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MINISTRY OF WORKS AND TRANSPORT

No. 178

2023

AMENDMENT OF NAMIBIAN CIVIL AVIATION REGULATIONS, 2001: CIVIL AVIATION ACT, 2016

Under sections 54 to 57 of the Civil Aviation Act, 2016 (Act No. 6 of 2016), and after consultation with the Board of Directors of the Namibia Civil Aviation Authority, I have made the regulations set out in the Schedule.

J. MUTORWA
MINISTER OF WORKS AND TRANSPORT

Windhoek, 26 April 2022

SCHEDULE

Commencement, savings and transitional provisions

1. (1) Except as provided under subregulation (2), (3) and (4) -
 - (a) a licence, permit or authorisation relating to a matter covered under these regulations and which was issued in terms of the Act or deemed to have been issued in terms of the Act before the commencement of these regulations remains valid for the period for which it was issued, unless revoked or suspended in terms of the Act; and
 - (b) these regulations commence on the date of publication in the *Gazette*.
- (2) Regulations 65.01.6 and 65.01.8 contained in Part 65 of the Regulations commence after twelve months from the date of commencement of these regulations.
- (3) The regulations contained in Subpart 4 of Part 66 of the Regulations commence after 12 months from the date of commencement of these regulations.
- (4) Regulation 66.01.12 contained in Part 66 of the Regulations commences after twelve months from the date of commencement of these regulations.

Definitions

2. In these regulations a word or an expression to which a meaning has been assigned in the Civil Aviation Act, 2016 (Act No.6 of 2016) has that meaning and unless the context indicates otherwise -

“the Regulations” means the Namibian Civil Aviation Regulations Published under Government Notice No. 1 of 2 January 2001 as amended by Government Notice No. 57 of 1 April 2006, Government Notice No. 201 of 1 November 2006, Government Notice No. 80 of 4 April 2017, Government Notice No. 210 of 31 August 2018, Government Notice No. 293 of 8 November 2018, Government Notice No. 409 of 30 December 2020, Government Notice No. 410 of 30 December 2020, Government Notice No. 89 of 27 March 2020 and Government Notice No. 112 of 30 April 2020.

Amendment of Regulation 1.00.1 of the Regulations

3. Regulation 1.00.1 of the Regulations is amended by -
 - (a) the insertion after the definition of “aeroplane” of the following definitions:

“ “aeroplane certificated for single-pilot operation” means a type of aircraft which the Executive Director has in terms of the Regulations and technical standards determined, during the certification process, can be operated safely with a minimum crew of one pilot;

“aeroplane required to be operated with a co-pilot” means type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;”;
 - (b) the insertion after the definition of “AIP Supplement” of the following definition:

“ “aircraft category” means a classification of an aircraft according to specified basic characteristics such as aeroplane, helicopter, glider or free balloon;”;

- (c) the insertion after the definition of “air traffic service personnel” of the following definition:
- “ “air traffic service personnel member” means a person licensed in terms of Part 65 to provide air traffic control service;”;
- (d) the insertion after the definition of “approach control office” of the following definition:
- “ “appropriate airworthiness requirements” means the comprehensive and detailed airworthiness standards and codes established, adopted or accepted by Namibia in terms of Part 21 or the class of aircraft, engine or propeller under consideration;”;
- (e) the substitution for the definition for “approved” of the following definition:
- “ “approved” unless the context indicates otherwise, means approved by the Executive Director in terms of the Regulations and technical standards;”;
- (f) insertion after the definition of “approved” of the following definitions:
- “ “approved ATO” means an organisation approved in terms of Part 141 to perform functions required for the issuance of an aviation document;
- “approved training” means training conducted under special curricula and supervision approved by the Executive Director in terms of the Regulations and technical standards;
- “air traffic control surveillance service” means a service provided directly by means of an air traffic control surveillance system;
- “ATS system” means air traffic services surveillance systems such as ADS-B, PSR, SSR or any comparable ground-based system referred to in Part 172 that enables the identification of an aircraft;”;
- (g) the insertion after the definition of “ceiling” of the following definition:
- “ “certify as airworthy” means to certify that an aircraft or parts of an aircraft comply with current airworthiness requirements after maintenance has been performed on the aircraft or parts of the aircraft;”;
- (h) the insertion after the definition of “company” of the following definition:
- “ “competency” means a combination of skills, knowledge and attitudes required to perform a task to the specified standards;”;
- (i) the insertion after the definition of “Co-Mat” of the following definition:
- “ “credit” means recognition of alternative means or prior qualifications;”;
- (j) the insertion after the definition of “critical phases of flight” of the following definition:
- “ “cross-country” means a flight between a point of departure and a point of arrival not less than the prescript distances apart following a pre-planned route using standard navigation procedures;”;

- (k) the insertion after the definition of “designated” of the following definition:
- “ “designated examiner” means a person designated by the Executive Director as such in terms of the regulations to conduct skill tests and proficiency checks on pilots and other persons for purposes specified in the Regulations;”;
- (l) the insertion after the definition of “Document NAM-CATS-FCL 61” of the following definition:
- “ “Document NAM-CATS-FCL 62” means a document on the Namibian Civil Aviation Technical Standards relating to Recreational Pilot Licensing, which is published by the Executive Director in terms of section 227 of the Act;”;
- (m) the insertion after the definition of “Document NAM-CATS-FPD” of the following definitions:
- “ “Document NAM-CATS-FSTD” means a document on the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;
- “Document NAM-CATS-FSTD A” means a document on the Namibian Civil Aviation Technical Standards relating to Aeroplane Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;
- “Document NAM-CATS-FSTD H” means a document on the Namibian Civil Aviation Technical Standards relating to Helicopter Flight Simulation Training Devices, which is published by the Executive Director in terms of section 227 of the Act;”;
- (n) the insertion after the definition of “diplomatic bag” of the following definition:
- “ “differences training” means training required to acquire additional knowledge and skills on an appropriate FSTD or the aircraft;”;
- (o) by the insertion after the definition of “dry runway” of the following definition:
- “ “dual instruction time” means flight time during which a person is receiving flight instruction from –
- (a) an authorised pilot, on board the aircraft, or
- (b) an authorised remote pilot, using the remote pilot station during a remotely piloted aircraft flight;”;
- (p) by the insertion after the definition of “facility” of the following definition:
- “ “familiarisation training” means training that requires the acquisition of additional knowledge;”;
- (q) the substitution for the definition of “flight crew member” of the following definition:
- “ “flight crew member” means a crew member licenced in terms of Parts 61, 62, 63 and 64 and tasked with duties essential to the operation of an aircraft during a flight duty period;”;

