



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1.84

WINDHOEK - 12 August 1997

No. 1633

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General Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 207

1997

PROPOSED CIVIL AVIATION REGULATIONS :

PART 106 - RULES OF THE AIR AND GENERAL OPERATING

RULES : OPERATION OF HANG GLIDERS

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 the operation of hang gliders 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 the Operation of Hang Gliders set out in Schedule 3. The proposed regulations represent Part 106 of the proposed structure.

The proposed regulations on the Operation of Hang Gliders make provision for certain information to be contained in a document called Document NA-CATS-OPS 106. 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 the operation of hang gliders.

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

Department of Transport

Private Bag 12003

WINDHOEK

Attention : Mr Louis Lourens

Telephone : 208-2159

Fax : 238-884

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 the Operation of Hang Gliders and if necessary, a workshop will be held to finalise the proposed regulations.

SCHEDULE 1
NAMIBIAN CIVIL AVIATION REGULATIONS STRUCTURE

<p>DEFINITIONS</p> <p>Part 1 Definitions</p> <p>PROCEDURES</p> <p>Part 11 Procedures for making regulations, issuing technical Standards and granting exemptions</p> <p>Part 12 Aviation accidents and incidents</p> <p>Part 13 Enforcement procedures</p> <p>AIRCRAFT</p> <p>Part 21 Certification procedures for products and parts</p> <p>Part 34 Engine Emissions</p> <p>Part 36 Noise certification</p> <p>Part 43 General maintenance rules</p> <p>Part 47 Aircraft registration and marking</p> <p>PERSONNEL</p> <p>Part 61 Pilot licensing</p> <p>Part 63 Flight engineer licensing</p> <p>Part 64 Cabin crew licensing</p> <p>Part 65 Air traffic service personnel licensing</p> <p>Part 66 Aircraft maintenance engineer licensing</p> <p>Part 67 Medical requirements</p> <p>RULES OF THE AIR AND GENERAL OPERATING RULES</p> <p>Part 91 General operating and flight rules</p> <p>Part 92 Conveyance of dangerous goods</p> <p>Part 98 Operation of powered paragliders</p> <p>Part 100 Operation of gyroplanes</p> <p>Part 101 Operation of unmanned balloons, kites, rockets, pilotless and model aircraft</p> <p>Part 102 Operation of free balloons and airships</p> <p>Part 103 Operation of microlight aeroplanes</p> <p>Part 104 Operation of gliders</p> <p>Part 105 Parachuting operations</p> <p>Part 106 Operation of hang gliders</p>	<p>CERTIFICATED AIRCRAFT OPERATORS AND OTHER FLIGHT OPERATIONS</p> <p>Part 121 Air transport operations - large aeroplanes</p> <p>Part 127 Air transport operations - helicopter</p> <p>Part 133 Helicopters external load operations</p> <p>Part 135 Air transport operations - small aeroplanes</p> <p>Part 137 Agricultural aircraft operations</p> <p>Part 138 Emergency medical services operations</p> <p>ORGANISATIONS</p> <p>Part 141 Aviation training organisations</p> <p>Part 145 Aircraft maintenance organisations</p> <p>Part 147 Design organisations</p> <p>Part 148 Manufacturing organisations</p> <p>Part 149 Aviation recreation organisations</p> <p>AERODROMES AND HELIPORTS</p> <p>Part 139 Licensing</p> <p>Part 139 General standards</p> <p>AIR TRAFFIC SERVICES</p> <p>Part 172 Airspace and air traffic services</p> <p>AERONAUTICAL INFORMATION AND RELATED SERVICES</p> <p>Part 174 Meteorological information services</p> <p>Part 175 Aeronautical information services</p> <p>ADMINISTRATION</p> <p>Part 183 General</p> <p>Part 185 Offences</p> <p>Part 187 Fees</p>
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SCHEDULE 2**Definitions**

In these regulations, unless the context otherwise indicates -

“day” means the period between the end of morning civil twilight and the beginning of evening civil twilight;

“Document NA-CATS-OPS 106” means a document on the Namibian Civil Aviation Technical Standards relating to the operation of hang gliders which is published by the Director in terms of the Act;

“hang glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight and which is capable of being carried, foot launched and landed safely by the energy and use of the pilot’s legs, and for the purposes of Part 106, includes a paraglider;

“night” means the period between the end of evening civil twilight and the beginning of morning civil twilight.

