

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 71
RULES OF THE AIR AND GENERAL OPERATING RULES:
AIRSPACE AND AIR ROUTES

[Part 71 is inserted by GN 89/2020.]

LIST OF REGULATIONS

SUBPART 1: GENERAL

- 71.01.1 Definitions for this Part
- 71.01.2 Purpose
- 71.01.3 Applicability

SUBPART 2: AIRSPACE STANDARDS AND METHODS

- 71.02.1 Airspace classification: standards
- 71.02.1 Aerodrome services: standards
- 71.02.3 Boundaries of designated airspace
- 71.02.4 Airspace classification and aerodrome services: methods

SUBPART 3: DESIGNATION OF AIRSPACES

- 71.03.1 General
- 71.03.2 Flight information region
- 71.03.3 Control areas
- 71.03.4 Control zones
- 71.03.5 VFR transit lanes
- 71.03.6 General aviation areas
- 71.03.7 Subsidiary airspace designations
- 71.03.8 Identification of air traffic services units and airspaces

SUBPART 4: AIRSPACE CLASSIFICATION

- 71.04.1 Class A airspace
- 71.04.2 Class B airspace
- 71.04.3 Class C airspace
- 71.04.4 Class D airspace
- 71.04.5 Class E airspace
- 71.04.6 Class F airspace
- 71.04.7 Class G airspace

SUBPART 5: SPECIAL USE AIRSPACE

- 71.05.1 General
- 71.05.2 Prohibited Areas
- 71.05.3 Restricted areas
- 71.05.5 Low flying zones
- 71.05.6 Civil activity use airspace
- 71.05.7 Details to be entered into register

SUBPART 6: REQUIREMENTS SUPPORTING ATC SURVEILLANCE

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- 71.06.1 Transponder mandatory airspace within controlled airspace
- 71.06.2 Transponder mandatory airspace within special use airspace
- 71.06.3 Operation of automatic dependent surveillance: broadcast (ADS-B) equipment within controlled airspace

SUBPART 7: AIR ROUTES

- 71.07.1 Establishment of air traffic services routes (ATS routes)

SUBPART 8: MISCELLANEOUS

- 71.08.1 Reporting points
- 71.08.2 Area QNH zones
- 71.08.3 Military operating zones
- 71.08.4 Mandatory broadcast zones
- 71.08.5 Designation of volcanic hazard zones

SUBPART 9: ADMINISTRATION

- 71.09.1 Application for designation and classification of airspace
- 71.09.2 Procedure for designation and classification of airspace
- 71.09.3 Delegation of responsibility for temporary designation or classification of airspace
- 71.09.4 Review of designated and classified airspace
- 71.09.5 Withdrawal of designations and change of airspace classification
- 71.09.6 Application for designation of an air route
- 71.09.7 Procedure for designation of ATS routes

SUBPART 10: AIR NAVIGATION REGISTER

- 71.10.1 Air Navigation Register

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

SUBPART 1
GENERAL

Definitions for this Part

71.01.1 (1) Definitions pertaining to this Part are contained in Document NAM-CATS-AAR.

(2) For this Part, airspace and an aerodrome are associated if the airspace is used by aircraft arriving at or departing from the aerodrome.

Purpose

71.01.2 (1) This Part prescribes the requirements and methods to be used -

- (a) when, in order to meet the requirements of Part 172 -
 - (i) the airspace is to be classified so that appropriate air traffic services will be provided in the airspace; and
 - (ii) a determination is to be made that certain air traffic services must be provided at an aerodrome and in airspace associated with that aerodrome;
- (b) to specify the boundaries of airspace that is to be, or will be used in a particular way; and
- (c) to decide whether a determination is to be made that -
 - (i) broadcast requirements apply in particular airspace or at an aerodrome; and
 - (ii) radio services must be provided at an aerodrome.

(2) This Part also provides for the Executive Director to, pursuant to section 38(6) of the Act, issue aviation directives on -

- (a) the use of airspace;
- (b) broadcasts that must be made in airspace and at aerodromes;
- (c) the use of air routes; and
- (d) conditions or restrictions that apply regarding the use of air routes.

