

REGULATIONS
Civil Aviation Act 6 of 2016

Namibian Civil Aviation Regulations, 2001

PART 92
SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

[Part 92, including its heading, is substituted by GN 293/2018.]

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Applicability

92.00.1 (1) This Part is applicable to all international and domestic operations of civil aircraft and specifically applies to -

- (a) any aircraft which is registered in Namibia or operated in Namibian airspace and which is used for the transportation of dangerous goods and any person who -
 - (i) offers dangerous goods for transportation by air;
 - (ii) transports dangerous goods by air; or
 - (iii) accepts dangerous goods for transportation by air; and
 - (b) any passenger or flight crew member on board or to be taken on board any aircraft in the manner provided for in Annex 18 of the Chicago Convention read with the Technical Instructions issued as ICAO Doc 9284.
- (2) This Part does not apply to -
- (a) military aircraft and military personnel who perform their official duties on board a military aircraft;
 - (b) dangerous goods carried in an aircraft where such goods are intended -
 - (i) to provide medical aid to a patient during a flight;
 - (ii) to provide veterinary aid or a humane killer for an animal during a flight;
 - (iii) for spraying, dusting or dropping in connection with lawfully conducted agricultural, horticultural, forestry or pollution control operations; or
 - (iv) for purposes of lawful game and livestock management during a flight;
 - (c) articles and substances which would otherwise constitute dangerous goods but which are required to be on board the aircraft in accordance with the appropriate airworthiness requirements and the provisions of the operations manual concerned, except that articles and substances intended as replacements for such articles and substances must be transported in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;
 - (d) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in Document NAM-CATS-DG; and
 - (e) articles and substances intended for the personal use of passengers and flight crew members to the extent as prescribed in Document NAM-CATS-DG.

Prohibition of transportation of dangerous goods by air

92.00.2 (1) A person may not offer for transportation in an aircraft or transport in an aircraft or accept for transport in an aircraft any -

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- (a) of the dangerous goods specifically identified by name or by generic description in Document NAM-CATS-DG as being forbidden for transportation by air under any circumstances;
- (b) of the dangerous goods identified in Document NAM-CATS-DG as being forbidden for transportation by air under normal circumstances;
- (c) other dangerous goods, unless in accordance with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (d) infected live animals.

(2) The Executive Director may, upon application in writing by any person referred to in regulation 92.00.1(1)(b), exempt such person from the provisions of subregulation (1)(b), where the Executive Director determines that -

- (a) a situation of extreme urgency requires the transportation of the dangerous goods;
- (b) other forms of transportation are, in the circumstances, impracticable or inappropriate; or
- (c) full compliance with the provisions of this Part would, in the circumstances, be contrary to the public interest,

and the grant of the exemption applied for would not be contrary to the interests of aviation safety.

(2) The provisions of section 46 of the Act apply with the necessary changes to an application for exemption in terms of subregulation (1).

- (3) An application for an exemption under this Part may be made -
 - (a) in respect of flights originating in or departing from Namibia; or
 - (b) in respect of aircraft not registered in Namibia but engaged in the overflight of Namibian territory.

Classification, division and listing of dangerous goods

92.00.3 The classes, divisions and listing of dangerous goods are contained in Document NAM-CATS-DG.

Designation of dangerous goods inspectors

92.00.4 (1) Subject to the provisions of section 37 of the Act, the Executive Director may designate dangerous goods inspectors to exercise the powers referred to in regulation 92.00.5.

(2) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in subregulation (1), are as prescribed in Document NAM-CATS-DG.

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(3) The Executive Director must sign and issue to each designated dangerous goods inspector a document which states the full name of such inspector and contains a statement indicating that -

- (a) such inspector has been designated in terms of subregulation (1); and
- (b) such inspector is authorised to exercise the powers referred to in regulation 92.00.5 and any other powers delegated by the Executive Director to the inspector under the Act.

