



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notice

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### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 208

1997

#### PROPOSED CIVIL AVIATION REGULATIONS :

#### PART 21 - AIRCRAFT : CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

The Ministry of Works, Transport and Communication recently initiated the project to update the current Namibian aviation legislation. There are two main reasons for updating the aviation legislation, namely, the current legislation does not adequately reflect the policies of Namibia for the aviation sector and does not reflect recent developments within SADC. The project further aims to enhance the safety of civil aviation by ensuring that the Namibian legislation complies with the minimum standards prescribed by the International Civil Aviation Organization.

Part of the short-term legislative reform involves the updating of the regulations made under the Aviation Act, 1962 (Act 74 of 1962).

Due to the nature and extensive range of subjects which need to be regulated, this part of the project will be executed in phases and regulations will be published accordingly. The proposed structure of the Civil Aviation Regulations is set out in Schedule 1.

All the definitions for the proposed civil aviation regulations will be contained and published in Part 1. The definitions for each Part will however be published with each set of proposed regulations, to facilitate the interpretation thereof. The definitions associated with the proposed regulations on certification procedures for products and parts are set out in Schedule 2.

The Director : Civil Aviation invites all interested parties to comment on the proposed structure of the Civil Aviation Regulations, the proposed definitions associated with the proposed regulations, as well as the proposed regulations on Certification Procedures for Products and Parts set out in Schedule 3. The proposed regulations are the first set in a series to be published and they represent Part 21 of the proposed structure.

The proposed regulations on Certification Procedures for Products and Parts make provision for certain information to be contained in a document called Document NA-CATS-AR. The compilation of the document does not form part of this project, but it is envisaged as a document that will contain all the technical standards regarding certification procedures for products and parts, including airworthiness requirements.

Comments or representations should be lodged in writing and should reach the Ministry not later than **90 days** from the date of publication of this notice. Correspondence should be addressed to:

The Director : Civil Aviation

Ministry of Works, Transport and Communication

Private Bag 13341

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 233-786

Upon expiry of the aforementioned 90 day period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations on Certification Procedures for Products and Parts and if necessary, a workshop will be held to finalise the proposed regulations.

**SCHEDULE 1**  
**NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE**

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## SCHEDULE 2

### Definitions

In these regulations, unless the context indicates otherwise -

“acoustical change” means any voluntary change in type design which may increase the noise levels of the aircraft;

“appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

“Class I product” means a complete aircraft, aircraft engine or propeller, which -

- (a) has been type certificated in accordance with the provisions of these regulations and for which Namibian Specifications or type certificate data sheets have been issued; or
- (b) is identical to a type certificated product referred to in paragraph (a) in all respects except as is otherwise acceptable to the appropriate authority of the importing State;

“Class II product” means -

- (a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions control surfaces and installed equipment the failure of which will jeopardise the safety of a Class I product; or

- (b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in Subpart 12.

“Class III product” means any part or component which is not a Class I or a Class II product and includes parts;

“configuration” means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

“Document NA-CATS-AR” means a document on the Namibian Civil Aviation Technical Standards relating to airworthiness requirements which is published by the Director in terms of the Act;

“emission change” means any voluntary change in type design of the aeroplane or engine which may increase fuel venting or engine emission;

“letter of TSO design approval” means a design approval for a foreign-manufactured article which complies with a specific TSO;

“major change” means any change in the type design which is extensive enough to require a substantially complete investigation to determine compliance with the type certification basis;

“minor change” means any change in type design which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics or other characteristics affecting the airworthiness of the product;

“newly overhauled”, when used to describe a product, means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with the

provisions of these regulations;

“product” means an aircraft, aircraft engine, or propeller;

“supplemental type certificate” means a certificate issued in terms of regulation 21.05.3, which authorises the holder thereof to alter a product for which he or she is not the type certificate holder, by introducing a major change in the type design which is not great enough to require a new application for a type certificate;

“Technical Standard Order” means a minimum performance standard issued by the Director for specified articles used on civil aircraft;

“TSO” means a Technical Standard Order;

“TSO authorisation” means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

“type certificate” means a design approval for a Class I product, issued in terms of regulation 21.02.8.

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**SUBPART 1**  
**GENERAL**

**Applicability**

- 21.01.1** (1) This Part shall apply to -
- (a) the type certification of products to be manufactured in Namibia;
  - (b) the approval of changes to type certificates;
  - (c) the type acceptance certification of products to be imported into Namibia;
  - (d) the issuing of supplemental type certificates;
  - (e) the issuing of production certificates;
  - (f) the airworthiness certification of aircraft;
  - (g) the approval of parts and appliances to be manufactured in Namibia;
  - (h) the approval of parts and appliances to be imported into Namibia;
  - (i) the issuing of export airworthiness approvals; and
  - (j) the issuing of NA-TSO authorisations.

(2) This Part shall not apply in respect of any -

- (a) hang glider;
- (b) paraglider;
- (c) unmanned free balloon;
- (d) captive balloon;
- (e) kite;
- (f) model aircraft;
- (g) parachute; or
- (h) powered paraglider.

### **Types of aircraft**

**21.01.2** (1) For the purposes of the regulations in this Part, the types of aircraft are -

- (a) sailplanes and powered sailplanes;
- (b) very light aeroplanes;
- (c) aeroplanes of the normal, utility, aerobatic and commuter categories;

- (d) aeroplanes of the transport category;
- (e) rotorcraft of the normal category;
- (f) rotorcraft of the transport category;
- (g) manned free balloons;
- (h) non-rigid airships;
- (i) rigid airships; and
- (j) remotely piloted aircraft.

(2) The airworthiness design standards for each type of aircraft referred to in subregulation (1), are those referred to in regulation 21.02.3.

### **Reporting of failures, malfunctions and defects**

**21.01.3** (1) The holder of any type certificate, supplemental type certificate, production certificate, NA-PMA or NA-TSO authorisation issued in terms of the regulations in this Part, shall report in writing to the Director any failure, malfunction or defect in any product, part or appliance manufactured by such holder which -

- (a) has resulted in any of the occurrences specified in Document NA-CATS-AR; or
- (b) has passed through such holder's quality control system and may result in any of the occurrences specified

in Document NA-CATS-AR.

(2) A report referred to in subregulation (1) shall include -

- (a) the aircraft serial number;
- (b) if the failure, malfunction or defect is associated with an article approved under a NA-TSO authorisation, the article serial number and model designation;
- (c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;
- (d) the product model;
- (e) an identification, including the part number, of the part, component or system involved; and
- (f) the nature of the failure, malfunction or defect.

