

SUBSIDIARY LEGISLATION 499.09**AIR NAVIGATION ORDER***

1st November, 1990;

1st May, 1991

LEGAL NOTICE 176 of 1990, as amended by Legal Notices 57 of 1991, 34 of 1992, 202 of 1998, 52 of 2001, 339 of 2002, 130 of 2003, 124, 157, 385 and 445 of 2004, 58 and 321 of 2005, 17, 132 and 287 of 2006, 183 and 411 of 2007, 139 of 2008, 462 of 2010, 480 of 2011, and 197 of 2017.

PART I**Preliminary**

1. The title of this Order is Air Navigation Order.
2. (1) In this Order, unless the context otherwise requires:
 - "the Act" means the Civil Aviation Act;
 - "aerial work" means any purpose, other than public transport, for which an aircraft is flown if payment or reward is given or promised in respect of the flight or the purpose of the flight;
 - "aerial work aircraft" means an aircraft, other than a public transport aircraft, flying, or intended by the operator to fly, for the purpose of aerial work;
 - "aerial work undertaking" means an undertaking whose business includes the performance of aerial work;
 - "aerobatic manoeuvres" includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;
 - "aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the land and departure of aircraft has been abandoned and has not been resumed;
 - "aerodrome operating minima" in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off and the decision height, runway visual range and visual reference for landing, specified by the operator in, or ascertainable by reference to, the operations manual as being the minima for the operation of that aircraft at that aerodrome;
 - "aerodrome traffic zone" means -
 - (a) in relation to an aerodrome other than one which is an offshore installation, the airspace extending from the surface to a height of 2,000 feet above the level of the

Title.

Interpretation.

*Amended by:**L.N. 57 of 1991;**L.N. 34 of 1992;**L.N. 202 of 1998;**L.N. 52 of 2001;**L.N. 339 of 2002;**L.N. 157 of 2004;**L.N. 445 of 2004;**L.N. 132 of 2006;**L.N. 287 of 2006;**L.N. 139 of 2008;**L.N. 462 of 2010;**L.N. 480 of 2011.*

Cap. 232.

*This Order has been repealed by Act [XL of 2023](#).

aerodrome and within the distance of 1½ nautical miles of its boundary;

- (b) in relation to an aerodrome which is an offshore installation, the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

"aeronautical ground light" means any light established for the purpose of aiding air navigation, other than a light displayed on an aircraft;

"aeronautical radio station" means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

"air traffic unit" means a person appointed by the Director General or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio or visual signals to aircraft in the interests of safety but does not include apron management service provided by an apron management unit, and "air traffic control service" shall be construed accordingly;

"air transport undertaking" means an undertaking whose business includes the carriage by air of passengers or cargo for payment or reward;

"approach to landing" means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the decision height of the relevant minimum for landing;

"appropriate aeronautical radio station" means, in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;

"appropriate air traffic control unit" means, in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;

"apron management unit" means a person appointed by the Director General or by any other person maintaining an aerodrome or place to give instructions relating to aircraft operations on the apron, or advice or both instructions and advice, by means of radio or visual signals to aircraft in the interests of safety, and "apron management service" shall be construed accordingly;

"cargo" includes mail and animals;

"certificate of airworthiness" includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"Chicago Convention" means the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944;

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace", "Class E airspace", "Class F airspace" and "Class G airspace" mean airspace respectively notified as such;

"cloud ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

"commander" in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"competent authority" means, in relation to Malta, the Director General General of Civil Aviation, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

"congested area" in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

"Contracting State" means any State, including Malta, which is a party to the Chicago Convention;

"controlled airspace" means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

"control area" means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

"control zone" means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

"co-pilot" in relation to an aircraft means a pilot who, in performing his duties as such, is subject to the direction of another pilot carried in the aircraft;

"crew" has the meaning assigned to it by subarticle (3);

"decision height" in relation to the operation of an aircraft at an aerodrome means the minimum height specified by the operator in, or ascertainable by reference to the operations manual as being, the minimum height to which an approach to landing can safely be made by that aircraft at that aerodrome without visual reference to the ground;

"Directive 2004/36/CE" is the Directive 2004/36/CE of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports;

