

PART 141: AVIATION TRAINING ORGANISATIONS

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SUBPART 1: GENERAL

141.01.1 Applicability

- (1) This Part applies to the certification and operation of organizations conducting –
 - (a) aviation training for the issuing, re-issuing, or validation of any personnel licence or certificate or rating in terms of the Regulations;
 - (b) temporary aviation training for the issuing, re-issuing, or validation of any personnel licence or certificate or rating in terms of the Regulations; and
 - (c) aviation training for the issuing, re-issuing, or validation of any personnel licence or certificate or rating in terms of the Regulations conducted on behalf of a third party.

- (2) This Part does not apply in respect of –
 - (a) in-house training conducted by an operator, service provider or organisation certified in terms of Parts 109, 121, 127, 135, 139, 145, 147, 172, 173 and 174 respectively; Provided that such training is not conducted for the issuing, re-issuing, or validation of any personnel licence or certificate or rating in terms of the Regulations, except for training for the initial issue and renewal of type ratings for pilots; and
 - (b) training or instruction conducted in the interests of aviation safety: Provided that such training or instruction is not conducted for the issuing, renewal, reissuing, validation or revalidation of any licence, certificate or rating in terms of the Regulations.
 - (c) training conducted by an aviation security service provider in accordance with the provisions of Part 109 and the Act.

141.01.2 Designation of body or institution

- (1) The Executive Director may designate a body or institution to –
 - (a) exercise control over the aviation training specified in the Regulations, and over the persons conducting such training;
 - (b) determine standards for such aviation training and for the training of such persons;
 - (c) issue, confirm, suspend or withdraw certificates for the successful completion of such aviation training and keep all books or documents regarding such aviation training; and
 - (d) advise the Executive Director on any matter connected with such training or persons.

- (2) The designation referred to in sub-regulation (1) must be made in writing and must be published by the Executive Director in the *Gazette* within 30 days from the date of such designation.

- (3) The powers and duties referred to in sub-regulation (1) must be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document NAM-CATS 141.

141.01.3 Display of aviation training organisation certificate

The holder of an aviation training organisation certificate must display the certificate in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the certificate is displayed, must produce the original certificate to an authorised officer, inspector or authorised person if so requested by such officer, inspector or person.

141.01.4 Advertisements

- (1) Any advertisement by an organisation indicating that it is an aviation training organisation, must –
 - (a) reflect the number of the aviation training organisation certificates issued by the Executive Director; and
 - (b) contain a reference to the aviation training for which such certificate was issued.
- (2) No aviation training organisation may make any statement, either in writing or orally, about itself that is false or is designed to mislead any person or the general public.

141.01.5 Safety inspections and audits

- (1) An applicant for the issuing of an aviation training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of any application made in terms of regulation 141.02.7 or regulation 141.03.2, as the case may be.
- (2) The holder of an aviation training organisation certificate must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

141.01.6 Register of certificates

- (1) The Executive Director must maintain a register of all aviation training organisation certificates issued in terms of the regulations in this Part.
- (2) The training organisation register is to form part of the Civil Aviation Registry established under section 52 of the Act and must contain the following particulars:
 - (a) the full name of the holder of the certificate;
 - (b) the postal address of the holder of the certificate;
 - (c) the date on which the certificate was issued or renewed;
 - (d) particulars of the scope of the certificate issued to the holder of the certificate; and
 - (e) the nationality of the holder of the certificate.
- (3) The particulars referred to in sub-regulation (2) must be recorded in the aviation training organisation register within seven days from the date on which the certificate is issued by the Executive Director.
- (4) The register must be kept within the Civil Aviation Registry at the offices of the Namibia Civil Aviation Authority.

(5) The public must be given access to registration documentation in terms of the provisions of section 52(3), (4) and (5) of the Act.

SUBPART 2: CERTIFICATION OF AVIATION TRAINING ORGANISATIONS

141.02.1 Requirements for certificate

- (1) Aviation training organisation certificates are aviation documents.
- (2) No organisation may conduct aviation training specified in regulation Part 141.01.1 except under the authority of, and in accordance with the provisions of a certificate issued in accordance with this Part.
- (3) The issuing of a certificate for an aviation training organisation including the training operations specifications attached thereto as required and the continued validity of the certificate depends upon the aviation training organisation being in compliance with the requirements of this Part and the Act. .

