



Namibia Civil Aviation Authority

Aviation Directive

Reference Number: **001/2024**

Legal

March 2024

Prohibition Order



Namibia Civil Aviation Authority

AVIATION DIRECTIVE
PROHIBITION ORDER

Approval

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|---|------------------------|-----------------------|----------------------|------------|
| | Position | Name | Assigned | Date |
| Legal revision: | Chief Legal Counsel | Christoph Seimelo | <i>[Signature]</i> | 11/03/2024 |
| Checked and Recommended for Approval by: | General Manager Safety | Ericcson Nengola | <i>[Signature]</i> | 11.03.2024 |
| NCAA Approval: | Executive Director | Toska Sem | <i>[Signature]</i> | 11/03/2024 |



LEGAL AUTHORITY

1.1 Pursuant to section 38 (6) of the Civil Aviation Act, "the Executive Director may issue an Aviation Directive ("AD") comprised of a permission, approval or procedure, or the imposition of a condition, restriction or prohibition which the Executive Director believes on reasonable grounds to be –

(a) consistent with the objectives of applicable regulatory requirements, procedures, or documents; and

(b) necessary and expedient to better achieve the objects of the Act".

1.2 This Aviation Directive provides for powers of authorised officer, authorised or inspector in the enforcement of the Civil Aviation Act and/or related regulations.

2. BACKGROUND

2.1 An authorised officer, authorised or inspector has powers under Part 13 of the Namibian Civil Aviation Regulations of 2001 to enforce the Civil Aviation Act of 2016 and related regulations.

2.2 Part 13 does not provide for an authorised officer, authorised or inspector to stop/prohibit a person who act is or about to act contrary to the Civil Aviation Act and/or related regulations.

2.3 Therefore, this Directive empowers authorised officer, authorised person or inspector to stop or prohibit a person whose action is or likely to contravene the Civil Aviation Act and/or related regulations.

3. PURPOSE

This Directive empowers authorised officer, authorised person or inspector to stop or prohibit a person whose action is or likely to contravene the Civil Aviation Act and/or related regulations.

4. APPLICABILITY

This Directive applies to authorised officers, authorised persons and inspectors.



5. EFFECTIVE DATE

This Directive shall be effective from 11 March 2024 until cancelled or superseded by promulgated regulations.

6. REFERENCES

6.1 The following regulations are referred to in this document:

Section 48 of the Civil Aviation Act of 2001; and

Part 13 of Namibian Civil Aviation Regulations.

7. ACTION REQUIRED

7.1. PROHIBITION ON EXERCISING PRIVILEGES OF AN AVIATION DOCUMENT

7.1.1 When it appears to an authorised officer, authorised person or inspector on reasonable grounds that a holder of an aviation document -

(a) acts in a manner that is or likely to endanger aviation safety;

(b) the act would contravention of the Act; or

(c) there is an imminent danger to persons or property such authorised officer, authorised person or inspector may prohibit the holder of an aviation document to exercise the privileges of such aviation document.

7.1.2 The prohibition order contemplated in subparagraph (7.1.1) may be withdrawn when the authorised officer, authorised person or inspector is satisfied that the cause for such prohibition has ceased. The prohibition in subsection (7.1.1) may not be imposed for a period longer than 48 hours.

7.2 THE PROCEDURE FOR THE ISSUANCE OF THE PROHIBITION ORDER

An authorised officer, authorised person or inspector will use the following methodology when confronting a situation referred to in paragraph 7.1.1 above.



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7.3 ON-SITE PROCESSING

7.3.1 An authorised officer, authorised person or inspector must immediately bring his/her concern to the attention of the holder of the aviation document. Where it becomes clear to the authorised officer, authorised person or inspector that the holder will proceed with his/her action despite being requested to stop with his/her action.

7.3.2 The authorised officer, authorised person or inspector will:

- (a) complete an original and duplicate copy of the Prohibition Order on-the-spot, hand deliver a copy to the individual, operator or responsible operator personnel.
- (b) have the person receiving the Order endorse the copy with his signature, title, and date.

7.3.3 Should that person refuse to sign, the issuing authorised officer, authorised person or inspector may note in the receipt acknowledgment section of the form the name of that person:

- (i) indicating that the person refused to sign should also be made; and
- (ii) enter the date and time that delivery was made or attempted.

7.4 OFFICE PROCESSING

Upon return to the office, an authorised officer, authorised person or inspector will prepare a letter to the Executive Director, with a copy of the Order attached, confirming the issuance of the Order.

8. ENFORCEABILITY

A person who acts contrary to a Prohibition Order shall be guilty of an offence and shall be liable to pay an administrative fine not exceeding N\$ 50 000.00 (Fifty thousand Namibian Dollars) in Part 185 of the regulations.

Issued by

Ms. Toska Sem

NCAA Executive Director

