



Government Notice /2019

Notice of Intention to Make Regulations

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

NAMCARS PART 43: GENERAL MAINTENANCE RULES

FOR PUBLIC COMMENT

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PART 43: GENERAL MAINTENANCE RULES

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SUBPART 1: GENERAL

43.01.1 Applicability

- (1) This Part applies to the maintenance, and the release to service after maintenance, of –
 - (a) type certificated aircraft registered in Namibia; and
 - (b) aircraft components to be fitted to such aircraft.
 - (c) instruments and equipment that subject to other applicable regulations, are fitted to such aircraft
 - (d) the annual review of airworthiness.

- (2) This Part does not apply to any aircraft specified in regulation 24.01.1.

- (3) Unless specified otherwise in a technical arrangement, the requirements of subregulation (1) and (2) do not apply to a person performing maintenance on a Namibian registered aircraft or on a component intended to be fitted to a Namibian registered aircraft if the maintenance is performed—
 - (a) in another State that is party to a technical arrangement;
 - (b) under the authority of and in accordance with a maintenance organisation certificate or approval issued by the State referred to in paragraph (3)(a);

(c) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (3)(b);

(d) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (3)(a) unless specified otherwise in the technical arrangement; and

(e) in accordance with any conditions specified in the technical arrangement as mentioned in this sub-regulation

43.01.2 Falsification, reproduction or alteration of maintenance documents

No person may make or cause to be made –

- (a) any fraudulent or false entry in any record, which is required to be made, kept, or used to show compliance with any requirement prescribed in this Part; or
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

43.01.3 Logbooks

(1) Subject to the provisions of sub-regulation (2), the following logbooks shall be kept in respect of Namibian registered aircraft and other specified equipment for the purpose of recording therein the maintenance history of the equipment to which each relates:

- (a) an approved aircraft logbook for each aircraft;
- (b) an approved engine logbook for each aircraft engine; and
- (c) an approved propeller logbook for each propeller.
- (d) an approved APU logbook for each APU (if applicable)

(2) Logbooks should be kept at the aircraft's base of operation.

(3) Details in respect of maintenance carried out while away from base shall be transferred to the appropriate logbook(s) within 48 hours after the return of the aircraft to its base of operation or entered within 48 hours of completion of any maintenance performed on the aircraft or other equipment at its base of operation.

(4) All logbooks to be kept and maintained in terms of the preceding sub-regulations shall be made available to an authorised officer, an inspector or an authorised person at all times for inspection.

(5) For an aircraft with a maximum approved passenger seat configuration in excess of nine seats, an aeroplane with a maximum certificated mass in excess of 5 700 kg, or a helicopter with a maximum certificated mass in excess of 3 175 kg, the logbook may refer to a separate system approved in its approved maintenance programme, including the maintenance schedule for component and major repair tracking. Any entry in such system shall meet the requirements as prescribed for logbooks.

(6) The format of the logbooks shall be as prescribed in Document NAM-CATS 43.

43.01.4 Preservation of logbooks

(1) The logbooks required to be kept in accordance with regulation 43.01.3(1) shall be preserved for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept: Provided that the Executive Director may prescribe a longer period in respect of the logbooks of an aircraft, its engine(s) or propeller(s) involved on an accident or incident.

(2) (a) Logbooks shall preferably not be carried in the aircraft to which they relate.

- (b) In the case where the provisions of sub-regulation (3) are applicable, or when logbooks are needed for maintenance purposes and no other means of forwarding such logbooks are reasonably available, the logbooks are to be carried in the relevant aircraft.

(3) When an aircraft is exported and the logbooks are transported with the aircraft, a copy of the last major overhaul and repairs performed as well as copies of the defects rectification for the last six (6) months prior to export must be retained by the exporter or the responsible aviation maintenance organisation, as the case may be.

43.01.5 Entries in logbooks

(1) Entries in logbooks required to be kept in accordance with regulation 43.01.3(1) must be made and signed by the holder of an appropriate licence, a person holding a valid authorisation issued in terms of Part 145, or by a person approved for the purpose by the Executive Director.

(2) Matters that could not have come to the notice of such licence holder or approved person must be entered and signed by the pilot-in- command.

(3) Any record kept for the purpose of compiling a logbook entry or where reference is made to a record system other than the logbook must be produced when called for in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(4) Entries in logbooks must contain all the information and particulars provided for in the logbook.

(5) (a) Whenever corrections are made to entries in a logbook, the correction must be made in such a way that the original entry still remains legible.

(b) The use of a correction method, or any other method which could obscure the original entry is prohibited.

43.01.6 Entries of special significance

When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of damage caused by a forced or hard landing or of defects that occasioned a forced landing, the entry or entries made in the relevant logbook or books in respect of such repairs must state that they were so required and must identify the forced or hard landing in question.

43.01.7 Maintenance of logbooks

The logbooks referred to in regulation 43.01.3(1) must be kept up to date and maintained in a legible and permanent manner and in accordance with the "Instructions for use" in the logbook.

43.01.8 Loss of logbooks

(1) When the registered owner of an aircraft reports the loss of a logbook currently in use, a request to open a substitute logbook must be made in writing to the Executive Director accompanied by affidavit detailing the circumstances of the loss and containing appropriate data for the purpose of reconstructing the logbook.

(2) When the Executive Director approves the opening of a substitute logbook, the relevant authorisation must be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is prescribed in NAM-CATS 43.

(4) When a logbook has been lost, the relevant certificate of airworthiness or authority to fly is considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

43.01.9 Repeal Of Existing Regulations

Subject to the provisions of Part 183, regulation Part 43 of the 2001 Namibian Civil Aviations Regulations as amended are hereby repealed.

