical certificate issued as provided for in the NCASTP;
- (c) the applicant must have successfully completed the training referred to in regulation 110.02.2; and
- (d) the applicant must have a minimum qualification as provided for in the NCASTP.

Training

110.02.2 (1) An applicant for the issuing of a screener certificate must have successfully completed the appropriate training as provided for in the NCASTP.

(2) The training contemplated in subregulation (1) must be conducted by a certificate holder of an aviation security training organisation certificate issued under Part 109.

Application for screener certification

110.02.3 An application for the issuing of a screener certificate must be -

- (a) made to the Executive Director in the appropriate form as provided for in the Namibia Civil Aviation Screener Certification Programme (NCASCP) or otherwise provided for by the Executive Director; and
- (b) accompanied by -
 - (i) a certified copy of the identity document of the applicant;
 - (ii) certified evidence that the applicant has successfully completed the required training provided for in the NCASTP and the NCASCP;
 - (iii) the appropriate fee as provided for in Part 187; and
 - (iv) one passport size photograph of the applicant certified as having been taken within the last six months of the date of the application.

Issuing of screener certificate

110.02.4 (1) The Executive Director must issue a screener certificate if -

- (a) the applicant complies with the requirements referred to in regulation 110.02.1, and is a fit and proper person; and
- (b) the issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) The screener certificate must be completed and issued in the format as determined by the Executive Director.

Validation of certificate not issued by Authority

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110.02.5 (1) The holder of a screener certificate issued by a foreign appropriate authority who desires to act as a screener at a Namibian security designated aerodrome or for an air carrier or aircraft operator or a regulated agent, may apply to the Executive Director, in the appropriate form as provided for in the NCASCP for the validation of such certification.

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

- (a) a certified copy of the certificate; and
- (b) the appropriate fee as provided for in Part 187.

(3) The Executive Director may validate a certificate issued by a foreign appropriate authority -

- (a) subject to the same restrictions which apply to such certificate; and
- (b) in accordance with and subject to the requirements and conditions as provided for in the NCASTP.

(4) The holder of a validation issued by the Executive Director, may apply to the Executive Director for revalidation of the certificate at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions provided for in this Part and the requirements and conditions as provided for in the NCASTP.

Period of validity

110.02.6 A screener certification is valid for a period stipulated in the certificate, subject to recertification or revalidation as provided for in the NCASCP and provided that the holder of the certificate -

- (a) complies with the requirements of a screener as prescribed in this Part, and provided for in the NCASTP and NCASCP; and
- (b) is still employed to perform the functions of a screener.

Functions

110.02.7 (1) The holder of a valid screener certification is entitled to perform screening duties for which the holder received his or her training referred to in the NCASTP and the NCASCP and which is specified on the certificate.

(2) The functions afforded to the holder of screener certification may not be exercised by such holder unless he or she -

- (a) is the holder of a valid medical certificate issued as provided for in the NCASCP; and
- (b) undergoes the refresher or recurrent training every 12 months.

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Duplicate screener certificate

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

- (2) An application for the issuing of a duplicate screener certificate must be -
 - (a) made in the appropriate form as provided for in the NCASCP; and
 - (b) accompanied by the appropriate fee as provided for in Part 187.
- (3) The Executive Director must -
 - (a) issue a duplicate screener certification if the applicant complies with the requirements referred to in subregulation (2); and
 - (b) endorse the duplicate screener certification with the word “DUPLICATE” on the certificate.

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

SUBPART 3
AVIATION SECURITY INSTRUCTOR CERTIFICATION

Application for certification as aviation security instructor

110.03.1 (1) A person may not conduct aviation security training in Namibia unless that person is certified or validated in terms of this Part.

(2) Any person who wishes to be certified as an aviation security instructor must complete and submit an application for aviation security instructor certification in terms of this Part.

- (3) The application referred to in subregulation (2) must be -
 - (a) made to the Executive Director in the appropriate form provided for in the NCASTP; and
 - (b) accompanied by -
 - (i) a certified copy of the identity document of the applicant;
 - (ii) a certified copy of the certificate issued for successful completion of the required training in terms of the NCASTP;
 - (iii) the appropriate fee as provided for in Part 187;
 - (iv) training material or syllabus of the aviation security instructor’s course attended; and

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- (v) a copy of a detailed curriculum vitae and certified copies of relevant qualifications.

Requirements for certification

110.03.2 The applicant for aviation security instructor certification must meet the requirements provided for in the NCASTP.

Issuing of aviation security instructor certificate

110.03.3 (1) The Executive Director must issue an aviation security instructor certificate if the -

- (a) applicant complies with the requirements of the NCASTP;
- (b) applicant is a fit and proper person to exercise the privileges of the certificate; and
- (c) issue of the certificate is not contrary to the interests of civil aviation safety and security.

(2) An aviation security instructor certificate is an aviation document and is valid for a period of 24 months, as long as the holder complies with the requirements as prescribed in this Part and provided for in the NCASTP.

Validation of certificate not issued by Authority

110.03.4 (1) Any person who has been certified as an aviation security instructor by a recognised foreign institution or body other than the Authority, may apply to the Executive Director in the form and manner determined by the Executive Director for a validation of such certification in accordance with the procedures and requirements prescribed in this Part.

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

- (a) a certified true copy of the certification to which the validation refers;
- (b) training material for the aviation security instructor course so attended;
- (c) the appropriate fee as provided for in Part 187.

(3) The validation issued by the Executive Director is an aviation document and, subject to the provisions of the Act, is valid for such period as is stipulated in the NCASTP.

(4) The holder of a validation issued by the Executive Director may apply to the Executive Director for the revalidation at least 21 days before the date of expiry of such validation.

(5) The holder of a validation issued by the Executive Director must comply with the provisions and the requirements and conditions as provided for in the NCASTP.

Duplicate instructor certificate

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

(2) An application for the issuing of a duplicate instructor certificate must be -

(a) made in the appropriate form as provided for in the NCASTP; and

(b) accompanied by the appropriate fee as provided for in Part 187.

(3) The Executive Director must -

(a) issue a duplicate instructor certificate, if the applicant complies with the requirements referred to in subregulation (2); and

(b) endorse the duplicate instructor certification with the word “DUPLICATE” on the certificate.

(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.