"Directive 2006/23/EC" is the Directive 2006/23/EC of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence;

"Directive 2008/49/EC" is the Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using

Community airports;

"Director General" means the Director General of Civil Aviation and, to the extent of the authority given, any person authorised in that behalf by the Director General;

"EC Regulation 1592/2002" is the Regulation (EC) 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing European Aviation Safety Agency (EASA), which is referred to in EASA as the basic Regulation;

"EC Regulation 1702/2003" means the Implementing Rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations;

"EC Regulation 2042/2003" means the Implementing Rules on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and in the approval of organisations and personnel involved in these tasks;

"EEA State" means a State which is a contracting party to the EEA Agreement;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the Protocol signed at Brussels on the 17th March, 1993;

"flight" and "to fly" have the meaning respectively assigned to them by subarticle (2);

"flight crew" in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

"flight level" means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

"flight recording system" means a system comprising either a flight data recorder or cockpit voice recorder or both;

"flight simulator" means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

"flight visibility" means the visibility forward from the flight deck of an aircraft in flight;

"instrument flight rules" means Instrument Flight Rules contained in the Rules of the Air and Air Traffic Control;

"instrument meteorological conditions" means weather precluding flight in compliance with the Visual Flight Rules;

"JAA" or "Joint Aviation Authorities" means the associated body of the European Civil Aviation Conference constituted by a number of European States to develop and implement common safety

regulatory standards and procedures, and who have signed the document entitled "Arrangements concerning the Development, the Acceptance and the Implementation of Joint Aviation Requirements (JAR)" concluded in Cyprus on 11 September, 1990;

"JAR" means the technical requirements and procedures in the field of civil aviation safety published by the JAA and applicable in Malta under the Civil Aviation (Joint Aviation Requirements) Order, as amended; S.L. 499.15

"to land" in relation to aircraft includes alighting on the water;

"licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

"licence for public use" has the meaning assigned to it by article 71(2);

"licensed aerodrome" means an aerodrome licensed under this Order;

"life-jacket" includes any device designed to support a person individually in or on the water;

"log book" in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book. includes a record kept either in a book, or by another means approved by the Director General in the particular case;

"maximum take-off mass" in relation to an aircraft means the maximum total mass of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

"military aircraft" includes the naval, military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Minister that the aircraft is to be treated, for the purpose of this Order, as a military aircraft;

"Minister" means the Minister responsible for civil aviation and, to the extent of the authority given, any person authorised in that behalf by such Minister;

"nautical mile" means the International Nautical Mile, that is to say, a distance of 1,852 metres;

"navigation services" includes information, directions and other facilities furnished, issued or provided in connection with the navigation and movement of aircraft and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

"night" means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being determined at surface level;

"notified" means shown in any of the following publications issued in Malta whether before or after the coming into operation of this Order, that is to say, "notams (notices to airmen)",

"Information Circulars", or such other official publication issued for the purpose of enabling any of the provisions of this Order to be complied with;

"operator" has the same meaning assigned to it by subarticle (4);

"parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend;

"pilot in command" in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

"public transport" has the same meaning assigned to it by subarticle (5);

"public transport aircraft" means an aircraft flying or intended by the operator of the aircraft to fly, for the purpose of public transport;

"record" includes in addition to a record in writing -

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instruments) of being reproduced therefrom;
- (b) any film tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and
- (c) any photograph,

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sound or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both these paragraphs, such a transcript together with such a still reproduction;

"Regulation (EC) No 550/2004" is the Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky;

"replacement" in relation to any part of an aircraft for its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"Rules of the Air and Air Traffic Control" means the Rules contained in the Thirteenth Schedule;

"runway visual range" in relation to a runway or landing strip means the maximum distance in the direction of take-off or

landing, as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point five metres above its centre line; and in the case of an aerodrome in Malta the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

"scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

"seaplane" shall be construed as including a flying boat and any other aircraft designed to be used on the water;

"State aircraft" means aircraft used in the military, customs or police services of State;

"special Visual Flight Rules flight" means a flight which is a special VFR flight for the purposes of Rules of the Air and Air Traffic Control;

"Visual Flight Rules" means Visual Flight Rules contained in the Rules of the Air and Air Traffic Control;

"visual meteorological conditions" means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight -

- (a) in the case of a piloted flying machine, from the moment when after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;
- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it comes to rest after landing;
- (c) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

and the expressions "flight" and "to fly" shall be construed accordingly.

