

Amendment of regulation 1.00.2 of the Regulations

5. Regulation 1.00.2 of the Regulations is amended by the insertion of the following in the appropriate places of the list of abbreviations:

“(eB) ASPL means Airship Pilot Licence;
(jA) CASL means Commercial Airship Pilot Licence;
(fB) ATO means Aviation Training Organisation;
(fC) ATPL means Airline Transport Pilot;
(iB) CFBL means Commercial Free Balloon Pilot Licence;
(jA) CASL means Commercial Airship Pilot Licence;
(jB) CPL means Commercial Pilot Licence;
(nA) DFE means Designated Flight Examiner;
(uA) FBPL means Free Balloon Pilot Licence;
(uB) FCL means Flight Crew Licence;
(uC) FE means Flight Examiner;
(vB) FSTD means Flight Simulator Training Device;
(vC) GPL means Glider Pilot Licence;
(yA) IR means Instrument Rating;
(mm) P1 means Captain or Pilot-In-Command;
(nn) P2 means Co-Pilot;
(ooA) P3 means Third Pilot or Cruise Relief Pilot;
(ppA) PIC means Pilot-In-Command;
(qqA) PICUS means Pilot-In-Command-Under-Supervision;
(qqB) PPL means Private Pilot Licence;
(ttB) RPAS means Remotely Piloted Aircraft System;
(ttC) RPL means Recreational Pilot Licence;
(ttD) RPS means Remote Pilot Station;
(uuBB) SOP means Standard Operating Procedure;
(uuAA) SPL means Student Pilot Licence;
(vvA) TEM means Threat and Error Management.”.

Insertion of Part 60 in the Regulations

6. The following Part is inserted after Part 47 of the Regulations:

“PART 60**FLIGHT SIMULATORS OR TRAINING DEVICES****SUBPART 1: GENERAL**

- 60.01.1 Applicability
- 60.01.2 Qualification levels for flight simulator or training device
- 60.01.3 Application for initial qualification for flight simulator or training device
- 60.01.4 Qualification criteria for flight simulator or training device
- 60.01.5 Issue of Certificate for flight simulator or training device
- 60.01.6 Period of validity of Certificate of Qualification
- 60.01.7 Recurrent evaluation of qualified flight simulator or training device
- 60.01.8 Variation, cancellation or suspension of qualified flight simulator or training device
- 60.01.9 Approvals for users of qualified flight simulator or training device
- 60.01.10 Quality system
- 60.01.11 On-going fidelity requirements
- 60.01.12 Modification of qualified flight simulator or training device
- 60.01.13 Change in qualification level of qualified flight simulator or training device
- 60.01.14 Deactivation, relocation or reactivation of qualified flight simulator or training device

60.01.15 Change of operator of qualified flight simulator or training device
60.01.16 Evaluation teams
60.01.17 Records

SUBPART 2 BASIC INSTRUMENT FLIGHT TRAINERS

60.02.1 Basic Instrument Flight Trainers

SUBPART 1: GENERAL

Applicability

60.01.1 (1) In this Part:

“FSTD operator” means a person or an organisation who operates an FSTD for the purpose or use for which it was approved;

“FSTD user” means a person or an organisation issued with an approval to use a qualified flight simulator or flight training device in terms of regulation 60.01.09;

“qualified flight simulator or training device” means a flight simulator or training device that has been issued with a Certificate of Qualification under this Part.

(2) This Part prescribes the requirements relating to persons and organisations who operate or use FSTD’s and training devices for:

- (a) training and tests leading to the granting and renewal of a pilot, ATC or Flight Engineer licences in terms of Part 61, 62, 63, 65;
- (b) granting or renewal of ratings associated with a pilot, ATC or Flight Engineer licences in terms of Part 61, 62, 63 and 65; and
- (c) proficiency training and checks associated with approved ATO’s or operators of FSTD’s and training devices.

(3) The NAM-FSTD A, NAM-FSTD H NAM-FSTD and ATC simulators apply to all FSTD’s and training devices located within Namibia and operated within Namibia by any Namibian FSTD operator or a foreign FSTD operator.