SUBPART 2: MAINTENANCE

43.02.1 Aircraft maintenance programmes including the maintenance schedule

- (1) Every type certificated aircraft on the Namibian Civil Aircraft Register must be maintained according to an approved aircraft maintenance programme, including the maintenance schedule as prescribed in regulation 43.02.8.
- (2) The owner or operator of an aircraft must draw up, or have drawn up a maintenance programme including the maintenance schedule for his or her aircraft in accordance with the provisions of technical standard 43.02.8 in Document NAM-CATS 43.
- (3) The owner, operator or the responsible aircraft maintenance organisation must submit the proposed maintenance programme, including the maintenance schedule to the Executive Director for approval.
- (4) Provided the proposed maintenance programme, including the maintenance schedule meet all the requirements of technical standard 43.02.8, the Executive Director must approve the proposed aircraft maintenance programme, including the maintenance schedule either as submitted or as amended by him or her in the interest of aviation safety.
- (5) The owner or operator may request the Executive Director for a permanent or temporary amendment to the approved aircraft maintenance programme.

43.02.2 Persons to carry out maintenance

- (1) Subject to the provisions of sub-regulations (2) and (3), no person may carry out maintenance on a type certificated aircraft or aircraft component unless such person –
 - (a) is the holder of a current aircraft maintenance engineer licence with an appropriate category and rating issued in terms of Part 66; or
 - (b) carries out maintenance under the direct supervision of the holder of an aircraft maintenance engineer licence with an appropriate rating issued in terms of Part 66; or
 - (c) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating issued in terms of Part 145, to carry out maintenance within the scope of such approval. or
 - (d) for maintenance performed outside of Namibia, holds an appropriate current maintenance engineer licence or approval issued under the authority of an ICAO Contracting State for the type of aircraft or component;
- (2) The holder of a current pilot licence with an appropriate type rating for the aircraft issued in terms of Part 61 or Part 62 may carry out the maintenance as prescribed in Document NAM-CATS 43 if –
 - (a) such holder is the owner or operator of the aircraft and is appropriately trained; and
 - (b) the aircraft is used for non-commercial operations.
 - (c) A person who does not meet the requirements of paragraph (1) may perform maintenance on a glider or glider component if the person—
 - (i) is authorised by a gliding organisation to perform maintenance on a glider or glider component; or
 - (ii) performs the maintenance under the direct supervision of a person who is authorised by a gliding organisation to perform maintenance on a glider or glider component.
- (3) The routine maintenance, programmed inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on aeroplanes with a maximum certificated mass in excess of

5700 kg or on helicopters with a maximum certificated mass in excess of 3 175 kg must be undertaken and certified by an appropriately rated approved Aircraft Maintenance Organisation only.

(4) A person must not perform maintenance on an aircraft that has a *special category—exhibition* airworthiness certificate or *special category—limited* airworthiness certificate unless the person is appropriately trained and is authorised by the principal provider of maintenance services named in the operator statement required for the aircraft by rule 47.55(c).

43.02.3 Carrying out of maintenance

Any person who carries out maintenance on an aircraft or aircraft component must –

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component and be familiar with the maintenance actions required for the continued airworthiness of the aircraft or component; and
- (b) use methods, techniques and practices which are –
 - (i) prescribed in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness issued for the aircraft or component;
 - (ii) in accordance with the approved maintenance programme, including the maintenance schedule for the aircraft;
 - (iii) in accordance with Document NAM-CATS 43; or
 - (iv) equivalent methods, techniques, and practices that are acceptable to the Executive Director; and approved by the Executive Director;
- (c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Executive Director; and
- (d) use the tools, equipment, and test equipment necessary to ensure completion of the work in accordance with paragraph (b); and
- (e) use the test equipment recommended by the manufacturer, or equivalent test equipment that provides the same capability for the person conducting the test to ensure that the component being tested is in an airworthy condition; and
- (f) if specified in the maintenance procedures, use the special test equipment recommended by the manufacturer or equivalent test equipment that is acceptable to the Executive Director; and
- (g) perform the maintenance so as to ensure that the aircraft or component meets every applicable airworthiness requirement; and
- (h) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to –
 - (i) aerodynamic function;
 - (ii) structural strength;
 - (iii) resistance to vibration and deterioration; and
 - (iv) other qualities affecting airworthiness;
- (i) on completion of the maintenance, ensure that the aircraft or component complies with the applicable certification requirements for aircraft noise and engine emission; and
- (j) not perform the maintenance unless he or she has been relieved from the performance of maintenance on an aircraft or component for—

- (i) a period of at least 8 consecutive hours in the 24-hour period immediately before the maintenance is performed; and
- (ii) at least 4 periods of at least 24 consecutive hours each in the 30-day period immediately before the maintenance is performed.
- (k) if maintenance is carried out on an aircraft operated under an operating certificate, carry out such maintenance in accordance with the operator's approved maintenance control manual (MCM). The format and requirements for an MCM are prescribed in Document NAM-CATS 43.

43.02.4 Rectification of unsatisfactory items

(1) When during any maintenance or at any other time any part, product, component, equipment or item is found to be unserviceable or is unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection, such rectification action as considered necessary must be taken to ensure the continued serviceability of the part, component or item or its replacement with a serviceable part, component or item prior to releasing the aircraft to service.

(2) Deferred defects must be transferred from the flight folio onto a work sheet. Any maintenance carried out to restore the serviceability of any part, component, equipment or item must be clearly recorded in the relevant logbook or other approved recording system, and be certified by an appropriately rated licence or approval holder prior to releasing the aircraft to service.

(3) The person certifying the entry referred to in sub-regulation (2) must furthermore certify in the relevant flight folio that the deferred defect has been rectified, and he or she must date and sign the entry accordingly.

43.02.5 Overhaul, repair and substitution of major components

(1) Unless the Executive Director has approved in writing, an aircraft and its components and installed equipment must be overhauled or substituted at such times as recommended or specified by its manufacturer.

(2) Overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine(s) or propeller(s) must be undertaken by an appropriately rated approved aircraft maintenance organisation only.