(3) A report referred to in subregulation (1) shall be submitted to the Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported: Provided that a report which was due on a

- (a) Saturday or a Sunday, may be submitted on the following Monday;
- (b) public holiday, may be submitted on the next workday.

(4) In the event of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned shall, upon the request of the Director, report to the Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products, the holder concerned shall submit the data necessary for the issuing of an appropriate airworthiness directive, to the Director.

#### **Issuing of airworthiness directives**

**21.01.4** (1) The Director may issue appropriate airworthiness directives in respect of design changes which are necessary to correct the unsafe condition of a product.

(2) If the Director issues an airworthiness directive for a product, the holder of any certificate issued under the regulations in this Part for the product type, shall -

- (a) upon the request of the Director, submit appropriate design changes to the Director for approval; and
- (b) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.

#### **Safety inspections and audits**

**21.01.5** (1) An applicant for the issuing of any certificate, approval or



authorisation in terms of the regulations in this Part, shall permit an airworthiness inspector to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval or authorisation issued under this Part, shall permit an airworthiness inspector to carry out such safety inspections and audits, including safety inspections and audits of its partners or sub-contractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

### **Suspension, cancellation and appeal**

**21.01.6** (1) An airworthiness inspector may suspend for a period not exceeding 30 days, any certificate, approval or authorisation issued under this Part, if -

- (a) after a safety inspection and audit carried out in terms of regulation 21.01.5, it is evident that the holder of the certificate, approval or authorisation, does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the airworthiness inspector to do so; or
- (b) the airworthiness inspector is prevented by the holder of the certificate, approval or authorisation, to carry out a safety inspection and audit in terms of regulation 21.01.5; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The airworthiness inspector who has suspended a certificate, approval or authorisation in terms of subregulation (1), shall deliver a report in writing to the Director, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorisation should be cancelled.

(3) The airworthiness inspector concerned shall submit a copy of the report referred to in subregulation (2), to the holder of the certificate, approval or authorisation which has been suspended, and shall furnish proof of such submission for the information of the Director.

(4) The holder of a certificate, approval or authorisation who feels aggrieved by the suspension of the certificate, approval or authorisation may appeal against such suspension to the Director, within 30 days after such holder becomes aware of such suspension.

(5) An appellant shall deliver an appeal in writing, stating the reasons why, in his or her opinion, the suspension should be varied or set aside.

(6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and shall furnish proof of such submission for the information of the Director.

(7) The airworthiness inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in subregulation (6), deliver his or her written reply to such appeal to the Director.

(8) The Director may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her; or

- (b) order the appellant and the airworthiness inspector concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(9) The Director may confirm, vary or set aside the suspension referred to in subregulation (1).

(10) The Director shall -

- (a) if he or she confirms the suspension in terms of subregulation (9); or
- (b) if a certificate, approval or authorisation is suspended in terms of subregulation (1) and the holder thereof does not appeal against such suspension in terms of subregulation (4),

cancel the certificate, approval or authorisation concerned.

### **Register of certificates**

**21.01.7** (1) The Director shall maintain a register of all certificates, approvals and authorisations issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the certificate, approval or authorisation;

- (b) the postal address of the holder of the certificate, approval or authorisation;
- (c) the date on which the certificate, approval or authorisation was issued; and
- (d) the nationality of the holder of the certificate, approval or authorisation.

(3) The particulars referred to in subregulation (2) shall be recorded in the register within seven days from the date on which the certificate, approval or authorisation is issued by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

## SUBPART 2

### TYPE CERTIFICATES

#### Categories of type certificates

**21.02.1** The categories of type certificates are -

- (a) standard category type certificate for a Class I product to be manufactured in Namibia; and
- (b) restricted category type certificate for a Class I product to be manufactured in Namibia.

#### Application for type certificate or amendment thereof

**21.02.2** (1) An application for the issuing of a type certificate for a Class I product, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) a certified true copy of the approval held by the selected design organisation;
  - (ii) the appropriate fee as prescribed in Part 187;
  - (iii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;

(iv) in the case of an application for an aircraft engine type or an aircraft propeller type, a description of the -

(aa) design features;

(bb) operating characteristics; and

(cc) proposed operating limitations; and

(v) the proposed certification basis.

(2) An application referred to in subregulation (2) shall be valid

(a) in the case of an application for an aeroplane type with a maximum certificated mass exceeding 5 700 kilograms, for a period of five years;

(b) in the case of an application for an aeroplane type with a maximum certificated mass of 5 700 kilograms or less, for a period of three years;

(c) in the case of an application for a rotorcraft type with a maximum certificated mass exceeding 2 730 kilograms, for a period of five years;

(d) in the case of an application for a rotorcraft type with a maximum certificated mass of 2730 kilograms or less, for a period of three years,

calculated from the date on which the application is submitted to the Director.

(3) If a type certificate is not issued within the appropriate period referred to in subregulation (2), the applicant may -

- (a) submit a new application in accordance with the provisions of subregulation (1); or
- (b) submit an application to extend the original application made in terms of subregulation (1), and comply with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective on a date selected by the applicant: Provided that such date of validity precedes the date of the issuing of the type certificate by the appropriate period referred to in subregulation (2) in respect of the original application.

#### **Airworthiness design standards**

**21.02.3** (1) An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall provide the Director with proof that -

- (a) the product complies with the appropriate airworthiness design standards as prescribed in Document NA-CATS-AR, in force on the date of application or any later date selected by the applicant in terms of regulation 21.02.2(3)(b);
- (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;

- (c) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
- (d) any airworthiness design standards not complied with, are compensated for by factors providing an equivalent level of safety; and
- (e) in the case of an aircraft type, no feature or characteristic makes the aircraft type unsafe for the intended use.

(2) If the applicant selects a later date referred to in subregulation (1)(a), the applicant shall provide proof that the product complies with any other airworthiness design standard which the Director determines is directly related.

### **Type design**

**21.02.4** An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall -

- (a) provide the Director with a type design consisting of -
  - (i) the drawings and specifications necessary to define the configuration and the design features of the product which have been shown to comply with the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (ii) a list of the drawings and specifications referred to in subparagraph (i);



- (iii) information on dimensions, materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;
  - (iv) the airworthiness limitations specified in the appropriate airworthiness design standards referred to in regulation 21.02.3; and
  - (v) any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and engine emissions, if applicable, of later products of the same type; and
- (b) identify each type design and each variant within the type design.

### **Inspections and tests**

**21.02.5** (1) An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall inspect and test a product of the type to ensure that -

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;

- (c) the materials and product conform to the specifications in the type design;
- (d) all parts in the product conform to the drawings in the type design; and
- (e) the manufacturing processes, construction and assembly conform to those specified in the type design.