Powers of dangerous goods inspectors

92.00.5 (1) A designated dangerous goods inspector may -

- (a) enter and inspect any -
 - (i) aerodrome or hangar;
 - (ii) premises, whether situated inside or outside any aerodrome, where goods, including food products intended for transportation by air are manufactured, produced, prepared or stored or where goods, mail or baggage intended for the transportation by air are packed, held or received or where goods, mail or baggage are received after being conveyed by air; and
 - (iii) aircraft, vehicle, freight or baggage container or unit load device used for the transportation of goods,

in order to ensure that the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG are complied with; and

- (b) require any person to forthwith produce or furnish the inspector with all documents, information and any other evidence relating to dangerous goods or baggage in so far as this may be necessary for the proper execution of his or her functions.

(2) A designated dangerous goods inspector who on reasonable grounds suspects that -

- (a) any baggage, consignment, freight or baggage container or unit load device contains goods which may not lawfully, in terms of the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG, be transported by air; or
- (b) goods which constitute a danger or potential danger to the safety or security of persons, aircraft or any other property are being transported, have been transported or are to be transported by air,

may inspect such baggage, consignment, freight or baggage container or unit load device and, if he or she considers it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in any aircraft.

(3) A designated dangerous goods inspector may at any time -

- (a) search -

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- (i) any baggage, consignment, freight or baggage container or unit load device presented or accepted for transportation by air;
- (ii) any baggage, consignment, freight or baggage container or unit load device received after being transported by air; and
- (iii) any person who has disembarked from an aircraft or who intends to board an aircraft or the baggage or personal possessions of such person,

in order to ascertain whether dangerous goods are being, have been or are to be transported by air;

- (b) take reasonable steps to satisfy himself or herself that the mass, quantity or composition of any -
 - (i) goods or baggage offered or presented for transportation in any consignment;
 - (ii) passengers' baggage;
 - (iii) freight or baggage container or unit load device;
 - (iv) stores transported by the operator or owner of an aircraft or his or her agent; and
 - (v) goods or baggage on board an aircraft,

comply with the requirements and standards as prescribed in Document NAM-CATS-DG;

- (c) take reasonable steps to satisfy himself or herself that the requirements and standards as prescribed in Document NAM-CATS-DG are complied with regarding the separation of the classes of dangerous goods in storage areas, unit load devices, vehicles and aircraft;
- (d) require goods to be removed from an aircraft if the requirements and standards referred to in paragraphs (b) and (c) are not complied with;
- (e) request any person to produce or cause to be produced for inspection, any document relating to a consignment intended for transportation by air or which has been transported by air or any other document specified in Document NAM-CATS-DG;
- (f) question any person handling dangerous goods in order to ascertain whether that person complies with the provisions of the Act, this Part and the requirements and standards as prescribed in Document NAM-CATS-DG relating to the handling of such dangerous goods; and
- (g) condemn any dangerous goods which, in his or her reasonable opinion, are not in a good condition or the storage or use of which he or she considers to be dangerous and order any such dangerous goods -

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- (i) to be returned to the owner of the goods or to the person who delivered the goods to the place where they are inspected by the designated dangerous goods inspector; or
- (ii) where the owner of the goods or the person who delivered the goods cannot be found or identified, to be destroyed forthwith; and recover any expenses incurred in connection with the return or destruction

of the goods from that owner or person, as the case maybe.

[The word “maybe” should be the two words “may be”.]

(4) Any search referred to in subregulation (3)(a)(iii) must be conducted in accordance with the requirements of section 144 of the Act as if such search were a search carried out under section 140(1) of that Act.

(5) The provisions of this Part are without prejudice to the general powers under the Act, of the Executive Director, and to the specific powers under the Act of aviation security officers insofar as they may be of general or specific application to dangerous goods.

Training

92.00.6 (1) Any -

- (a) shipper of dangerous goods, including a packer and shipper’s agent;
- (b) operator of any aircraft used in a commercial air transport operation in terms of Parts 91, 121, 127 or 135;
- (c) person -
 - (i) who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;
 - (ii) located at an aerodrome, who performs the act of processing passengers on behalf of an operator;
 - (iii) not located at an aerodrome, who performs the act of checking in passengers on behalf of an operator;
 - (iv) other than an operator, who is involved in the processing of cargo; or
 - (v) engaged in the security screening of passengers, their baggage and cargo,

must ensure that the following categories of any personnel in his, her or its employ successfully complete initial dangerous goods training and recurrent dangerous goods training -

- (aa) cargo personnel including any person who has access to a cargo warehouse;
- (bb) personnel engaged in the ground handling, storage and loading of dangerous goods;

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- (cc) passenger handling personnel;
- (dd) security personnel who deal with the screening of passengers, their baggage and cargo;
- (ee) flight crew members;
- (ff) packers;
- (gg) shippers;
- (hh) shipper's agents;
- (ii) any person who has unescorted access to a cargo warehouse who is not responsible for the handling, storage, loading or transportation of cargo; and
- (jj) cabin crew members.