(3) Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

(4) References in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft:

Provided that for the purpose of the application of any provision in Part IV of this Order, when by virtue of any lease or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has

the management of that aircraft for a period not exceeding fourteen days, the foregoing provisions of this subarticle shall have effect as if that agreement had not been entered into.

(5) (a) Subject to the provisions of this subarticle, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport -

- (i) if payment or reward is given or promised for the carriage of passengers or cargo on that flight; or
- (ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including in the case of a body corporate its directors), or persons authorised by the Director General to make an inspection or witness any training practice or test for any of the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid. or by the undertaking; or
- (iii) for the purposes of Part IV of this Order, if payment or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire purchase agreement or similar agreement; and the expression "public transport of passengers" shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of subparagraph (a)(iii), it shall not be deemed to be flying for the purpose of the public transport of passengers unless payment or reward is given for the carriage of those passengers:

Provided further that an aircraft in flight shall not be deemed to fly for the purpose of public transport if the direct costs of the flight are shared proportionately between the persons on board the aircraft and no more than four persons (including the pilot) are carried on such flight, no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight, and no information concerning the flight shall have been published or advertised prior to the commencement of the flight. For this purpose "direct costs" means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such.

- (b) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof

on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that payment or reward would be given or promised if the transaction were effected otherwise than aforesaid, payment or reward shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(6) The expressions appearing in the Table of General Classification of Aircraft set forth in Part A of the Fourth Schedule to the Aircraft Registration Act shall have the meanings thereby assigned to them. Cap. 503.

PART II

Aircraft to be registered and marked

*Amended by:
L.N. 462 of 2010.*

3. (1) Subject to the provisions of subregulation (2), an aircraft shall not fly over Malta unless it is registered in - Aircraft to be registered.

- (a) a Contracting State; or
- (b) some other country in relation to which there is in force an agreement between the Government of Malta and the Government of that country which makes provision for the flight over Malta of aircraft registered in that country:

Provided that:

- (i) any aircraft may fly unregistered on any flight which -
 - (a) begins and ends in Malta without passing over any other country, and
 - (b) is in accordance with the "B Conditions" set forth in the Second Schedule;
- (ii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over Malta in contravention of subarticle (1) in such a manner or circumstances that if the aircraft had been registered in Malta an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

4. (*Deleted by L.N. 462 of 2010.*)

*Registration of
aircraft in Malta.
Amended by:
L.N. 52 of 2001;
L.N. 157 of 2004;
L.N. 183 of 2007.*

5. An aircraft, other than an aircraft permitted by or under this Order to fly without being registered, shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

*Nationality and
registration marks.
Amended by:
L.N. 462 of 2010.*

PART III

Fees

Fees to be charged.
Amended by:
L.N. 124 of 2004.

6. There shall be charged for the issue, validation, licence or other document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for any of the purposes of this Order, the fees established in Parts I to III of the Sixteenth Schedule.

PART IV

Airworthiness and Equipment of Aircraft

Certificate of
airworthiness to be
in force.
Amended by:
L.N. 57 of 1991;
L.N. 339 of 2002;
L.N. 445 of 2004;
L.N. 462 of 2010.

7. (1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness and an airworthiness review certificate duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights beginning and ending in Malta, without passing over any other country, or as defined within EC Regulation 1592/2002, of -

- (a) a balloon, if it is not being used for the public transport of passengers;
- (b) a kite;
- (c) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in the Second Schedule;
- (d) an aircraft flying in accordance with the conditions of a permit to fly issued by the Director General in respect of that aircraft:

Provided further that the foregoing prohibition shall not apply to the flight of a Maltese registered aircraft for which a specific authorisation has been granted by the Director General.

(2) In the case of an aircraft registered in Malta the certificate of airworthiness referred to in subarticle (1) shall be a certificate issued or rendered valid in accordance with the provisions of article 8, EC Regulation 1702/2003.