Applicability

71.01.3 (1) This Part applies to -

- (a) the classification and designation of airspace -
 - (i) in Namibia;
 - (ii) in the airspace over the high seas administered by Namibia;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services;
- (b) except as specified in subregulation (2), the development and establishment of air routes -
 - (i) in Namibia;
 - (ii) in the airspace over the high seas administered by Namibia;
 - (iii) in those portions of airspace over another State for which Namibia has accepted responsibility for the provision of air traffic services.
- (2) This Part does not apply to the creation of -
 - (a) terminal area air routes or procedures constructed under the provisions of Part 173; or
 - (b) air routes, terminal area air routes or procedures for use by military aircraft operating in airspace designated for use by the Namibia Defence Force.

SUBPART 2
AIRSPACE STANDARDS AND METHODS

Airspace classification: standards

71.02.1 The standards to be applied for airspace classification are -

- (a) the standards set out in this Part and in Document NAM-CATS-AAR; and
- (b) the provisions of Part 172 regarding the classification of airspaces.

Aerodrome services: standards

71.02.2 The standards to be applied for a determination that an air traffic service must be provided at an aerodrome are -

- (a) the standards set out in Document NAM-CATS-AAR; and
- (b) the provisions of Part 172 regarding the designation of the portions of the airspace and controlled aerodromes where air traffic services are provided.

Boundaries of designated airspace

71.02.3 (1) Airspace boundaries, including airspace that is to be any of the following kinds, must be specified according to specifications set out in Document NAM-CATS-AAR -

- (a) a control area;
- (b) a control zone; and

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

- (c) airspace that is above or below a restricted area, or above a prohibited area or danger area.
- (2) The lateral limits of airspace designated under this Part are defined by -
 - (a) geographical co-ordinates in degrees, minutes, and seconds; and
 - (b) any one or more of the following:
 - (i) prominent geographical line features;
 - (ii) a circle or any part of a circle of specified radius around a geographical coordinate;
 - (iii) a great circle between two points; and
 - (iv) a parallel of latitude.
- (3) The vertical limits of airspace designated under this Part are defined by heights, altitudes, or flight levels.
- (4) Unless otherwise specified, the expression of a vertical limit to a height, altitude or flight level includes that height, altitude or flight level.
- (5) Where airspace volumes of different classifications are contiguous vertically, an aircraft operating at that boundary level must be considered to be operating in, and subject to the rules of, the higher classification of airspace.

Airspace classification and aerodrome services: methods

71.02.4 The methods set out in Document NAM-CATS-AAR must be used for airspace classification, and for any of the following determinations:

- (a) that an air traffic service must be provided at an aerodrome;
- (b) that a flight information radio service must be provided at an aerodrome; and
- (c) that a control area or control zone is an area within which certain mandatory radio calls are required.

SUBPART 3
DESIGNATION OF AIRSPACES

General

71.03.1 (1) If the Executive Director determines that an air traffic control service is required in a portion of airspace within a flight information region, the Executive Director must -

- (a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart; and

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

(2) If another ICAO contracting State provides an air traffic control service for any portion of airspace within the territorial airspace of Namibia, the Executive Director must -

- (a) designate that portion of airspace as a control area or a control zone in accordance with this Subpart after consulting with the other State; and
- (b) classify that portion of airspace as Class A, B, C, D or E airspace in accordance with Subpart 4.

(3) The Executive Director may designate portions of airspace within a control area or control zone as a specific sector to facilitate air traffic management.

(4) Except as provided in subregulation (5), a control area or control zone becomes uncontrolled class G airspace during those times when an air traffic control service is not being provided within that control area or control zone.

(5) The Executive Director may direct that when an air traffic control service is not being provided within a control area or control zone, that airspace be reclassified as restricted airspace area.

(6) For each portion of airspace designated as a control area or control zone, the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone.

Flight information region

71.03.2 (1) The Executive Director must publish in the aeronautical information publication (AIP), the flight information region established on the basis of the ICAO regional air navigation plan and which covers the whole of the air route structure to be served.

(2) The flight information region must include all airspace within its lateral limits.

(3) The Executive Director must publish the flight information region, airspace volume or air route structure in accordance with the aeronautical information regulation and control (AIRAC) cycle in an AIP, AIP Supplement or a notice to airmen (NOTAM).

Control areas

71.03.3 (1) The Executive Director must delineate control areas, including airways and terminal control areas so as to encompass sufficient airspace to contain the flight paths of those flights operating under instrument flight rules (IFR) or portions thereof, to which it is desired to provide the applicable parts of the air traffic control service, taking into account the capabilities of the navigation aids normally used in that area.

(2) The Executive Director may, in a control area other than one formed by a system of airways, establish a system of routes to facilitate the provision of air traffic control.