(4) For the purpose of these regulations, the Executive Director may not accept a Certificate of Qualification for a flight simulator or training device issued by an appropriate authority in respect of a flight simulator or training device located within Namibia unless the Executive Director has granted the flight simulator or flight training device qualification level in terms of these regulations.

(5) The version of the NAM-FSTD Aeroplanes, Helicopter or ATC simulators approved by the Executive Director for the issue of the initial qualification is applicable for future recurrent qualifications of the flight simulator or training device unless the flight simulator or training device is re-categorised in terms of this Part.

(6) A Certificate of Qualification for a flight simulator or training device issued by an appropriate authority to operate within Namibia may not be used for the training of Namibian flight crew or Air Traffic Controllers unless approved by the Executive Director in terms of the Regulations.

(7) For imported flight simulator or training device, the version of the initial qualification approved by the Executive Director is applicable to future recurrent qualifications of the flight simulator or training device unless the flight simulator or training device is re-categorised in terms of the Regulations.

(8) FSTD or training device users must obtain approval to use the flight simulator or training device as part of their approved training programmes despite the fact that the flight simulator or flight training device has been previously qualified.

Qualification levels for flight simulator or training device

60.01.2 (1) A flight simulator qualification in terms of Document NAM-CATS-FSTD A or NAM-CATS-FSTD H will be allocated the following level of qualification as applicable:

- (a) Level 1/A;
- (b) Level 2/B;
- (c) Level 3/C; and
- (d) Level 4/D.

(2) A training device qualified in terms of Document NAM-CATS-FSTD A and NAM-CATS-FSTD H will be allocated the following sublevel of qualification as applicable:

- (a) Basic Instrument Training Device (BITD);
- (b) Flight Training Device – Level 1 (FTD I);
- (c) Flight Training Device – Level 2 (FTD II);
- (d) Flight Navigation Procedures Trainer – Level 1 (FNPT I);
- (e) Flight Navigation Procedures Trainer – Level 2 (FNPT II);
- (f) Flight Navigation Procedures Trainer, Multi Crew – Level 2 (FNPT II MCC); and
- (g) Flight Navigation Procedures Trainer, Multi-Crew – Level 3 (FNPT III MCC).

(3) The training credits applicable to each level of qualification are set out in Document NAM-CATS-FSTD.

Application for initial qualification of flight simulator or training device

60.01.3 (1) Persons or organisations intending to be operators of a flight simulator or flight training device for purposes specified in regulation 60.01.01 must apply, for a Certificate of Qualification for the device, to the Executive Director in the form and manner set out in Document NAM-CATS-FSTD A or NAM-CATS-FSTD H or NAM-CATS ATC Training Device and the application must be accompanied by the appropriate fee prescribed in Part 187.

(1) An application for Certificate of Qualification for a flight simulator or flight training device must include:

- (a) a Qualification Test Guide (QTG) for the device; and

- (b) a document describing the quality system that the operator proposes to use to satisfy regulation 60.01.10.

Qualification criteria for flight simulator or training device

60.01.4 (1) On receipt of an application in terms of regulation 60.01.3, the Executive Director must conduct an evaluation of the flight simulator or flight training device to be known as an initial evaluation.

- (2) The evaluation referred to in subregulation (1), includes the consideration of:
 - (a) any inspection or trial of the flight simulator or training device;
 - (b) the data provided in the Qualification test Guide (QTG); and
 - (c) information available from any test conducted during the initial evaluation.
- (3) If, after the initial evaluation, the Executive Director is satisfied that:
 - (a) the operator's quality system referred to in regulation 60.01.10 will be suitable for the flight simulator or flight training device; and
 - (b) the flight simulator or flight training device meets the required qualification level,

The Executive Director must qualify the flight simulator or flight training device at the appropriate qualification level.

(4) The Executive Director may qualify a flight simulator or flight training device that will simulate a new type of aircraft for which fully validated aircraft data is not available at an interim qualification level that is based on partially validated aircraft data.

(5) An interim qualification level referred to in subregulation (4) applies for the period agreed between the Executive Director and the operator of the device.

