

**NAMIBIA CIVIL AVIATION AUTHORITY**

No 4 Rudolf Hertzog Street,  
P/Bag 12003, Ausspannplatz,  
Windhoek, Namibia

Web: [www.ncaa.com.na](http://www.ncaa.com.na), Email: [info@ncaa.na](mailto:info@ncaa.na)

Phone: +264 83 235 2100



### STATEMENT OF COMPLIANCE

**Notes for completion of the Statement of compliance:**

1. The Statement of Compliance has 6 columns.
2. The specific NAMCAR Requirement paragraph number shall be listed in Column 1.
3. The wording and, where necessary, sub-paragraph of the requirement is provided in Column 2.
4. Column 3 is for the operator to indicate whether the Regulation is applicable or not to their operations.
5. Column 4 provides space for the service provider to insert the specific manual, page and paragraph that provides a method for meeting the NAMCAR requirement.
6. Column 5 provides space for the air operator to comment on their methods of meeting the requirement
7. Column 6 provides for the NCAA evaluation. Specific NCAA comments may be inserted in this section, beginning with the annotation of the Namibian CAR reference, such as "121.03.1 (1)(g) – The air operator's method does not provide for this check to be inserted in the flight preparation documents." These comments will be summarized and provided to the operator.
8. Columns 1, 2 and 6 must be completed by the regulator and the remainder by the service provider.

### NAMCAR PART 140

NAMCAR /NAMCATs REF	Regulation Subject	Applicability Of the Regulation	Manual Chapter, Section, page number	Method of Compliance/ or alternate means of compliance	DEPARTMENT COMMENT/STATUS
140.01.1 Applicability	(1) This Part applies to a participant or holder of an aviation document who or that the Executive Director has, by way of an aviation directive, determined that the Part applies. (2) The participant's or holder's organisation SMS must address the identification of hazards, assessment of risk and development of risk mitigation strategies where applicable.				

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<b>Establishment of SMS 140.02.1</b>	(1) A participant or holder must under the SSP, establish, implement, maintain and adhere to an SMS that is appropriate to the size, nature and complexity of the operations, activities or services authorised to be conducted in terms of the participant's or holder's aviation document and the hazards and risks related to the relevant operations, activities or services.				
<b>Establishment of SMS 140.02.1</b>	(2) The SMS of a participant or holder must include its acceptable level of safety performance (ALoSP), the safety oversight framework, safety performance indicators and targets that are acceptable to the Executive Director				
<b>Establishment of SMS 140.02.1</b>	(3) The acceptance of a participant's or holder's SMS by the Executive Director is conditional on proof that it was developed effectively and progressively within the context of the participant's or holder's operational change management				

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	and other systems, and in accordance with requirements for SMS implementation specified in regulation 140.02.3				
<b>Establishment of SMS 140.02.1</b>	(4) A participant or holder must comply with the SMS requirements issued under the SSP, liaise with the SSP Committee established under Part 11 when required, and support the SDCPS to facilitate safety information sharing and exchange and the protection to safety data captured and derived from mandatory and voluntary safety information systems authorised by the Executive Director				
Requirements of SMS 140.02.2	(1) The SMS must follow the framework set out in the safety management manual and include - (a) safety policy, safety oversight, and objectives, including - (i) management commitment; (ii) safety accountability and responsibilities; (iii) appointment of key safety personnel; (iv) coordination of emergency response planning				

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	<p>(ERP); and (v) SMS documentation; (b) safety risk management, including - (i) hazard identification; and (ii) safety risk assessment and mitigation; (c) safety assurance, including - (i) safety performance monitoring and measurement; (ii) change management; and (iii) continuous improvement of the SMS; 6763 Government Gazette 8 November 2018 219 (d) safety promotion, including - (i) training and education; and (ii) safety communication. (2) A participant or holder must develop and implement the components and elements listed in subregulation (1) in accordance with the standards prescribed in Document NAMCATS SMS 140.</p>				
Implementation of SMS 140.02.3	<p>(1) The senior accountable manager of a participant or holder must - (a) ensure that the SMS requirements specified in regulation 140.02.2 are implemented in a planned, structured and effective manner to</p>				