(3) The Executive Director may specify a control area designated under this Part as -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) a terminal control area, if the Executive Director determines that an approach control service is required at the confluence of air traffic services (ATS) routes in the vicinity of one or more major aerodromes;
- (b) an upper control area, if the Executive Director determines that an area control service is required; or
- (c) an oceanic control area, if the Executive Director determines that an area control service is required over the high seas.
- (4) The Executive Director must establish an upper limit of a control area when either -
 - (a) an air traffic control service will not be provided above such upper limit; or
 - (b) the control area is situated below an upper control area, in which case the upper limit must coincide with the lower limit of the upper control area.
- (5) The upper limit of a control area in Namibia pursuant to subregulation (4) may not exceed flight level 460.
- (6) The lower limit of a control area must -
 - (a) be at least 500 feet below the flight paths of instrument flight rules (IFR) flights that the Executive Director determines to require an air traffic control service;
 - (b) be established at -
 - (i) the highest practical altitude; and
 - (ii) not less than 700 feet above ground or water;
 - (c) when practicable and desirable, be established at a greater height than the minimum specified in paragraph (b)(ii) in order to allow freedom of action for flights operating under visual flight rules (VFR) below the control area; and
 - (d) when the lower limit of a control area is above 3000 feet above mean sea level (AMSL), coincide with a VFR cruising altitude or flight level prescribed in Part 91.
- (7) If a portion of airspace below a control area is designated as another control area, the upper limit of the lower control area must extend to the lower limit of the control area directly above it.

Control zones

71.03.4 (1) The Executive Director may designate as a control zone that portion of airspace around an aerodrome if -

- (a) the Executive Director determines that an aerodrome control service or an aerodrome and approach control service is required; and
- (b) the traffic density and pattern requires controlled airspace.

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

(2) A control zone must be as small as is practicable consistent with the need to protect the flight paths of IFR flights arriving at and departing from the aerodrome.

(3) The lateral limits of a control zone must -

- (a) encompass at least those portions of the airspace that are not within a control area containing the paths of IFR flights arriving at and departing from the aerodrome under instrument meteorological conditions (IMC);
- (b) extend to at least five nautical miles from the centre of the aerodrome in the directions from which instrument approaches may be made; and
- (c) take into account the category of IFR aircraft using the aerodrome and the areas of airspace that need to be protected for those IFR flights.

(4) Prominent geographical features must be used, where practical, to define the lateral limits of a control zone.

(5) A control zone with an upper limit above 3000 feet AMSL must coincide with a VFR cruising altitude or flight level prescribed in Part 91.

(6) A control zone may include two or more aerodromes situated close together.

(7) If a control zone is located within the lateral limits of a control area, it must extend upwards from the surface of the earth to at least the lower limit of the control area.

(8) If a control zone is located outside of the lateral limits of a control area, an upper limit must be established.

(9) If -

- (a) the Executive Director desires to establish the upper limit of a control zone at a level higher than the lower limit of the control area established above it; or
- (b) the control zone is located outside of the lateral limits of a control area,

its upper limit must be established at a level which can easily be identified by pilots and when this limit is above 3 000 feet above mean sea level, it must coincide with a VFR cruising level as described in Part 91.

VFR transit lanes

71.03.5 (1) The Executive Director may designate a portion of controlled airspace as a visual flight rules (VFR) transit lane for either or both of the following purposes:

- (a) separating transiting VFR traffic from arriving and departing IFR flights; and
- (b) permitting transiting VFR traffic to operate within the VFR transit lane without requiring an air traffic control (ATC) clearance.

(2) A VFR transit lane must be clear of airspace that encompasses IFR arrival and departure procedures within that controlled airspace.

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (3) The Executive Director must -
 - (a) ensure that buffer zones are provided between the nominal flight paths of arriving and departing IFR flights and each VFR transit lane; and
 - (b) identify each VFR transit lane by the ICAO nationality letters of Namibia (FY) followed by the letter "T" followed by a number.
- (4) A VFR transit lane is class G airspace and may only be active during the day.

General aviation areas

71.03.6 (1) The Executive Director may designate a portion of controlled airspace as a general aviation area for the purpose of allowing VFR flights access to a portion of previously controlled airspace without the requirement for an ATC clearance.