141.02.2 Training and procedures manual

- (1) The aviation training organisation must provide a training and procedures manual for the use and guidance of personnel concerned and such manual may be issued in separate parts and must contain at least the following information:
 - (a) A general description of the scope of training authorised under the aviation training organisation's terms of approval.
 - (b) The contents of the training programmes and examination programmes offered, including the courses and equipment to be used.
 - (c) A description of the organisation's quality assurance system in accordance with regulation 141.02.3.
 - (d) A description of the organisation's facilities, including principle base and any satellite bases, as applicable.
 - (e) The name, duties and qualifications of the person designated as responsible for compliance with the requirements of the certificate in regulation 141.02.5 (1)(a).
 - (f) A description of the duties and qualifications of the personnel designated as responsible for planning, performing and supervising the training in regulation 141.02.05(1)(c).
 - (g) A description of the procedures used to establish and maintain the competence of personnel as required by regulation 141.02.05 (2) and (3).
 - (h) A description of the method used for the completion and retention of the training records required by regulation 141.02.14.

- (i) A description, when applicable, of additional training needed to comply with an operator's procedures and requirements.
 - (j) A description of the selection, role and duties of the authorised personnel, as well as the applicable requirements established by the Executive Director, if the Executive Director has authorised an aviation training organisation to conduct the testing required for the issuing of a licence, rating, or qualification.
- (2) The aviation training organisation must ensure that the training and procedures manual is amended as necessary to keep the information contained therein up to date.
- (3) Copies of all amendments to the training and procedures manual must be furnished promptly to all organisations or persons to whom the manual has been issued.
- (4) The aviation training organisation must comply with the guidelines for the content of the training and procedures manual are prescribed in Document NAM-CATS 141.
- (5) The contents of the training and procedures manual shall, with the necessary changes, include the elements prescribed in Document NAM-CATS 141 as far as they are appropriate to the type of aviation training to be provided.
- (6) The Executive Director may approve the addition or removal of elements of the training and procedures manual to meet the unique requirements of an aviation training organisation.

141.02.3 Quality management system

- (1) The aviation training organisation must establish a quality management system, acceptable to the Executive Director which complies with all requirements as prescribed in Document NAM-CATS 141.
- (2) The minimum standards for a quality management system are as prescribed in Document NAM-CATS 141.

141.02.4 Safety management system

An approved training organisation that is exposed to safety risks during the provision of its services, must establish a safety management system as prescribed by Part 140 of the Regulations.

141.02.5 Personnel requirements

- (1) The applicant must employ or contract a senior person, identified as the chief executive officer who holds responsibilities as the accountable manager and compliance officer of the organisation, for overall compliance.
- (2) The accountable manager and compliance officer;
- (i) is responsible for ensuring that the organisation complies with the requirements of this Part

- (ii) must be vested with contractual authority to ensure that every activity undertaken by the organisation is sufficiently financed, has sufficient human resources and is carried out in order to meet the applicable operational requirements;
- (iii) must in addition be vested with the following powers and duties in respect of compliance with such requirements;
 - (a) unrestricted access to work performed or activities undertaken by all other persons employed by, or contracted to, the organisation.
 - (b) full rights of consultation with any such person in respect of such compliance by him or her.
 - (c) powers to order corrective action in respect of any activity or the cessation of any activity where such compliance has not been effected.
 - (d) A duty to establish liaison mechanisms with the Executive Director with a view to ascertaining acceptable means; of compliance with the said requirements, and interpretations of such requirements by the Executive Director, and to facilitate liaison between the Executive Director and the organisation concerned; and
 - (e) Powers to report directly to the management of the organisation regarding his or her investigations and consultations generally, and in cases contemplated in subparagraph (c), and with regard to the results of the liaison contemplated in subparagraph (d).

(2) The applicant must nominate engage, employ or contract –

- (a)
 - (a) a competent person who is responsible for the quality management system, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and quality;
 - (b) a competent person who is responsible for the safety management system, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting aviation safety;
 - (c) a competent person who is responsible for controlling maintenance activities of the organisation's aircraft, if applicable; and
 - (d) adequate personnel to plan, conduct and supervise the aviation training and examination covered by the application.

(3) The Executive Director must approve the personnel appointed in terms of the provisions of this regulation with regard to the requirements of the Act including those requirements relating to the holding of aviation documents.

(4) The aviation training organisation must establish a procedure acceptable to the Executive Director for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation training covered by the application.

(5) The aviation training organisation must ensure that those personnel responsible for training or assessing students, have a combination of competence and experience adequate for the level of competence required by the Executive Director for such training or assessment.

(6) (a) The aviation training organisation must ensure that all instructional and examination personnel receive initial and recurrent training appropriate to their assigned tasks and responsibilities.

(b) The training programme established by the aviation training organisation must include training in knowledge and skills related to human performance.

141.02.6 Accommodation, facilities and equipment

(1) The aviation training organisation must ensure that the facilities and working environment are appropriate for the aviation training to be performed and are acceptable to the Executive Director.

(2) The aviation training or security training organisation must ensure that it has, or has access to, the necessary information, equipment, training devices and material to conduct the aviation training for which certification is sought as prescribed in NAM-CATS 141.

