

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

PART 113
AVIATION SECURITY SERVICE PROVIDERS: CERTIFICATION

[Part 113 is inserted by GN 293/2018.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

- 113.01.1 Applicability
- 113.01.2 Authority to provide aviation security services
- 113.01.3 Application for certificate
- 113.01.4 Issue of certificate
- 113.01.5 Functions and duties of certificate holder
- 113.01.6 Duration of certificate
- 113.01.7 Renewal of certificate

SUBPART 2: CERTIFICATION REQUIREMENTS

- 113.02.1 Personnel requirements
- 113.02.2 Establishment of operations procedures
- 113.02.3 Documentation
- 113.02.4 Records
- 113.02.5 Internal quality assurance
- 113.02.6 Organisation security programme

SUBPART 3: OPERATING REQUIREMENTS

- 113.03.1 Continued compliance
- 113.03.2 Changes to aviation security programme

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

SUBPART 1
GENERAL

Applicability

113.01.1 This Part prescribes procedures governing the certification of an operator of an aerodrome or navigation installation or a person employed or contracted by that operator to provide civil aviation security services in accordance with the Act at a security designated aerodrome or security designated navigation installation.

Authority to provide aviation security services

113.01.2 A person may not provide civil aviation security services at a security designated aerodrome or security designated navigation installation, except under the authority of, and in accordance with the provisions of, a civil aviation security service certificate issued under this Part.

Application for certificate

113.01.3 An application for the issuing of an aviation security service certificate or an amendment thereof, must be -

- (a) made to the Executive Director in the form and manner determined by the Executive Director; and
- (b) accompanied by -
 - (i) the security programme required under regulation 113.02.6; and
 - (ii) payment of the appropriate application fee prescribed in Part 187.

Issue of certificate

113.01.4 The Executive Director must issue a civil aviation security service certificate if -

- (a) the applicant's senior personnel required under regulation 113.02.1 are fit and proper persons;
- (b) the Executive Director is satisfied that the applicant is an operator of a security designated aerodrome or security designated navigation installation or a person employed or contracted by that operator to provide civil aviation security services at that aerodrome or navigation installation;
- (c) the applicant's civil aviation security programme meets the requirements of Subpart 2; and
- (d) the granting of the certificate is not contrary to the interests of civil aviation safety and security.

Functions and duties of certificate holder

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

113.01.5 Each holder of a civil aviation security service certificate has, at each location specified in its security programme, the following functions and duties:

- (a) where the certificate holder is the operator of a security designated aerodrome, to carry out -
 - (i) passenger, crew and baggage screening of all international aircraft passenger services and of any domestic aircraft passenger service or other service required to be screened by the Minister or the Executive Director;
 - (ii) where necessary, searches of aircraft;
 - (iii) aerodrome security patrols; and
 - (iv) screening and searching of any person, item, substance or vehicle that is present in, or about to enter, a security restricted area as required by the Minister or Executive Director, subject to the requirement that the specific manner or methodology in which screening will be applied must be approved by the Executive Director;
- (b) where the certificate holder is the operator of a security designated navigation installation, to carry out -
 - (i) patrols of that designated navigation installation; and
 - (ii) reviews, inquiries and keep itself informed on security techniques, systems, devices, practices and procedures related to the protection of civil aviation and persons employed in or using it; and
- (c) to co-operate with the police, Government departments or entities, airport authorities, operators and authorities administering the airport security services of other countries and with any appropriate international organisation.

Duration of certificate

113.01.6 (1) A civil aviation security service certificate may be granted for a period of up to five years.

(2) A civil aviation security service certificate remains in force until it expires or is suspended or cancelled.

(3) The holder of a civil aviation security service certificate that has expired or has been cancelled must within five working days 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 an authorised officer, inspector or authorised person concerned for the appropriate endorsement.

Renewal of certificate

113.01.7 (1) An application for the renewal of a civil aviation security service certificate must be made to the Executive Director in the form and manner determined by the Executive Director.

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

(2) The application for the renewal must be made before the application renewal date specified on the certificate or, if no such renewal date is specified, not less than 30 days before the certificate expires.