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	ensure that the SMS is applied to maintain and improve aviation safety; and (b) implement the SMS phases in the manner as specified in Document NAMCATS SMS 140 and in accordance with any other directives issued by the Executive Director				
Senior accountable manager 140.03.1	(1) The participant or holder by way of a written notice in the manner acceptable to the Executive Director, must nominate a suitably qualified natural person, to be the senior accountable manager who is to have or is likely to have control over the exercise of the privileges under the aviation document in the manner contemplated by sections 66 and 68 of the Act.				
	(2) On receipt of a nomination, the Executive Director must give due consideration, to the nominated persons, compliance with the qualifications and experience requirements and the conclusion of the fit and proper person test in the manner contemplated by				

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	sections 68 and 69 of the Act in particular, and generally required in terms of the Act				
	(3) Where applicable, the nominee must meet the other relevant requirements as provided for in the approved operational manual or other documents of the participant or holder as authorised by the Executive Director when approving the application and grant, including any renewal or amendment, of the aviation document concerned				
	(5) If the Executive Director determines that the nominee - (a) meets the fit and proper requirements, the Executive Director must in writing notify the participant or holder who must designate the person concerned as 220 Government Gazette 8 November 2018 6763 the senior accountable manager of the participant or holder to carry out the responsibilities under the aviation document irrespective of that person's employment,				

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	contractual or other functions at the participant's or holder's organisation; or (b) does not meet the fit and proper requirements, the Executive Director must in writing notify the participant or holder and the nominee of the determination, giving the reasons for that determination				
	(6) Without derogating from the generality of subregulation (5), the senior accountable manager must undertake the participant's or holder's compliance and responsibilities as required under this Subpart, including but not limited to - (a) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the participant or holder concerned; (b) full rights of consultation with any other person in respect of compliance required of that person; (c) powers to order cessation of any activity where such an activity endangers or is				

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	likely to endanger civil aviation safety; (d) a duty to establish liaison mechanisms in writing with the Executive Director with a view to ascertain correct ways of compliance with the safety oversight and performance, SMS requirements and interpretations of those requirements by the Executive Director, and to facilitate regular liaison between the Executive Director and the participant or holder; and (e) powers to report directly to the management of the participant or holder				
	(7) The Executive Director may address any enquiry in relation to a matter connected with the participant's or holder's senior accountable manager, and the senior accountable manager must reply in writing not later than the date specified by the Executive Director				
	(8) In the event that the senior accountable manager is replaced as a consequence of employment				

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	or other organisational changes, the participant or holder must ensure the nomination of a replacement by notification to the Executive Director within 14 days after the event.				
	(10) If the senior accountable manager - (a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or (b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part, the Executive Director may, after giving the participant or holder, and the senior accountable manager concerned, an opportunity to be heard, direct the removal of that person from office of senior accountable manager by a specified date and request the nomination for determination of suitability of another person in his				

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	or her place by the participant or holder within a specified period.				
	(10) If the senior accountable manager - (a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or (b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part, the Executive Director may, after giving the participant or holder, and the senior accountable manager concerned, an opportunity to be heard, direct the removal of that person from office of senior accountable manager by a specified date and request the nomination for determination of suitability of another person in his or her place by the participant or holder within a specified period.				
	(11) The Executive Director may, upon the receipt of a written				

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	request made by a participant or holder, before the date determined in subregulation (10) and on good cause shown, in writing, grant an extension of time to such participant or holder, for the removal of that person from office as senior accountable manager, but subject to such conditions as the Executive Director may impose				
Key safety personnel 140.03.2	(1) The senior accountable manager must proceed to nominate the key safety personnel identified for designation in the approved manual of the participant or holder issued in terms of technical standards and under an application for and grant of, inclusive of an amendment or renewal, of an aviation document				
	(2) Where an approved manual provides for a safety manager as one of the key safety personnel, then the senior accountable manager must nominate a person in a similar manner prescribed in				