(3) Where applicable, the synthetic training devices must be qualified according to requirements established by the Executive Director and prescribed in Document NAM-CATS 141.

(4) The use of the synthetic training device shall be approved by the Executive Director to ensure that it is appropriate and limited to the approved training.

141.02.7 Application for certification or amendment thereof

An aviation training organisation applying for an aviation training organisation certificate to conduct aviation training, or an amendment thereof, or for the approval or amendment of a training programme, must –

- (a) follow the certification or amendment process prescribed in Document NAM-CATS 141 for aviation training organisations and/or training programme approval; and
- (b) ensure that the application is accompanied by the appropriate fee as prescribed in Part 187.

141.02.8 Issuing of certificate

- (1) The Executive Director must issue an aviation training organisation certificate to conduct standard aviation training, if the applicant;
 - (a) complies with the requirements prescribed in these regulations,
 - (b) is a fit and proper person to exercise the privileges of the certificate, and
 - (c) the granting of the certificate is not contrary to the interests of aviation safety.
- (2) The Executive Director must issue the certificate on the appropriate form as prescribed by the Executive Director.
- (3) The certificate must contain at least the following:
 - (a) the organisation's name and location;
 - (b) the date of issue and period of validity, where applicable;
 - (c) the terms of certification; and
 - (d) the organisation's certificate number.

141.02.9 Scope of certificate

An aviation training organisation certificate to conduct aviation training must specify the aviation training which the holder of the certificate is entitled to conduct in terms of conditions determined by the Executive Director.

141.02.10 Period of validity

(1) An aviation training organisation certificate to conduct aviation training, is valid for the period determined by the Executive Director, which period shall not exceed two years, calculated from the date of issuing or renewal thereof.

(2) The certificate shall remain in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(3) If the holder of an certificate applies for the renewal of the certificate at least 60 days prior to the expiry of the certificate, then certification shall, notwithstanding sub-regulation (2), remain in force until the Executive Director issues the renewal thereof.

(4) The holder of a certificate which expires, must forthwith surrender the certificate to the Executive Director.

(5) The holder of a certificate which is suspended, must forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(6) The holder of a certificate which is cancelled, must, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Executive Director.

141.02.11 Transferability

(1) Subject to the provisions of sub-regulation (2), an aviation training organisation certificate is not transferable.

(2) A change in ownership of the holder of a certificate to conduct aviation training is deemed to be a change of significance referred to in regulation 141.02.12.

141.02.12 Changes in quality assurance system

(1) If the holder of an aviation training organisation certificate desires to make any change in the quality assurance system referred to in regulation 141.02.2, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, including -

- (a) the name of the organisation;
- (b) the identity of the accountable manager, safety manager and compliance officer;
- (c) the identity of the person referred to in regulation 141.02.5(1)(b); and
- (d) the scope of the certificate,

such holder must apply to the Executive Director for the approval of such change.

(2) An application for the approval of a change in the quality assurance system must be granted by the Executive Director if the applicant satisfies the Executive Director, upon submission of appropriate proposed changes to its manual of procedure, that it will continue to comply with the provisions of regulations 141.02.1 to 141.02.6 inclusive, after the implementation of such approved change.

141.02.13 Renewal of certificate

(1) An application for the renewal of an aviation training organisation certificate to conduct aviation training, must be –

- (a) made to the Executive Director in the appropriate form as prescribed by the Executive Director; and
- (b) be accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) the training and procedures manual referred to in regulation 141.02.2

(2) The holder of the certificate must at least 60 days immediately preceding the date on which such certificate expires, apply for the renewal of such certificate.

141.02.14 Duties of holder of certificate

The holder of a certificate to conduct aviation training shall –

- (a) keep at least one complete and current copy of its training and procedures manual referred to in regulation 141.02.2 at each training facility specified in the training and procedures manual;
- (b) comply with all procedures detailed in the training and procedures manual;
- (c) make each applicable part of the training and procedures manual available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

141.02.15 Documents and records

(1) The holder of a certificate to conduct aviation training must –

- (a) retain detailed student records to show that all requirements of all the training presented under the organisation's certificate have been met as approved by the Executive Director;
- (b) establish procedures to control the documents referred to in paragraph (a).