- (r) the insertion after the definition of “flight recorder” of the following definition:
- “ “flight simulators or training device” means any one of the following four types of apparatus in which flight conditions are simulated on the ground -
- (a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type or an accurate representation of the remotely piloted aircraft system (RPAs) to the extent that the mechanical, electrical, electronic aircraft systems, control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
 - (b) a flight procedures trainer, which provides a realistic flight deck environment or realistic RPAS environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
 - (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight or the RPAS environment in instrument flight conditions; or
 - (d) ATC (Radar or aerodrome) or flight engineer training devices;”;
- (s) the substitution for the definition of “flight time ” of the following definition:
- “ “flight time” -
- (a) in relation to aeroplanes, means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight;
 - (b) in relation to remotely piloted aircraft systems, means the total time from the moment a command and control (C2) link is established between the remote pilot station (RPS) and the remotely piloted aircraft (RPA) for the purpose of taking off or from the moment the remote pilot receives control following a handover until the moment the remote pilot completes a handover or the C2 link between the RPS and the RPA is terminated at the end of the flight;
 - (c) in relation to glider, means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;
 - (d) in relation to helicopter, the total time from the moment a helicopters rotor blades starts turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;”;
- (t) the insertion after the definition of “handicapped passenger” of the following definition:
- “ “handover” means the act of passing piloting control from one remote pilot station to another;”;
- (u) the insertion after the definition of “high-risk cargo or mail ” of the following definition:

“ “human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;”;

- (v) the substitution for the definition of “instrument flight time” of the following definition:

“ “instrument flight time” means the time during which a pilot is piloting an aircraft, or a remote pilot is piloting a remotely piloted aircraft, solely by reference to instruments and without external reference points;”;

- (w) the substitution for the definition of “instrument ground time” of the following definition:

“ “instrument ground time” mean the time during which a pilot is practising, on the ground, simulated instrument flight in a flight simulator training device approved by the Executive Director;”;

- (x) the insertion after the definition of “lighter-than-air aircraft” of the following definitions:

“ “likely” in the context of the medical provisions in Part 67 means with a probability of occurring that is unacceptable to the medical assessor;”;

- (y) the substitution for the definition of “maintenance” of the following definition:

“ “maintenance” in relation to the airworthiness of an aircraft, means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;”;

- (z) the insertion after the definition of “modification” of the following definition:

“ “monitor” in relation to compliance by examiners with the regulations and technical standards, means a cognitive process to compare an actual state to an expected state;”;

- (aa) by the insertion after the definition of “movement area” of the following definition:

“ “NAM-CATS-FSTD” means the Namibian Civil Aviation Technical Standards relating to Flight Simulation Training Devices which is published by the Executive Director in terms of section 227 of the Act;”;

- (bb) the insertion after the definition of “passenger aircraft” of the following definition:

“ “performance criteria” means a statement used to assess whether the required levels of performance have been achieved for a competency and performance criterion consists of an observable behaviour, condition and a competency standard;

“pilot” when used as a verb means to manipulate the flight controls of an aircraft during flight time;

“pilot flying (PF)” means the pilot whose primary task is to control and manage the flight path, and the secondary tasks of the PF are to perform non-flight path related actions such as radio communications, aircraft systems, other operational activities and to monitor other crew members;”;

- (cc) the insertion after the definition of “pilot in command” of the following definitions:
- “ “pilot-in-command-under-supervision” means co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, in accordance with a method of supervision acceptable to the Executive Director;
- “powered-lift” means a heavier-than-air aircraft capable of vertical take-off, vertical landing, and low-speed flight, which depends principally on engine-driven lift devices or engine thrust for the lift during these flight regimes and on non-rotating aerofoil for lift during horizontal flight;
- “proficiency check” means demonstration of skill to revalidate or renew ratings and this includes such oral examination as may be required;”;
- (dd) by the insertion after the definition of “remote pilot station” of the following definition:
- “ “renewal” means the administrative action taken by the Executive Director in terms of the regulations with respect to the validity of a licence, rating, authorisation or certificate that allows the holder to continue to exercise the privileges of a licence, rating, authorisation or certificate for a further specified period;”;
- (ee) by the insertion after the definition of “repair” of the following definition:
- “ “revalidation” means an administrative action taken by the Executive Director in terms of the regulations within the period of validity of a rating which allows the holder of the validation to continue to exercise the privileges of the rating for a further specified period;”;
- (ff) by the insertion after the definition of “small aeroplane” of the following definitions:
- “ “significant” in relation to the medical provisions in Part 67, means to a degree or of a nature that is likely to jeopardise flight safety;
- “solo flight time” means flight time during which a student pilot is -
- (a) is the sole occupant of an aircraft;
 - (b) remotely piloting an aircraft system; or
 - (c) controlling the remotely piloted aircraft system, acting solo;”;
- (gg) the substitution of the definition of “validate” of the following definition:
- “ “validate in relation to a licence, means the action taken by the Executive Director in terms of the regulations and the technical standards, as an alternative to issuing a Namibian licence, in accepting a licence issued by a contracting state as the equivalent of its own licence;”;
- (hh) the deletion of the definitions of “simulator” and “synthetic flight trainer”.

General amendment of the Regulations

4. The Regulations are amended by the substitution for the phrases “simulator” and “synthetic flight trainer” wherever they occur in the Regulations of the phrase “flight simulation training device”.

Amendment of regulation 1.00.2 of the Regulations

5. Regulation 1.00.2 of the Regulations is amended by the insertion of the following in the appropriate places of the list of abbreviations:

“(eB) ASPL means Airship Pilot Licence;
 (jA) CASL means Commercial Airship Pilot Licence;
 (fB) ATO means Aviation Training Organisation;
 (fC) ATPL means Airline Transport Pilot;
 (iB) CFBL means Commercial Free Balloon Pilot Licence;
 (jA) CASL means Commercial Airship Pilot Licence;
 (jB) CPL means Commercial Pilot Licence;
 (nA) DFE means Designated Flight Examiner;
 (uA) FBPL means Free Balloon Pilot Licence;
 (uB) FCL means Flight Crew Licence;
 (uC) FE means Flight Examiner;
 (vB) FSTD means Flight Simulator Training Device;
 (vC) GPL means Glider Pilot Licence;
 (yA) IR means Instrument Rating;
 (mm) P1 means Captain or Pilot-In-Command;
 (nn) P2 means Co-Pilot;
 (ooA) P3 means Third Pilot or Cruise Relief Pilot;
 (ppA) PIC means Pilot-In-Command;
 (qqA) PICUS means Pilot-In-Command-Under-Supervision;
 (qqB) PPL means Private Pilot Licence;
 (ttB) RPAS means Remotely Piloted Aircraft System;
 (ttC) RPL means Recreational Pilot Licence;
 (ttD) RPS means Remote Pilot Station;
 (uuBB) SOP means Standard Operating Procedure;
 (uuAA) SPL means Student Pilot Licence;
 (vvA) TEM means Threat and Error Management.”.