(2) The applicant shall, after making the inspections and tests referred to in subregulation (1) -

- (a) permit the Director to perform any inspection and flight and ground tests which the Director may require;
- (b) provide proof to the Director that the product complies with the requirements referred to in subregulation (1)(c), (d) and (e); and
- (c) ensure that the product remains unchanged between the time that the product is shown to comply with the requirements referred to in subregulation (1)(c), (d) and (e), and the time of presentation to the Director for testing.

#### **Statements of conformity**

**21.02.6** An applicant for the issuing of a type certificate, or an amendment thereof, presenting a product to the Director for the tests referred to in regulation 21.02.5(2), shall provide the Director with a statement of conformity stating that -

- (a) the applicant has complied with the requirements referred to in regulation 21.02.5(1)(c), (d) and (e); and
- (b) the product complies with the applicable type design.

### **Flight tests**

**21.02.7** (1) Subject to the provisions of subregulations (2) and (3), an applicant for the issuing of a type certificate for an aircraft, or an amendment thereof, shall carry out such flight tests as the Director may require to determine whether -

- (a) the aircraft complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the aircraft and the aircraft components and equipment are reliable and function properly.

(2) The applicant shall ensure that, before carrying out any flight tests referred to in subregulation (1) -

- (a) the aircraft complies with the structural requirements of the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the aircraft has undergone the necessary ground inspections and tests; and
- (c) the aircraft conforms to the type design.

(3) The flight tests referred to in subregulation (1) shall be carried out in accordance with the requirements as prescribed in Document NA-CATS-AR.

### **Issuing of type certificate**

**21.02.8** (1) An application in terms of regulation 21.02.2 shall be granted and a type certificate for a Class I product issued if -

- (a) the applicant complies with the provisions of regulations 21.02.3 to 21.02.7 inclusive; and
- (b) the inspection and testing of the product confirms that the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3.

(2) A type certificate may be issued in both the standard and restricted categories referred to in regulation 21.02.1 if the provisions of regulations 21.02.3 to 21.02.7 inclusive for each category are complied with.

(3) A restricted category type certificate shall specify the operational purposes for which the product is certificated.

### **Form of type certificate**

**21.02.9** A type certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

**Privileges of holder of type certificate**

**21.02.10** The holder of a type certificate shall be entitled to -

- (a) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the type certificated product concerned;
- (b) obtain approval of replacement parts for such product;
- (c) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and
- (d) in the case of an aircraft engine or propeller, obtain approval for the installation thereof on a certificated aircraft.

**Period of validity**

**21.02.11** (1) A type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a type certificate which is suspended, shall forthwith produce the type certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a type certificate which is cancelled, shall, within 30 days from the date on which the type certificate is cancelled, surrender such type

certificate to the Director.

### **Transferability**

**21.02.12** The holder of a type certificate shall, before transferring the type certificate -

(a) notify the Director in writing, of the name and address of -

(i) the transferee; and

(ii) the subsequent selected design organisation; and

(b) produce the type certificate to the Director for amendment.

### **Special conditions**

**21.02.13** The Director may prescribe special conditions for a Class I product to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 21.02.3, if the Director determines that the airworthiness design standards do not contain adequate or appropriate safety levels because -

(a) the product has novel or unusual design features relative to the design practices on which the appropriate airworthiness design standards are based; or

(b) the intended use of the product is unconventional.

**Duties of holder of type certificate**

**21.02.14** The holder of a type certificate shall -

- (a) keep the original type certificate in a safe place and produce such certificate to an airworthiness inspector for inspection if so requested by such inspector;
- (b) retain all relevant design information, drawings, test reports and inspection records of the product for a period of two years from the date on which the last example of the product has been permanently withdrawn from service;
- (c) produce the design information, drawings, test reports and inspection records to an airworthiness inspector for inspection if so requested by such inspector;
- (d) provide at least one set of instructions for safe operation and continued airworthiness, prepared in accordance with the appropriate airworthiness design standards referred to in regulation 21.02.3, to each purchaser of the product, upon its delivery, or upon the issuing of the first standard certificate of airworthiness for the product concerned, whichever occurs later;
- (e) make the instructions referred to in paragraph (d), and any changes to the instructions, available to any other person required in terms of the regulations in this Part to comply with the instructions;

- (f) develop and maintain a system for receiving and analysing information relating to defects in the product type;
- (g) inform each owner of a product of the same type of the details of the system developed according to the provisions of paragraph (f);
- (h) generate and update a flight manual for the product;
- (i) report to the Director any failure, malfunction or defect in accordance with the provisions of regulation 21.01.3.



**SUBPART 3**  
**CHANGES TO TYPE CERTIFICATES**

**Changes in type design**

**21.03.1** The changes in type design for products are -

- (a) a minor change;
- (b) a major change;
- (c) an acoustical change; and
- (d) an emission change.

**Reporting of minor changes in type design**

**21.03.2** All minor changes in a type design shall be reported in writing to the Director by the holder of a type certificate.

**Approval of major changes in type design**

**21.03.3** (1) The holder of a type certificate who applies for the approval of a major change in a type design, shall submit to the Director substantiating data and necessary descriptive data for inclusion in the type design.

(2) Approval of a major change in the type design of an aircraft engine shall be limited to the specific engine configuration upon which the change is made, unless the applicant -

- (a) identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested; and
- (b) shows that the change is compatible with such other configurations.

### **Required design changes**

**21.03.4** (1) In the event of the Director issuing an airworthiness directive, the holder of the type certificate for the product concerned shall -

- (a) if design changes are necessary to correct the unsafe condition of such product, submit the appropriate design changes and substantiation data to the Director for approval, when required to do so; and
- (b) upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(2) In a case where there are no current unsafe conditions, but the Director or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes and substantiation data for approval.

(3) Upon approval of the design changes referred to in subregulation (2), the holder of the type certificate shall make available information

on the design changes to all operators of the same type of product.

#### **Airworthiness design standards**

**21.03.5** An applicant for the approval of a change to a type certificate shall comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

## SUBPART 4

### TYPE ACCEPTANCE CERTIFICATES

#### Categories of type acceptance certificates

**21.04.1** The categories of type acceptance certificates are -

- (a) standard category type acceptance certificate for a Class I product to be imported into Namibia; and
- (b) restricted category type acceptance certificate for a Class I product to be imported into Namibia.

#### Application for type acceptance certificate

**21.04.2** An application for the issuing of a type acceptance certificate for a Class I product shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulations 21.04.3 and 21.04.4.