Issue, renewal,
etc., of certificates
of airworthiness.
Amended by:
L.N. 157 of 2004;
L.N. 445 of 2004;
L.N. 462 of 2010.

8. (1) The Director General may issue in respect of any aircraft a certificate of airworthiness, together with an airworthiness review certificate, if he is satisfied that the aircraft is fit to fly having regard to:

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and
- (b) the results of flying trials and such other tests of the aircraft as he may require.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Director General, appropriate to the aircraft in accordance with the Third Schedule and the certificate shall be issued subject to the condition that the aircraft shall be flown, only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Director General may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The Director General may, subject to such conditions as he deems fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft under the law of any country other than Malta.

(5) Subject to the provisions of this article and of article 60, a certificate of airworthiness or validation issued under this article shall remain in force for such period as may be specified therein and may be renewed from time to time by the Director General for such further period as he deems fit.

(6) A certificate of airworthiness or a certificate of validation or an airworthiness review certificate issued in respect of an aircraft shall cease to be in force -

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Director General either generally or in relation to class of aircraft or to the particular aircraft; or
- (b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and -
 - (i) classified as mandatory by the Director General; or
 - (ii) required by a maintenance schedule or maintenance programme approved by the Director General in relation to that aircraft; or
- (c) until the completion to the satisfaction of the Director General of any modification of the aircraft or of any such equipment aforesaid, being a modification required by the Director General for the purpose of ensuring that the aircraft remains airworthy, and published in the form of an Airworthiness Directive either by the Director General or by the competent authority of the State of Design or State of Manufacture or by the European Aviation Safety Agency (EASA).

(7) Without prejudice to any other provision of this Order, the Director General may, for the purpose of this article accept reports

furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he deems fit, as qualified to furnish such reports.

Certificate of maintenance review and technical log.

Amended by:

L.N. 57 of 1991;

L.N. 202 of 1998;

L.N. 339 of 2002;

L.N. 130 of 2003;

L.N. 445 of 2004;

L.N. 287 of 2006;

L.N. 462 of 2010.

9. (1) An aircraft registered in Malta in respect of which a certificate of airworthiness in any category except the special category is in force shall not fly unless -

- (a) the aircraft, including in particular its engines, together with its equipment and radio station is maintained in accordance with a maintenance schedule or maintenance programme approved by the Director General in relation to that aircraft;
- (b) there is in force a certificate, in this Order referred to as a "certificate of maintenance review", issued in respect of the aircraft in accordance with the provisions of this article and such certificate shall certify the dates on which the maintenance review was carried out and the date thereafter when the next review is due:

Provided that such a certificate is not required where an aircraft is being operated to the requirements of JAR OPS 1 or JAR OPS 3.

(2) The approved maintenance schedule or maintenance programme referred to in subarticle (1) shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purpose of this article only by:

- (a) the holder of an aircraft maintenance engineer's licence -
 - (i) granted under this Order being a licence which entitles him to issue that certificate, or
 - (ii) granted under the law of a country other than Malta and rendered valid under this Order in accordance with the privileges endorsed on the licence, or
 - (iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (b) the holder of an appropriate and valid Part-66 Aircraft Maintenance Licence suitably authorised under an approved Part-145 Approved Maintenance Organisation Certifying Staff Procedure;
- (c) a person whom the Director General has authorised to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or
- (d) a person approved by the Director General as being competent to issue such certificates, and in accordance

with that approval:

Provided that in approving a maintenance schedule or maintenance programme, the Director General may direct that certificates of maintenance review relating to that schedule or maintenance programme, or to any part thereof specified in his direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in subarticle (3) shall not issue a certificate of maintenance review unless he has first verified that -

- (a) maintenance has been carried out on the aircraft with the maintenance schedule or maintenance programme approved for that aircraft; and
- (b) inspections and modifications required by the Director General as provided in article 8 have been completed as certified in the relevant certificate of release to service issued in accordance with article 10; and
- (c) defects entered in the technical log of the aircraft in accordance with subarticles (7) to (10) have been rectified or the rectification thereof has been deferred in accordance with procedures approved by Director General; and
- (d) certificates of release to service have been issued in accordance with article 10,

and for this purpose the operator of the aircraft shall make available to that person such information as is necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when article 57 so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of article 59, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