- (2) For each general aviation area, the Executive Director must -
 - (a) specify, at the time that the Executive Director designates the airspace, which air traffic control unit has responsibility for providing the air traffic control service over the area;
 - (b) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter G followed by a number; and
 - (c) specify that the area is active -
 - (i) permanently during the day;
 - (ii) by approval of the ATC unit responsible for the airspace; or
 - (iii) by prior notification from an airspace user to the ATC unit responsible for the airspace.
- (3) A general aviation area -
 - (a) may only be active during the day; and
 - (b) is class G airspace while the area is active.

Subsidiary airspace designations

71.03.7 (1) If the Executive Director considers it necessary in the interests of aviation safety, air traffic management, or in accordance with international agreements, the Executive Director may designate any controlled airspace or portion of controlled airspace as any of the following:

- (a) Required Navigation Performance (RNP) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;
- (b) Performance Based Navigation (PBN) airspace, on consideration of air traffic density and ATS route structure, and aircraft navigation system accuracy;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (c) Reduced Vertical Separation Minima (RVSM) airspace, on consideration of air traffic density and ATS route structure, and aircraft altimetry system accuracy;
- (c) Required Communication Performance (RCP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned; and

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

- (d) Required Surveillance Performance (RSP) airspace, if and where established, on consideration of regional air navigation agreements and the types of ATS provided in the airspace concerned.

(2) The designation of subsidiary airspaces under subregulation (1) must take into account the requirements and standards for airspace safety and conformance monitoring prescribed in Part 172.

Identification of air traffic services units and airspaces

71.03.8 (1) For each portion of airspace designated as a control area or control zone the Executive Director must specify the air traffic control unit that has responsibility for providing the air traffic control service within that control area or control zone and identify the control area or control zone in accordance with this Subpart.

(2) The Executive Director must pursuant to subregulation (1), publish in the AIP, the control areas and control zones designated under that subregulation, including the air traffic control units that have responsibility for providing air traffic control services within those control areas and control zones.

(3) An area control centre or flight information centre must be identified by the name of a nearby town or city or geographic feature.

(4) An aerodrome control tower or approach control unit must be identified by the name of the aerodrome at which it is located.

(5) A control area or control zone must be identified by -

- (a) the ICAO nationality letters of Namibia (FY) followed by the letter “A” followed by a number; and
- (b) the name of the air traffic control unit providing the air traffic control service within that control area or control zone.

SUBPART 4
AIRSPACE CLASSIFICATION

Class A airspace

71.04.1 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class A airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (a) separation is required between all flights; and
- (b) VFR flights are not permitted.

Class B airspace

71.04.2 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class B airspace, if the Executive Director considers it necessary in the interests of aviation safety that separation is required between all flights.

Class C airspace

71.04.3 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class C airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between -
 - (i) IFR flights;
 - (ii) IFR and VFR flights;
 - (iii) IFR and special VFR flights; and
 - (iv) special VFR flights when the flight visibility is reported to be less than five kilometres; and
- (b) traffic information must be provided to VFR flights about other VFR flights; and
- (c) traffic avoidance advice must be provided to VFR flights on request.

Class D airspace

71.04.4 Any portion of airspace that is designated as a control area under regulation 71.03.3 or control zone under regulation 71.03.4 must be classified as Class D airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between -
 - (i) IFR flights;
 - (ii) IFR and special VFR flights; and
 - (iii) special VFR flights when flight visibility is reported to be less than five kilometres.
- (b) traffic information must be provided to -
 - (i) IFR flights about VFR flights;
 - (ii) VFR flights about IFR flights; and

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

- (iii) VFR flights about other VFR flights;
- (c) traffic avoidance advice must be provided to IFR and VFR flights on request.

Class E airspace

71.04.5 Any portion of airspace that is designated as a control area under regulation 71.03.3 must be classified as Class E airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) separation is required between IFR flights; and
- (b) traffic information must be provided, where practical, to -
 - (i) IFR flights about VFR flights;
 - (ii) VFR flights about IFR flights; and
 - (iii) VFR flights about other VFR flights.

Class F airspace

71.04.6 The Executive Director may classify any portion of uncontrolled airspace as Class F airspace, if the Executive Director considers it necessary in the interests of aviation safety that -

- (a) IFR flights within the airspace need to receive an air traffic advisory service; and
- (b) all flights within the airspace should receive a flight information service if requested.

Class G airspace

71.04.7 The Executive Director may classify as Class G airspace any uncontrolled airspace that is not Class F airspace and where -

- (a) IFR flights are entitled to receive a flight information service; and
- (b) VFR flights are entitled to receive a flight information service on request.