(2) Training as required by this Part may only be provided by an aviation training organisation approved in terms of Part 141.

(3) The subject matter of initial dangerous goods training and refresher dangerous goods training are as prescribed in Document NAM-CATS-DG.

(4) The persons, employees or agencies referred to in subregulation (1) must complete recurrent dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding recurrent dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the recurrent dangerous goods training referred to in subregulation (3), the dangerous goods training organisation concerned must issue to the candidate a certificate of competence in the handling of dangerous goods to be transported by air.

(6) Any instructor conducting a dangerous goods training programme must successfully complete a category 6 initial training course and thereafter successfully complete a dangerous goods training recurrent course within 24 months calculated from the date of the completion of the initial course with an aviation training organisation approved under Part 141.

(7) The curriculum for the training referred to in subregulation (6) is as prescribed in Document NAM-CATS-DG.

(8) An operator of an aerodrome or, where appropriate or necessary, a holder and its respective service providers and subcontractors must maintain a record of training of personnel, including third party personnel, and such records must be made available on-site and upon request.

Validation of foreign certificates

92.00.7 (1) The Executive Director may upon application in writing by any person, validate any foreign certificate issued in respect of the handling of dangerous goods to be transported by air, if the holder of the certificate submits documentary proof that -

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- (a) such certificate has been obtained from an approved foreign training organisation; and
- (b) he or she has successfully completed the refresher dangerous goods training referred to in regulation 92.00.6(3), where applicable.

(2) The application referred to in subregulation (1) must be accompanied by the appropriate fee as prescribed in Part 187.

(3) The provisions of regulation 92.00.6(4) and (5) apply with the necessary changes to the holder of a certificate referred to in subregulation (1).

Packing and packaging

92.00.8 (1) A shipper must ensure that all dangerous goods which the shipper prepares or offers for transportation by air, are packed in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any packaging used for the transportation of dangerous goods by air -

- (a) complies with the material and construction specifications of, and is tested initially in accordance with, the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (b) is of good quality and be constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of transportation by air.

(3) A shipper must ensure that inner packaging is packed, secured or cushioned to prevent its breakage or leakage and to control its movement within the outer packaging during normal conditions of transportation by air.

(4) A shipper must ensure that packaging in direct contact with dangerous goods is resistant to any chemical or other action of such goods and cushioning, and that absorbent materials do not react dangerously with the contents of the receptacles.

(5) A shipper must ensure that packaging for which retention of a liquid is a basic function, is capable of withstanding, without leaking, the pressure as prescribed in Document NAM-CATS-DG.

(6) A receptacle used for the transportation of dangerous goods by air may not be re-used by the shipper until such receptacle has been inspected by such shipper and found free from corrosion or other damage.

(7) If a receptacle, used for the transportation of dangerous goods by air, is reused by the shipper, all necessary measures must be taken by the shipper to prevent contamination of subsequent dangerous goods transported therein.

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper must ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

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(9) A shipper must ensure that no harmful quantity of any dangerous substance adheres to the outside of a package.

Responsibility of shipper

92.00.9 (1) A shipper must ensure that dangerous goods offered for transportation by air are not dangerous goods identified as forbidden for transported by air in terms of regulation 92.00.2 and are -

[The word “transported” should be “transport”.]

- (a) identified, classified, packed, marked and labelled; and
- (b) accompanied by a properly executed dangerous goods transport document,

in accordance with the provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) A shipper must ensure that any person employed by him or her or any person employed to act on his or her behalf, who is involved in the preparation of a consignment of dangerous goods to be transported by air, is trained in accordance with the provisions of regulation 92.00.6.