(7) A technical log shall be kept in respect of an aircraft registered in Malta being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(8) At the end of every flight by an aircraft to which the provisions of this Article apply the commander of the aircraft shall enter -

- (a) the times when the aircraft took off and landed; and
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Director General may require,

in a technical log, or, in the case of an aircraft of which the

maximum take-off mass does not exceed 2730kg, in such other record as the Director General shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flights each of which begins and ends -

- (a) within the same period of twenty-four hours; and
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agriculture, public health or similar purposes; and
- (c) with the same person as commander of the aircraft,

the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(9) Upon the rectification of any defect which has been entered in a technical log in accordance with subarticle (8) a person issuing a certificate of release to service required by article 10 in respect of that defect shall enter the certificate in the technical log in such a position as to be readily indefinable with the defect to which it relates.

(10) The technical log referred to in this article shall be carried in the aircraft when article 57 so requires and copies of the entries referred to in this article shall be kept on the ground:

Provided that, in the case of an aeroplane of which the maximum take-off mass does not exceed 2,730kg., or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Director General for that purpose.

(11) Subject to the provisions of article 59, a technical log or such other approved record required by this Article shall be presumed by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Director General may permit in a particular case.

10. (1) Except as provided in subarticle (2), and provided that the provisions of Article 4(2) of EC Regulation 1592/2002 (as amended) do not apply, an aircraft registered in Malta, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this order is in force, shall not fly unless there is in force a certificate of release to service issued in accordance with this article if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 8(6)(b), as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable -

Inspection,
overhaul, repair,
replacement and
modification.
Amended by:
L.N. 202 of 1998;
L.N. 130 of 2003;
L.N. 157 of 2004;
L.N. 445 of 2004;
L.N. 287 of 2006;
L.N. 462 of 2010.

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this article in respect thereof; or
- (b) for such certificate to be issued while the aircraft is at that place,

it may fly to a place at which such a certificate can be issued, being the nearest place -

- (i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and
- (ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board,

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Director General within ten days thereafter.

(2) Nothing in subarticle (1) shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum take-off mass does not exceed 2,730 kg., and in respect of which a certificate of airworthiness of the special category is in force, unless the Director General gives a direction to the contrary in a particular case.

(3) Nothing in subarticle (1) shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum take-off mass does not exceed 2,730 kg., from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as are prescribed in paragraph 6 of the Fourteenth Schedule and have been carried out personally by the owner or operator of the aircraft, being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to article 14 a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of article 59, shall preserve the log book for the period specified in article 14. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Director General whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither -

- (a) equipment provided in compliance with the Fifth Schedule, except paragraph (4) thereof; nor
- (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder,

shall be installed or placed on board for use in an aircraft registered in Malta after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is

installed or placed on board a certificate of release to service issued in accordance with this article.

(5) A certificate of release to service shall -

- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Director General either generally or in relation to a class of aircraft of the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done;
- (b) certify in relation to any inspection required by the Director General that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Director General and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purpose of this article only by -

- (a) the holder of -
 - (i) an appropriate and valid Part-66 Aircraft Maintenance Licence authorised under an approved Part-145 Approved Maintenance Organisation Certifying Staff Procedure;
 - (ii) an appropriate and valid Part-66 Aircraft Maintenance Licence that permits, within the endorsed conditions, the issue of such certificates in accordance with the Part-66 requirements;
 - (iii) an aircraft maintenance licence granted under the law of a country other than Malta and rendered valid under this Order, in accordance with the privileges endorsed on the licence, or
 - (iv) an aircraft maintenance licence granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or
- (b) a person approved by the Director General as being competent to issue such certification, and in accordance with that approval; or
- (c) a person whom the Director General has authorised to issue the certificate in a particular case, and in accordance with that authority; or
- (d) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), or a Flight Navigator's Licence granted or rendered valid under this Order.

(7) Subject to the provisions of article 59, a certificate of release to service shall be preserved by the operator of the aircraft to whom it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(8) In this article, the expression "repair" includes, in relation to a compass, the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

11. (1) The Director General may grant Part-66 Aircraft Maintenance Licences, subject to such conditions as specified within JAR-66, or EC Regulation No 2042/2003 requirement, upon his being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Director General may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and ability.