SUBPART 5
SPECIAL USE AIRSPACE

General

71.05.1 (1) The Executive Director may designate special use airspace under this Subpart, if the Executive Director considers such designation of special use airspace is necessary -

- (a) in the interests of the safety or security of civil aviation;
- (b) in the interests of national security; or
- (c) for any other reason in the public or national interest.

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

(2) The Executive Director must ensure that each portion of airspace designated under this Subpart is as small as is practicable consistent with the activities for which the area is required.

(3) Airspace designated by the Executive Director under this Subpart must be identified by an alphanumeric designator that is not being used to identify any other portion of airspace designated under this Part.

Prohibited areas

71.05.2 (1) The Executive Director may declare a portion of airspace as a prohibited area to prohibit the activities of aircraft within that area.

(2) Where the Executive Director declares a portion of airspace as a prohibited area, he or she must -

- (a) specify the administering authority responsible for each prohibited area; and
- (b) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "P" followed by a number.

Restricted areas

71.05.3 (1) The Executive Director may designate a portion of airspace within the territorial limits of Namibia as a restricted area to restrict access to an area, or restrict the activities of aircraft within that area.

(2) The Executive Director may impose conditions under which -

- (a) aircraft may be permitted to fly within that restricted area; and
- (b) the administering authority responsible for the restricted area must operate.

(3) The Executive Director must -

- (a) specify the type of activity for which each restricted area is designated;
- (b) specify the administering authority responsible for each restricted area; and
- (c) identify each area by the ICAO nationality letters of Namibia (FY) followed by the letter "R" followed by a number.

(4) The administering authority responsible for a restricted area -

- (a) must manage -
 - (i) the entry of aircraft into the restricted area;
 - (ii) the operation of aircraft within the restricted area; and
 - (iii) the exit of aircraft from the restricted area;

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

- (b) must, if the restricted area is designated as being made active by a NOTAM, at least 24 hours before the restricted area is to become active, give to the NOTAM office notice of that restricted area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and
- (c) may, within any conditions imposed by the Executive Director under subregulation (2), impose conditions under which an aircraft may be operated within the restricted area.

Danger areas

71.05.4 (1) The Executive Director may designate a portion of airspace as a danger area to notify operators that there is a potential danger to aircraft flying in the area.

- (2) The Executive Director must -
 - (a) specify the nature of the danger for which each danger area is designated;
 - (b) if the Executive Director considers it necessary, nominate a using agency as the contact point for a danger area; and
 - (c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "D" followed by a number.
- (3) The using agency for a danger area must -
 - (a) be a person or organisation that is responsible for the activity that necessitated the danger area being so designated;
 - (a) ensure that the activities that necessitated the designation of the danger area are contained within that danger area; and

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

- (b) if the danger area is designated as being made active by a NOTAM, at least 24 hours before the danger area is to become active, give to the NOTAM office notice of that danger area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

Low flying zones

71.05.5 (1) The Executive Director may designate a portion of airspace as a low flying zone where pilot training in low level manoeuvres may be conducted.

- (2) Where low flying zones have been designated, the Executive Director must -
 - (a) publish in the AIP, arrangements and conditions for use of the low flying zones; and
 - (b) identify each low flying zone by the ICAO nationality letters of Namibia (FY) followed by the letter "L" followed by a number.

Civil activity use airspace

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

71.05.6 (1) The Executive Director may designate a portion of airspace for civil activity use airspace area where civilian aviation activities are to be conducted on a temporary or permanent basis.

(2) Where a civil activity use airspace area has been designated, the Executive Director must -

- (a) specify the nature of the activity for which each civil activity use airspace area is designated;
- (b) if necessary, nominate a using agency as the contact point for the area;
- (c) identify the area by the ICAO nationality letters of Namibia (FY) followed by the letter "A" followed by a number;
- (d) if necessary, issue a NOTAM for each temporary civil activity use airspace areas and publish an AIC; and
- (e) publish in the AIP, arrangements and conditions for use of the areas designated as permanent civil activity use airspace areas.

(3) In addition to the requirements of regulation 71.09.1, an application for the issuing of an approval to designate a civil activity use airspace area, must be -

- (a) made on the appropriate form determined by the Executive Director; and
- (b) accompanied by -
 - (i) the applicant's own comprehensive risk assessment;
 - (ii) written permission of the owner of the land over which the airspace is to be designated;

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

- (iii) the aerodrome owner's permission when operations are within three kilometres of an aerodrome; and
- (iv) the appropriate fees prescribed in Part 187.

