

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 137
CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS:
AGRICULTURAL OPERATIONS

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SUBPART 1
GENERAL

Applicability

137.01.1 (1) This Part shall apply to -

- (a) aircraft engaged in commercial or non-commercial agricultural operations within Namibia;
- (b) aircraft registered in Namibia and engaged in commercial or non-commercial international agricultural operations; and
- (c) persons acting as crew members of the aircraft operated in terms of the regulations in this Part.

(2) Unless the context otherwise indicates, agricultural operations shall be conducted in accordance with the provisions of the regulations in this Part and in addition, the provisions of the regulations in Part 91 and Part 121, Part 127 or Part 135, as the case may be.

Requirements for ratings

137.01.2 The pilot of an aircraft engaged in an agricultural operation, shall hold -

- (a) a valid agricultural pilot rating issued in terms of Part 61 for the category of aircraft used; and
- (b) a pest control operator's certificate issued in terms of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

Requirements for commercial agricultural operations

137.01.3 The operator of an aircraft engaged in commercial agricultural operations, shall not operate the aircraft unless such operator is the holder of a valid air operator certificate issued in terms of the regulations in Part 121, Part 127 or Part 135, as the case may be.

Aircraft equipment

137.01.4 The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has, in addition to the equipment prescribed in Part 91, an approved and properly installed shoulder harness for each person on board.

Airworthiness certification

137.01.5 The owner or operator of an aircraft engaged in an agricultural operation, shall ensure that the aircraft is appropriately certificated in terms of the regulations in Part 21 for the purposes of the agricultural operation.

SUBPART 2
FLIGHT RULES

Dispensing agricultural chemicals

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137.02.1 (1) The pilot of an aircraft dispensing an agricultural chemical in an agricultural operation, shall dispense the agricultural chemical -

- (a) for its registered use; and
- (b) in accordance with the safety instructions or use limitations on its label.

(2) Notwithstanding the provisions of subregulation (1), the pilot may, if the operation is for experimental purposes -

- (a) under the supervision of a Government department conducting research in the field; or
- (b) in terms of a permit from the applicable authority controlling such chemicals,

dispense the agricultural chemical as necessary for the particular experiment.

Direction of turns at aerodromes

137.02.2 The pilot of an aircraft engaged in an agricultural operation, may turn in a direction other than that prescribed in Part 91, when approaching for a landing at, or after take-off from, an aerodrome if -

- (a) the aerodrome is used solely for aircraft engaged in agricultural operations;
- (b) in the case of an unmanned aerodrome, two-way radio communication is maintained with other air traffic; or
- (c) in any other case, the aerodrome displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

Height of turns at aerodromes

137.02.3 The pilot of an aircraft engaged in an agricultural operation, may commence a turn after take-off from an aerodrome at an altitude other than that prescribed in Part 91, if -

- (a) the turn does not cause the aircraft to fly over inhabited area; and
- (b) the aerodrome -
 - (i) is used solely for aircraft engaged in agricultural operations;
 - (ii) has an aerodrome control service in operation and the turn is performed in accordance with an air traffic control clearance;
 - (iii) is an unmanned aerodrome and such pilot maintains two-way radio communication with other air traffic; or
 - (iv) in any other case, displays the visual ground signal prescribed in Part 91, indicating that an agricultural operation is being conducted from that aerodrome.

Operation without navigation lights

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137.02.4 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may operate at night without aircraft navigation lights, if -

- (a) it is in the interests of aviation safety to turn the lights off due to operating conditions;
- (b) prominent unlighted objects are visible for not less than one nautical mile;
- (c) take-offs and landings at aerodromes with an aerodrome control service are performed in accordance with an air traffic control clearance;
- (d) take-offs and landings at other aerodromes are not made while other aircraft operations requiring navigation lights, are in progress at that aerodrome; and
- (e) it is required for operational purposes.

Operation over densely inhabited areas

137.02.5 The pilot of an aircraft engaged in an agricultural operation over densely inhabited areas, may, for the proper completion of the operation, fly below the minimum height prescribed in Part 91, if -

- (a) prior approval is obtained from the Director and the operation is conducted in accordance with conditions and limitations determined by the Director;
- (b) the operation is conducted under the authority of an air operator certificate as contemplated in regulation 137.01.3; and
- (c) the holder of the air operator certificate has complied with regulation 137.04.3.