Insertion of Part 60 in the Regulations

6. The following Part is inserted after Part 47 of the Regulations:

“PART 60 FLIGHT SIMULATORS OR TRAINING DEVICES

SUBPART 1: GENERAL

- 60.01.1 Applicability
- 60.01.2 Qualification levels for flight simulator or training device
- 60.01.3 Application for initial qualification for flight simulator or training device
- 60.01.4 Qualification criteria for flight simulator or training device
- 60.01.5 Issue of Certificate for flight simulator or training device
- 60.01.6 Period of validity of Certificate of Qualification
- 60.01.7 Recurrent evaluation of qualified flight simulator or training device
- 60.01.8 Variation, cancellation or suspension of qualified flight simulator or training device
- 60.01.9 Approvals for users of qualified flight simulator or training device
- 60.01.10 Quality system
- 60.01.11 On-going fidelity requirements
- 60.01.12 Modification of qualified flight simulator or training device
- 60.01.13 Change in qualification level of qualified flight simulator or training device
- 60.01.14 Deactivation, relocation or reactivation of qualified flight simulator or training device

PART 67 MEDICAL CERTIFICATION

- 67.00.1 Applicability
- 67.00.2 Functions of Executive Director regarding medical examinations
- 67.00.3 Classes of medical certificates
- 67.00.4 Period of validity of medical certificates
- 67.00.5 Waiver and special medical certificate
- 67.00.6 Aeromedical boards
- 67.00.7 Application for medical certificate
- 67.00.8 Issuing of medical certificate
- 67.00.9 Medical certificates
- 67.00.10 Re-examination of license holder
- 67.00.11 Replacement of medical certificates
- 67.00.12 Medical certificate applicant and holder rights and responsibilities
- 67.00.13 Suspension or cancellation of medical certificate
- 67.00.14 Period of validity of medical records
- 67.00.15 Designation of aviation medical examiners
- 67.00.16 Validations
- 67.00.17 Foreign medical examinations
- 67.00.18 Medical confidentiality
- 67.00.19 Substance abuse and suspected substance abuse

Applicability

67.00.1 (1) This Part prescribes the requirements relating to the issuing and renewal of medical certificates for flight crew which are pilots, flight engineers, and cabin crew and air traffic service personnel.

(2) The Executive Director may designate medical assessors to exercise or perform powers or functions conferred or assigned to them.

(3) The reference to the Executive Director in this Part includes medical assessors to whom the Executive Director has under section 33 read with 37 of the Act delegated or assigned powers or functions for the purpose of the Regulations.

(4) For the purpose of this Part:

- (a) “accredited medical conclusion” means the conclusion reached by one or more medical practitioners with the concurrence of other professionals in the Authority for the purposes of the medical case concerned;
- (b) “aviation medical assessor” means a medical practitioner -
 - (i) qualified and experienced in the practice of aviation medicine and competent in evaluating and assessing medical conditions of flight safety significance; and
 - (ii) designated as a medical assessor by the Executive Director in terms of regulation 67.00.2;
- (c) “designated aviation medical examiner” means a medical practitioner designated by the Executive Director as an aviation medical examiner in terms of regulation 67.00.15 to carry out medical examinations for pilots, flight engineers, cabin crew and air traffic service personnel; and

- (d) “waiver” means an authorisation in terms of regulation 67.00.5 to issue a medical certificate in respect of a licence holder or an applicant, in terms of the Regulations, in cases such person does not meet medical standards referred to in any Schedule or Protocol set out in Document NAM-CATS-MR 67, but where such person meets the requirements of regulation 67.00.5.

(5) In this Part any requirements for the issuing, renewal or re-issuing of an aviation document in terms of this Part are subject to, and must be read in conjunction with, the requirements in the Act and technical standards relating to aviation documents.

Functions of Executive Director regarding medical examinations

67.00.2 (1) The Executive Director must -

- (a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;
- (b) determine standards for medical examinations or tests and for the training of aviation medical examiners;
- (c) issue or amend or renew medical certificates;
- (d) keep all books or documents regarding medical examinations or tests;
- (e) apply basic safety management principles to the medical assessment process of licence holders by performing, but not limited to, the following functions -
 - (i) routinely collecting and analysing medical findings during medical assessments to identify areas of increased medical risk;
 - (ii) continuously re-evaluating the medical assessment process to concentrate on identified areas of increased medical risk;
 - (iii) routinely collecting and analysing incapacitation in-flight and on active duty; and
 - (iv) ensuring that accredited medical conclusions are reached.

(2) The Executive Director must designate medical assessors to -

- (a) exercise control over medical examinations or tests and over designated aviation medical examiners performing such examinations or tests;
- (b) determine standards for medical examinations or tests and for the training of designated aviation medical examiners;
- (c) issue, amend or renew medical certificates on his or her behalf and in accordance with his or her directions;
- (d) keep all books or documents regarding medical examinations or tests; and
- (e) subject to the provisions of regulation 67.00.9, advise the Executive Director on any matter connected with medical examinations, tests or designated aviation medical examiners and on the training of flight crew and cabin crew in first aid.

(3) The powers and functions referred to in subregulation (2) must be exercised and performed according to the requirements set out in Document NAM-CATS 67.

(4) The Executive Director may designate aviation medical examiners in terms of regulation 67.00.15 to carry out medical examinations for pilots, flight engineers, cabin crew and air traffic service personnel in accordance with the provisions of this Part.

(5) The designated aviation medical examiners must permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the effective performance of the designated powers and functions in terms of regulation 67.00.15.

Classes of medical certificates

67.00.3 (1) The classes of medical certificates are:

(a) Class 1:

- (i) airline transport pilot: aeroplane, helicopter and powered-lift;
- (ii) commercial pilot: aeroplane, helicopter and powered-lift;
- (iii) commercial airship pilot; and
- (iv) recreational flight instructor;

(b) Class 2:

- (i) private pilot: aeroplane, helicopter and powered-lift;
- (ii) student pilot;
- (iii) glider pilot;
- (iv) airship pilot;
- (v) cabin crew member;
- (vi) free balloon pilot;
- (vii) flight engineer;
- (viii) recreational pilot (light sporting aeroplanes);
- (ix) recreational pilot (microlight aeroplanes);
- (x) recreational pilot (gyroplanes); and
- (xi) recreational pilots with Part 96 authorisation;

- (c) Class 3:
 - (i) air traffic service assistant;
 - (ii) air traffic service personnel member;
- (d) General Practitioner's medical fitness certificate -
 - (i) hang gliders; and
 - (ii) paragliders.