(2) The holder of the aviation training organisation certificate must establish procedures for control of all documents utilised by the organisation and must ensure that –

- (a) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;
 - (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation training undertaken by the holder of the certificate;
 - (c) all obsolete documents are promptly removed from all points of issue or use; and
 - (d) changes to documents are reviewed and authorised by the appropriate personnel.
- (3) The holder of the certificate must establish procedures to identify, collect, index, store and maintain all records which may be necessary –
- (a) for the specified aviation training conducted by such holder;
 - (b) to determine compliance with the appropriate requirements prescribed in this Subpart.
- (4) The procedures referred to in sub-regulation (3) must be designed to ensure that –
- (a) a record is kept of each quality assurance review of the holder of the certificate;
 - (b) a record is kept of each person who conducts the specified aviation training, including particulars of the competence assessments and experience of each such person;
 - (c) a record is kept of each student being trained or assessed by the holder of the certificate, including particulars of enrolment, attendance, modules, instructor comments and any flight or similar practical sessions and assessments of each such student;
 - (d) all records are legible; and
 - (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.
- (5) the holder of the certificate must establish and maintain a system for recording the qualifications and training of instructional and examining staff and records retained in terms of this system must be retained for at least 5 years after the instructor or examiner ceases to perform a function at the training organisation.
- (6) An aviation training organisation conducting training on behalf of a holder of an operating certificate or other certificate issued in the Regulations must ensure that all training documents utilized reflect, and are specific to the current operating procedures, quality assurance and safety programme of such holder.

141.02.16 Pilot training programmes

(1) The Executive Director may approve a pilot training programme for a private pilot licence, commercial pilot licence or instrument rating that allows an alternative means of compliance with the experience requirements established by Part 61, provided that the aviation training organization demonstrates to the satisfaction of the Executive Director that the training provides a level of competency at least equivalent to that provided by the minimum experience requirements for personnel not receiving such approved training.

(2) If the Executive Director approved the presentation of a pilot training programme for which a syllabus has not been prescribed by the Executive Director, only the programme with the associated curriculum, modules, attendance requirements and reference material will be deemed to have been approved; and any notes or course material that may be compiled and distributed by the aviation training organisation to students or any other person or organisation, are at the discretion of and the liability of the distributing aviation training organisation.

(3) If the Executive Director establishes a criteria or a syllabus with associated requirements for any programme referred to in sub-regulation (3) above, the certificate may mutatis mutandis be withdrawn or suspended by the Executive Director until the requirements that may be prescribed are met.

141.02.17 Oversight

The Executive Director must maintain an effective oversight programme of the aviation training organisation to ensure continuing compliance with the certificate requirements.

141.02.18 Evaluation and checking

If the Executive Director authorises an aviation training organization to conduct the testing required for the issuing of a licence or rating, the testing must be conducted by personnel authorised or designated by the Executive Director or designated by the aviation training organisation in accordance with the criteria approved by the Executive Director.

SUBPART 3: CERTIFICATION OF ORGANISATION (TEMPORARY AVIATION TRAINING)

141.03.1 Requirements for certificate

(1) No organisation may conduct temporary aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation certificate issued under this Subpart.

(2) An aviation training organisation applying for an aviation training organisation certificate to conduct temporary aviation training, must –

- (a) engage, employ or contract adequate personnel to plan, conduct and supervise the temporary aviation training covered by the application;
- (b) ensure that those personnel responsible for conducting the temporary aviation training, have a combination of competence and experience adequate for the level of competence required for such training;
- (c) ensure that the facilities and resources are adequate to enable the personnel to conduct such temporary aviation training; and
- (d) have documented procedures for conducting such temporary aviation training.

141.03.2 Application for certificate

An application for the issuing of an aviation training organisation certificate to conduct temporary aviation training, must be –

- (a) made to the Executive Director in the appropriate form as prescribed by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) proof of compliance with the requirements prescribed in regulation 141.03.1.

141.03.3 Issuing of certificate

(1) The Executive Director must issue an aviation training organisation certificate to conduct temporary aviation training, if the applicant;

- (a) complies with the requirements prescribed in regulation 141.03.1. ;
- (b) is a fit and proper person to exercise the privileges of its certificate and
- (c) the issue if the certificate is not contrary to the interests of aviation safety,

(2) The Executive Director must issue the certificate on the appropriate form as prescribed by the Executive Director

141.03.4 Scope of certificate

An aviation training organisation certificate to conduct temporary aviation training, must specify the temporary aviation training in terms of conditions as the Executive Director determines which the holder of the certificate is entitled to conduct.

141.03.5 Period of validity

(1) An aviation training organisation certificate to conduct temporary aviation training, is valid for the period required to conduct the specified temporary aviation training.

(2) The certificate remains in force until it expires or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

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

(4) The holder of a certificate which is suspended, must forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

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

141.03.6 Transferability

An aviation training organisation certificate to conduct temporary aviation training is not transferable.

141.03.7 Duties of holder of certificate

- (1) The holder of an aviation training organisation certificate to conduct temporary aviation training, must –
 - (a) continue to comply with the appropriate requirements prescribed in this Part;
 - (b) ensure that documents and records are kept as prescribed in regulation 141.02.1 and Document NAM-CATS 141.