SCHEDULE 3
LIST OF REGULATIONS

SUBPART 1 : GENERAL PROVISIONS

- 106.01.1 Applicability
- 106.01.2 Pilot qualifications

SUBPART 2 : OPERATING RULES

- 106.02.1 Airworthiness
- 106.02.2 Registration
- 106.02.3 Flight manual
- 106.02.4 Maintenance
- 106.02.5 Hang glider equipment

SUBPART 3 : FLIGHT RULES

- 106.03.1 Right of way
- 106.03.2 Flight plan
- 106.03.3 Clearance from cloud and maximum altitude
- 106.03.4 Minimum altitude
- 106.03.5 Conditions for flight
- 106.03.6 Launch sites

SUBPART 4 : EQUIPMENT AND INSTRUMENTS

- 106.04.1 Equipment
- 106.04.2 Helmets

SUBPART 1
GENERAL PROVISIONS

Applicability

106.01.1 This Part shall apply to the operation of hang gliders and contains -

- (a) in addition to the provisions of Part 91, the operating and flight rules relating to such operations; and
- (b) the exceptions to the general operating and flight rules prescribed in Part 91.

Pilot qualifications

106.01.2 Any person operating a hang glider shall -

- (a) be the holder of a valid hang glider or paraglider pilot licence, as the case may be, issued in terms of Part 61;
- (b) be the holder of a valid Class 4 medical certificate issued in terms of Part 67;
- (c) comply with the competency requirements prescribed for the holder of a hang glider or a paraglider pilot licence;
- (d) comply with the privileges and limitations of a hang glider or paraglider pilot licence;

- (e) be a *bona fide* member of an aviation recreation organisation approved by the Director in terms of Part 149; and

- (f) comply with the standards and procedures determined by such approved aviation recreation organisation.

SUBPART 2
OPERATING RULES

Airworthiness

106.02.1 No person shall operate a hang glider unless such hang glider and its suspension system -

- (a) comply with the airworthiness requirements determined by the body or institution designated by the Director in terms of Part 149; and
- (b) are in an airworthy condition before the commencement of each flight.

Registration

106.02.2 No person may operate a hang glider unless the hang glider is -

- (a) registered in the identification register held by the body or institution designated by the Director in terms of Part 149; and
- (b) identified in accordance with the identification marks authorised by such designated body or institution.

Flight manual

106.02.3 Notwithstanding the provisions of regulation 91.03.2, a person may operate a hang glider without carrying a current approved flight manual.

Maintenance

106.02.4 Notwithstanding the provisions of regulation 91.03.7, a person may operate a hang glider if the hang glider has a warrant of fitness issued by a person who is authorised by the body or institution designated by the Director in terms of Part 149.

Hang glider equipment

106.02.5 Notwithstanding the provisions of Subpart 4 of Part 91, a person may operate a hang glider if the hang glider is fitted with the equipment and instruments prescribed in regulations 106.04.1 and 106.04.2.

SUBPART 3
FLIGHT RULES

Right of way

106.03.1 Notwithstanding the provisions of regulation 91.06.7(5), a pilot of a hang glider overtaking another hang glider soaring on a ridge shall pass on the ridge side of the overtaken hang glider.

Flight plan

106.03.2 Notwithstanding the provisions of regulation 91.03.4, the pilot of a hang glider may fly under VFR without submitting an air traffic service flight plan.

Clearance from cloud and maximum altitude

106.03.3 Notwithstanding the provisions of regulation 91.06.21, a pilot may fly a hang glider -

- (a) to 500 feet vertically below cloud up to a maximum altitude of 9 500 feet AMSL in Class G airspace; or
- (b) to 500 feet vertically below cloud up to a maximum altitude of 9 500 feet AMSL in Class E airspace other than transponder-mandatory airspace.

Minimum altitude

106.03.4 The pilot of a hang glider may fly the hang glider below 500 feet AGL, for the purpose of ridge soaring, if such hang glider is flown in a manner that does not endanger persons or property on the ground.

Conditions for flight

106.03.5 No person shall fly a hang glider by night.

Launch sites

106.03.6 Each pilot of a hang glider who is carrying out flight training or a tandem operation, shall launch the hang glider from a launch site authorised by the body or institution designated by the Director in terms of Part 149.

SUBPART 4
EQUIPMENT AND INSTRUMENTS

Equipment

106.04.1 A person shall not operate a hang glider unless it is equipped with the equipment as prescribed in Document NA-CATS-OPS 106.

Helmets

106.04.2 Each pilot and passenger of a hang glider shall wear a serviceable rigid protective helmet of a type authorised by the body or institution designated by the Director in terms of Part 149.