(2) A flight crew member who holds a valid Class 1 medical certificate referred to in paragraph (a) of subregulation (1), is deemed to hold a valid Class 2 medical certificate referred to in paragraph (b) of subregulation (1).

(3) An air traffic service personnel member who holds a valid Class 3 medical certificate referred to in paragraph (c) of subregulation (1), is deemed to hold a valid Class 2 medical certificate referred to in paragraph (b) of subregulation (1).

(4) Upon expiry of a Class 1 medical certificate referred to in paragraph (a) of subregulation (1), such medical certificate is deemed valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in paragraph (b) of subregulation (1) as specified in regulation 67.00.4.

(5) Upon expiry of a Class 3 medical certificate referred to in paragraph (a) of subregulation (1), such medical certificate is deemed valid for the remainder of the period for which it would have been valid as a Class 2 medical certificate referred to in paragraph (b) of subregulation (1), as specified in regulation 67.00.4.

(6) The medical requirements and standards to be complied with by an applicant for, or the holder of, a Class 1, 2, or 3 medical certificates are set out in Document NAM-CATS 67.

Period of validity of medical certificates

- 67.00.4** (1) A Class 1 medical certificate must be issued for a period of -
- (a) twelve calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;
 - (b) six calendar months in the case of an airline transport pilot (aeroplane, helicopter or powered-lift), engaged in single-crew commercial air transport operations, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued;
 - (c) twelve calendar months in the case of an airline transport pilot (aeroplane, helicopter or powered-lift), engaged in multi-crew commercial air transport operations, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older, but less than 60 years of age, on the date on which the medical certificate is issued;

- (d) twelve calendar months in the case of a commercial pilot (aeroplane, helicopter or powered-lift), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older, but less than 60 years of age, on the date on which the medical certificate is issued; and
 - (e) six calendar months in the case of a pilot as specified in subparagraph (c) and (d), where the applicant is 60 years of age or older.
- (2) A Class 1 medical certificate referred to in paragraphs (c) and (d) of subregulation (1) is valid subject to the condition that -
- (a) the applicant submits a six-monthly medical report, if he or she has a medical disease or risk factor for which he or she receives regular treatment by his or her treating medical practitioner or a designated aviation medical examiner and the report must include, the:
 - (i) nature of disease or risk factor;
 - (ii) information regarding control of disease or risk factor;
 - (iii) complications that have developed as a result of the disease or risk factor; and
 - (iv) type of treatment and side-effects of treatment;
 - (b) the applicant submits an annual follow-up blood test result, where applicable; and
 - (c) the applicant adheres to the requirements of any Schedule or Protocol set out in Document NAM-CATS 67, where applicable.
- (3) Subject to subregulation (6), the Executive Director must issue a Class 2 medical certificate for a period of -
- (a) sixty calendar months, in the case of a private pilot, aeroplane, helicopter and powered-lift; student pilot, glider pilot, airship pilot, cabin crew member, free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;
 - (b) twenty four calendar months, in the case of a private pilot: aeroplane, helicopter and powered-lift, student pilot, glider pilot, airship pilot, cabin crew member; free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued;
 - (c) twelve calendar months, in the case of a private pilot: aeroplane, helicopter and powered-lift; student pilot, glider pilot, airship pilot, cabin crew member, free balloon pilot, flight engineer, recreational pilot (light sporting aeroplanes) and recreational pilots with Part 96 authorisation, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued;

- (d) sixty calendar months, in the case of a recreational pilot (microlight aeroplanes), and recreational pilot (gyroplanes), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued;
 - (e) twenty four calendar months, in the case of a recreational pilot (microlight aeroplanes) and recreational pilot (gyroplanes), calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued; and
 - (f) twelve calendar months, in the case of a recreational pilot (microlight aeroplanes); recreational pilot (gyroplanes) and an air traffic service assistant, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued.
- (4) Subject to subregulation (6), the Executive Director must issue a Class 3 medical certificate for a period of -
- (a) forty-eight calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is less than 40 years of age on the date on which the medical certificate is issued; and
 - (b) twenty-four calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 40 years of age or older on the date on which the medical certificate is issued; and
 - (c) twelve calendar months, calculated from the last day of the calendar month in which the medical certificate is issued, where the applicant is 50 years of age or older on the date on which the medical certificate is issued.
- (5) A medical fitness certificate for hang gliders and paragliders is valid for:
- (a) for a period not exceeding sixty calendar months, calculated from the last day of the calendar month in which the medical fitness certificate is issued, where the applicant is less than 40 years of age on the date on which the medical fitness certificate is issued; and
 - (b) thirty-six calendar months, calculated from the last day of the calendar month in which the medical fitness certificate is issued, where the applicant is 40 years of age or older on the date on which the medical fitness certificate is issued.
- (6) Despite the provisions of subregulation (1), (2), (3) and (4), the Executive Director may impose limitations or reduce the period of validity of the medical certificate and endorse the medical certificate with the reason for such reduction or limitation:
- (a) if clinical indications require that medical examinations or tests be performed at shorter intervals; or
 - (b) if clinical indications require that additional examinations or tests be performed; or
 - (c) when the safe performance of the functions essential to the operation of an aircraft executed by the holder of such medical certificate depends on a reduction in the period of validity of such medical certificate or compliance with any limitation.

(7) The holder of a medical certificate who wishes to obtain an extension of the validity of a medical certificate must, at least 15 days immediately preceding the date on which such medical certificate expires, apply to the Executive Director for the extension of such medical certificate.

(8) Despite the provisions of subregulation (1), (2), (3), (4) and (6), the Executive Director may, on such conditions as he or she considers necessary, extend the medical certificate for a period not exceeding 30 days.

Waiver and special medical certificate

67.00.5 (1) If the applicant for medical certificate does not meet the medical standards within any Schedule or Protocol set out in Document NAM-CATS 67, the Executive Director may not issue or renew a medical certificate unless the following conditions are fulfilled:

- (a) an accredited medical conclusion indicates that in special circumstances the applicant's failure to meet the requirement, whether numerical or otherwise, is such that the exercise of the privileges of the licence applied for is not likely to endanger flight safety;
- (b) the relevant ability, skill and experience of the applicant and the operational conditions applicable to the applicant have been given due consideration; and
- (c) the applicable licence is endorsed with any limitations where the safe performance of the licence holder's duties is dependent on compliance with such limitation.

