

 <p>NCAA NAMIBIA CIVIL AVIATION AUTHORITY</p>	<p style="text-align: center;">REPUBLIC OF NAMIBIA</p> <p style="text-align: center;">NAMIBIA CIVIL AVIATION AUTHORITY</p> <p style="text-align: center;">AERONAUTICAL INFORMATION CIRCULAR</p>	<p>Executive Director Namibia Civil Aviation Authority Private Bag 12003 Ausspannplatz WINDHOEK</p>
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USE OF INSPECTORS CREDENTIALS TO ACCESS AIRCRAFT, AERODROMES, BUILDINGS AND PLACES

1. PURPOSE

1.1 The purpose of this aeronautical information circular is to sensitize stakeholders/aviation participants that designated inspectors, authorised officers or authorised persons should have unhindered access to aircraft, aerodromes, buildings and any documents or records, upon showing or producing his or her credentials.

2. APPLICABILITY

2.1 This aeronautical information circular is applicable to all aviation participants or aviation document holders.

3. EFFECTIVE DATE

3.1 This aeronautical information circular shall become effective on the date of issue or publication and remains in force from such date until further notice.

4. BACKGROUND

4.1 In terms of section 37 (2) of the Act, the Executive Director is required to “sign and issue to each authorized officer, inspector and authorized person designated by him or her, a document which must state the full name and contain a photograph of such authorized officer, inspector or authorized person and contain a statement indicating that:

- a) Such authorized officer, inspector or authorized person has been designated in terms of subsection (1); and
- b) Such authorized officer, inspector or authorized person is empowered to exercise the powers entrusted to him or her in terms of the Act directly or entrusted to him or her in the exercise and performance of powers and functions of the Executive Director under delegation”.

4.2 Pursuant to section 48 of the Act, “a person duly authorized by the Executive Director has access at any time to:

- (a) any aircraft, aerodrome, building or place;
- (b) any document or record concerning any aircraft, aeronautical product, or aviation related service; and
- (c) any other place, document or thing as may be prescribed”.

4.3 Furthermore, pursuant to regulation 13.01.2 of NAMCARs 2001, as amended, “a designated inspector, authorized officer or authorized person may, upon showing his or her credentials, or if required, to produce his or her credentials:

- (a) without prior notification to the holder or participant, enter any premises for the purposes of on-site inspection of any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment,

- license, certificate, permit, approval, authorization, register, computer, data, cable, book or document which the designated inspector, authorized officer or authorized person believes to be either in or on such premises, in the possession of the holder or participant or suspected of being under the custody or control of the holder or participant;
- (b) search, impound, confiscate, remove or retain anything, article, book, register, computer, data, cable, document, aircraft, aircraft component, aircraft equipment, vehicle, license, certificate, permit, approval or authorization, which the designated inspector, authorized officer or authorized person reasonably believes relates to a contravention of the Act or these regulations and record same for purposes of evidence;
- (c) ground any aircraft which the designated inspector, authorized officer or authorized person reasonably believes to be unsafe, not duly registered or not airworthy;
- (d) close any aviation related facility which the designated inspector, authorized officer or authorized person reasonably believes does not comply with the Act or these regulations;
- (e) require the pilot of an aircraft, a crew member, holder or participant to furnish his or her name and address and any other particulars concerning his or her juristic person;
- (f) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning either his or her juristic person and to furnish such information as is, or at his or her disposal, concerning the juristic person of the pilot, owner of any aircraft or of any aerodrome or a crew member, any aerodrome, holder, participant, aircraft factory or other civil aviation related facility;
- (g) require the owner or operator, crew member, holder or participant of an aircraft to furnish such information as may be necessary concerning the juristic person or the pilot of the aircraft at any time or during any particular period;
- (h) inspect an aircraft or any part, component or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the Act and these regulations are being complied with;
- (i) ascertain the mass of any aircraft with or without load and, for the latter purpose, require any passengers or goods to be removed from such aircraft;
- (j) call upon any person required by these regulations to be the holder of a license, certificate, permit, approval or authorization or, in the case of a crew member or an aircraft maintenance engineer, his or her logbook, for inspection within a reasonable time to be stipulated by such inspector, authorized officer or authorized person; and
- (k) call upon the owner, operator, crew member, holder or participant or pilot-in command of any aircraft, to produce or cause to be produced for inspection any license, certificate, permit, manual, logbook or other document relating to the aircraft”.

4.4 In addition, in terms of section 131 (3) of the Act,... “a person authorized in terms of the Act may pass through a security restricted area without an airport identity card”.

4.5 These provisions imply that a designated inspector, authorized officer or authorized person may have access to the security restricted areas (SRAs), any aircraft, aerodrome, building, documents etc, without the need to be in possession of an airport permit or airport identification card for the purpose of exercising or performing his/her powers or functions in terms of the Act or NAMCARs 2001, as amended, or any other relevant law.

5. ACTION REQUIRED

5.1 All entities performing access control at various points (including NAMPOL, NPS and NAC) are herewith reminded to grant access to any designated inspector, authorized officer or authorized person upon showing or producing his or her credentials.

5.2 The designated inspectors, authorized officers or authorized persons' credentials will henceforth be used to access airports and all related aviation infrastructure in the performing of their duties, as indicated in the Civil Aviation Act No. 6 of 2016, Namibia Civil Aviation Regulations of 2001, as amended, or any other relevant law.

5.3 When a designated inspector, authorized officer or authorized person approach an access control point/he/she is obliged to show or produce his/her credentials or a document issued to him or her under section 37 (2) of the Act, to the person performing access control at an access point.

5.4 Designated inspectors, authorized officers or authorized persons should be allowed to carry tools of trade, like cameras, various test objects to conduct overt or covert test, etc., in the performance of his/her duties.

5.5 In the event where biometrics are used, access control staff should assist the inspector, authorized officer or person to gain access to specific areas;

5.6 In instances where the designated inspector, authorized officer or authorized person does not have credentials or a document issued to him/her under section 37 (2) of the Act, upon presenting or showing an official letter signed by or on behalf of the Executive Director of Civil Aviation confirming that the said inspector, authorized officer or authorized person has been designated as such under the provisions of section 37 of the Act, he/she shall be granted a temporary Airport Identification Card or Permit for that airport in order to perform his/her duties,

5.7 Notwithstanding the above, the designated inspector, authorized officer or authorized person, shall be subjected to normal or applicable security controls or screening procedures as determined by the Airport Operator or tenants where access control is being applied.

5.8 Any misuse of the credentials by inspectors, authorized person is strongly discouraged and will not be tolerated.

5.9 The use of the credentials or a document issued under section 37 (2) of the Act, as a means to grant unhindered access to a designated inspector, authorized officer or authorized person is only applicable while the said inspector, authorized officer or person is on official duty to perform his/her duties.