#### Airworthiness design standards

**21.04.3** An applicant for the issuing of a type acceptance certificate for a Class I product shall provide the Director with proof that -

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective at the date assigned in the foreign type certificate or an equivalent document, unless another date is specified by the Director;
- (b) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (d) no feature or characteristic of the product makes it unsafe for the intended use.

#### **Data requirements**

**21.04.4** (1) An applicant for the issuing of a type acceptance certificate for a Class I product shall provide the Director with -

- (a) proof that the type design has been approved by the authority of the exporting State by the issuing of a type certificate or an equivalent document;
- (b) details of the airworthiness design standards complied with, for the issuing of the type certificate referred to in paragraph (a), including -
  - (i) the airworthiness design standards;

- (ii) the effective date of such standards;
  - (iii) any special conditions imposed under the foreign type certification;
  - (iv) any requirements not complied with and any compensating factors providing an equivalent level of safety; and
  - (v) any airworthiness limitations;
- (c) a list identifying the data submitted for the issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate airworthiness design standards do not require a flight manual to be provided, a flight manual which complies with the standards as prescribed in Document NA-CATS-AR;
- (e) the illustrated parts catalogue; and
- (f) if required by the Director -
  - (i) the maintenance manual for the product;
  - (ii) all current service information issued by the

manufacturer of the product; and

- (iii) proof that the manufacturer has agreed to provide the Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraphs (d), (e) and (f).

(2) The Director may specify the range of serial numbers or models of products to which the application relates, or redefine the applicability of the certificate if the provisions of this regulation and regulation 21.04.3 are complied with in respect of any additional product.

#### **Issuing of type acceptance certificate**

**21.04.5** (1) An application in terms of regulation 21.04.2 shall be granted and a type acceptance certificate for a Class I product issued if the applicant complies with the provisions of regulations 21.04.3 and 21.04.4.

(2) A type acceptance certificate may be issued in both the standard and restricted categories referred to in regulation 21.04.1, if the provisions of regulations 21.04.3 and 21.04.4 for each category are complied with.

(3) A restricted category type acceptance certificate shall specify the operational purposes for which the product is certificated.

#### **Form of type acceptance certificate**

**21.04.6** A type acceptance certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

**Period of validity**

**21.04.7** (1) A type acceptance certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a type acceptance certificate which is suspended, shall forthwith produce the type acceptance certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is cancelled, shall, within 30 days from the date on which the type acceptance certificate is cancelled, surrender such type acceptance certificate to the Director.

**Duty of holder of type acceptance certificate**

**21.04.8** The holder of a type acceptance certificate shall keep the original type acceptance certificate in a safe place and produce such certificate to an airworthiness inspector for inspection if so requested by such inspector.



**SUBPART 5**  
**SUPPLEMENTAL TYPE CERTIFICATES**

**Requirements for supplemental type certificate**

**21.05.1** (1) Any person who is not the holder of a type certificate and who alters a product by introducing any change in the type design, but not great enough to require a new application for a type certificate, shall apply to the Director for the issuing of a supplemental type certificate.

(2) An applicant for the issuing of a supplemental certificate shall prove to the Director that -

- (a) the altered product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) in the case of an acoustical change, the altered product complies with the appropriate noise standards as prescribed in Part 36; and
- (c) in the case of an emission change, the altered product complies with the appropriate emission standards as prescribed in Part 34.

(3) An applicant for the issuing of a supplemental type certificate shall comply with the provisions of regulations 21.02.5 and 21.02.6 in respect of each change in type design.

(4) For the purposes of this regulation the holder of a type certificate may apply for the amendment of the type certificate in terms of Subpart 2.

### **Application for supplemental type certificate**

**21.05.2** An application for the issuing of a supplemental type certificate shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.05.1.

### **Issuing of supplemental type certificate**

**21.05.3** An application in terms of regulation 21.05.2 shall be granted and a supplemental type certificate issued if the applicant complies with the requirements prescribed in regulation 21.05.1.

### **Form of supplemental type certificate**

**21.05.4** A supplemental type certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

### **Privileges of holder of supplemental type certificate**

**21.05.5** The holder of a supplemental type certificate shall be entitled to -

- (a) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in Subpart 8, obtain a certificate of airworthiness; and
- (b) in the case of any other product, obtain approval for the installation of such product on a certificated aircraft; and
- (c) upon compliance with the appropriate requirements prescribed in Subpart 7, obtain a production certificate for the change in the type design approved by the supplemental type certificate.

#### **Period of validity**

**21.05.6** (1) A supplemental type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a supplemental type certificate which is suspended, shall forthwith produce the supplemental type certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a supplemental type certificate which is cancelled, shall, within 30 days from the date on which the supplemental type certificate is cancelled, surrender such supplemental type certificate to the Director.

#### **Duty of holder of supplemental type certificate**

**21.05.7** The holder of a supplemental type certificate shall keep the original

supplemental type certificate in a safe place and produce such certificate to an air-worthiness inspector for inspection if so requested by such inspector.

**SUBPART 6**  
**PRODUCTION UNDER TYPE CERTIFICATE ONLY**

**Production under type certificate**

**21.06.1** The manufacturer of a product being manufactured under a type certificate only shall -

- (a) make each product available for inspection by the Director;
- (b) maintain at the place of manufacture the technical data and drawings necessary for the Director to determine whether the product and its parts conform to the type design;
- (c) unless otherwise authorised by the Director, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and
- (d) upon the establishment of the production inspection system referred to in paragraph (c), submit to the Director a manual which describes such system as well as the procedures for making the determinations referred to in regulation 21.06.2(2).

**Production inspection system**

**21.06.2** (1) For the purposes of regulation 21.06.1(c), the manufacturer shall establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations shall be as prescribed in Document NA-CATS-AR.

(3) The composition of the Materials Review Board and its powers and duties, shall be as prescribed in Document NA-CATS-AR.

**Tests for aircraft**

**21.06.3** The manufacturer of an aircraft being manufactured under a type certificate only shall establish a production flight test procedure as prescribed in Document NA-CATS-AR, according to which the aircraft so manufactured, shall be flight tested.

**Tests for aircraft engines**

**21.06.4** The manufacturer of an aircraft engine being manufactured under a type certificate only shall subject each engine other than a rocket engine for which such manufacturer shall establish a sampling technique, to a test run as prescribed in Document NA-CATS-AR.

**Tests for propellers**

**21.06.5** The manufacturer of propellers being manufactured under a type certificate only shall give each variable pitch propeller a functional test to determine if the propeller operates properly throughout the normal range of operation.

**Statement of conformity**

**21.06.6** (1) The manufacturer of a product being manufactured under a type certificate only shall -

- (a) upon the initial transfer of the ownership of the product manufactured under the type certificate; or
- (b) upon application for the original issuing of -
  - (i) in the case of an aircraft, a certificate of airworthiness; or
  - (ii) in the case of an aircraft engine or propeller, an airworthiness approval tag,

submit to the Director a statement of conformity.