(6) If the Executive Director qualifies flight simulator or flight training device in terms of this regulation, the Executive Director must at the same time approve the Qualification Test Guide (QTG) for the simulator or device.

Issue of certificate for flight simulator or training device

60.01.5 (1) The Executive Director must, in the form determined by the Executive Director, issue to the applicant the Certificate of Qualification for the flight simulator or training device if the Executive Director qualifies the simulator or device.

(2) The Certificate of Qualification referred to in subregulation (1) must include the name of the operator, and:

- (a) include information identifying the flight simulator or training device;
- (b) specify the aircraft or ATC Station that is simulated by the flight simulator or training device; and
- (c) specify the qualification level for the flight simulator or training device.

Period of validity of Certificate of Qualification

60.01.6 (1) A certificate of qualification for the flight simulator or training device is valid for:

- (a) 12 months from the date of issue; or
- (b) depending upon the conditions attached to the certificate, any shorter period as specified in the certificate for that period.

(2) A Certificate of Qualification for a flight simulator or training device becomes invalid:

- (a) if revoked or suspended in terms of the Act;
- (b) if cancelled under regulation 60.01.8;
- (c) if there is a change of operator of the qualified flight simulator or training device, unless this change has been approved in terms of this Part; or
- (d) if the flight simulator or training device is deactivated or relocated, unless such deactivation or relocation has been approved in terms of this Part.

(3) A certificate of qualification for a flight simulator or training device is not valid for the period of any suspension imposed under regulation 60.01.8.

Recurrent evaluation of qualified flight simulator or training device

60.01.7 (1) The operator of a qualified flight simulator or training device may within 60 days before the expiry of the Certificate of Qualification in writing request the Executive Director to conduct an evaluation of the device to be known as a re-current evaluation.

(2) Subject to subregulation (3), regulations 60.01.4 and 60.01.5 apply with changes required by the context in respect of a re-current evaluation as if the re-current evaluation is an initial evaluation.

(3) During a re-current evaluation, a qualified flight simulator or training device must be assessed against the qualification level at which the device was certified at the initial qualification of the device in Namibia.

(4) If the Executive Director has changed the qualification level of a qualified flight simulator or training device since the initial evaluation, the qualification level as changed applies in respect of that simulator or device.

Variation, cancellation or suspension of a qualified flight simulator or training device

60.01.8 (1) The Executive Director may by notice in writing to the operator of flight simulator or training device, vary, cancel or suspend the qualification of the device, if:

- (a) the flight simulator training device no longer meets the qualification level specified in its qualification certificate; or
- (b) the operator has failed to comply with a requirement of this Part in relation to the flight simulator or training device.

(2) If an operator of a qualified flight simulator or training device receives a notice of variation or cancellation under subregulation (1), the operator must return the certificate of qualification for the device to the Executive Director within 14 days after receiving the notice.

(3) If the Executive Director varies a qualification for a qualified flight simulator or training device in terms of this regulation, the Executive Director must re-issue the Certificate of Qualification specifying the qualification as varied.

Approvals for users of qualified flight simulator or training device

60.01.9 (1) A person intending to use a qualified flight simulator or training device must in writing apply to the Executive Director for approval to do so.

(2) In considering whether to grant an application made in terms of subregulation (1), the Executive Director must take into account:

- (a) the differences between the characteristics of the flight simulator or training device and the characteristics of a specific type, or a specific make, model and series, of aircraft or ATC Station and whether or not the user operates such an aircraft or ATC Station; and
- (b) the proposed user's operating and training competencies.

(3) The Executive Director may also, in terms of subregulation (2), take into account any other matter that affects the way the simulator or device operates or may be used.

(4) The Executive Director, on approval of qualified flight simulator or training device, must issue to the applicant the approval:

- (a) in writing in the form determined by the Executive Director an approval to use a qualified flight simulator or training device;
- (b) subject to conditions, if any; and
- (c) in terms of Authority's FSTD Training and Testing credits set out in NAM-CATS 60.

(5) An approval referred to in subregulation (4) takes effect on the date of issue and continues to be valid unless the applicable Certificate of Qualification issued for the flight simulator or training device becomes invalid.