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	regulation 140.03.1(1) for the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act				
	(3) The Executive Director may require the name and particulars regarding the qualifications and experience of any other person nominated by the senior accountable manager as key safety personnel, to be submitted for purposes of the fit and proper person test pursuant to sections 68 and 69 of the Act in particular, and generally required in terms of the Act				
	(4) The qualifications and experience requirements and the fit and proper testing of any key safety personnel nominee may, at the discretion of the Executive Director, include matters relevant to the standards prescribed in Document NAM-CATS SMS 140 applicable to the participant or holder to enable the Executive Director to determine the fit and				

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	proper status of the nominated key safety personnel				
	(5) Whenever any one or more, of the key safety personnel - (a) is negligent or incompetent in implementing the SMS and safety oversight, approved manuals, the Act or these regulations or any directive; or (b) no longer meets the qualifications and experience requirements or no longer satisfies the fit and proper test determinations as required under the Act or this Part, the Executive Director may, after giving the senior accountable manager concerned, or, in the absence of a senior accountable manager in the manner set out under regulation 140.03.6, the participant or holder, and the key safety personnel concerned, an opportunity to be heard, direct the removal of that person or persons by the senior accountable manager or participant or holder, as the case may be, from office of key safety personnel by a				

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	specified date and request the nomination for determination of suitability of another person or persons in his or her, or their, place by the senior accountable manger or participant or holder, as the case may be, within a specified period.				
	(6) The Executive Director may, upon the receipt of a written request made by the senior accountable manager, or participant or holder, as the case may be, before the date determined in subregulation (5), and on good cause shown, in writing grant an extension of time to such senior accountable manager, or participant or holder, as the case may be, for the removal of that person or persons from the establishment of the key safety personnel, but subject to such conditions as the Executive Director may impose				
Violations and offences 140.04.1	(1) If the participant or holder or the senior accountable manager, as the case may be, fails, without				

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	<p>good cause or reason acceptable to the Executive Director obtained beforehand, to nominate a senior accountable manager, or safety manager, or key safety personnel, as required under this Part, or to comply with the directive by the Executive Director for the removal of the senior accountable manager, or the safety manager, or the key safety personnel, as the case may be, or within the extended period of time, if any, granted by the Executive Director in the manner stipulated in this Part - (a) the participant or holder or senior accountable manager, as the case may be, is liable to pay the administrative fine upon assessment determined under Part 185, and in accordance with the daily fine provision provided for in that Part, for as long as the non-compliance exists; and (b) the aviation document may be suspended or revoked or be endorsed under the imposition of a condition in the manner</p>				

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	contemplated by sections 42 or 43 of the Act, respectively.				
	(2) Despite the provisions of subregulation (1), any participant or holder or senior accountable manager, as the case may be, who fails to comply with a directive issued by the Executive Director, commits an offence and is liable to be prosecuted under any one or more of the offences in Parts 13 (General offences) or 14 (Safety Offences) of the Act				
Holder of more than one certificate 140.04.4	Where the participant or holder is the holder of more than one aviation document, it, may with the approval of the Executive Director, integrate the requirements of this Part into a single SMS.				

*I confirm the above is a true reflection of the company's compliance with the NAMCAR Part 140:*

**Senior Accountable Manager (Name)**

**Signature**

**Date**



*I have reviewed the documents referenced and confirm the company's compliance statement is acceptable:*

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<i>Inspector Completing Review / Certification Project Manager (Name)</i>	<i>Signature</i>	<i>Date</i>
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*I have reviewed the documents referenced and confirm the company's compliance statement is acceptable:*

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<i>Safety Promotion and Quality Review (Name)</i>	<i>Signature</i>	<i>Date</i>
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*The company's compliance statement is hereby accepted:*

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<i>Senior Manager of Department (Name)</i>	<i>Signature</i>	<i>Date</i>
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*The company's compliance statement is hereby accepted:*

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<i>Senior Manager of Safety Promotion and Quality (Name)</i>	<i>Signature</i>	<i>Date</i>
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Commented [VK1]: Does this refer to the review Inspector or

Commented [VK2R1]: Yes,