(2) Any abuse of the provisions of waiver referred to in subregulation (1) is unacceptable and the Executive Director may request an aviation medical assessor to investigate any instances of suspected abuse.

(3) Depending on the outcome of the investigation referred to in subregulation (2) the Executive Director may in terms of the Act take appropriate action which may include the revoking of the designation status of the aviation medical examiner.

(4) The aviation medical examiner's recommendation to issue a waiver may only be made with the concurrence of the medical assessor after:

- (a) subjecting the applicant or licence holder to a critical analysis involving a detailed personal examination by the primary aviation medical examiner; and
- (b) after deliberation with those who assisted to formulate the accredited medical conclusion.

(5) The Executive Director may, on recommendation by the aviation medical assessor, decide to issue the waiver with or without imposing limitations on the license holder in the interest of aviation safety.

(6) On making a decision in terms of subregulation (5), the Executive Director must issue a special medical certificate to the applicant or the licence holder to denote the grant of the waiver.

(7) Accredited medical conclusion must be obtained from individuals or institution with the expert knowledge of the specific medical subject in question, and must be dealt with by the medical assessors on behalf of the Executive Director.

(8) Applicants or licence holders who do not meet the medical standards prescribed in regulation 67.00.3 may be considered for a waiver of standards.

(9) The Executive Director may issue a special medical certificate in exceptional circumstances based on the outcome of the accredited medical conclusion.

(10) An applicant or licence holder who has been granted a special medical certificate based on a special medical flight or practical test is not required to take the test again during physical examinations unless requested by the medical assessor.

(11) Any non-compliance by the applicant or licence holder with the limitations to or conditions of issuance of the special medical certificate, as reported by the aviation medical examiner or operations personnel of the Authority may lead to the revocation of the special medical certificate pending an investigation into the non-compliance.

(12) The Executive Director may revoke a special medical certificate in instances when:

- (a) there is adverse change in the holder's medical condition;
- (b) public safety is endangered by the holder's exercise of his or her license privileges;
or
- (c) the holder fails to provide medical information reasonably needed by the Authority for certification or re-certification.

(13) If a special medical certificate is revoked, the Executive Director must serve the holder of the certificate with a letter of revocation, stating the reason for the action.

(14) In the case where the medical examiner has revoked a special medical certificate, the holder of the certificate may within 60 days of receipt of the letter of revocation request in writing, the Executive Director to review the decision to revoke.

(15) The request for review in terms of subregulation (14) must be accompanied by supporting medical evidence.

(16) The Executive Director must consider the request for review made in terms of subregulation (14) and may request any such information necessary in consideration of the request.

(17) The Executive Director must issue a written final decision within 60 days of receipt of the request for review made in terms of subregulation (14), either affirming or reversing the decision to revoke.

(18) If, prior to expiry of a special medical certificate, the aviation medical examiner determines that the holder of the certificate still qualifies for the continuation of the special medical certificate, he or she must present the case with a full brief and all the supporting documents to the designated medical assessor, not later than ten working days before the date of expiry of the existing special medical certificate for consideration.

(19) The aviation medical assessor must, within 10 working days, notify the holder of the special medical certificate of the outcome of the decision to re-issue the special medical certificate.

(20) The Executive Director may accept, on an individual basis, valid aeromedical waivers issued by an appropriate authority for a period not exceeding three months.

(21) The holder of the valid aeromedical waiver referred to in subregulation (20) must present an original or a certified copy of the waiver issued by the appropriate authority duly signed and stamped by the issuing aviation medical examiner and also by the facility where the original proceedings for the waiver were conducted.

(22) The medical examiner and the facility referred to in subregulation (21) must either be approved by the Executive Director or should be on the list of facilities approved by the appropriate authority.

(23) The original certificate or certified copy of the aeromedical waiver referred to in subregulation (21) must be in the English language.

Aeromedical boards

67.00.6 (1) The Executive Director may use the services of aeromedical boards, as established within the Authority, for the review of complex medical cases.

(2) An aeromedical board, when established by the Executive Director, must assist the aviation medical assessor to evaluate medical cases which due to their complexity or uniqueness, warrant a comprehensive aeromedical evaluation.

(3) An aeromedical board must comprise of at least three aviation medical examiners, including the principal aviation medical examiner dealing with the case.

(4) Aviation medical examiners referred to in subregulation (3) must be selected on the basis of the relevance of their education, knowledge and experience to the case in question.

(5) If the applicant for a medical certificate is not satisfied by the decision of the aeromedical board the applicant may in writing appeal to the Executive Director within 30 days of the receipt of the medical certificate.

(6) The Executive Director must provide a copy of the written appeal referred to in subregulation (5) to the designated aviation medical examiner who was dealing with the case.

(7) The Executive Director must respond to the appeal referred to in subregulation (5) within fourteen working days of receipt of the appeal document.

Application for medical certificate

67.00.7 (1) An application for the issuing of a medical certificate must be made to the designated medical examiner on the appropriate form as determined by the Executive Director.

(2) An applicant who attends a medical examination or test for the issuing of a medical certificate must:

- (a) produce proof of his or her identity;
- (b) submit the medical history and declaration set out in Document NAMCATS 67, and
- (c) produce for inspection any licence held for which the certificate is required and the most recent medical certificate held, if any.

(3) The Executive Director or the aviation medical assessor may suspend or revoke the medical certificate of an applicant in terms of regulation 67.00.13, if the applicant made a false declaration in terms of paragraph (b) of subregulation (2).

(4) Subject to subregulation (2) of regulation 67.00.2 the designated medical examiner must issue a medical certificate to an applicant who complies with the appropriate medical requirements and standards.

Issuing of medical certificate

67.00.8 (1) The designated aviation medical examiner must issue the medical certificate on the appropriate form determined by the Executive Director.

(2) The designated aviation medical examiner must within seven days from the end of the month in which the medical certificate has been issued sign and submit the original application together with any appropriate:

- (a) supporting medical reports; and
- (b) results of medical examinations or tests performed,

to the Executive Director or aviation medical assessor for verification purposes.

(3) If the medical report is submitted to the Executive Director in an electronic form, the submitting AME must provide adequate identification of himself or herself.

(4) If the medical examination is carried out by two or more designated aviation medical examiners, the Executive Director must designate one examiner to be responsible for coordinating the results of the examination, evaluating the findings with regard to medical fitness and signing the report.

(5) On receipt of the documents referred to in subregulation (2), the aviation medical assessor must verify that the holder of the medical certificate complies with the appropriate medical requirements and standards referred to in subregulation (6) of regulation 67.00.3.