SUBPART 2
CERTIFICATION REQUIREMENTS

Personnel requirements

113.02.1 (1) Each applicant for a civil aviation security service certificate must employ -

- (a) a senior person identified as the senior accountable manager who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and
- (b) a senior person or group of senior persons -
 - (i) responsible for ensuring that the applicant's organisation complies with the requirements of this Part, and reporting directly to the senior accountable manager; and
 - (ii) sufficient personnel to plan, inspect, supervise and carry out the aviation security services detailed under regulation 113.02.6(1)(g).

(2) An applicant must establish a procedure to assess the ability of each employee or prospective employee to perform the duties and requirements of the position of a civil aviation security officer, taking into account the employee's -

- (a) education;
- (b) communication skills;
- (c) character;
- (d) experience; and
- (e) health.

(3) After the assessment an applicant must then designate aviation security officers and establish a procedure similar in the manner set out under Part 109 to train and maintain the competence of its aviation security officers.

(4) An applicant must provide personnel who are authorised to plan, inspect, supervise and carry out the civil aviation security services prescribed under regulation 113.02.6(1)(g) with written evidence of the scope of their authorisation.

Establishment of operations procedures

113.02.2 (1) Where the applicant for a civil aviation security service certificate is the operator of a security designated aerodrome, it must establish procedures necessary to enable the

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

requirements in the NCASP and any other aviation security regulations, to be complied with in a manner not inconsistent with the NCASP.

(2) Where the applicant for a civil aviation security service certificate is the operator of a security designated navigation installation, it must establish procedures necessary to enable the requirements in the NCASP to be complied with.

Documentation

113.02.3 (1) Each applicant for a civil aviation security service certificate must establish a procedure to ensure all documentation that is necessary to support the aviation security services that it provides is available to all personnel who need access to the documentation to carry out their duties.

- (2) The documentation referred to in subregulation (1) must include -
- (a) all relevant legislation;
 - (b) all relevant international standards and technical standards released by the ICAO;
 - (c) all relevant international technical manuals and notices on aviation security;
 - (d) documentation issued to the certificate holder by the Executive Director; and
 - (e) the applicants's security programme.

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

(3) The applicant must establish a procedure to control all documents referred to in subregulation (2) to ensure that -

- (a) the documents are reviewed and approved by appropriate personnel prior to issue;
- (b) outdated documents are promptly removed from all points of issue or use;
- (c) changes to documents are reviewed and approved by appropriate personnel;
- (d) the current issue of each document can be identified; and
- (e) the applicant's operations and security programme is amended so as to remain a current description of the service provider, its services, procedures and facilities.

(4) The applicant must establish a procedure to provide and maintain a copy of its civil aviation security programme at each location stipulated in regulation 113.02.6(1)(e).

Records

113.02.4 (1) Each applicant for a civil aviation security service certificate must establish a procedure to identify, collect, index, store and maintain the records that are necessary to ensure compliance with this Part.

- (2) The applicant must establish a procedure to -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) maintain a register of its civil aviation security officers, including details of their experience, qualifications, competence, training, medical assessment, and current authorisations; and
- (b) ensure that -
 - (i) all records are of a legible and permanent nature;
 - (ii) the records required by paragraph (a) are retained for 24 months from the date the person ceases to be employed or contracted by the certificate holder; and
 - (iii) the records required other than by paragraph (a) are retained for 24 months.

Internal quality assurance

113.02.5 (1) Each applicant for a civil aviation security service certificate must establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

- (2) The internal quality assurance system must include -
 - (a) a civil aviation security policy and security policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers;
 - (b) a procedure to ensure quality indicators, including defect and incident reports and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system;
 - (c) a procedure for corrective action to ensure existing problems that have been identified within the civil aviation system are corrected;
 - (d) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied;
 - (e) an internal quality audit programme to audit the applicant's organisation for conformity with the procedures in its civil aviation security programme and achievement of the goals set in its security policy;
 - (f) management review procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part; and
 - (g) a procedure to ensure that the senior person who has the responsibility for internal quality assurance has direct access to the chief executive officer or senior accountable manager of the applicant on matters affecting civil aviation security.
- (3) The security policy procedure must ensure that the civil aviation security policy is understood, implemented, and maintained at all levels of the organisation.
- (4) The procedure for corrective action must specify how -
 - (a) to correct an existing problem;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (b) to follow up a corrective action to ensure the action is effective; and
- (c) management must measure the effectiveness of any corrective action taken.
- (5) The procedure for preventive action must specify how -
 - (a) to correct a potential problem;
 - (b) to follow up a preventive action to ensure the action is effective;
 - (c) to amend any procedure required by this Part as a result of a preventive action; and
 - (d) management must measure the effectiveness of any preventive action taken.
- (6) The internal quality audit programme must -
 - (a) specify the frequency and location of the audits taking into account the nature of the activity to be audited;
 - (b) ensure audits are carried out by trained auditing personnel who are independent of those having direct responsibility for the activity being audited;
 - (c) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits;
 - (d) require preventive or corrective action to be taken by the personnel responsible for the activity being audited, if problems are found by the audit; and
 - (e) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (7) The procedure for management review must -
 - (a) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system;
 - (b) identify the responsible manager who must review the quality assurance system; and
 - (c) ensure the results of the review are evaluated and recorded.