Operation over areas not densely inhabited

137.02.6 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, may during, or for the purposes of, the operation, fly at any altitude and at any distance from an obstruction, if -

- (a) the operation is not conducted over a densely inhabited area;
- (b) the operation is conducted without creating a hazard to persons or property on the ground; and
- (c) the altitude and distance for all approaches, turns and departures are necessary for the operation.

Fuel reserves

137.02.7 Notwithstanding the provisions of the regulations in Part 91, the pilot of an aircraft engaged in an agricultural operation, shall ensure that the aircraft has the following minimum fuel reserves:

- (a) For aeroplanes, 30 minutes of flight time; and

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- (b) for helicopters, 3 times the anticipated flight time or 30 minutes of flight time, whichever is the lesser.

SUBPART 3
SPECIAL FLIGHT RULES

General

137.03.1 This Subpart prescribes exceptions to the general operating and flight rules in Part 91, for the pilot of an aeroplane engaged in an agricultural operation,

Take-off distance and flight path

137.03.2 (1) Where there is a third party risk as specified in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall, notwithstanding the provisions of the regulations in Part 91, and subject to the provisions of subregulation (2), ensure that the take-off distance available is greater than the take-off distance specified in the aeroplane flight manual, multiplied by a factor of 1.2.

(2) When calculating the take-off distance, the pilot shall take the following factors into account:

- (a) The mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude of the aerodrome;
- (c) the ambient temperature at the aerodrome;
- (d) the runway surface type and condition;
- (e) the runway slope in the direction of take-off; and
- (f) not more than 50 per cent of the headwind component or not less than 150 per cent of the tailwind component

(3) Where there is no third party risk as specified in Document NAM-CATS-OPS 137, the pilot is not required, notwithstanding the provisions of the regulations in Part 91, to comply with -

- (a) the take-off distance specified in the aeroplane flight manual; and
- (b) where applicable, the take-off flight path gradient specified in the aeroplane flight manual.

Take-off flight path

137.03.3 (1) Where there is a third party risk as defined in Document NAM-CATS-OPS 137, the pilot of an aeroplane engaged in an agricultural operation, shall ensure that, notwithstanding the provisions of the regulations in Part 91, the take-off flight path clears all obstacles by -

- (a) a vertical distance of at least 50 feet plus 0,025D; or

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- (b) a lateral distance of at least 30 metres plus $0,1D$,

where D is the horizontal distance travelled by the aeroplane from the end of the take-off distance available.

(2) When calculating compliance with subregulation (1), the pilot shall take the following factors into account:

- (a) The take-off flight path shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance required in terms of regulation 137.03.2(1) and (2), and end at a height of 500 feet above the take-off surface;
- (b) the aeroplane shall not be banked at an angle exceeding 20 degrees; and
- (c) obstacles which have a lateral distance greater than 150 metres from the planned flight path, may be disregarded,

SUBPART 4
COMMERCIAL OPERATIONS

Records

137.04.1 (1) The holder of an air operator certificate shall maintain the following records at the principal place of operation:

- (a) The name and address of each client;
- (b) the date of each agricultural operation;
- (c) the name and quantity of the material dispensed during each agricultural operation;
- (d) the name, address, licence number, and rating details of the pilot concerned; and
- (e) the date on which an agricultural pilot rating was issued to the pilot concerned.

(2) The records shall be retained for a period of not less than 12 months calculated from the date on which the operation was completed.

Remote base operations

137.04.2 The holder of an air operator certificate who operates an aircraft engaged in an agricultural operation, from a base other than the principal place of operation and for a period of 14 or more consecutive nights, shall appoint a base pilot who -

- (a) holds a valid agricultural pilot rating;
- (b) is responsible for the operations from that remote base; and
- (c) may be responsible for arranging work rosters and maintaining records.

Operations over densely inhabited areas

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137.04.3 The holder of an air operator certificate who wishes to operate an aircraft in an agricultural operation over a densely inhabited area, shall -

- (a) prepare a plan of the operation, in conjunction with, and for the briefing of, all personnel and organisations involved in the operation, containing -
 - (i) consideration of obstructions to flight;
 - (ii) the emergency landing capabilities of the aircraft used; and
 - (iii) any co-ordination necessary with the air traffic service unit concerned;
- (b) give prior written notification to the local authority of the area in whose jurisdiction the operation is to be performed;
- (c) give notice of the operation to the public by an effective means;
- (d) ensure maximum safety to persons and property on the ground, consistent with the operation; and
- (e) ensure that the aircraft has, within the preceding 100 hours of time in service -
 - (i) had a mandatory periodic inspection; or
 - (ii) been inspected under a progressive inspection programme, in accordance with the regulations in Part 43.