(6) A medical certificate issued by the designated aviation medical examiner remains in force subject to any requirement or limitation endorsed on the certificate and for the period for which it was issued: Provided that the Executive Director or medical assessor, may -

- (a) if the medical certificate has been issued to an applicant who does not comply with the appropriate medical requirements and standards referred to in subregulation (6) of regulation 67.00.3, revoke the medical certificate; or
- (b) if medical conclusion requires that:
 - (i) medical examinations or tests be performed at shorter intervals;
 - (ii) additional examinations or tests be performed; or

- (iii) when the safe performance of the duties essential to the operation of an aircraft, of the holder of the medical certificate, depends on compliance with any special limitation,

endorse the medical certificate with such requirement or limitation.

Medical certificates

67.00.9 (1) If the designated aviation medical examiner has completed the medical examination and has concluded that the applicant for the medical certificate is medically fit the medical examiner must issue the medical certificate.

(2) The medical certificate issued in terms of subregulation (1) is valid as per the class of medical certificate referred to in regulation 67.00.3.

(3) The medical certificate holder must always carry the medical certificate with the applicable license.

(4) The medical certificate holder must renew the certificate within 30 days before the expiry date.

(5) The licence holder must notify the Authority on the confirmation of a pregnancy, or of any incapacitating injury or illness experienced for a period of 20 consecutive days or more.

(6) All incapacitating events automatically result in temporary unfitness and the holder of the medical certificate must stop using the privileges of his or her licence and certificate with immediate effect.

Re-examination of license holder

67.00.10 (1) The aviation medical assessor may require a medical certificate holder to undergo a re-examination at any time if, in the opinion of the medical examiner there is a reasonable basis to question the holder's ability to meet the medical standards.

(2) Only an aviation medical assessor may order a re-examination referred to in subregulation (1).

Replacement of medical certificates

67.00.11 (1) Upon application by the medical certificate holder the Executive Director or the designated aviation medical examiner may issue a duplicate valid medical certificate in respect of medical certificates that are lost or accidentally destroyed.

(2) The application for the duplicate of a medical certificate must be sent to the licensing department of the Authority, and must contain the following information -

- (a) full names of the holder;
- (b) date of birth of the holder;
- (c) class of certificate;

- (d) place and date of examination;
- (e) name of the examiner; and
- (f) sworn affidavit of the circumstances under which the original certificate was lost or destroyed.

(3) The Executive Director or the designated aviation medical examiner must issue a duplicate medical certificate upon receipt of the holder's request and the fee as prescribed in Part 187.

(4) The duplicate medical certificate is issued as a duplicate of the missing certificate and must bear the same date of examination regardless of when it is issued.

Medical certificate applicant and holder rights and responsibilities

67.00.12 (1) An applicant for a medical certificate and presenting themselves to the designated aviation medical examiner for a medical examination is entitled to:

- (a) expect that the aviation medical examiner will examine him or her in accordance with the medical standards as prescribed in regulation 67.00.3;
 - (b) expect that the aviation medical examiner is current with the general medical knowledge, the knowledge of aviation medicine, international standards and the Regulations;
 - (c) expect the aviation medical examiner to advise him or her of the best options available applicable to his or her case and discuss each option and all procedures in details and discuss the effectiveness of any medications and possible implications on his or her health and flight safety;
 - (d) expect that good management techniques will be implemented in the designated AME clinic, considering effective use of time and to avoid personal discomfort;
 - (e) be examined by any of the aviation medical examiners at any of the designated AME's clinics;
 - (f) expect that treatment records are confidential and that records may only be disclosed as required by law and by the Regulations;
 - (g) expect that when records are released to others it must be emphasised that the records are confidential;
 - (h) privacy; and
 - (i) express a complaint and receive a response without fear of being compromised, and all complaints must be forwarded to the licensing department of the Authority.
- (2) The applicant for a medical certificate or a medical certificate holder may not -
- (a) disengage from the designated aviation medical examiner in the middle of an examination and switch to another aviation medical examiner;

- (b) once a decision is given by one designated aviation medical examiner, submit for the same examination to another aviation medical examiner falsifying the medical examiners statement and pretending to be appearing for the medical examination for the first time.
- (3) In the cases referred to in subregulation (2), the applicant for a medical certificate will be in violation of the Regulations and the provisions of regulation 67.00.13 apply.
- (4) In case of paragraph (b) of subregulation (2) having occurred, the examination performed by the second aviation medical examiner is invalid.
- (5) A designated aviation medical examiner knowingly conducting a medical examination on an applicant for a medical certificate in a case where that applicant has completed a medical examination with another aviation medical examiner will be dealt with in accordance with regulation 67.00.15.
- (6) Any applicant for a medical certificate who is not satisfied with the decision given by the designated aviation medical examiner has the right to appeal to the Executive Director within ten days of the examination.
- (7) On receipt of an appeal in terms of subregulation (6), the Executive Director after careful assessment of the case must review the decision appealed against and if he or she considers is necessary, may request that the applicant be examined by another designated aviation medical examiner.
- (8) The expenses of any additional medical examinations in the case of an appeal in terms of subregulation (6) must be borne by the applicant.
- (9) Any applicant for a medical certificate who is not satisfied with the test results of one laboratory is entitled to ask the designated aviation medical examiner to repeat the same test with a different laboratory.
- (10) The expenses for a repeat testing in terms of subregulation (9) must be borne by the applicant and the results of both or all tests must be submitted to the Authority.
- (11) An applicant for a medical certificate who is not satisfied with the decision regarding his or her medical fitness or the limitations imposed during the course of a routine medical examination or through a board established by the Authority for this purpose has the right to query the results with the designated AME or an designated aviation medical assessor.
- (12) Limitations imposed on a medical certificate may be lifted once it is determined by the designated AME or aviation medical assessor that there is no need for the limitations.
- (13) The applicant for a medical certificate must -
- (a) treat the designated aviation medical examiner with courtesy and respect;
 - (b) present accurate identifying information;
 - (c) inform the designated aviation medical examiner of any changes to name, address, telephone number or e-mail address within seven days of occurrence of the change;
 - (d) present illness or complaint in every detail including information about his or her health, including past illnesses, hospital stays, and the use of medicine and may not deliberately hold any information back;

- (e) ensure that the renewal of the medical certificate is completed on time;
- (f) comply with any recommendations regarding follow up and investigations provided by the designated AME;
- (g) ask for clarification when needed before completion of the examination form; and
- (h) carry the medical certificate on his or her person when carrying out his or her duties as a flight crew member, an air traffic service personnel member or a cabin crew member, as the case may be.