(4) The Executive Director may, when approving a designation, include any conditions as may be considered necessary in the interest of aviation safety.

(5) The Executive Director may refuse to grant an approval to designate a civil activity use airspace area, and where the application is refused, the Executive Director must notify the applicant in writing, indicating the reasons for the refusal.

(6) The using agency for civil activity use airspace area must -

- (a) be a person or organisation that is responsible for the activity that necessitated the civil activity use airspace area being so designated;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (b) ensure that the activities that necessitated the designation of the civil activity use airspace area are contained within that area; and
- (c) if the area is designated as being made active by NOTAM, at least 24 hours before the civil activity use airspace area is to become active, give to the NOTAM office notice of that designated area becoming active, except that in the case of emergencies less than 24 hours' notice may be given.

Details to be entered into register

71.05.7 The Executive Director must enter details regarding any airspace designated as special use airspace into the register as provided for in Subpart 10.

SUBPART 6
REQUIREMENTS SUPPORTING ATC SURVEILLANCE

Transponder mandatory airspace within controlled airspace

71.06.1 (1) The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as transponder mandatory airspace if -

- (a) the operation of transponders is required for the provision of an air traffic control surveillance service; or
- (b) the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

(2) The Executive Director may require the carriage and operation of Mode A, Mode C or Mode S transponders in airspace designated under subregulation (1).

Transponder mandatory airspace within special use airspace

71.06.2 The Executive Director may designate any portion of special use airspace as transponder mandatory airspace, if the Executive Director determines that the traffic density in the airspace requires the operation of transponders to reduce the risk of an airborne collision with those aircraft that are required to be fitted with an airborne collision avoidance system.

Operation of automatic dependent surveillance: broadcast (ADS-B) equipment within controlled airspace

71.06.3 The Executive Director may designate a control area or a control zone, or any portion of a control area or a control zone, as airspace within which the carriage and operation of automatic dependent surveillance: broadcast (ADS-B) transponders is mandatory, if the operation of ADS-B transponders is required for the provision of an air traffic control surveillance service.

[The verb “is mandatory” should be “are mandatory” to be grammatically correct.]

SUBPART 7
AIR ROUTES

Establishment of air routes (ATS routes)

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

- 71.07.1** (1) The Executive Director must -
- (a) establish standards and procedures for the development and promulgation of -
 - (i) air routes (ATS routes) for use by instrument flight rules (IFR) aircraft within the airspace of Namibia and within international airspace for which Namibia has accepted responsibility;
 - (ii) standard arrival or departure routes to facilitate the transition between en-route airspace and terminal area airspace in the vicinity of airports;
 - (iii) routes to be flown by VFR aircraft, where required.
 - (b) publish those standards and procedures in Document NAM-CATS-AAR.
- (2) The Executive Director must -
- (a) establish standards and procedures for the determination and promulgation of minimum IFR altitudes associated with air routes established under subregulation (1)(a)(i); and
 - (b) publish those standards and procedures in Document NAM-CATS-AAR.

SUBPART 8
MISCELLANEOUS

Reporting points

- 71.08.1** (1) The Executive Director may designate visual or instrument flight rules reporting points for the purpose of facilitating the -
- (a) requirements of air traffic services for information regarding the progress of aircraft in flight;
 - (b) provision of weather reports; or
 - (c) safe conduct of flight by visual reference.
- (2) The Executive Director may designate certain reporting points as -
- (a) mandatory reporting points;
 - (b) changeover points; or
 - (c) significant points.
- (3) The Executive Director must ensure that visual reporting points -
- (a) are based on prominent geographical features; and
 - (b) are identified by names or designators that -
 - (i) are easily recognisable in voice communications;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (ii) will not be confused with those of other reporting points in the same general area; and
- (iii) do not create confusion with other communications exchanged between pilots and between air traffic services and pilots.

Area QNH zones

71.08.2 The Executive Director may designate as an area QNH (Q code) zone those portions of airspace from the surface of the earth to a specified altitude within which a common area QNH altimeter setting (an altimeter sub-scale setting to obtain elevation when on the ground) must be used.