(3) The procedure for reinstating the validity of a certificate of airworthiness deemed suspended when an aircraft is involved in an accident or incident that renders one or more Class I products defective is prescribed in Document NAM-CATS 43.

(4) The requirements for the overhaul of components and equipment installed on an aircraft and of engines and propellers are those prescribed in Document NAM-CATS 43.

(5) Where the Executive Director has approved a time between overhaul (TBO) that differs from that recommended or specified by the manufacturer, such TBO must be specified in the aircraft's approved maintenance programme. Furthermore, where a manufacturer has not recommended or specified the overhaul of an item at certain times but where the Executive Director considers its overhaul at certain intervals necessary in the interest of safety, he or she may prescribe in writing a time between overhaul for such item in the aircraft's approved maintenance programme.

(6) The requirements for the substitution of products, components and parts with new or overhauled items are those prescribed in Documents NAM-CATS 43.

43.02.6 Maintenance for IFR operations

Any person who carries out an inspection or maintenance on equipment required for communication navigation and surveillance in an aircraft to be used under IFR must carry out the inspection as prescribed in Document NAM-CATS 43.

43.02.7 Mass and balance

- (1) Except with the written permission of the Executive Director, no person may operate any Namibian registered aircraft unless its current empty mass has been established by means of a mass meter and its centre of gravity computed within the preceding five years.
- (2) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data must be amended.
- (3) An aircraft's empty mass must be established by means of computation or by means of a mass meter by an appropriately approved aircraft maintenance organisation or a person acceptable to the Executive Director. The aircraft's new centre of gravity must be computed thereafter.
- (4) The mass meter to be used must, within the periods of 12 months immediately preceding the date of determination of the aircraft's empty mass have been tested by the Namibian Standards Institute or a similar body acceptable to the Executive Director.
- (5) The mass and centre of gravity data, as supplied by the manufacturer in respect of new aircraft, shall be acceptable for the purpose of this regulation for the first five-year period, provided that the empty mass was established by means of a mass meter.
- (6) For the purpose of this regulation, the empty mass of an aircraft (as ascertained when the mass was last determined or computed) shall be the mass of the aircraft and its powerplant(s), including any engine coolant, unusable fuel, total oil, total hydraulic fluid, any fixed ballast, and all items of fixed equipment.
- (7) Notwithstanding the provisions of the preceding sub-regulations, the Executive Director may at any time, when he or she deems it necessary in the interest of public safety, require the mass of any aircraft to be established by means of a mass meter or its centre of gravity to be computed.
- (8) The procedure to establish mass and the form on which the results of balance computations must be recorded is prescribed in the Document NAM-CATS 43.

43.02.8 Mandatory inspections

- (1) Mandatory tests and inspections must be carried in accordance with the approved maintenance programme for a particular aircraft at the prescribed times or intervals.
- (2) Mandatory inspections include –
 - (a) for aeroplanes with a maximum certificated mass of 5 700 kg or less or a maximum approved passenger seating configuration of not more than 9 seats, and for helicopters with a maximum certificated mass of 3 175 kg or a maximum approved passenger seating configuration of not more than 9 seats, either –
 - (i) a mandatory periodic inspection; or
 - (ii) inspections in accordance with an approved progressive inspection programme;
 - (b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance programme, including the maintenance schedule for the particular category and type of aircraft at the intervals prescribed by the programme.
- (3) An aircraft referred to in sub-regulation (2)(a)(i) that has not accumulated 100 hours within 12 months since its last inspection must undergo a mandatory periodic inspection before it is being released to service.
- (4) An aircraft referred to in sub-regulation (2) (a) (ii) that has not completed its progressive inspection programme within the period specified by the manufacturer or the Executive Director must undergo the remainder of the progressive inspection programme before it is being released to service.
- (5) The maintenance programmes referred to in sub-regulation (1) are defined in Document NAM-CATS 43.

43.02.9 Air Speed Indicator and Altimeter system tests and inspections

Any person who carries out air speed indicator and altimeter system tests and inspections must –

- (a) perform the tests and inspections as prescribed in Document NAM-CATS 43; and
- (b) for the altimeter tests, record on the altimeter case, the date on which and maximum altitude to which the altimeter has been tested.

43.02.10 ATC transponder tests and inspections

Any person who carries out ATC transponder tests and inspections must perform the tests and inspections as prescribed in Document NAM-CATS 43.

43.02.11 Emergency locator beacon tests and inspections

Any person who carries out emergency locator beacon tests and inspections must perform the tests and inspections as prescribed in Document NAM-CATS 43.

43.02.12 Inspection requirements

Any person who carries out an inspection must –

- (a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection, complies with all appropriate airworthiness requirements prescribed in Part 21 ; and
- (b) if carrying out a mandatory periodic inspection, progressive inspection or scheduled inspection, use a checklist, which includes the scope and detail of the tests and inspections, referred to in regulation 43.02.8.

43.02.13 Non-destructive testing

Any person performing maintenance on an aircraft or aircraft component where the applicable maintenance data requires a non-destructive test using fluorescent penetrant, magnetic particle, eddy current, ultrasonic or radiography methods must—

- (a) be a holder of a certificate appropriate to the technique being used and to the level of qualification required, as specified in Document NAM-CATS 43, or an equivalent certificate approved by the Executive Director;
- (b) perform the non-destructive test using appropriate methods, techniques and standard practices, as specified in Document NAM-CATS 43; and
- (c) use test equipment necessary to ensure that the non-destructive test is performed in accordance with the appropriate manufacturer's requirements.

43.02.14 Airworthiness limitations

Any person who carries out maintenance specified in the airworthiness limitations section of a manufacturer's maintenance manual, or any instructions for safe operation and continued airworthiness, must carry out the maintenance in accordance with that section.

43.02.15 Modifications and Repair

(1) No person may, without the prior written approval of the Executive Director, carry out any modifications to a type certificated aircraft, including changes to equipment or the installation thereof, which affect, or are likely to affect, the serviceability of the aircraft, or the safety of its occupants or of any other persons or property.