(2) The statement of conformity shall -

- (a) include -
  - (i) for each product, a statement that the product conforms to its type certificate and is in a condition for safe operation;
  - (ii) for each aircraft, a statement that the aircraft has been tested in accordance with the provisions of regulation 21.06.3;

- (iii) for each aircraft engine, a statement that the engine has been tested in accordance with the provisions of regulation 21.06.4; and
  - (iv) for each variable pitch propeller, a statement that the propeller has been tested in accordance with the provisions of regulation 21.06.5; and
- (b) be signed by the person authorised by the manufacturer to issue statements of conformity.



**SUBPART 7**  
**PRODUCTION CERTIFICATES**

**Requirements for production certificate**

**21.07.1** Any manufacturer who has been approved by the Director in terms of Part 148, may apply for the issuing of a production certificate if the manufacturer holds -

- (a) a valid type certificate; or
- (b) a valid supplemental type certificate, for the product concerned.

**Application for production certificate or amendment thereof**

**21.07.2** An application for the issuing of a production certificate, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation;

- (iii) a description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by any partner or subcontractor, including methods used to ensure acceptable quality of parts and assemblies which cannot be completely inspected for conformity when delivered by the partner or subcontractor to the applicant;
- (iv) a description of the methods used for production inspection of individual parts and complete assemblies, including -
  - (aa) the identification of any special manufacturing processes involved;
  - (bb) the means used to control the processes;
  - (cc) the final test procedure for the complete product; and
  - (dd) in the case of an aircraft, a copy of the applicant's production flight test procedures and checkoff list;
- (v) an outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;

- (vi) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;
- (vii) a list or chart showing the location of all inspection stations; and
- (viii) the terms of approval referred to in regulation 21.07.5, for which application is being made.

#### **Issuing of production certificate**

**21.07.3** (1) An application in terms of regulation 21.07.2 shall be granted and a production certificate issued if the applicant complies with the requirements prescribed in regulation 21.07.1.

(2) The Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.5, if the products have similar production characteristics.

#### **Form of production certificate**

**21.07.4** A production certificate shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

#### **Terms of approval**

**21.07.5** The terms of approval shall -

- (a) be issued as part of the production certificate;
- (b) specify the type certificated product to be manufactured;  
and
- (c) contain a production limitation record, listing the type certificate of each product which the holder of the production certificate is authorised to manufacture.

#### **Duties of holder of production certificate**

**21.07.6** The holder of a production certificate shall -

- (a) display the certificate in a prominent place at such holder's manufacturing facility for the product concerned and, if a copy of the certificate is displayed, shall produce the original certificate to an airworthiness inspector if so requested by such inspector; and
- (b) maintain the quality control of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Director for such certificate.

#### **Privileges of holder of production certificate**

**21.07.7** The holder of a production certificate shall be entitled to -

- (a) in the case of an aircraft, obtain a certificate of airworthiness; or

- (b) in the case of any other product, obtain approval for installation on certificated aircraft.

### **Transferability and period of validity**

**21.07.8** (1) A production certificate issued in terms of regulation 21.07.3 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a production certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a production certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

**SUBPART 8**  
**CERTIFICATES OF AIRWORTHINESS**

**Categories of certificates of airworthiness**

**21.08.1** (1) The categories of certificates of airworthiness are -

- (a) a standard category certificate of airworthiness;
- (b) a restricted category certificate of airworthiness; and
- (c) a special category certificate of airworthiness.

(2) A special category certificate of airworthiness shall consist of -

- (a) an experimental certificate; or
- (b) a special flight permit.

(3) An aircraft which is internally equipped for dispensing substances on agricultural aircraft operations to an extent which makes it inappropriate for use in air transport operations, shall only be granted a restricted category certificate of airworthiness for the purposes of agricultural aircraft operations.

**Application for certificate of airworthiness or amendment thereof**

**21.08.2** (1) Any owner of an aircraft, or his, her or its authorised representative, may apply for the issuing of a certificate of airworthiness for the aircraft, or an amendment thereof.

(2) An application for the issuing of a standard or restricted certificate of airworthiness, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the provisions of regulation 21.08.3.

(3) An application for the issuing of an experimental certificate, or an amendment thereof, shall be -

(a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and

(b) accompanied by -

(i) the appropriate fee as prescribed in Part 187; and

(ii) proof of compliance with the provisions of regulation 21.08.4.

(4) An application for the issuing of a special flight permit, or an amendment thereof, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.08.5.

#### **Requirements for standard or restricted category certificate of airworthiness**

**21.08.3** (1) An applicant for the issuing of a standard or restricted category certificate of airworthiness for an aircraft, or an amendment thereof, shall provide the Director with proof that -

- (a) in the case of a new aircraft type manufactured by the holder of a manufacturing organisation approval issued under Part 148 -
  - (i) the applicant is the manufacturer; and
  - (ii) the applicant has issued a statement of conformity in terms of regulation 21.02.6; or
- (b) in the case of an imported aircraft -
  - (i) a standard or restricted category type acceptance certificate has been issued for the aircraft type in terms of regulation 21.04.5; and



- (ii) a statement of conformity has been issued by, or in accordance with the laws of, the authority of the exporting State.

(2) The applicant shall, in addition to the provisions of subregulation (1), provide the Director with proof that -

- (a) the aircraft conforms to an appropriate type certificate or type acceptance certificate;
- (b) any modification to the aircraft conforms to the design changes approved for the type;
- (c) the aircraft complies with the appropriate airworthiness directives issued in terms of regulation 21.01.4;
- (d) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms, and documents, which the Director may require; and
- (e) the aircraft is in a condition for safe operation.

#### **Requirements for experimental certificate**

**21.08.4** (1) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, shall provide the Director with -

- (a) a statement specifying the purpose for which the aircraft is to be used;

- (b) sufficient data to identify the aircraft;
- (c) any information which the Director may require to safeguard the public;
- (d) flight manuals, maintenance manuals or such documents relating to the operation of the aircraft which the Director may require, if such manuals and documents already exist; and
- (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Director may require.

(2) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for the purpose of research and development or showing compliance with the regulations in this Part shall, in addition to the provisions of subregulation (1), provide the Director with -

- (a) the purpose of the test;
- (b) the estimated time or number of flights required for the test;
- (c) details of the areas over which the test will be conducted; and
- (d) except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-dimen-

sional photographs of the aircraft.