Labelling and marking

92.01.10 (1) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is labelled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(2) Any person who offers any package containing dangerous goods for conveyance by air must ensure that such package is marked with the proper shipping name, UN number, class of hazard and subsidiary risk, and that any authorisation reference of the contents of the package is in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

(3) Any person who offers any package containing dangerous goods for transportation by air must ensure that each packaging which is manufactured in accordance with a packaging specification as prescribed in Document NAM-CATS-DG, is marked with the appropriate packaging specification marking as prescribed in Document NAM-CATS-DG.

(4) Packaging may not be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Document NAM-CATS-DG.

(5) In addition to the languages required by the State of origin, the English language must be used for the markings related to dangerous goods.

Dangerous goods transport document

92.00.11 (1) Any person who offers dangerous goods for transportation by air must, unless otherwise provided for in Document NAM-CATS-DG, complete, sign and provide the operator with a dangerous goods transport document and such other appropriate documents as prescribed in Document NAM-CATS-DG.

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(2) A dangerous goods transport document must contain the information as prescribed in Document NAM-CATS-DG as well as a declaration, signed by the person referred to in subregulation (1), indicating that the dangerous goods offered for transportation by air are -

- (a) fully and accurately described by their proper shipping names;
- (b) identified, classified, packed, marked and labelled in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG;
- (c) in proper condition for transportation by air in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG; and
- (d) not dangerous goods identified as forbidden for transportation by air in terms of regulation 92.00.2.

(3) The English language must be used for the dangerous goods transport document.

(4) The operator of an aircraft in which dangerous goods are to be transported, may not accept such dangerous goods for transportation by air –

- (a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Document NAM-CATS-DG provides that such document is not required; and
- (b) until such operator has inspected the exterior or the package, overpack or freight or baggage container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Document NAM-CATS-DG.

(5) The operator referred to in subregulation (1) must develop and use an acceptance checklist to ensure that the provisions of subregulation (1) regarding the acceptance of dangerous goods for transportation by air are complied with.

(6) The acceptance checklist referred to in subregulation (2), must comply with the requirements as prescribed in Document NAM-CATS-DG.

(7) The operator of an aircraft in which dangerous goods are to be transported must provide the pilot-in-command, as soon as practicable before departure of the aircraft, with the written information as prescribed in Document NAM-CATS-DG.

(8) The operator referred to in subregulation (1), must provide information in the operations manual and other relevant publications to the flight crew members and employees concerned to enable such flight crew members and employees to carry out their duties with regard to the transportation by air of dangerous goods, and such information must include the information as prescribed in Document NAM-CATS-DG.

(9) Operators, shippers or other organisations involved in the transport of dangerous goods by air must provide such information to their personnel as will enable the personnel to carry out their responsibilities with regard to the transport of dangerous goods and must provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

Inspection for damage or leakage by operator

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92.00.12 (1) The operator of an aircraft in which dangerous goods are to be transported must inspect the exterior of each package and overpack containing dangerous goods and each freight or baggage container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight or baggage container, before loading such package, overpack and container into the aircraft or into a unit load device.

(2) The operator referred to in subregulation (1) must inspect a unit load device before loading such device in the aircraft to ensure that there is no damage to or leakage from any dangerous goods contained therein.

(3) Damaged or leaking package, overpack, freight or baggage container or unit load device may not be loaded into an aircraft.

(4) If any package, overpack or freight or baggage container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight or baggage container into an aircraft, the operator must remove or arrange for the removal of such package, overpack or freight or baggage container from the aircraft and must ensure that the remainder of the consignment is in a proper condition for transportation by air and that no other package, overpack or freight or baggage container has been damaged or contaminated.

(5) The operator of an aircraft referred to in subregulation (1) must inspect each package or overpack containing dangerous goods, or a freight or baggage container or package containing radioactive materials, for signs of damage or leakage upon unloading such package, overpack or freight or baggage container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight or baggage container or unit load device was stowed in the aircraft, must be inspected for damage or contamination.

(6) If a package, overpack or freight or baggage container containing radioactive materials is found to be damaged or leaking, the operator must -

- (a) take all necessary precautions to restrict access to such package, overpack or freight or baggage container containing radioactive materials; and
- (b) designate a qualified person to assess the extent of the contamination and the radiation level.

(7) If any hazardous contamination is found in an aircraft as a result of damage to or leakage from a package or overpack containing dangerous goods, the operator must decontaminate the aircraft immediately.