(2) Before the approval of the Executive Director is considered for a modification as referred to in sub-regulation (1), the owner of the aircraft, or any other person who applies for the modification, must –

- (a) furnish the Executive Director with such information, acceptable technical data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification, as the Executive Director may require; and
- (b) The applicant must ensure that every modification and repair to an aircraft conforms to a design change approved in accordance with acceptable technical data interms of Annex E for the aircraft type; and
- (c) pay the appropriate fee as prescribed in Part 187.

(3) Modifications as may from time to time be recommended by the manufacturer of the type of aircraft or equipment concerned, may be carried out in accordance with the said manufacturer's recommendations provided that they are submitted to, and approved by, the Executive Director prior to the commencement of such modifications.

(4) No person may, without the prior written approval of the Executive Director, carry out any major repairs to a type certificated aircraft which affect, or are likely to affect, the serviceability of the aircraft, or the safety of its occupants or of any other persons or property. The definition of major repairs is as prescribed in NAMCATS 43.

(5) Before the approval of the Executive Director is considered for a major repair as referred to in sub-regulation (4), the owner of the aircraft, or any other person who applies for the major repair, must furnish the Executive Director with such information, acceptable technical data, the documents encompassing the Instructions for Continuing Airworthiness (ICA) such as, but not limited to, maintenance manuals, servicing instructions, overhaul manuals, and repair manuals containing adequate maintenance procedures that are recognized by the Executive Director as either approved or acceptable for purposes of accomplishing repairs to aircraft. For example, a structural repair manual (SRM) contains several State of Design approved repair schemes for typical damages or structural failures that can be readily applied by an operator, without the need for obtaining prior approval of the Executive Director .

(6) Where the repair action specifically requires designing a repair scheme, the repair design must be approved by the Executive Director .

(7) All changes to Life limited components limits must be incorporated in the maintenance programme following the design repair approval.

(8) An unapproved modification or major repair design renders a certificate of airworthiness invalid.

(9) An application for the approval of a repair design should be submitted in a form and manner prescribed by the Executive Director. Information to be submitted on the proposed repair should include, as a minimum, the following:

- a) the name and address of the applicant;
- b) the make and model of the affected aeronautical product (registration and/or serial number) and its type certificate number (or approval reference);
- c) the title, detailed description, and purpose of the repair design;
- d) the proposed airworthiness standards to which the proposed repair is intended to show compliance with, including the identification of any impact on approved airworthiness limitations contained in the ICA for the affected aeronautical product;
- e) documentation and/or substantiating data of the repair design; and

- f) For a foreign applicant, evidence of prior approval by the State that has jurisdiction over the individual or organization responsible for the repair design.

43.02.16 Test flights

- (1) After any major repair or major modification to an aircraft, test flights must, if required by the Executive Director, be carried out in the aircraft under such conditions and in the manner as prescribed in the NAM-CATS 43.
- (2) Only essential crew may be carried aboard any aircraft undergoing a test flight.

43.02.17 Temporary and permanent repairs after accidents or incidents

- (1) Any repair to an aircraft or aircraft component, which has been damaged after an accident or an incident, must be carried out in accordance with the requirements as prescribed in Document NAM-CATS 43.
- (2) Following the permanent repair of an aircraft that has been involved in an accident, as defined in paragraph (b) of the definition of 'accident' in Part 1 of these Regulations, the aircraft must be inspected by an authorised officer, inspector or authorised person of the Civil Aviation Authority, or another person specifically appointed for the purpose in writing by the Executive Director, before it is released to service.
- (3) The maintenance organisation or repair facility that carried out the repair must pay the applicable inspection fees as prescribed in Part 187.

43.02.18 Aircraft compass requirements

Any compass fitted to an aircraft must be swung and maintained in accordance with the requirements as prescribed in Document NAM-CATS 43.

43.02.19 Extended diversion time operations (EDTO)

The additional maintenance requirements for twin-engine turbine aeroplanes certified for extended-diversion time operations are prescribed in Document NAM-CATS 43.

43.02.20 RVSM Operations

The additional maintenance requirements for aircraft holding an RVSM approval certificate must be as prescribed in Document NAM-CATS 43.

43.02.21 Aircraft withdrawn from service for storage

- (1) Aircraft withdrawn from service for storage must meet the preservation instructions of the aircraft's manufacturer as prescribed in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period.
- (2) Before such an aircraft is returned to service, any prescribed maintenance must be carried out prior to release to service.

43.02.22 Suspected unapproved (bogus) parts

Any Class I, Class II or Class III part, component or product, whether new or previously used, for which no historical records are available or traceable, or for which the available records do not confirm that they have been approved by a responsible aviation authority, must be considered to be unserviceable and may not be fitted to any type-certificated aircraft.

43.02.23 Maintenance required under Part 145

- (1) A person must not (except under the authority of a maintenance organisation certificate issued by the Executive Director under the Act and Part 145) perform maintenance on, or certify for release-to-service,—

- (a) an aircraft that has a MCTOW of more than 5700 kg or less than 5700kg if the aircraft is used to perform—
 - (i) air operations under the authority of an air operator certificate issued by the Executive Director under the Act and Part 121, 127, 135; or
 - (b) a component fitted or intended to be fitted to an aircraft referred to in paragraph (a).
- (2) Except as provided in paragraph (3), a person must not (except under the authority of a maintenance organisation certificate issued by the Executive Director under the Act and Part 145) perform any of the following kinds of maintenance on an aircraft or component, or certify the aircraft or component for release-to-service after the maintenance:
 - (a) overhaul of a component:
 - (b) maintenance on an aircraft or component if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Executive Director:
 - (c) maintenance on a component if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if—
 - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and
 - (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks:
 - (d) maintenance on an aircraft engine if the maintenance involves—
 - (i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly; or
 - (ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except if the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the instructions for continued airworthiness for the engine provides instructions for the replacement, and the replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or
 - (iii) disturbance of reduction gear:
 - (e) aircraft propeller balancing other than in situ dynamic propeller balancing in accordance with the aircraft manufacturer's instructions:
 - (f) maintenance on a helicopter if the maintenance involves the dismantling of any transmission gearbox, except if the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.
- (3) Paragraph (2) does not apply to—
 - (a) an aircraft that has a *special category* airworthiness certificate issued by the Executive Director under the Act and Part 21; or
 - (b) a microlight aircraft: or
 - (c) a glider or powered glider; or
 - (d) a hot air balloon.