(14) The license holder may not under any circumstances act as a pilot-in-command, or in any other capacity as a flight crew member, an air traffic service personnel member or a cabin crew member:

- (a) while he or she is aware of any medical condition or medication which could affect the validity of such medical certificate;
- (b) while she is pregnant during periods and under circumstance set out in Document NAM-CATS 67;
- (c) if the holder has given birth in the preceding six weeks; or
- (d) after a medical certificate has expired.

(15) License holders or student pilots may not exercise the privileges of their licence, rating or authorisation at any time when they are aware of any decrease in their medical fitness which might render them unable to safely exercise those privileges and they must seek the advice of the Authority or a designated aviation medical examiner when becoming aware of the need to undergo:

- (a) a surgical operation or invasive procedure:
- (b) all procedures requiring the use of a general or spinal anesthetic, and in this case may not fly for at least 48 hours;
- (c) all procedures requiring local or regional anesthetic, such as a visit to dentist requiring an injection and, in this case, may not fly for at least 12 hours;
- (d) the regular use of medication;
- (e) regular use of correcting lenses;
- (f) hospital or clinic admission for more than 12 hours;
- (g) any injury which requires medical attention;
- (h) pregnancy;
- (i) absence due to illness for a period of more than 21 days; or
- (j) psychiatric treatment, which renders such holder unable to comply with the appropriate medical requirements and standards referred to in regulation 67.00.3 and its associated technical standards contained in Document NAM-CATS 67.

(16) For all the conditions mentioned in subregulation (15), the medical certificate holder must, before such holder resumes exercising the privileges of the licence held by him or her, furnish the Executive Director or aviation medical assessor with proof that he or she has fully recovered from the illness or disease of circumstance in medical fitness or provide proof of any exemption or waiver granted in that regards.

(17) A medical certificate holder may not -

- (a) consume any alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgment or affecting the performance of his or her duties less than 12 hours prior to the specified reporting time for operational duty or the commencement of a shift;
- (b) commence an operational duty while the concentration of alcohol in any specimen of blood taken from any part of his or her body is more than 0,02 gram per 100 milliliters;
- (c) consume alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties during the operational duty period or whilst on standby for operational duty; or
- (d) commence an operational duty period while under the influence of alcohol or any other substance which is either narcotic or otherwise capable of impairing his or her judgement or affecting the performance of his or her duties.

(18) Medical certificate holders may not -

- (a) exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise the privileges; and
- (b) engage in any problematic use of substances.

(19) Medical certificate holders may not exercise the privileges of their licences and related ratings while suffering from any of the medical conditions or using any medications set out in in Document NAM-CATS 67, unless the existence of any such medical condition or the use of such medication has been declared, and evaluated, by the designated aviation medical examiner and determined by the aviation medical examiner to be not adverse to aviation safety.

Suspension or cancellation of medical certificate

67.00.13 (1) The aviation medical assessor may suspend, where such power is delegated to him or her in terms of the Act, a medical certificate if there is a reasonable suspicion that the holder of the medical certificate does not comply with the requirements prescribed in this Part or makes a false declaration as prescribed in subregulation (1)(b) of regulation 67.00.7.

(2) Immediately following a suspension in terms of subregulation (1) the designated aviation medical assessor must report in writing the fact and circumstances of the suspension to the Executive Director.

(3) The designated aviation medical assessor may require the holder of a medical certificate whose certificate has been suspended in terms of this regulation, to undergo any medical examination at the holder's expense, at a medical specialist chosen by the aviation medical assessor.

(4) A notice of the suspension of medical certificate referred to in subregulation (1) must be given in writing, stating the reason or reasons for the suspension.

(5) Despite subregulation (3), the designated aviation medical assessor may notify the medical certificate holder of the suspension: Provided that a written notification of such suspension is submitted to the holder immediately.

(6) A person whose medical certificate is suspended in terms of subregulation (1) may appeal to the Executive Director against the suspension within 14 days from the date of the suspension.

(7) The powers of suspension contained in this regulation are without prejudice to the powers of the Executive Director under the Act to suspend, revoke or impose conditions on any aviation document.

Period of validity of medical records

67.00.14 The records of medical examinations are for the purpose of issuing a medical certificate valid for a period not exceeding 90 days, and a medical certificate may not be issued after this period on the records of such examination.

Designation of aviation medical examiners

67.00.15 (1) The Executive Director may, after consultation with the designated aviation medical assessor, designate aviation medical examiners to perform medical examinations or tests required for the issuing of medical certificates.

(2) The requirements relating to the designation referred to in subregulation (1) are as set out in Document NAM-CATS 67.

(3) The Executive Director must sign and issue to each designated aviation medical examiner a document which must state the full name of such aviation medical examiner and contain a statement that:

- (a) such aviation medical examiner has been designated in terms of subregulation (1); and
- (b) such aviation medical examiner is empowered to:
 - (i) perform the medical examination or test required for the issuing of the appropriate medical certificate;
 - (ii) subject to the provisions of regulation 67.00.8, issue such medical certificate; or
 - (iii) defer the issuing of such medical certificate pending an appropriate recommendation from the aviation medical assessor, designated organisation.

(4) In considering an application for designation as an aviation medical examiner the Executive Director may conduct any investigation that he or she considers necessary and this investigation may include pre-audits to assess competence, suitability of the facility, equipment and personnel prior to designation.

(5) The aviation medical assessor must conduct periodic oversight of the competence of all designated aviation medical examiners to assess suitability of their facilities, equipment and training of their personnel.

(6) The conditions and requirements for and the rules, procedures and standards connected with the competence, suitability of the facility, equipment and training of the personnel as referred to in subregulation (2) must be as set out in Document NAM-CATS 67.

(7) An application for designation in terms of this regulation must be made in accordance with the requirements, rules, procedures and standards set out in Document NAM-CATS 67, and must be accompanied by the applicable fee, as prescribed in Part 187.

Validations

67.00.16 (1) The Executive Director may recognise any or medical examiner foreign medical report, medical assessment or medical certificate issued by an appropriate authority for the purpose of validating or converting a foreign flight crew member's licence, air traffic service personnel member's licence or cabin crew member's licence.

(2) If, because of duty in a State or territory outside Namibia, deferral has been made for the issuing of a Namibian medical certificate for a flight crew member or a cabin crew member such deferral may not exceed:

- (a) a single period of six months in the case of a flight crew member of an aircraft used in non-commercial operations;
- (b) two consecutive periods, each of three months:
 - (i) in the case of a flight crew member or a cabin crew member, as the case may be, of an aircraft used in commercial operations: Provided that in each case a favourable medical report is obtained after examination by a designated examiner of the area concerned; or
 - (ii) in cases where such a designated medical examiner is not available, by a physician legally qualified to practice medicine in that area; and
- (c) in the case of a private pilot, a single period not exceeding 24 months where the medical examination is carried out by an examiner designated by the relevant State in which the applicant is temporarily located.