Military operating zones

71.08.3 (1) The Executive Director may despite the fact that a military operating zone may be designated as a prohibited, restricted or danger area in accordance with regulations 71.05.2, 71.05.3 and 71.05.4, respectively -

- (a) designate a portion of airspace as a military operating area to segregate military activities from other traffic; and
- (b) impose conditions under which -
 - (i) aircraft may be permitted to fly within that military operating area; and
 - (ii) an administering authority specified under subregulation (2)(b) must operate.
- (2) The Executive Director must -
 - (a) specify the type of activity for which each military operating area is designated;
 - (b) specify the administering authority responsible for each military operating area; and
 - (c) identify each military operating area by the ICAO nationality letters of Namibia (FY) followed by the letter "M" followed by a number.
- (3) The administering authority responsible for a military operating area -
 - (a) must manage -
 - (i) the entry of aircraft into the military operating area;
 - (ii) the operation of aircraft within the military operating area; and
 - (iii) the exit of aircraft from the military operating area;
 - (b) if the military operating area is designated as being made active by NOTAM, must at least 24 hours before the military operating area is to become active, give to the NOTAM office notice of that military operating area becoming active, except that in the case of emergencies less than 24 hours' notice may be given; and

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (c) may, within any conditions imposed by the Executive Director under subregulation (1)(b)(ii), impose conditions under which any aircraft may be operated within the military operating area.

Mandatory broadcast zones

71.08.4 (1) The Executive Director may designate a portion of uncontrolled airspace as a mandatory broadcast zone if, due to traffic density or special circumstances, the pilots within that zone are required to make radio broadcasts of their position and intentions.

- (2) The Executive Director must -
 - (a) identify each mandatory broadcast zone by the ICAO nationality letters of Namibia (FY) followed by the letter “B” followed by a number;
 - (b) assign the radio frequency to be used within the mandatory broadcast zone for the mandatory radio broadcasts; and
 - (c) determine the maximum interval between a pilot’s mandatory radio broadcasts.

Designation of volcanic hazard zones

71.08.5 (1) The Executive Director may designate a portion of airspace as a volcanic hazard zone if volcanic activity, which includes flying rocks, gas plumes, and ash clouds may present a hazard to aircraft.

[There should be a comma after the phrase “which includes flying rocks, gas plumes, and ash clouds” to offset that phrase properly.]

- (2) Where designated, the Executive Director must identify each volcanic hazard zone by the ICAO nationality letters of Namibia (FY) followed by the letter “V” followed by a number.

SUBPART 9
ADMINISTRATION

Application for designation and classification of airspace

71.09.1 (1) The following persons and entities may apply to the Executive Director for a designation or classification of airspace under this Part -

- (a) the Government of Namibia;
- (b) the Air Navigation Services established under section 49 of the Act;
- (c) the Namibia Defence Force;
- (d) a person who is to provide air traffic services under Part 172;
- (e) a person who is an administering authority;
- (f) a person who is a using agency;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (g) any other person or entity that is able to demonstrate to the Executive Director that he, she or it has substantial interest in the designation or classification of the airspace.
- (2) An applicant for an airspace designation or classification must provide the following details:
 - (a) the name and contact details of the applicant;
 - (b) the type of designation or classification required;
 - (c) the reason for the designation or classification;
 - (d) the dimensions or other boundary information for the airspace that is required;
 - (e) the period for which the designation or classification is required;
 - (f) the contact details of any applicable administering authority or using agency; and
 - (g) any other applicable information required by the Executive Director.
- (3) Except for urgent requests that are associated with -
 - (a) police operations;
 - (b) search and rescue operations;
 - (c) aviation security; or
 - (d) other emergency situations,

an application for an airspace designation or classification must be submitted to the Executive Director not less than 90 days before the date on which the designation or classification is to come into force, unless a shorter period is acceptable to the Executive Director.

Procedure for designation and classification of airspace

71.09.2 (1) For each designation or classification of airspace made under this Part, the Executive Director must specify -

- (a) the period that the designation or classification is active; or
- (b) the method by which the designation or classification is made active.

(2) Except as provided in subregulation (4), designations and classifications of airspace, and designations of reporting points, area QNH zones, and other designations made under this Part do not come into force until -

- (a) those designations and classifications are entered into the register; and
- (b) the details of those designations and classifications are published in an AIP or by a NOTAM.

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

(3) Except as provided in subregulation (5), the Executive Director must ensure that each of the following is registered in the register -

- (a) a designation of airspace;
- (b) a classification of airspace;
- (c) a designation of a reporting point; and
- (d) a designation of an area QNH zone.

(4) A designation or classification of airspace for an urgent request that is associated with -

- (a) police operations;
- (b) search and rescue operations;
- (c) aviation security; or
- (d) other emergency situations,

may be brought into force immediately, without the need to publish the information in the AIP or by a NOTAM, but such NOTAM must be issued as soon as possible after the activation.