- (e) any aircraft specified in regulation part 24.01.1

43.02.24 Radio station tests and inspections

Any person who carries out an inspection of an aircraft radio station must perform the tests and inspections as prescribed in Document NAM-CATS 43.

SUBPART 3: RECORDING OF MAINTENANCE

43.03.1 Maintenance records

- (1) Any person who carries out maintenance on an aircraft or aircraft component must record, on completion of the maintenance –
 - (a) details of the maintenance including, where applicable, the type of inspection and any approved technical data used;
 - (b) for a mandatory periodic, progressive or scheduled inspection, whether a detailed inspection or routine inspection of the particular components or areas of the aircraft was carried out;
 - (c) the serial numbers, if any, of components removed or fitted;
 - (d) details of measurements or test results obtained, including the results of any ground or air tests;
 - (e) for an air speed indicator or altimeter system pilot static test and inspection, the date on which, and maximum altitude to which the altimeter has been tested;
 - (f) the date of completion of such maintenance;
 - (g) the references to the documents used to carry out the maintenance and their revision status;
 - (h) the name of the person completing such maintenance, if other than the person certifying the release to service;
 - (i) the location and, if applicable, the name of the facility where such maintenance was carried out; and
 - (j) where such maintenance has been carried out as a consequence of the failure of any equipment, or damage caused by forced landing or accident, the reasons for carrying out the maintenance.
 - (k) the references to the applicable release documentation.
 - (l) the requirement for an operational flight check if the maintenance requires a flight check under rule 43.103(a)(4):
- (2) The person who carries out the maintenance must –
 - (a) record the details referred to in sub-regulation (1) in the appropriate logbook or in a maintenance record approved by the Executive Director;
 - (b) where worksheets or other associated maintenance records are used to document the details of the maintenance, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Executive Director.

(3) The manner for completion of logbooks, flight folios and maintenance records, referred to in sub-regulation (2), and the period for which such documents must be retained are prescribed in NAM-CATS 43.

43.03.2 Recording of overhaul

No person may state in any maintenance document entry required by the Regulations, including a job card, logbook or a certificate of release to service, that an aircraft, airframe, engine or engine module, propeller, rotor, appliance or other aircraft component has been overhauled unless it has been –

- (a) disassembled, cleaned, inspected, repaired as necessary, and reassembled, using methods, techniques and practices acceptable to the Executive Director; and
- (b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with –
 - (i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21 in a manual, airworthiness directive, service letter, service bulletin or other similar document declared mandatory by the Executive Director; or
 - (ii) other standards or technical data approved by the Executive Director.

43.03.3 Recording of major repairs and modifications

Any person who carries out a major repair or a major modification must, in addition to the entry referred to in regulation 43.03.1, record the repair or modification and process the certificate relating to the maintenance of the aircraft in the manner as prescribed in Document NAM-CATS 43.

43.03.4 Recording of inspection and certification

(1) Any inspection prescribed in regulation 43.02.8 must be recorded in the appropriate logbook(s) and mandatory inspections or any maintenance to an aircraft issued with a standard category certificate of airworthiness must be certified by the holder of an aircraft maintenance organisation approval with the appropriate ratings.

(2) Any aircraft on which the last mandatory inspection was certified by the holder of an aircraft maintenance engineer licence and for which the issue of a standard category certificate of airworthiness in terms of Part 21 is requested, must be inspected and certified by the holder of an appropriately-rated approved aircraft maintenance organisation.

(3) Any overhaul classed as mandatory for aircraft issued with a standard category certificate of airworthiness must be carried out at the times specified and be certified in the prescribed manner by an appropriately rated approved aircraft maintenance organisation only.

(4) Any additional work, performed during an inspection, must be recorded on a checklist and be certified in the relevant logbook(s) by the responsible aircraft maintenance engineer or by an authorised person in the aircraft maintenance organisation concerned.

(5) Records pertaining to life-limited or previously used parts must be available and traceable. Parts with no historical record must be considered to be unserviceable and such parts must not be fitted to an aircraft.

43.03.5 Annual review of maintenance

- (1) Any person who carries out and certifies an annual review of maintenance for an aircraft must enter –
 - (a) the inspection statement as prescribed in Document NAM-CATS 43, in the aircraft logbook or other technical record approved by the Executive Director;
 - (b) his or her name, signature, licence or authorised number, and the date on the entry; and