(3) An applicant for the issuing of an experimental certificate for an aircraft, or an amendment thereof, to be used for a purpose other than those prescribed in subregulation (2), shall, in addition to the provisions of subregulation (1), provide the Director with proof that -

(a) a period of flight evaluation has been completed showing -

(i) the aircraft is controllable throughout its normal range of speed and throughout all the manoeuvres to be executed; and

(ii) the aircraft has no hazardous operating characteristics or design features; or

(b) the aircraft conforms to a type design which has been shown to provide an acceptable level of safety for the purpose by -

(i) showing compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3; or

(ii) providing information concerning the airworthiness history of aircraft which conform to the type design.

**Requirements for special flight permit**

**21.08.5** (1) An applicant for the issuing of a special flight permit for an aircraft other than an aircraft referred to in subregulation (2), or an amendment thereof, shall provide the Director with a statement containing -

- (a) the purpose of the flight;
- (b) the proposed itinerary;
- (c) the crew required to operate the aircraft and its equipment;
- (d) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (e) any restriction which the applicant deems necessary for the safe operation of the aircraft; and
- (f) any other information which the Director may require for the purpose of prescribing operating limitations.

(2) An applicant for the issuing of a special flight permit for any amateur-built aircraft or production-built aircraft, or an amendment thereof, shall provide the Director with -

- (a) a statement specifying the purpose for which the aircraft is to be used;

- (b) proof of compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (c) any information which the Director may require to safeguard the public;
- (d) any document relating to the operation of the aircraft which the Director may require; and
- (e) proof that the aircraft complies with any design changes necessary for the safe operation of the aircraft which the Director may require.

#### **Issuing of certificate of airworthiness**

**21.08.6** (1) An application in terms of regulation 21.08.2 shall be granted and a certificate of airworthiness issued if -

- (a) the applicant complies with the provisions of regulation 21.08.3, 21.08.4 or 21.08.5, as the case may be; and
- (b) in respect of a special category certificate of airworthiness, the level of safety is adequate for the purpose for which the aircraft is to be used.

(2) A certificate of airworthiness shall be issued subject to such conditions and limitations which may be determined by the Director.

(3) A certificate of airworthiness may be issued in both the standard and restricted categories if -

- (a) the aircraft complies with the certification requirements for each category when in configuration for such category; and
- (b) the aircraft can be converted from one configuration to the other by removing or adding equipment by simple mechanical means.

#### **Form of certificate of airworthiness**

**21.08.7** A certificate of airworthiness shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

#### **Special flight permits with continuing authorisation**

**21.08.8** The Director may issue a special flight permit with a continuing authorisation to -

- (a) the holder of an operating certificate, for the purpose of flying aircraft to a base where maintenance are to be carried out; and
- (b) the holder of a manufacturing organisation approval issued in terms of Part 148, for the purpose of flight testing new production aircraft manufactured by such holder.

**Period of validity**

**21.08.9** (1) A certificate of airworthiness shall be valid until -

- (a) it expires, if an expiry date has been determined by the Director; or
- (b) it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) Subject to the provisions of subregulation (1), a certificate of airworthiness shall remain valid for as long as -

- (a) the aircraft remains a Namibian registered aircraft; and
- (b) in respect of an aircraft with a standard or restricted category certificate of airworthiness, the aircraft is maintained in accordance with the Regulations.

(3) The holder of a certificate of airworthiness which expires, shall forthwith surrender the certificate to the Director.

(4) The holder of a certificate of airworthiness which is suspended, shall forthwith produce the certificate upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(5) The holder of a certificate of airworthiness which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

**Transferability**

**21.08.10** A standard or restricted certificate of airworthiness and an experimental certificate shall be transferred with the aircraft.



**SUBPART 9**  
**APPROVAL OF PARTS AND APPLIANCES**

**Replacement and modification parts**

**21.09.1** (1) Subject to the provisions of subregulation (2), no person shall produce a modification or replacement part for sale for installation on a type certificated product unless such modification or replacement part is produced pursuant to a NA-PMA issued under this Subpart.

(2) The provisions of subregulation (1) shall not apply in respect of -

- (a) parts produced under a type certificate;
- (b) parts produced by an owner or operator for maintaining its own product;
- (c) parts produced under a NA-TSO; or
- (d) standard parts conforming to established civil aviation industry or Namibian civil aviation specifications.

**Inspections and tests**

**21.09.2** (1) An applicant for the issuing of a NA-PMA shall carry out all inspections and tests which may be necessary to determine -

- (a) compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) that the materials conform to the specifications in the design;

- (c) that the part conforms to the drawings in the design;  
and
  - (d) that the fabrication processes, construction and assembly conform to those processes specified in the design
- (2) Unless authorised by the Director -
  - (a) no part shall be presented to the Director for an inspection or test unless compliance with the provisions of subregulation (1)(b) and (d) has been proven for such part; and
  - (b) no change shall be made to a part between the time that compliance with the provisions of subregulation (1)(b) and (d) is proven for the part, and the time that such part is presented to the Director for the inspection or test.
- (3) The applicant shall establish a fabrication inspection system which to ensure that each completed part conforms to its design data and is safe for installation on appropriate type certificated products.

#### **Application for NA-PMA**

**21.09.3** (1) Any manufacturer who has been approved by the Director in terms of Part 148, may apply for a NA-PMA.

- (2) An application for the issuing of a NA-PMA shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and
- (b) accompanied by -
  - (i) drawings and specifications necessary to show the configuration of the part;
  - (ii) information on dimensions, materials and processes necessary to define the structural strength of the part;
  - (iii) test reports and computations necessary to show that the design of the part complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part is to be installed, unless the applicant shows that the design of the part is identical to a part which is covered under a type certificate;
  - (iv) if the design of the part was obtained by a licensing agreement, a copy of such agreement; and
  - (v) the appropriate fee as prescribed in Part 187.

#### **Issuing of NA-PMA**

**21.09.4** (1) Subject to the provisions of subregulation (2), an application in terms of regulation 21.09.3 shall be granted and a NA-PMA issued if -

- (a) the Director is satisfied, upon examination of the design and the results of all inspections and tests, that the design complies with the airworthiness design standards referred to in regulation 21.02.3, applicable to the product on which the part is to be installed; and
- (b) the applicant submits a statement certifying that the fabrication inspection system referred to in regulation 21.09.2(3), has been established.

(2) The Director shall not issue a NA-PMA if the manufacturing facility for the part is located outside Namibia, unless the Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

#### **Duties of holder of NA-PMA**

**21.09.5** The holder of a NA-PMA shall -

- (a) maintain the fabrication inspection system referred to in regulation 21.09.2(3);
- (b) notify the Director in writing, within 14 days from the date on which the manufacturing facility for the part concerned, was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part conforms to the

approved design data and is safe for installation on type certificated products.