(8) The operator must remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and may not return such aircraft to service until the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination, is below the values as prescribed in Document NAM-CATS-DG.

(9) Any person responsible for the conveyance and opening of packages containing infectious substances who becomes aware of damage to or leaking from such packages, must -

- (a) avoid handling such infectious substances, where possible;
- (b) inspect adjacent packages for contamination;

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- (c) inform the appropriate public health authority or veterinary authority of such damage or leakage;
- (d) provide the appropriate authority of the country of transit with information regarding any possible contamination; and
- (e) notify the shipper or the consignee accordingly.

(10) The operator of an aircraft in which dangerous goods are to be transported must comply with the storage and loading provisions of this Part and the requirements and standards as prescribed in Document NAM-CATS-DG.

Loading restrictions in cabin or on flight deck

92.00.13 Unless otherwise provided for in Document NAM-CATS-DG, a person may not stow dangerous goods in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

Separate packaging of dangerous goods

92.00.14 (1) The operator of an aircraft in which dangerous goods are to be transported must ensure that packages containing dangerous goods which might react dangerously when coming into contact with each other, are not stowed in an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(2) The operator must ensure that a package containing a toxic or infectious substance is stowed in an aircraft in accordance with the requirements and standards prescribed in Document NAM-CATS-DG.

(3) The operator must ensure that a package containing radioactive materials is stowed in an aircraft in a manner which separates the package from persons, live animals, and undeveloped film, in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

Securing of dangerous goods

92.00.15 (1) The operator of an aircraft in which dangerous goods are to be transported, must, when dangerous goods are loaded into the aircraft, protect such dangerous goods from being damaged, and must secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the positioning of the packages.

(2) When securing packages containing radioactive materials, the operator must ensure that the securing is adequate in order that the requirements regarding the separation of radioactive materials referred to in regulation 92.00.14(3) are complied with.

(3) An operator, shipper, and other person engaged in the transport of dangerous goods by air, must establish dangerous goods security measures to minimise theft or misuse of dangerous goods that may endanger persons, property or the environment, in accordance with the provisions of Document NAM-CATS-DG.

Loading in cargo aircraft

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92.00.16 Unless otherwise provided for in Document NAM-CATS-DG, an operator must load a package or overpack, containing dangerous goods and bearing a “cargo aircraft only” label in such manner that any flight crew member or other person authorised by the operator, can see, handle and, where size and weight permit, separate such package or overpack from other cargo in flight.

Dangerous goods accident and incident reporting

92.00.17 (1) The operator of an aircraft, the person in charge of a cargo warehouse, an aerodrome manager or the person in charge of ramp and ground handlers involved in a dangerous goods accident or dangerous goods incident within Namibia, must, within 48 hours after such accident or incident has occurred, notify -

- (a) in the case of an accident, the Executive Director, any air traffic service Unit (ATSU) or the nearest police station; or
- (b) in the case of an incident, any ATSU,

of such accident or incident, and such ATSU or police station, as the case may be, must immediately on receipt of the notification, notify -

- (i) the Executive Director; and
- (ii) where such accident or incident occurs at an aerodrome, the aerodrome manager.

(2) The operator of a Namibian registered aircraft involved in a dangerous goods accident or dangerous goods incident or an accident or serious incident where dangerous goods carried as cargo may be involved, must, as soon as practicable, notify -

- (a) the appropriate authority of the State in territory where the accident or incident has occurred, directly or through any ATSU; and
- (b) the Executive Director,

of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident must contain the particulars as prescribed in Document NAM-CATS-DG.

(4) In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying the dangerous goods as cargo must provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as indicated in the operator’s dangerous goods manual.

(5) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo must, if requested to do so, provide information without delay to emergency services responding to the incident, as indicated in the operator’s dangerous goods manual.

(6) Reports of incidents and accidents involving dangerous goods must be collated and analysed by the Executive Director as part of the State safety programme required under Part 11.

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Dangerous goods accident and incident investigation

92.00.18 The investigator in charge designated by the Director of Investigations under section 84(1) of the Act must investigate all dangerous goods accidents and dangerous goods incidents reported in terms of regulation 92.00.17, and the provisions of Part 11 of the Act will apply with the necessary changes to such investigation.