- (c) in the appropriate section of the aircraft technical log, the date of the review.
 - (d) in accordance with paragraph (c), enter the due date for the next annual review of maintenance in the technical log; and
 - (e) forward a report of the annual review to the Executive Director in a form acceptable to the Executive Director—
 - (i) within 7 days from the date of completing and certifying the review in accordance with paragraphs (1) ; or
 - (ii) if the review is not completed and certified in accordance with paragraphs (1), within 7 days from the expiry of the 30 day period specified in terms of this regulation for completing the review.
- (2) Except for instruments and equipment that are expressly permitted to be inoperative in accordance with the Civil Aviation Regulations, a person who performs an annual review of maintenance for an aircraft may not certify the review as being complete unless every defect has been rectified and the aircraft certified for release-to-service in accordance with Subpart 4.
- (3) The next annual review of maintenance must not be more than 1 year in terms of this regulation, after—
- (a) the date that the review is certified under paragraph (1); or
 - (b) the beginning of the extension period if the due date for the review has been extended by the Executive Director.
- (4) A person may perform a review of airworthiness on a glider if—
- (a) the person is authorised to perform a review of airworthiness on a glider by a gliding organisation; and
 - (b) the person has satisfactorily completed a course of instruction, including an examination, that is acceptable to the Executive Director, on the inspection of aircraft and components for conformity with the CARs.
- (5) Except as provided in paragraph (2), a person performing a review of maintenance,, required in terms of regulation 43.03.5, for an aircraft must, within the 30 day period immediately before certifying that the review has been completed—
- (a) check that the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Executive Director; and
 - (b) check that every instrument and item of equipment required under part 91 is fitted; and
 - (ii) record the aircraft’s total time-in-service in the technical log; and
- (c) check that since the last review of maintenance or inspection for the issue of an airworthiness certificate—
- (i) every modification and repair has been correctly recorded and certified for release-to-service referencing the applicable technical data listed in Annex E to Part 43; and
 - (ii) all due maintenance specified in the applicable maintenance programme, including the maintenance schedule has been correctly recorded and certified for release-to-service; and

- (iii) every airworthiness directive relevant to the aircraft type and its installed components has been assessed and certified as being ‘embodied’, ‘found embodied’, or ‘not applicable’, and if an airworthiness directive is repetitive, check that it is recorded in the repetitive section of the appropriate maintenance logbook; and
 - (iv) every defect recorded in the technical log has been rectified and the aircraft released to service or the defective instruments and equipment are recorded in the technical log, and placarded as inoperative if they are permitted to be inoperative under part 91 and
 - (v) every applicable release-to-service has been completed and certified in accordance with Subpart 4; and
 - (vi) the recorded mass and balance data reflects any changes to the aircraft’s mass and balance and that the recorded mass and balance data is within the published mass and balance limitations for the aircraft; and
 - (vii) the flight manual, including every applicable supplement is the current version for the aircraft in its existing state; and
- (d) check that the overhaul and finite life of each life component is recorded and is within the limits laid down in the applicable manufacturer’s document and, if practicable, verify serial numbers by physical inspection; and
 - (e) perform a general condition inspection of the aircraft.

(6) The requirements in paragraphs (1)(a) and (1)(d)(i) do not apply to an aircraft that has a special category airworthiness certificate issued under Subpart 8 of Part 21.

(7) The person performing the review of airworthiness must record any new defects identified during the review in the technical log and in the appropriate maintenance logbook.

43.03.6 **Installation of New Parts**

(1) No person may install a new part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of new parts and, subject to subsections (2) and (3), has been certified under regulation Part 21.

(2) No certification referred to in subsection (1) is required where;

- (a) a new part is a foreign-manufactured part that is certified pursuant to an agreement with the Authority which agreement provides for the acceptance of export airworthiness certification;
- (b) a new part is a foreign-manufactured part that is obtained from a manufacturer holding a type design recognized by the Authority and the part is certified in accordance with the laws of the state of manufacture;
- (c) a new part, whose accompanying documentation has been verified, has been inspected in accordance with the requirements of regulation Part 43;
- (d) certificate of airworthiness in the owner-maintenance or amateur-built classification; or
- (e) a part is made in accordance with Regulation Part 21.

(3) No certification referred to in subsection (1) is required in respect of a new part that bears markings identifying it as a part specified in the type design and that

- (a) is a standard part;
- (b) is a commercial part;
- (c) is a part that was not originally designed and manufactured for aeronautical use but has been approved for use on the aeronautical product in the type design.

43.03.7 Installation of Used Parts

(1) No person may install a used part on an aeronautical product, other than aircraft that are operated under a special certificate of airworthiness in the owner-maintenance or amateur-built classification, unless the part meets the standards of airworthiness that are applicable to the installation of used parts and are set out in regulation 43 -

- (a) is an airworthy part that has been removed from an aircraft for immediate installation on another aircraft;
- (b) is an airworthy part that has undergone maintenance for which a maintenance release has been signed pursuant to this regulation; or
- (c) has been inspected and tested to ensure that the part conforms to its type design and is in a safe condition, and a maintenance release has been signed to that effect.

(2) If, under the terms of a loan agreement or an air operator parts pooling agreement, a used part has been obtained from a source not subject to these Regulations, no person may permit the part to remain in service for longer than 90 days unless specifically authorized by the Executive Director on receipt of documentation demonstrating that the part conforms to the applicable type design.

43.03.8 Installation and Disposal of Life-limited Parts

(1) No person may install a used life-limited part on an aeronautical product unless the part meets the standards of airworthiness applicable to the installation of life-limited parts and

- (a) the technical history of the part is available to show that the time in service authorized for that part in the type certificate governing the installation has not been exceeded; and
- (b) the history referred to in paragraph (a) is incorporated into the technical record for the aeronautical product on which the part is installed.

(2) No person may install a used life-limited part in a place other than that from which it was removed unless the part is installed:

- (a) in the same or in an identical position on another aeronautical product bearing the same part number as that from which the part was removed; or
- (b) in conformity with the requirements in respect of technical data that have been approved or the use of which has been approved.

(3) When a life-limited part has reached the time in service authorized in its type design, the part must be

- (a) rendered unusable; or
- (b) clearly identified as not airworthy and kept segregated from airworthy parts; or;

- (c) disposed of in such a way as to prevent mis-use by any other person..

43.03.9 Certifying Conformity following Major Modification or Major Repair

This subpart prescribes rules governing the certification of an aircraft, that is issued with a standard or restricted category airworthiness certificate under subpart 8 of Part 21, for conformity with acceptable technical data following major modifications or major repairs.