**Transferability and period of validity**

**21.09.6** (1) A NA-PMA issued in terms of regulation 21.09.4 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) The holder of a NA-PMA which is suspended, shall forthwith produce the approval upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(3) The holder of a NA-PMA which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Director.

**SUBPART 10****APPROVAL OF PARTS AND APPLIANCES : IMPORT****Approval**

**21.10.1** (1) Any part or appliance manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the part or appliance for export and import, shall be deemed to comply with the requirements for approval prescribed in this Part, if the appropriate authority of the State in which the part or appliance was manufactured, issues an export certificate of airworthiness certifying that such part or appliance complies with those requirements, unless the Director is satisfied, based on the technical data submitted in terms of subregulation (2), that the part or appliance is otherwise not consistent with the airworthiness requirements prescribed in this Part.

(2) An applicant for the approval of a part or appliance shall, upon request by the Director, submit to the Director any technical data concerning the part or appliance.

**SUBPART 11**  
**EXPORT AIRWORTHINESS APPROVALS**

**Export airworthiness approvals**

- 21.11.1** (1) An export airworthiness approval for -
- (a) a Class I product, shall be issued in the form of an export certificate of airworthiness; and
  - (b) a Class II or a Class III product, shall be issued in the form of an export airworthiness approval tag.
- (2) An export airworthiness approval may be issued for -
- (a) any new aircraft other than an aircraft referred to in paragraph (b), which has been assembled and flight tested, and any other Class I product located in Namibia;
  - (b) any small aeroplane, glider or normal category rotorcraft which has been type certificated and manufactured under a production certificate;
  - (c) any used aircraft with a valid certificate of airworthiness, or other Class I product which has been maintained in accordance with the provisions of Part 43 and is located in a foreign State, if the Director is satisfied that the location does not impede the administration of the provisions of this Part ;

- (d) any Class II or Class III product manufactured and located in Namibia.

### **Application for export airworthiness approval**

**21.11.2** (1) Any exporter or his, her or its authorised representative may apply for an export airworthiness approval for a Class I or a Class II product.

(2) Any manufacturer who has been approved by the Director in terms of Part 148, may apply for an export airworthiness approval for a Class III product if the manufacturer holds for such product -

- (a) a NA-PMA; or

- (b) a NA-TSO authorisation.

(3) An application for the issuing of an export airworthiness approval for a Class I, a Class II or a Class III product, shall be -

- (a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and

- (b) accompanied by -

- (i) a written statement from the authority of the importing State that such authority will validate the export airworthiness approval if the product being exported is -



- (aa) an aircraft manufactured outside Namibia and being exported to a foreign State with which the Namibian government has entered into a reciprocal agreement concerning the recognition of export airworthiness approvals;
  - (bb) an unassembled aircraft which has not been flight-tested;
  - (cc) a product which does not comply with the requirements referred to in regulation 21.11.3(1), (2) or (3), as the case may be, for the issuing of an export airworthiness approval, in which case the written statement shall contain a list of those requirements not complied with;
- (ii) in the case of an application for the issuing of an export airworthiness approval for a Class I product -
- (aa) a statement of conformity for each new product;
  - (bb) the mass and balance report as prescribed in Document NA-CATS-AR;
  - (cc) a maintenance manual for each new product if the manual is required by the

- appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (dd) proof of compliance with the appropriate airworthiness directives issued in terms of regulation 21.01.4, including suitable notation of those directives which are not complied with;
  - (ee) the aircraft flight manual if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3, for the particular aircraft;
  - (ff) a statement on the date on which ownership passed or is expected to pass to a foreign purchaser; and
  - (gg) the date required by the authority of the importing State; and
- (iii) the appropriate fee as prescribed in Part 187.

### **Issuing of export airworthiness approval**

**21.11.3** (1) An application in terms of regulation 21.11.2 shall be granted and an export certificate of airworthiness for a Class I product issued if -

- (a) in the case of a product manufactured in Namibia, the product complies with the requirements prescribed in Subpart 8;
- (b) in the case of a product manufactured outside Namibia, a valid Namibian certificate of airworthiness has been issued for the product;
- (c) the product has undergone a mandatory periodic inspection and be approved for release to service; and
- (d) the requirements prescribed by the authority of the importing State are complied with.

(2) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class II product issued if the product -

- (a) is new or has been newly overhauled and conforms to the approved design data;
- (b) is in a condition for safe operation;
- (c) is identified with at least -
  - (i) the name;
  - (ii) the part number;
  - (iii) the model designation; and

(iv) the serial number or equivalent, of the manufacturer; and

(d) complies with the requirements prescribed by the authority of the importing State.

(3) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class III product issued if the product

(a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;

(b) is in a condition for safe operation; and

(c) complies with the requirements prescribed by the authority of the importing State.

#### **Form of export airworthiness approval**

**21.11.4** (1) An export certificate of airworthiness referred to in regulation 21.11.3(1) shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

(2) An export airworthiness approval tag referred to in regulation 21.11.3(2) and (3) shall be issued on the appropriate form as prescribed in Document NA-CATS-AR.

**Duties of holder of export airworthiness approval**

**21.11.5** The holder of an export airworthiness approval shall -

- (a) forward to the appropriate authority of the importing State all documents and information which may be necessary for the safe operation of the product being exported;
- (b) forward the manufacturer's assembly instructions and a flight test checkoff form approved by the Director, to the appropriate authority of the importing State if unassembled aircraft are being exported;
- (c) remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight;
- (d) secure all proper foreign entry clearances from all the States involved when conducting sales demonstrations or delivery flights; and
- (e) when ownership of an aircraft passes or has passed to a foreign purchaser -
- (f) request cancellation of the Namibian registration and certificate of airworthiness; and

- (g) submit a statement certifying that the Namibian nationality and registration marks have been removed from the aircraft.

### **Inspections and overhauls**

**21.11.6** Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product shall be carried out and approved by -

- (a) the manufacturer of the product;
- (b) an aircraft maintenance organisation approved by the Director in terms of Part 145; or
- (c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

**SUBPART 12**  
**NA-TSO AUTHORISATIONS**

**NA-TSO marking**

**21.12.1** No person shall identify an article with a NA-TSO marking unless such person holds a NA-TSO authorisation and the article complies with the appropriate NA-TSO performance standards as prescribed in Document NA-CATS-AR.

**Application for NA-TSO authorisation**

**21.12.2** (1) An applicant for the issuing of a NA-TSO authorisation shall be the holder of a manufacturing organisation approval issued in terms of Part 148.