Organisation security programme

113.02.6 (1) An applicant for the grant of a civil aviation security service certificate must provide the Executive Director together with the security programme -

- (a) a statement signed by the senior accountable manager, on behalf of the organisation, confirming that the civil aviation security programme -
 - (i) defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) is to be complied with by its personnel at all times;

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

- (b) the titles and names of the persons required under regulation 113.02.1(1) and (2);
- (c) the duties and responsibilities of the persons specified in paragraph (b), including matters in respect of which they deal directly with the Executive Director on behalf of the organisation;
- (d) an organisation chart showing associated lines of responsibility of the persons and supervisory persons specified in paragraph (b);
- (e) details of each location where the organisation intends to provide aviation security services and the facilities at each location;
- (f) a summary of the organisation's staffing structure to be used at each location listed under paragraph (e);
- (g) details of the civil aviation security services to be provided at each location;
- (h) details of the scope of the medical examination report and the method of assessment of fitness required;
- (i) details of the applicant's procedures required under -
 - (i) regulation 113.02.2 regarding the operating procedures;
 - (ii) regulation 113.02.3 regarding control and distribution of civil aviation security documentation;
 - (iii) regulation 113.02.4 regarding the identification, collection, indexing, storage and maintenance of records; and
 - (iv) regulation 113.02.5 regarding internal quality assurance of the applicant's organisation;
- (j) procedures for controlling, amending and distributing the civil aviation security programme;
- (k) procedures for notifying, investigating and reporting any security incident to the Executive Director in accordance with the Act or these regulations; and
- (l) procedures for reporting the detection of dangerous goods to the Executive Director.

(2) An applicant's civil aviation security programme must be acceptable to the Executive Director.

SUBPART 3
OPERATING REQUIREMENTS

Continued compliance

113.03.7 Every holder of a civil aviation security service certificate must continue to -

- (a) hold at least one complete and current copy of its civil aviation security programme at each location specified in its security programme;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (b) comply with all the procedures and systems detailed in its civil aviation security programme;
- (c) make each applicable part of its civil aviation security programme available to personnel who are required to comply with those parts in the performance of their duties; and
- (d) meet the standards and comply with the requirements of Subpart 2.

Changes to aviation security programme

113.03.8 (1) Every holder of a civil aviation security service certificate must -

- (a) ensure that its civil security programme is amended so as to remain as the current description of its organisation;
- (b) ensure any amendment to its civil aviation security programme manual meets the applicable requirements of this Part;
- (c) comply with the amendment procedure contained in its civil aviation security programme;
- (d) provide the Executive Director with a copy of each amendment to its civil aviation security programme as soon as practicable after the amendment is incorporated into its civil aviation security programme; and
- (e) make such amendments to its civil aviation security programme as the Executive Director may consider necessary in the interests of aviation security.

(2) Where the civil aviation certificate holder proposes to make a change to any of the following, prior application to, and approval by, the Executive Director is required:

- (a) the chief executive or senior accountable manager;
- (b) the listed senior persons or key post holders;
- (c) the location at which aviation security services may be provided;
- (d) the scope for which the certificate is granted; or
- (e) the organisation's internal quality assurance system.

(3) An application to make any of the changes specified in subregulation (2) must be made to the Executive Director in the form and manner determined by the Executive Director.

(4) The Executive Director may impose conditions during or following any of the changes specified in subregulation (2).

(5) The civil aviation certificate holder must comply with any conditions imposed under subregulation (4).

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

(6) Where any of the changes specified in subregulation (2) requires an amendment to the certificate, the civil aviation certificate holder must forward the certificate to the Executive Director as soon as practicable.