(5) A designation or classification of airspace that is of a temporary nature, or will be effective for a period of not more than six months need not be entered into the register.

Delegation of responsibility for temporary designation or classification of airspace

71.09.3 (1) Despite any provisions made for the administration of this Part as a whole, the Executive Director may issue delegations of responsibility for designation or classification of airspace to an appropriate person or persons.

(2) Where a delegation has been issued under subregulation (1), it may only be used to designate or classify airspace which -

- (a) may be required to facilitate police operations, search and rescue operations, security, or other emergency or non-standard situations;
- (b) is of a temporary nature, or will be effective for a period of not more than 30 days; and
- (c) cannot be coordinated within the expected timeframe through the normal airspace designation or classification processes.

(3) Delegations issued under subregulation (1) will be for a period of time determined by the Executive Director.

(4) Where a designation or classification of airspace under subregulation (2) has been made, the Executive Director must be informed as soon as possible.

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

(5) The temporary designation or classification of airspace must be removed once it has been determined that it is no longer needed or is no longer appropriate.

Review of designated and classified airspace

71.09.4 The Executive Director may, at least every five years, review each current airspace designation and classification to verify the continuing need for the airspace designation or classification.

Withdrawal of designations and change of airspace classification

71.09.5 (1) If the Executive Director is satisfied that a designation, or a classification, that has been made under this Part is no longer needed or is no longer appropriate, the Executive Director may withdraw the designation or alter the classification.

(2) Except as provided in subregulation (3), the withdrawal of an airspace designation or the change of an airspace classification made under subregulation (1) does not come into force -

- (a) until that withdrawal or change is entered in the register;
- (b) the details are published in an AIP Supplement or by a NOTAM; and
- (c) the details in the register are amended.

(3) The withdrawal or change in the register required under subregulation (2)(a) must specify the date that the withdrawal of an airspace designation or the change of an airspace classification comes into force.

(4) Subregulation (2)(b) does not apply to an airspace designation or an airspace classification that has been in force for a period of not more than six months.

Application for designation of air route

71.09.6 (1) The following entities and persons may apply to the Executive Director for a designation of an air route (ATS route) under this Part:

- (a) the Air Navigation Services established under section 49 of the Act;
- (b) a person who is to provide air traffic services under Part 172;
- (c) any other person as may be determined by the Executive Director.

(2) An applicant for an air route designation must provide the following details:

- (a) the name and contact details of the applicant;
- (b) the details of the ATS route including route identifier, reporting points, and minimum levels;
- (c) the reason for the designation;
- (d) the period for which the designation or classification is required if the route is temporary; and

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

- (e) any other applicable information required by the Executive Director.

(3) The entity or person applying for an ATS route designation must submit the application to the Executive Director not less than 90 days before the date on which the designation is to come into force unless a shorter period is acceptable to the Executive Director.

Procedure for designation of ATS routes

71.09.7 (1) For each designation made under this Subpart, the Executive Director must specify -

- (a) the period that the designation or classification is active; or
- (b) the method by which the designation is made active.

(2) Designations made under this Part do not come into force until those designations and classifications are -

- (a) entered into the register established in terms of Subpart 10;
- (b) the details are published in the AIP or by a NOTAM; and
- (c) the ATS route is depicted on the relevant aeronautical chart.

SUBPART 10
AIR NAVIGATION REGISTER

Air Navigation Register

71.10.1 (1) The Executive Director must establish and maintain a register called “Air Navigation Register” (register).

(2) The Executive Director must ensure that the register contains the following information:

- (a) a current description of volume portion of airspace that is designated under this Part;
- (b) a current description of the boundary information of each volume of airspace that is classified by the Executive Director as a class of airspace under this Part;
- (c) a current description of each volume of airspace within which certain operating rules apply;
- (d) a current description of any special use airspace designated under this Part;
- (e) current information, including the name or designator and coordinates of each reporting point designated under this Part;
- (f) the details of each air route designated under this Part;
- (g) the details required by Part 173 for each current instrument flight procedure;

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

- (h) the details for every right-hand aerodrome traffic circuit for which a determination has been issued under Part 91; and
- (i) the details of all certificates, approvals, designations or authorisations issued in terms of Parts 170, 171, 172, 173, 174 and 175.

(3) The register forms part of, and must comply with the requirements and related measures for documents and information of, the Civil Aviation Registry required under section 52 of the Act.