

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

PART 36
AIRCRAFT: NOISE CERTIFICATION

[Part 36 is substituted by GN 236/2020.]

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- [The heading of this regulation in the text of the regulations below is
“Suspension and revocation of certificate and appeal” (without the word “noise”).]

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Applicability

36.00.1 This Part applies to -

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5 700 kilogrammes;
- (d) propeller driven aeroplanes with a maximum certificated mass of 5 700 kilogrammes or less;
- (e) propeller-driven STOL aeroplanes; and
- (f) helicopters.

Noise standards

36.00.2 Subject to the provisions of regulation 36.00.1, any person who applies in terms of Part 21 for -

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate;
- (e) the issuing of a supplementary type certificate; or
- (e) a standard category certificate of airworthiness,

[There are two paragraphs labelled as (e) in the *Government Gazette*, as reproduced above.]

must comply with the appropriate noise standards set out in Document NAM-CATS-ENVIRO.

Recognition of foreign noise certificate

36.00.3 The Executive Director may recognise a noise certificate or an equivalent document issued by an appropriate authority, if the standards under which the noise certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards set out in Document NAM-CATS-ENVIRO.

Safety inspections and audits

36.00.4 (1) An applicant for the issuing of a noise certificate under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

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(2) The holder of a noise certificate issued under this Part must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Application for noise certificate

36.00.5 An application for the issuing of a noise certificate must be -

- (a) made in the appropriate form set out in Document NAM-CATS-ENVIRO; and
- (b) accompanied by -
 - (i) evidence satisfactory to the Executive Director that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2; and
 - (ii) the appropriate fee as prescribed in Part 187.

Issue of noise certificate

36.00.6 The Executive Director must grant an application made under regulation 36.00.5 and issue a noise certificate in the appropriate form set out in Document NAM-CATS-ENVIRO, if the applicant complies with the noise standards referred to in regulation 36.00.2.

Period of validity

36.00.7 (1) A noise certificate is valid -

- (a) for -
 - (i) the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid; and
 - (ii) as long as the holder complies with the appropriate noise standards referred to in regulation 36.00.2; or
- (b) until the noise emission certificate is -
 - (i) surrendered by the holder thereof; or
 - (ii) suspended by the Executive Director or by an authorised officer, inspector or authorised person, or is revoked by the Executive Director, pursuant to regulation 36.00.10.

(2) The holder of a noise certificate which is suspended must forthwith produce the noise certificate upon suspension thereof to the Executive Director or to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is revoked must forthwith surrender such noise certificate to the Executive Director.

Transfer of noise certificate

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36.00.8 A noise certificate may only be transferred with the aircraft.

Register of certificates

36.00.9 The Executive Director must maintain or cause to be maintained, an updated register of noise certificates issued under this Part in the Civil Aviation Registry.

Suspension and revocation of certificate and appeal

[The heading of this regulation in the LIST OF REGULATIONS is
"Suspension and revocation of noise certificate and appeal".]

36.00.10 (1) Without prejudice to the powers of the Executive Director to suspend or revoke an aviation document pursuant to section 42 or 43 of the Act, an authorised officer, inspector or authorised person may suspend any noise certificate issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 36.00.4 it is evident that the holder of the noise certificate -
 - (i) does not comply with the requirements prescribed in this Part; and
 - (ii) fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
- (b) the authorised officer, inspector or authorised person is prevented by the holder of the noise certificate or any of its partners or subcontractors, from carrying out a safety inspection and audit in terms of regulation 36.00.4.

(2) The authorised officer, inspector or authorised person who has suspended a noise certificate in terms of subregulation (1) must, in the manner acceptable to the Executive Director, deliver a written report to the Executive Director as soon as possible after the suspension and stating the reasons for the suspension.

(3) The authorised officer, inspector or authorised person concerned must as soon as possible submit a copy of the report referred to in subregulation (2), to the holder of the noise certificate which has been suspended.

(4) The holder of a noise certificate whose certificate has been suspended may seek a review of the actions of the authorised officer, inspector or authorised person performed under subregulation (1), pursuant to Subpart 4 of Part 13.

(5) A person in respect of whom a decision is taken under this regulation may, after exhausting the review process referred to in subregulation (4), appeal against the decision to the High Court under section 225 of the Act.