Dangerous goods accident and incident information

92.00.19 In the case of a consignment for which a dangerous goods transport document is required in terms of this Part, the operator or cargo handling organisation must ensure that the information as prescribed in Document NAM-CATS-DG is available at all times for use in an emergency response to dangerous goods accidents or dangerous goods incidents.

Notification of undeclared or misdeclared dangerous goods

92.00.20 (1) The operator of an aircraft in which dangerous goods are transported within Namibia or, in the case of Namibian a registered aircraft, outside Namibia must, within 48 hours after the discovery of -

- (a) any undeclared or misdeclared dangerous goods; or
- (b) dangerous goods not permitted in terms of regulation 92.00.2,

on board the aircraft or in the baggage or on the person of a passenger or flight crew member, notify the Executive Director or the appropriate national authority thereof, as the case may be.

(2) In order to prevent the occurrence of instances of undeclared and misdeclared dangerous goods in cargo, each operator must establish procedures for investigating and compiling information concerning such occurrences in any State or territory and which involve the transport of dangerous goods originating in, or destined for, another State or territory, and those procedures must be clearly stated in the manual of procedures (MOP).

(3) Reports of occurrences of instances must be made available to the Executive Director or the appropriate authority of the State in which this occurred, within 48 hours.

Retention of documents

92.00.21 (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

- (a) dangerous goods transport records such as the dangerous goods transport document and air way bill;
- (b) acceptance checklist, if completion of the checklist is required; and
- (c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7), are retained for a period of 90 days, calculated from the date of such flight.

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[Subsection (1) is reproduced above as it appears in the *Government Gazette*. The closing phrase “are retained for a period of 90 days, calculated from the date of such flight” appears to have been intended to apply to paragraphs (a)-(c). Subsection (1) should probably appear as follows:

“**92.00.21** (1) The operator of an aircraft in which dangerous goods are transported, must ensure that at least one copy of all records pertaining to a flight on which dangerous goods are transported, including the -

- (a) dangerous goods transport records such as the dangerous goods transport document and air way bill;
 - (b) acceptance checklist, if completion of the checklist is required; and
 - (c) written information provided to the pilot-in-command in terms of regulation 92.00.11(7),
- are retained for a period of 90 days, calculated from the date of such flight.”]

(2) The operator of an aircraft involved in a dangerous goods accident or incident, and the manager of an aerodrome where such accident or incident has occurred must keep records of the dangerous goods incident or accident and any undeclared or misdeclared dangerous goods discovered and such records must be made available on-site and copies supplied to the Executive Director upon request by the Executive Director an authorised officer, inspector or authorised person within 48 hours.

Dangerous goods carried by passengers or flight crew members

92.00.22 A passenger or flight crew member may not carry dangerous goods as, or in, carry-on baggage or checked baggage, or on his or her person, except in accordance with the requirements and standards as prescribed in Document NAM-CATS-DG.

Information to passengers

92.00.23 Every operator of an aircraft must ensure that information regarding the types of goods that passengers are prohibited to carry on board an aircraft, is available to such passengers as prescribed in Document NAM-CATS-DG and such information must include -

- (a) applicable information accompanying the passenger ticket; and
- (b) notices which are prominently displayed -
 - (i) at any location where tickets are issued and baggage checked; and
 - (ii) at all check-in- counters and aircraft boarding areas.

Powers of aerodrome operator: loading and unloading of dangerous goods

92.00.24 (1) If in the opinion of any aerodrome operator a possibility exists that persons on a certified or licensed aerodrome may be endangered through the loading or unloading of dangerous goods, the operator may take any of the steps as contemplated in subregulations (2), (3) and (4).

(2) If the operator of an aircraft has informed the aerodrome operator of the proposed loading or unloading, and the aerodrome operator considers that persons or property on the licensed aerodrome may be endangered by the proposed loading or unloading, the aerodrome operator may -

- (a) permit such loading or unloading subject to such conditions as the aerodrome operator may consider necessary to impose with a view to safeguarding persons or property on the aerodrome; or

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(b) prohibit such loading or unloading.

