



Government Notice /2019

Notice of Intention to Make Regulations

CIVIL AVIATION ACT, 2016 (ACT NO. 6 OF 2016)

NAMCARS PART 36: NOISE CERTIFICATION

FOR PUBLIC COMMENT

(PLEASE NOTE: ANY NAMCATS REQUIRED TO BE ISSUED SUPPLEMENTING THE NAMCARS AS PUBLISHED HEREWITH FOR COMMENTS ARE AVAILABLE ON THE NCAA'S PRELIMINARY WEBSITE – <http://www.ncaa.com.na/res-legislation.htm>)

PART 36:

NOISE CERTIFICATION

List of regulations

36.00.1	Applicability
36.00.2	Noise standards
36.00.3	Recognition of foreign noise certification
36.00.4	Safety inspections and audits
36.00.5	Application for noise certificate
36.00.6	Issuing of noise certificate
36.00.7	Period of validity
36.00.8	Transfer of noise certificate
36.00.9	Register of certificates
36.00.10	Cancellation and suspension of Noise Certificate and Appeal

36.00.1 Applicability

This Part applies to –

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a maximum certificated mass exceeding 5700 kilograms;
- (d) propeller driven aeroplanes with a maximum certificated mass of 5700 kilograms or less;
- (e) propeller-driven STOL aeroplanes; and
- (f) helicopters.

36.00.2 Noise standards

Subject to the provisions of regulation 36.00.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

must comply with the appropriate noise standards as prescribed in Document NAM-CATS 36.

36.00.3 Recognition of foreign noise certificate

The Executive Director may recognise a noise certificate or an equivalent document issued by an appropriate authority, if the standards under which the noise certificate or equivalent document was issued by the appropriate authority, are not less stringent than the standards as prescribed in Document NAM-CATS 36.

36.00.4 Safety inspections and audits

(1) An applicant for the issuing of a noise certificate in terms of the regulations in this Part, must permit an authorised officer, inspector or authorised person 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 a noise certificate issued under this Part, must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

36.00.5 Application for noise certificate

An application for the issuing of a noise certificate must be –

- (a) made in the form and manner prescribed by the Executive Director; and
- (b) accompanied by –
 - (i) the appropriate fee as prescribed in Part 187; and
 - (ii) evidence satisfactory to the Executive Director that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2.

36.00.6 Issuing of noise certificate

An application in terms of regulation 36.00.5 must be granted and a noise certificate issued in the appropriate form, if the applicant complies with the noise standards referred to in regulation 36.00.2.

36.00.7 Period of validity

(1) A noise certificate is valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid, and so long as such holder complies with the appropriate noise standards referred to in regulation 36.00.2;
- (b) until the noise certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Executive Director.

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

(3) The holder of a noise certificate which is cancelled, must immediately after the date on which the noise certificate is cancelled, surrender such noise certificate to the Executive Director.

36.00.8 Transfer of noise certificate

A noise certificate must be transferred with the aircraft.

36.00.9 Register of certificates

The Executive Director must maintain a current register of noise certificates issued in terms of this Part.

36.00.10 Suspension and cancellation of certificate and appeal

(1) Any action by an airworthiness inspector required on the suspension and imposition of conditions of any the noise certificate in terms of this Part, under delegation or otherwise, must comply with the procedural requirements contemplated in section 44 of the Act.

(2) An airworthiness inspector must ensure compliance with the procedures in Parts 13 and 185 on an appropriate course of action on a noise certificate, approval or authorization issued under this Part.