43.03.10 Persons to certify conformity

- (1) A person must not certify that an aircraft or component conforms to acceptable technical data following a major modification or a major repair unless that person—
 - (a) holds an authorisation, issued by the holder of a maintenance organisation certificate issued in accordance with Part 145, to certify conformity of the aircraft or component; or
 - (b) is authorised by the manufacturer of the aircraft or component to certify conformity of the aircraft or component.
- (2) Notwithstanding paragraph (1), a person may certify that a glider or glider component conforms to acceptable technical data following a major modification or a major repair if that person—
 - (a) is authorised by a gliding organisation to certify conformity of gliders and glider components; and
 - (b) has attended a course of instruction and passed an examination on the inspection of gliders and glider components that is acceptable to the Executive Director .

43.03.11 Certifying requirements

Each person certifying conformity of an aircraft or aircraft component following a major modification or a major repair must, before certifying to that effect, ensure that the modification or repair conforms to the applicable technical data acceptable to, or approved by, the Executive Director.

43.03.12 Certification

- (1) Except as provided by paragraph (2), each person who certifies that an aircraft or aircraft component conforms to the applicable technical data required by 43.03.11 following a major modification or a major repair, in addition to the entry referred to in regulation 43.03.1, must complete the necessary maintenance record in the logbook and process the certificate relating to the maintenance of the aircraft in the manner as prescribed in Document NAM-CATS 43.
- (2) The person certifying that an aircraft or aircraft component conforms to the applicable technical data required by 43.03.11 must provide to the holder of the certificate of registration for the aircraft with the copy of the completed record.
- (3) Each person who certifies conformity must forward a copy of the completed record to the Executive Director within seven days of the completion of the certification

SUBPART 4: RELEASE TO SERVICE

43.04.1 Persons to certify release to service

- (1) No person may certify an aircraft or aircraft component for release to service after maintenance unless such person –

- (a) is the holder of an aircraft maintenance engineer licence with an appropriate rating issued in terms of Part 66;
- (b) is authorised by the holder of an aircraft maintenance organisation approval with an appropriate rating issued in terms of Part 145, to certify maintenance within the scope of such approval;
- (c) is authorised by the Executive Director to certify an aircraft or aircraft component for release to service; or
- (d) for maintenance carried out outside Namibia, holds a licence or equivalent authorisation issued by an appropriate authority acceptable to the Executive Director, for the type of aircraft or aircraft component.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may certify maintenance which has been carried out in accordance with the conditions referred to in regulation 43.02.2(2).

43.04.2 Requirements for certifying release to service

(1) No person may certify an aircraft or aircraft component for release to service after maintenance unless –

- (a) such maintenance has been carried out in accordance with the provisions of this Part.
and.
- (b) the person meets the requirements of rule 43.04.1, and
- (c) in respect of that maintenance, the aircraft or component is fit for release-to-service; and
- (d) if the aircraft has undergone maintenance that may have appreciably affected the flight characteristics or operation of the aircraft,—
 - (i) a satisfactory operational flight check has been carried out and the completion of the flight check is recorded in the aircraft maintenance logbook or worksheet, and the technical log; or
 - (ii) ground tests, inspections, or both, show conclusively that the maintenance has not appreciably changed the flight characteristics or substantially affected the flight operation of the aircraft and details of the ground tests and inspections, as the case may be, have been recorded in the aircraft maintenance logbook or worksheet; or
 - (iii) the release-to-service is for the purpose of performing the operational flight check required under paragraph (1)(d)(i).

(2) A person must not certify an aircraft or component for release-to-service after the performance of a major modification or a major repair unless—

- (a) the person meets the requirements of rule 43.04.1; and
- (b) the major modification or major repair has been certified for conformity with acceptable technical data in accordance with regulations 43.02.15 (2) (a) and NAMCATs 43, Annex E ; and
- (c) in respect of that major modification or major repair, the aircraft or component is fit for release-to-service; and
- (d) if the acceptable technical data under paragraph (2)(b) includes changes to the operating limitations or flight data in the flight manual, the changes have been incorporated into the flight manual.

(3) The person responsible for certifying an aircraft for release-to-service under paragraph (1)(d)(iii) for the purpose of an operational flight check must record in the aircraft maintenance logbook or worksheet, and the technical log —

- (a) the following statement of release-to-service: *In respect of the recorded work, the aircraft is released-to-service for an operational flight check only;* and
- (b) adjacent to the statement of release-to-service—
 - (i) the person's name; and
 - (ii) the person's signature except if the maintenance logbook or worksheet is in electronic format; and
 - (iii) the person's licence, approval, or authorisation number; and
 - (iv) the date of entry.

43.04.3 Validity of a certificate of release to service

(1) A certificate of release to service for an aircraft may be validated for a period not exceeding 12 months or 100 hours of flight time, whichever comes first, or such other time as approved in the progressive inspection programme referred to in regulation 43.02.8(2)(a)(ii).

(2) When a certificate of airworthiness becomes invalid due to an aircraft sustaining a defect not affecting the primary structure, the validity of the certificate is restored when the defect has been rectified and the necessary certification has been made.

(3) When a certificate of airworthiness becomes invalid due to an aircraft sustaining a serious defect in an accident or incident that affects the serviceability of a Class I product, the certificate of release to service must be invalidated.

43.04.4 Certifying after inspection

Any person who certifies an aircraft or aircraft component for release to service after carrying out an inspection must enter in the appropriate logbook or other maintenance record approved by the Executive Director —

- (a) the statement as prescribed in Document NAM-CATS 43; and
- (b) his or her signature, licence or authorisation number and the date of the entry.

43.04.5 Certifying after maintenance

(1) Any person who certifies an aircraft or aircraft component for release to service after maintenance shall enter in the appropriate logbook or other maintenance record approved by the Executive Director —

- (a) the statement as prescribed in Document NAM-CATS 43; and
- (b) his or her name, signature, licence or authorisation number and the date of the entry.

(2) If components are not installed on, or allocated to an aircraft, the person certifying release to service shall certify the release to service on the appropriate form as prescribed by the Executive Director.

