



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 31 August 2018

No. 6696

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## Government Notice

### MINISTRY OF WORKS AND TRANSPORT

No. 210

2018

#### AMENDMENT OF NAMIBIA CIVIL AVIATION REGULATIONS, 2001: CIVIL AVIATION ACT, 2016

Under section 54 of the Civil Aviation Act, 2016 (Act No. 6 of 2016) I have, on the recommendation of the Board of Directors of the Namibia Civil Aviation Authority and with the concurrence of the Minister responsible for finance, made the regulations set out in the Schedule, and determined that the said regulations come into effect 90 days from the date of publication of this notice.

**J. MUTORWA**

**MINISTER OF WORKS AND TRANSPORT**

Windhoek, 20 August 2018

### SCHEDULE

#### Definitions

1. In these regulations “the Regulations” means the Namibian Civil Aviation Regulations published under Government Notice 1 of 2 January 2001, as amended by Government Notice No. 57 of 1 April 2006, Government Notice No. 201 of 1 November 2006 and Government Notice No. 80 of 4 April 2017.

**Amendment of regulation 1.00.1 of Regulations**

2. Regulation 1.00.1 of the Regulations is amended -
- (a) by the insertion after the definition “ATS route” of the following definition:
- ““available seat” means the seat or space on an aircraft configured for the purposes of passenger use in relation to its scheduled flight;”;
- (b) by the insertion after the definition “ceiling” of the following definition:
- ““charges” include the following categories of charges:
- (a) in relation to air navigation services provided by the Authority -
- (i) “aerodrome charge”, or ADR, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight arriving, departing, transiting or undertaken within any control zone (CTR) or aerodrome traffic zone (ATZ);
- (ii) “en-route charge” means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight undertaken within the Windhoek Flight Information Region as designated by the Authority; and
- (iii) “terminal control area charge”, or TMA, means the amount payable by the holder or participant, inclusive of an owner or operator, in respect of a flight entering, exiting, transiting or undertaken within any TMA for air navigation services provided by the Authority; and
- (b) in relation to international or domestic carriage, “civil aviation safety charge” means the amount payable, either in respect of a domestic or an international flight, for services by the Authority which are provided directly, related to, or ultimately beneficial for the Namibia Civil Aviation Authority System in accordance with the requirements of the Act, by the holder or participant, inclusive of an owner or operator, who provides air services departing on an aircraft from an aerodrome within the territory of Namibia to a destination within or outside the territory of Namibia;”.

**Amendment of Part 187 of Regulations**

3. **Part 187 of the Regulations is amended -**
- (a) in the “List of Regulations” by the substitution for the title “187.00.22 Fees relating to Part 172” of the title “187.00.22 Fees and charges relating to Parts 71, 170 to 175 and 179”, and for the title “187.00.23 General” of the title “187.00.23 Charges relating to Part 140”; and
- (b) by the substitution for regulations 187.00.22 and 187.00.23 of the following regulations:

**“Fees and charges relating to Parts 71, 170 to 175 and 179:**

|                  | <b>Fee category:</b>                                                                                                                                                                                                                                                      | <b>Values / units<br/>N\$</b>                                                                                          |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|                  | <b>Fees payable upon application</b>                                                                                                                                                                                                                                      |                                                                                                                        |
| <b>187.00.22</b> | (1) The following fees shall be payable on application:                                                                                                                                                                                                                   |                                                                                                                        |
|                  | (a) for a copy of the register of air traffic service unit approvals referred to in regulation 172.01.7(5))                                                                                                                                                               | <b>2.00 (per page)</b>                                                                                                 |
|                  | (b) for -                                                                                                                                                                                                                                                                 |                                                                                                                        |
|                  | (i) the issuing of an air traffic service unit approval referred to in regulation 172.03.5; and                                                                                                                                                                           | <b>3 100.00</b>                                                                                                        |
|                  | (ii) the amendment of an air traffic service unit approval referred to in regulation 172.03.5;                                                                                                                                                                            | <b>3 100.00</b>                                                                                                        |
|                  | (c) for the renewal of an air traffic service unit approval referred to in regulation 172.03.9(l);                                                                                                                                                                        | <b>2 300.00</b>                                                                                                        |
|                  | (d) for the issuing of a duplicate air traffic service unit approval;                                                                                                                                                                                                     | <b>250.00</b>                                                                                                          |
|                  | (e) for the approval of –                                                                                                                                                                                                                                                 |                                                                                                                        |
|                  | (i) an aerodrome control service;                                                                                                                                                                                                                                         | <b>10 000.00</b>                                                                                                       |
|                  | (ii) an approach control service;                                                                                                                                                                                                                                         | <b>12 000.00</b>                                                                                                       |
|                  | (iii) an area control service;                                                                                                                                                                                                                                            | <b>12 000.00</b>                                                                                                       |
|                  | (iv) a flight information service;                                                                                                                                                                                                                                        | <b>12 000.00</b>                                                                                                       |
|                  | (v) an approach surveillance service;                                                                                                                                                                                                                                     | <b>18 000.00</b>                                                                                                       |
|                  | (vi) an area surveillance service; or                                                                                                                                                                                                                                     | <b>18 000.00</b>                                                                                                       |
|                  | (v) an aerodrome flight information service.                                                                                                                                                                                                                              | <b>4 000.00</b>                                                                                                        |
|                  | <b>Charges relating to air navigation services:</b>                                                                                                                                                                                                                       |                                                                                                                        |
|                  | <b>Charge category</b>                                                                                                                                                                                                                                                    |                                                                                                                        |
|                  | <b>En-route charges</b>                                                                                                                                                                                                                                                   |                                                                                                                        |
|                  | (2) An en-route charge shall be calculated using the following formula:                                                                                                                                                                                                   | <b>En-route Charge =<br/>Distance x <math>\sqrt{\text{MTOW (Maximum Take Off Weight) } \times C_1}</math></b>          |
|                  | (a) where the MTOW of an aircraft is greater or equal to 5700 kg: Constant $C_1 = 0.055$ ; and                                                                                                                                                                            |                                                                                                                        |
|                  | (b) where the MTOW of an aircraft is less than 5700 kg: Constant $C_1 = 0.02$ ;                                                                                                                                                                                           | <b>Where -</b>                                                                                                         |
|                  | (c) the Constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the <i>Gazette</i> ;                                                                                                                       | <b>MTOW is in kilograms (kg), distance in nautical miles (nm) <math>C_1</math> is a constant and the Charge in N\$</b> |
|                  | (d) no en-route charge shall be payable to the Authority in respect of any aircraft engaged in a flight which commences and terminates at the same airport for training purposes; and                                                                                     |                                                                                                                        |
|                  | (e) no en-route charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director of the Authority to determine the serviceability of aircraft systems or flights. |                                                                                                                        |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                        |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>Terminal Control Area charge</b></p> <p>(3) The terminal control area (TMA) charge shall be calculated using the following formula:</p> <p>(a) constant <math>C_2 = 0.3</math>;</p> <p>(b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the <i>Gazette</i>;</p> <p>(c) the TMA charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the TMA charge calculated using the TMA charge formula specified above; and</p> <p>(d) no TMA charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.</p> | <p><b>TMA Charge =</b><br/> <math>MTOW^{0.8} \times C_2</math></p> <p><b>Where -</b></p> <p><b>MTOW is in kilograms (kg), <math>C_2</math> is a constant and the Charge in N\$</b></p> |
|  | <p><b>Aerodrome Charge</b></p> <p>(4) The following Aerodrome (ADR) charge shall be calculated using the following formula:</p> <p>(a) constant <math>C_3 = 0.2</math>;</p> <p>(b) the constant is subject to periodic review by the Authority and, upon approval by the Minister, the publication thereof in the <i>Gazette</i>;</p> <p>(c) the ADR charge in respect of a helicopter or a fixed-wing flight which is engaged solely for the purpose of aircrew training, shall be 20 per cent of the ADR charge calculated using the ADR charge formula specified above; and</p> <p>(d) no ADR charge shall be payable in respect of any aircraft engaged in a military, customs, police or search and rescue flight, or test flights ordered by the Executive Director to determine the serviceability of aircraft systems or flights.</p>               | <p><b>ADR Charge =</b><br/> <math>MTOW^{0.8} \times C_3</math></p> <p><b>Where -</b></p> <p><b>MTOW is in kilograms (kg) and the Charge in N\$</b></p>                                 |

**Charges relating to Part 140**

|           | <b>Civil Aviation Safety charges:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                              |
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|           | <b>Liability to pay civil aviation safety charges</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                              |
| 187.00.23 | <p>(1) A civil aviation safety charge amounting to N\$30.00 per available seat for domestic flights and N\$54.00 per available seat for international flights is payable.</p> <p>(2) Value Added Tax is not payable on the civil aviation safety charge.</p> <p>(3) The civil aviation safety charge becomes due to the Authority by a holder or participant and inclusive of an owner or operator, providing air services on the departure of a flight from an aerodrome within the territory of Namibia.</p> <p>(4) The owner or operator providing air services shall pay, directly to the Authority, the civil aviation safety charge, within 30 days of the invoice date.</p> <p>(5) Information relating to the total number of departures and type of aircraft per owner or operator on domestic and international flights, as contemplated in subregulation (4), shall be provided monthly –</p> <p>(a) by the Air Navigation Services Unit of the Authority, in respect of flights departing from aerodromes manned by air traffic controllers; and</p> <p>(b) by the relevant aerodrome licence holder or operator of an aerodrome in respect of flights departing from aerodromes not manned by air traffic controllers.</p> <p>(6) The Authority shall, on receipt of the information referred to in subregulation (5), verify the accuracy and completeness of data received from the operators of aerodromes involved and Air Navigation Services Unit of the Authority.</p> <p>(7) The owner or operator of the relevant air services shall be subjected to a compliance audit as instructed or done by the Authority at any time determined by the Executive Director.</p> <p>(8) Without prejudice to subregulation (7) it shall be the responsibility of the aircraft owner or operator providing air services to provide the Authority with correct information on the number of departures and type of aircraft used in case of conflicting data, for verification purposes.</p> | <p><b>N\$30.00 per available seat - Domestic flight</b></p> <p><b>N\$54.00 per available seat - International flight</b></p> |