Licensing of
maintenance
engineers.
Amended by:
L.N. 57 of 1991.
Substituted by:
L.N. 130 of 2003.
Amended by:
L.N. 445 of 2004;
L.N. 287 of 2006;
L.N. 462 of 2010.

(2) The continuity of each granted Part-66 Aircraft Maintenance Licence shall, subject to the provisions of article 59, remain in force for the period specified therein, and may be renewed by the Director General from time to time upon his being satisfied that the applicant is a fit person, and satisfies the applicable Part-66 Certifying Staff Maintenance Requirements.

(3) The Director General may issue a certificate rendering valid for the purpose of this Order any licence as an aircraft maintenance engineer, aircraft maintenance licence or aircraft radio maintenance engineer granted under the law of any country other than Malta. Such certificate may be issued subject to such conditions, and for such period, as the Director General thinks fit.

(4) Upon receiving a licence granted under this article, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

12. (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order.

Equipment of
aircraft.
Amended by:
L.N. 57 of 1991;
L.N. 202 of 1998;
L.N. 462 of 2010.

(2) In the case of aircraft registered in Malta, the equipment required to be provided, in addition to any other equipment required by or under this Order, shall be that specified in such parts of the Fifth Schedule as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment except that specified in paragraph (4) of the said Schedule, shall be of a type approved by the Director General either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner as approved.

(3) In any particular case the Director General may direct that an aircraft registered in Malta shall carry such additional or special equipment or supply as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public transport aircraft registered in Malta there shall be -

- (a) provided individually for each passenger; or
- (b) if the Director General so permits in writing, exhibited in a prominent position in every passenger compartment,

a notice relevant to the aircraft in question containing pictorial -

- (i) instructions on the brace position to be adopted in the event of an emergency landing;
- (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
- (iii) information as to where emergency exits are to be found and instructions as to how they are to be used;
- (iv) information as to where the life-jackets, escape slides, life rafts and oxygen masks, if required to be provided by subarticle (2) are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to subarticle (2), all navigational equipment, other than radio apparatus, of any of the following types, namely -

- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and
- (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in Malta, whether or not in compliance with this Order or any regulations made thereunder, shall be of a type approved by the Director General either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This article shall not apply in relation to radio apparatus except that specified in the Fifth Schedule.

13. (1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order.

Radio equipment of aircraft.
Amended by:
L.N. 202 of 1998;
L.N. 445 of 2004;
L.N. 462 of 2010;
L.N. 462 of 2010.

(2) Without prejudice to subarticle (1), the aircraft shall be equipped with radio and radio navigation equipment in accordance with the Sixth Schedule unless the aircraft is being operated for public transport, in which case it has to comply with the radio and radio navigation equipment requirements set out in JAR OPS 1 and JAR OPS 3, and satisfy EC Regulation 1702/2003.

(3) In any particular case the Director General may direct that an aircraft registered in Malta shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio and radio navigation equipment provided in compliance with this article in an aircraft registered in Malta shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Malta or carried on such an aircraft for use in connection with the aircraft, whether or not in compliance with this Order, shall be of a type approved by the Director General in relation to the purpose for which it is to be used, and shall be installed in a manner approved by the Director General. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Director General.

14. (1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in Malta -

Aircraft, engine and propeller log books.

- (a) an aircraft log book; and
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in the Seventh Schedule.

- (2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2(d)(ii) or 3(d)(ii) of the Seventh Schedule shall be made as soon as is practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance, if any, in force in respect of the aircraft at the time of the occurrence.
- (b) Each entry in the log book, being such an entry as is referred to in sub-paragraph 2(d)(ii) or 3(d)(ii) of the Seventh Schedule shall be made upon each occasion that any maintenance, overhaul, repair, replacement,

modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this article.

(5) Subject to the provisions of article 59, every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight
schedule.
Amended by:
L.N. 462 of 2010.

15. (1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director General may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing -

- (a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the Director General in the case of that aircraft; and
- (b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Director General in the case of that aircraft.

(3) Subject to the provisions of article 59, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and
inspection for
airworthiness
purposes.
Amended by:
L.N. 462 of 2010.