(2) An application for the issuing of a NA-TSO authorisation shall be -

(a) made to the Director in the appropriate form as prescribed in Document NA-CATS-AR; and

(b) accompanied by -

(i) a statement of conformity certifying that the applicant has complied with the requirements prescribed in this Subpart and that the article complies with the appropriate NA-TSO which is valid on the date of application for such article;

(ii) one copy of the technical data required in the appropriate NA-TSO; and

(iii) the appropriate fee as prescribed in Part 187.

(3) If a series of minor changes in accordance with the provisions of regulation 21.12.6 is anticipated, the applicant may include in its application the basic model number of the article and the part number of the components, with open brackets after such number, to denote that suffix change letters or numbers or combinations thereof, will be added from time to time.

(4) If the application is deficient, the Director may request the applicant to submit such additional information which may be necessary to prove compliance with the requirements prescribed in this Subpart.

(5) If the applicant fails to submit the additional information referred to in subregulation (4) within 30 days from the date on which the Director requested such additional information, the application shall be denied and the applicant so notified.

#### **Issuing of NA-TSO authorisation**

**21.12.3** (1) An application referred to in regulation 21.12.2 shall be granted and a NA-TSO authorisation issued if -

- (a) the applicant complies with the requirements prescribed in this Subpart;
- (b) the Director is satisfied that the applicant has the ability to manufacture duplicate articles in accordance with the requirements prescribed in this Subpart; and



- (c) the issuing of the NA-TSO authorisation is not contrary to the interests of aviation safety.

(2) The Director shall issue or refuse to issue the NA-TSO authorisation within 30 days after the receipt application or, if additional information has been requested, within 30 days from the date of receiving such additional information.

(3) The Director shall not issue the NA-TSO authorisation if the manufacturing facility for the article is located outside Namibia, unless the Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this Part.

#### **Duties of holder of NA-TSO authorisation**

**21.12.4** A manufacturer who holds a NA-TSO authorisation for an article shall -

- (a) manufacture the article in accordance with the requirements prescribed in this Subpart and the appropriate NA-TSO;
- (b) conduct all the required tests and inspections and establish and maintain a quality control system which is adequate to ensure that the article complies with the requirements referred to in paragraph (a) and is in condition for safe operation;
- (c) prepare and maintain, for each model of each article

for which a NA-TSO authorisation has been issued, a current file of complete technical data and records in accordance with regulation 21.12.7;

- (d) permanently and legibly mark each article to which this regulation applies with -
  - (i) the name and address of the manufacturer;
  - (ii) the name, type, part number or model designation of the article;
  - (iii) the serial number or the date on which the article was manufactured, or both; and
  - (iv) the appropriate NA-TSO number.

#### **Approval for deviation**

**21.12.5** (1) A manufacturer who requests approval to deviate from any performance standard of a NA-TSO, shall prove to the Director that the standards from which a deviation is requested, are compensated for by factors or design features providing an equivalent level of safety.

(2) The written request for approval to deviate, together with all pertinent data, shall -

- (a) if the article is manufactured in Namibia, be submitted to the Director; and

- (b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Director,

and be accompanied by the appropriate fee as prescribed in Part 187.

- (3) The Director shall grant the approval if the Director is satisfied that the deviation concerned will not jeopardise aviation safety.

### **Design changes**

**21.12.6** (1) A manufacturer who holds a NA-TSO authorisation may make minor design changes to an article without the prior approval of the Director if the changed article retains the original model number and such holder submits to the Director any revised data which are necessary for compliance with the provisions of regulation 21.12.2(3).

(2) If a manufacturer who holds a NA-TSO authorisation wishes to make major design changes to an article, the manufacturer shall assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) No design change by any person other than the manufacturer who submitted the statement of conformity for the article, shall be approved under this Subpart unless the person seeking the approval is a manufacturer and applies in terms of regulation 21.12.2(2) for a separate NA-TSO authorisation.

### **Recordkeeping requirements**

**21.12.7** (1) A manufacturer who holds a NA-TSO authorisation shall, for

each article manufactured under the authorisation, keep the following documents at its manufacturing facility:

- (a) A complete and current technical data file for each type or model article, including design drawings and specifications; and
- (b) complete and current inspection records reflecting that all inspections and tests required to ensure compliance with the appropriate requirements prescribed in this Subpart, have been properly completed and documented.

(2) A manufacturer who holds a NA-TSO authorisation shall retain the records referred to in subregulation (1)(a) until it no longer manufactures the article concerned: Provided that at such time copies of such records shall be submitted to the Director.

(3) A manufacturer who holds a NA-TSO authorisation shall retain the records referred to in subregulation (1)(b) for a period of at least five years.

#### **NA-TSO design approval for appliances : import**

**21.12.8** (1) An application for the issuing of a NA-TSO design approval shall be made in writing to the Director and shall be accompanied by -

- (a) proof of compliance with the requirements referred to in subregulation (2); and

- (b) the appropriate fee as prescribed in Part 187.

(2) A NA-TSO design approval may be issued for an appliance which is manufactured in a foreign State with which the Namibian government has entered into an agreement for the acceptance of the appliance for export and import and which is to be imported into Namibia if -

- (a) the appropriate authority of the State in which the appliance was manufactured, certifies that the appliance has been examined and tested and complies with -

- (i) the applicable NA-TSO; or
  - (ii) the appropriate performance standards prescribed by the State in which the appliance was manufactured and any other performance standards as prescribed in Document NA-CATS-AR to provide a level of safety provided by the applicable NA-TSO; and

- (b) the manufacturer has submitted to the Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Director shall issue a NA-TSO design approval if the applicant complies with the requirements referred to in subregulation (2), and shall list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the Director has issued a NA-TSO design approval and

the appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer shall be authorised to identify the appliance in accordance with the NA-TSO marking requirements referred to in regulation 21.12.4(d) and in the applicable NA-TSO.

(5) Each appliance shall be accompanied by an export certificate of airworthiness referred to in subregulation (3).

### **Transferability and period of validity**

**21.12.9** (1) A NA-TSO authorisation issued in terms of regulation 21.12.3 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(2) A letter of NA-TSO design approval issued in terms of regulation 21.12.8 shall -

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an airworthiness inspector, or cancelled by the Director, in terms of regulation 21.01.6.

(3) The holder of a NA-TSO authorisation or a NA-TSO design approval, which is suspended, shall forthwith produce the authorisation or approval upon suspension thereof, to the airworthiness inspector concerned for the appropriate endorsement.

(4) The holder of a NA-TSO authorisation or a NA-TSO design approval, which is cancelled, shall within 30 days from the date on which the authorisation or approval is cancelled, surrender such authorisation or approval to the Director.

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