(6) The Executive Director may vary, cancel or suspend an approval issued in terms of subregulation (4), by written notice to the user:

- (a) in terms of the Act; or
- (b) if satisfied that any matter that was taken into account under subregulation (2) or (3) has changed.

Quality system

60.01.10 (1) The operator of qualified flight simulator or training device must establish and maintain a quality system that ensures the correct operation and maintenance of the flight simulator or training device.

(2) The quality system referred to subregulation (1) must cover at least the following matters:

- (a) quality policy;
- (b) management responsibility;
- (c) document control;
- (d) resource allocation;
- (e) quality procedures; and
- (f) internal audit.

On-going fidelity requirements

60.01.11 (1) The operator of a Qualified flight simulator or training device must progressively during the 12 months after the issue of the Certificate of Qualification perform:

- (a) all validation tests mentioned in the master Quality Test Guide for the FSTD training device; and
- (b) all functions and subjective tests within the current and any planned training program or an equivalent sample approved by the Executive Director.

(2) The operator of a qualified flight simulator or training device must establish a configuration management system to ensure the continued integrity of the equipment and software of the qualified flight simulator or training device.

(3) The operator of a qualified flight simulator or training device must maintain an on-going modification program to ensure that the equipment, software and performance of the qualified flight simulator or training device accurately simulate the aircraft or airspace specified in the Certificate of Qualification.

(4) The operator of a qualified flight simulator or training device must notify each user of the qualified flight simulator or training device before its use, if the device is unsuitable for any training, testing or checking sequence specified in the Certificate of Qualification.

Modification of qualified flight simulator or training device

60.01.12 (1) The operator of a qualified flight simulator or training device must notify the Executive Director in writing, if the operator proposes to modify the equipment or software of the flight simulator or training device in a way that will change the characteristics of the flight simulator or training device.

(2) On receipt of a notice under subregulation (1), the Executive Director may conduct an evaluation of the simulator or device as it is proposed to be modified, to be known as a special evaluation.

(3) Subject to subregulation (4) and (5), regulations 60.01.4 and 60.01.5 apply with changes required by the context, in respect of a special evaluation as if the special evaluation is an initial evaluation.

(4) If the Executive Director decides not to conduct a special evaluation, in terms of subregulation (2):

- (a) the operator of the qualified flight simulator or training device may make the proposed modification of the qualified flight simulator or training device; and
 - (b) the qualified flight simulator or flight training device continues to be valid.
- (5) During a special evaluation referred to in subregulation (2), a qualified flight simulator or training device must be assessed against the qualification level at which the flight simulator or training device was certified at the initial certification of it in Namibia.
- (6) If the Executive Director has changed the qualification level since the initial evaluation, the qualification level as changed applies.
- (7) This regulation does not apply to the modification of a flight simulator or training device for the purpose of a change in the qualification level of the simulator or device.

Change in qualification level of qualified flight simulator or training device

- 60.01.13** (1) The operator of a qualified flight simulator or flight training device may in writing request the Executive Director to change the qualification level of the training device.
- (2) On receipt of a request in terms of subregulation (1), the Executive Director must conduct a special evaluation of the qualified FSTD or training device, applying the standards set out in Document NAM-CATS-FSTD (A) or NAM-FSTD (H) or NAMCATS-ATC or NAM-CATS-60.
- (3) If the Executive Director changes the qualification level of a qualified flight simulator or training device in terms of this regulation, the Executive Director must:
- (a) approve any resulting modifications to the master QTG of the flight simulator or training device; and
 - (b) issue a revised Certificate of Qualification for the flight simulator or training device.

Deactivation, relocation or reactivation of qualified flight simulator or training device

- 60.01.14** (1) The operator of a qualified flight simulator or training device must in writing notify the Executive Director, if the training device is deactivated.
- (2) The operator of a qualified flight simulator or training device must in writing notify the Executive Director before the operator reactivates or relocates a qualified flight simulator or training device, and the Authority must conduct a special evaluation of the device.
- (3) During a special evaluation referred to in subregulation (2), the qualified flight simulator or training device must be assessed against:
- (a) the qualification level at which the flight simulator or training device was certified at the initial certification of the device in Namibia; or
 - (b) if the Executive Director has changed the qualification level since the initial evaluation, the qualification level as changed applies.