43.04.6 Discrepancies

Any person who carries out an inspection and who does not release the aircraft or aircraft component to service must —

- (a) provide the owner or operator with a signed and dated list of the discrepancies, including any equipment which is marked "inoperative" in terms of paragraph (c);
- (b) if such person is satisfied that the aircraft —

- (i) is not airworthy; or
 - (ii) does not comply with the applicable type certificate data, airworthiness directives or other approved data upon which the airworthiness of such aircraft depends;
- (c) for those items, which appear to be imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item "inoperative";
- (d) enter the date of entry, his or her name, signature, licence or authorisation number and the appropriate statement, as prescribed in Document NAM-CATS 43, in the appropriate logbook or flight folio.

43.04.7 Flight manual data

If the approved data for a repair or modification to an aircraft or aircraft component include changes to the operating limitations or flight data in the aircraft flight manual, the person certifying release to service may not certify the release to service until the changes have been incorporated into the flight manual.

43.04.8 Duplicate inspection of controls

(1) No person may certify an aircraft component for release to service after the initial assembly, subsequent disturbance or adjustment of any part of an aircraft or component control system unless –

- (a) the applicable requirements of Subpart 4 have been complied with; and
- (b) a duplicate safety inspection of the control system of the aircraft or the component, as the case may be has been carried out and functions correctly; and
- (c) in respect of the maintenance that has been carried out, the control system is assembled correctly and every required locking mechanism is in place; and
- (d) the duplicate safety inspection is recorded and certified in the appropriate logbook, or other maintenance record approved by the Executive Director.

(2) A duplicate safety inspection authorised in terms of sub-regulation (1), must consist of –

- (a) an inspection by a person referred to in regulation 43.04.1 to certify the aircraft or component for release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is nominated by the person referred to in regulation 43.04.1 and has adequate training, knowledge and experience to carry out the safety inspection and who holds-
 - (i) a current aircraft maintenance engineer licence issued in accordance with Part 66; or
 - (ii) a current certificate of maintenance approval issued in accordance with Part 66; or
 - (iii) a current pilot licence with a rating on the aircraft type issued in accordance with Part 61; or
 - (iv) a current authorisation issued by the holder of a maintenance organisation certificate issued in accordance with Part 145 to certify maintenance within the scope of such approval; or
 - (v) a current appropriate maintenance engineer licence or approval issued under the appropriate authority of an ICAO Contracting State..

43.04.9 Ground running checks - reciprocating engines

No person may certify a reciprocating engine-powered aircraft for release to service after a mandatory inspection unless such person ensures that –

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance, in accordance with the manufacturer's recommendations, for –
 - (i) the power output (static and idle RPM);
 - (ii) the ignition system;
 - (iii) the fuel and oil pressure; and
 - (iv) the cylinder or coolant temperature, and oil temperature; and
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded –
 - (i) in the appropriate engine or aircraft logbook; and
 - (ii) in the maintenance record.

43.04.10 Ground running checks - turbine engine

No person may certify a turbine engine-powered aircraft for release to service after a mandatory inspection unless such person ensures that –

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance, in accordance with the manufacturer's recommendations;
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded;
- (c) the engine parameters are recorded in accordance with the manufacturer's recommendations –
 - (i) in the appropriate engine or aircraft logbook; or
 - (ii) in the maintenance record.

43.04.11 Flight folio completion

- (a) No person may certify an aircraft or aircraft component for release to service in an aircraft flight folio unless each applicable section of the flight folio has been completed.
- (b) This includes the section where any rectification of deferred defects must be recorded.

43.04.12 Engine performance checks

No person may certify an aircraft for release-to-service after the following maintenance activities unless an engine performance check has been performed in accordance with the aircraft manufacturer's recommendations:

- (a) a 100-hour, or equivalent inspection carried out in accordance with the aircraft manufacturer's maintenance schedule;
- (b) an engine change;
- (c) a propeller change;
- (d) any other maintenance if the aircraft manufacturer recommends an engine performance check after the maintenance.

SUBPART 5: MAINTENANCE FOR SPECIAL CATEGORY AIRCRAFT

43.05.1 Maintenance for Special Category Aircraft

This subpart prescribes regulations, that are additional to, or exceptions from the requirements of Subparts 2 and 4 for the maintenance of an aircraft that has a *special category* airworthiness certificate issued under Subpart 8 of Part 21.

43.05.2 Performance of maintenance

In addition to rule 43.03.14, a person performing maintenance in accordance with a maintenance programme, including the maintenance schedule required under regulation 43.02.1 on an aircraft that has a *special category* airworthiness certificate or a component fitted or intended to be fitted to an aircraft that has a *special category* airworthiness certificate must—

- (a) at the start of the maintenance programme, including the maintenance schedule, inspect the aircraft for any defect or configuration anomalies which would be unlikely to be detected by the inspections required under paragraph (b); and
- (b) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme, including the maintenance schedule.

43.05.3 Recording of overhaul

(1) In spite of regulation 43.03.2, and subject to paragraph (2), a person may state in an appropriate maintenance document for an aircraft that has a *special category* airworthiness certificate that an airframe, engine, propeller, or component of the aircraft has been overhauled if it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested using methods and techniques documented—

- (a) by the aircraft or component manufacturer; or
- (b) by a military authority to standards acceptable to the Executive Director.

(2) For an aircraft that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate, the methods and techniques required by paragraphs (1)(a) and (1)(b) must be specified in the maintenance programme, including the maintenance schedule required under regulation 43.02.1 .

43.05.4 Maintenance records

(1) In spite of regulation 43.03.1 (1)(k), a person performing maintenance on an aircraft that has a *special category* airworthiness certificate must on completion of the maintenance, record the following references for any replacement part or component—

- (a) the origin of the part or component; and
- (b) the source of the part or component; and
- (c) documentation associated with the part or component; and
- (d) the history of the part or component.