(3) Following the expiry of the periods referred to in subregulation (2), an applicant for a validation in terms of this regulation must undergo the appropriate Namibian medical examination as soon as he or she returns to Namibia.

(4) The appropriate authority or medical examiner who issued the report referred to in subregulation (1) must send the report to the Executive Director for review.

Foreign medical examinations

67.00.17 (1) The Executive Director may recognise any foreign medical report, history, examination form and investigations issued by an appropriate authority for the purposes of renewing a flight crew member's licence.

(2) This regulation applies to flight crew members who already hold a Namibian licence and are based outside the borders of Namibia and are unable, for any reason, to come to Namibia to undergo a medical examination.

(3) If subregulation (2) applies, the flight crew member must submit to the Executive Director all the medical records, which may include, but is not limited to, a history and examination form signed by both the licence holder and the examining medical practitioner registered with the appropriate authority, and all relevant investigations.

(4) The Executive Director must confirm that all the Namibian standards have been met by the licence holder referred to in subregulation (1).

(5) All medical records for the purpose of this subregulation submitted in terms of this regulation must be in the English language, or if originally in a foreign language, translated into the English language by an appropriate person who must then authenticate the translation with his or her signature.

(6) The Executive Director may refuse to recognise any foreign medical records for the purpose of this regulation where, in his or her opinion, doubt exists as to their authenticity.

(7) Flight crew members who have undergone an examination by a Namibian designated aviation medical examiner based in a foreign country and have been issued with the appropriate medical certificate are deemed to have undergone a Namibian medical examination.

Medical confidentiality

67.00.18 (1) Designated aviation medical examiners must:

- (a) respect medical confidentiality, at all times and at every stage of the handling of the applicant's or the holder documents before, during, or after their examination and certification;
- (b) securely hold medical reports and accessibility of such records must be restricted to authorised personnel;
- (c) personally conduct all the examination for all the medical assessments in an approved facility or clinic, where confidentiality of the applicant's medical information is respected;
- (d) when completing an aeromedical assessment forward the original medical report form to the Authority and the record must be accompanied by a photocopy of the medical certificate issued to the applicant;
- (e) ensure that all the medical reports are accompanied by the original of the Electrocardiogram (ECG) and the audiogram, and is sealed securely in an envelope, or electronically;
- (f) keep a record of all the medical examinations done in his or her clinic for at least a period of five years; and

- (g) securely keep the medical reports in a specific location, allowing access to authorised person only.

(2) The medical information contained in the Authority's files remains the property of the Authority and must be released only with the permission of the holder of the medical certificate or applicant for medical certificate.

(3) Except as provided in subregulation (4), all information provided by or on behalf of an applicant for a medical certificate, which is personal medical information, is confidential, and may be used only in respect of the medical certificate and the entire medical certification process, unless otherwise authorised by the applicant.

(4) The designated aviation medical assessor must ensure that the information referred to in subregulation (1) and which is kept by such medical examiner, is protected: Provided that -

- (a) if such medical information appears to be fraudulent, false or misleading, or
- (b) if such medical information discloses a risk of jeopardy to aviation safety, or
- (c) if such medical information is necessary for the purpose of an appeal in terms of regulation 67.00.13 or an appeal in terms of the Act against the suspension or revocation of, or the imposition of a condition upon, an aviation document,

the aviation medical assessor must without delay release to the Executive Director such information for appropriate investigation and action.

(5) When justified by operational considerations, the aviation medical assessor must determine to what extent pertinent medical information is presented to the relevant officials of the Authority.

(6) The Authority must control the release of information between designated aviation medical examiners.

(7) If the applicant for a medical certificate changes his or her designated aviation medical examiner, the new aviation medical examiner must request the former aviation medical examiner officially to release any confidential medical information related to the applicant, subject to the applicant's permission.

- (8) The Authority must be informed of changes referred to in subregulation (7).

Substance abuse and suspected substance abuse

67.00.19 (1) If there is a reasonable suspicion that the medical certificate holder is abusing substances, and as a result poses a risk to aviation safety, the designated aviation medical assessor must require such holder to undergo substance abuse testing as set out in Document NAM-CATS 67.

(2) Reasonable suspicion referred to in subregulation (1) may consist of the following, but is not limited to -

- (a) an individual reasonably suspected of substance use by others;
- (b) physical, behavioral and performance indicators;

- (c) direct observation of substance use and physical symptoms;
- (d) a pattern of abnormal conduct or erratic behaviour;
- (e) arrest or conviction for a drug related offence;
- (f) being the target of a criminal investigation for offence related to abuse of substances;
- (g) evidence of tampering with previous substance test specimen; and
- (h) evidence of rehabilitation.

(3) The medical certificate holder referred to in subregulation (1) must submit himself or herself within 48 hours of being required to do so to a collection officer appointed by the Executive Director, or to designated an aviation medical examiner for preliminary substance abuse testing at the holder's expense, as set out in Document NAM-CATS 67.

(4) A medical certificate holder who has undergone preliminary testing in terms of the subregulation (3) must be informed of the results within three days of receipt of the results.

(5) The designated aviation medical assessor may suspend the medical certificate of a person who has received a non-negative result and such person must be required to undergo further confirmatory testing.

(6) The medical certificate holder who has received a negative result must be refunded the medical expenses incurred for collection and analysis of specimen in respect of the substance abuse testing.

(7) The medical certificate holder who submits himself or herself after 48 hours of being required to do so is required to undergo confirmatory testing, as set out in the Document NAM-CATS 67.

(8) An designated aviation medical assessor may suspend, for a period of not more than 12 months, the medical certificate of a person who refuses to submit himself or herself to a substance abuse testing after being required to do so and must immediately report in writing to the Executive Director the facts and circumstances of such suspension.

(9) The holder of a medical certificate whose medical certificate is suspended in terms of subregulation (5) or (8) may appeal to the Executive Director against the suspension within 14 days from the date of the suspension.

(10) The provisions of regulation 185.00.6 apply with changes required in the context to an appeal lodged in terms of subregulation (9).

(11) The powers of suspension contained in this regulation are without prejudice to the powers of the Executive Director under the Act to suspend, revoke or impose conditions on any aviation document.

(12) The site and specimen collection, packaging, transport and laboratory analysis must be done as set out in Document NAM-CATS 67.”