Change of operator of qualified flight simulator or training device

- 60.01.15** (1) The operator of a qualified flight simulator or training device must in writing notify the Executive Director of any intended change of the operator of the simulator training device.

(2) If there is a change of the flight simulator or training device as contemplated in subregulation (1):

- (a) the former operator must give to the new operator the records mentioned in regulation 60.01.17 that apply to the flight simulator or training device; and
- (b) the new operator may in writing apply to the Executive Director for certification of the flight simulator or flight training device.

(3) An application under subregulation (2)(b) must be accompanied by a plan of transfer setting out in detail how the new operator will comply with the requirements of this Subpart.

(4) If the Executive Director is satisfied that the new operator referred to in this regulation is able to comply with the requirements of this Subpart, the Executive Director must:

- (a) approve the plan referred to in subregulation (3); and
- (b) issue a new Certificate of Qualification for the flight simulator or training device.

Evaluation teams

60.01.16 The Executive Director may:

- (a) arrange for an evaluation mentioned in this Subpart to be conducted by an evaluation team of the Authority; and
- (b) appoint a person to be an evaluation team leader, having regard to the skills, qualifications and experience necessary to undertake the evaluation.

Records

60.01.17 (1) The operator of a qualified flight simulator or training device must keep the following records relating to the training device for at least three years after the device is decommissioned:

- (a) the master Quality Test Guide;
- (b) modification records; and
- (c) quality system records.

(2) The operator of a qualified flight simulator or flight training device must also keep the results of each test carried out under regulation 60.01.11(1) for the qualified flight simulator or training device for at least 3 years after the test.

(3) If there is a change of operator of a qualified flight simulator or training device the former operator must give the new operator records and test results relating to the training device and the new operator must keep the records and test results relating to the training device as required by this regulation.

SUBPART 2: BASIC INSTRUMENT FLIGHT TRAINERS**Basic instrument Flight Trainer**

60.02.1 This Subpart is reserved for future use.”

Substitution of Parts 61 of the Regulations

7. The Regulations are amended by the substitution for Part 61 of the following Part:

“PART 61**PILOT LICENSING****SUBPART 1 GENERAL**

- 61.01.1 Applicability
- 61.01.2 Authority to act as pilot of Namibian aircraft, or as pilot of foreign registered aircraft within Namibia
- 61.01.3 Pilot licences
- 61.01.4 Ratings and other approvals relating to pilot licences
- 61.01.5 Flight instructor ratings
- 61.01.6 Maintenance of competency and recency
- 61.01.7 Theoretical knowledge examinations
- 61.01.8 FSTDs to be approved
- 61.01.9 Requirements for approval of FSTDs
- 61.01.10 Validation of a foreign pilot licences, ratings and authorisations
- 61.01.11 Credit for military service
- 61.01.12 Conversion of foreign pilot licences
- 61.01.13 Medical requirements and fitness
- 61.01.14 Language
- 61.01.15 Logging of flight time
- 61.01.16 Curtailment of privileges of pilot licence holders 60 years of age or older
- 61.01.17 Requirements for skill tests
- 61.01.18 Change of name or address
- 61.01.19 Duplicate pilot licence or rating
- 61.01.20 Crediting of flight time and theoretical knowledge
- 61.01.21 Designation of pilots for purposes of training and tests
- 61.01.22 Designation of examiners for purposes of skills test or proficiency checks
- 61.01.23 Documents
- 61.01.24 Register of licences
- 61.01.25 Training for the issuing of a licence, rating or validation
- 61.01.26 Duties of pilots
- 61.01.27 Endorsements and record keeping
- 61.01.28 Payment of currency fee

SUBPART 2 STUDENT PILOT LICENCE

- 61.02.1 Requirements for Student Pilot Licence
- 61.02.2 Application for Student Pilot Licence
- 61.02.3 Issuing of Student Pilot Licence
- 61.02.4 Certificate of competency
- 61.02.5 Period of validity
- 61.02.6 Privileges and limitations of Student Pilot Licence
- 61.02.7 Discontinuing of flight training