(3) If dangerous goods have been loaded into, or unloaded from, an aircraft without the permission of the aerodrome operator, the aerodrome operator may direct that such dangerous cargo be unloaded from or reloaded into such aircraft, or give such other directions or impose such conditions as the aerodrome operator may consider necessary with a view to safeguarding persons or property on the aerodrome.

(4) The operator of an aircraft carrying dangerous goods on an aerodrome must, if directed to do so by the aerodrome operator, move such aircraft to another place on the aerodrome and keep such aircraft in that place until the aerodrome operator grants permission for such aircraft to be moved.

Designation of persons responsible for dangerous goods

92.00.25 (1) Each operator, ramp handling organisation, ground handling organisation and aerodrome manager must designate a dangerous goods specialist who is responsible for the following matters involving dangerous goods -

- (a) compliance with these regulations;
- (b) quality control;
- (c) reporting of accidents and incidents; and
- (d) maintenance of dangerous goods incidents and accidents records.

(2) The minimum requirement or qualification for the designated dangerous goods specialist is the successful completion of minimum dangerous goods Category 6 training from an aviation training organisation approved under Part 141.

Issuing of competency cards

92.00.26 All personnel required to have a dangerous goods qualification as prescribed in Document NAM-CATS-DG must be issued with a competency card and must carry the card on their person at all times while on duty.

Reporting of undeclared or misdeclared dangerous goods

92.00.27 (1) Any operator, shipper or any other organisation engaged in the transportation of dangerous goods by air, must report any occasion when undeclared or misdeclared dangerous goods are discovered or when dangerous goods not permitted in terms of Document NAM-CATS-DG are discovered in a passenger's baggage.

[The word "transport" is misspelt in the Government Gazette, as reproduced above.
Compare regulation 92.00.29. Alternatively, the word may have been intended
to be "transportation". Compare regulation 92.00.30.]

(2) The report referred to in subregulation (1) must be made to the Executive Director, within 48 hours of the discovery.

Surface transport

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92.00.28 An operator must make provision to enable dangerous goods intended for air transport, and prepared in accordance of Document NAM-CATS-DG, to be accepted by such surface transport operators for surface transport to or from aerodromes.

[The phrase “in accordance of” was probably intended to be “in accordance with”.]

Dangerous goods by mail

92.00.29 (1) An operators and an individual engaged in the transport of dangerous goods by air must establish procedures with the view to controlling the introduction of dangerous goods into air transport through postal and courier services as set out in Document NAM-CATS-DG, and read with Part 108 on Co-Mail.

[The plural word “operators” should be the single word “operator”.]

(2) Staff of any postal operators must be trained appropriate to their responsibilities as set out in Document NAM-CATS-DG.

Reporting of dangerous goods occurrences

92.00.30 Any operator, shipper or individual engaged in the transportation of dangerous goods by air must report any occurrence to the Executive Director, within 48 hours, whenever it is discovered that -

- (a) dangerous goods carried by air have not been loaded, segregated, separated or secured in accordance with the provisions of these regulations and Document NAM-CATS-DG; and
- (b) dangerous goods have been carried on an aircraft without information having been provided to the pilot-in-command in accordance with the provisions of these regulations and Document NAM-CATS-DG.

Storage and loading

92.00.31 The procedure for the loading and stowing of packages and overpacks containing dangerous goods, and freight or baggage containers containing radio-active materials is as prescribed in Document NAM-CATS-DG.

[The word “radioactive” appears elsewhere in the regulations without a hyphen.]

In-flight emergencies

92.00.32 In the event of an in-flight emergency, the pilot-in-command must, as soon as the situation permits, inform the appropriate provider of air navigation services, for the information of the aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in Document NAM-CATS-DG.

Application of Technical Instructions: reporting difficulties and amendments

92.00.33 (1) The Executive Director must inform the ICAO of any difficulties encountered in the application of the Technical Instructions referred to in regulation 92.00.1(1),

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and, in the manner prescribed in the Technical Instructions, of any amendments which it would be desirable to make to them.

(2) Although an amendment to the Technical Instructions with an immediate applicability for reasons of aviation safety may not yet have been implemented in Namibia, it may nevertheless be applied by way of an Executive Director aviation directive to facilitate the movement of dangerous goods in Namibian territory which are consigned from another State in accordance with that amendment, as long as the goods comply in total with the revised requirements.