16. The Director General may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purpose of this Part of this Order and any person authorised to do so in writing by the Director General may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART V

Aircraft Crew and Licensing

17. (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Composition of
crew of aircraft.
Amended by:
L.N. 58 of 2005;
L.N. 287 of 2006;
L.N. 462 of 2010.

(2) An aircraft registered in Malta shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

(3) A flying machine registered in Malta and flying for the purpose of public transport, having a maximum take-off mass exceeding 5,700 kg., shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in Malta engaged on a flight for the purpose of public transport shall carry a flight navigator as a member of the flight crew in addition to any other person who is carried in accordance with this article to perform other duties if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in the Fifteenth Schedule:

Provided that the navigator need not be carried if navigational equipment approved by the Director General and used in accordance with any conditions subject to which that approval may have been given is installed on board the aircraft.

(5) An aircraft registered in Malta which is required by the provisions of article 13 to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew.

(6) If it appears to him to be expedient to do so in the interests of safety, the Director General may direct any particular operator that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Director General may specify unless that aircraft carries in addition to the flight crew required to be carried therein by the foregoing provisions of this article such additional persons as members of the flight in the direction.

(7) (a) When an aircraft registered in Malta carries twenty or more passengers on a flight for the purposes of public transport, the crew of the aircraft shall include cabin attendants carried for the purposes of performing in the interests of safety of passengers duties to be assigned by the operator or the person in command of the aircraft, but who shall not act as members of the flight crew.

(b) The Director General may give a direction to the

operator of any aircraft registered in Malta requiring him to include among the crew thereof whenever the aircraft is flying for the purpose of public transport at least one cabin attendant. notwithstanding that the aircraft may be carrying fewer than twenty passengers.

- (c) In the case of an aircraft with total seating capacity of not more than two hundred, the number of cabin attendants carried on such a flight as is mentioned in paragraph (a) shall be not less than one cabin attendant for every fifty, or fraction of fifty, passengers carried.
- (d) In the case of an aircraft with a total seating capacity of more than two hundred, the number of cabin attendants carried on such a flight as aforesaid, shall be not less than half the number of main exits in the aircraft, and in addition, when more than two hundred passengers are carried, one additional cabin attendant for every twenty-five, or fraction of twenty-five, of such passengers:

Provided that, if the number of cabin attendants, calculated in accordance with this paragraph, exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this article if the number of cabin attendants carried is equal to the number of main exits in the aircraft.

- (e) For the purposes of this article a main exit means an exit in the side of the aircraft at floor level intended for the disembarkation of passengers whether normally or in an emergency.

Members of flight-
requirement of
licences.

Amended by:

L.N. 57 of 1991;

L.N. 339 of 2002;

L.N. 157 of 2004;

L.N. 58 of 2005;

L.N. 462 of 2010.

18. (1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in Malta unless he is the holder of an appropriate licence granted or rendered valid under this Order:

Provided that a person may within Malta without being the holder of such a licence -

- (a) act as a flight radiotelephony operator if -
 - (i) he does so as a person being trained in an aircraft registered in Malta to perform duties as a member of the flight crew of an aircraft; and
 - (ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment; and
 - (iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft; and
 - (iv) messages are transmitted only on frequency exceeding 60 MHz assigned by the Director General for use on flight on which a flight radiotelephony operator acts in one of the capacities specified in sub-paragraph (i); and
 - (v) the transmitter is pre-set to one or more of the

- frequencies so assigned and cannot be adjusted in flight to any other frequency; and
- (vi) the operation of the transmitter required the use only of external switches; and
- (vii) the stability of the frequency radiated is maintained automatically by the transmitter;
- (b) subject to the provisions of article 19(7), act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if -
 - (i) he is at least seventeen years of age; and
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the Director General; and
 - (iii) he complies with any conditions subject to which that medical certificate was issued; and
 - (iv) no other person is carried in the aircraft; and
 - (v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying; and
 - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted or rendered valid under this Order being a licence which includes a flying instructor's rating entitling him to give instructions in flying the type of aircraft being flown.

(2) Subject to the foregoing provisions of this article, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than Malta unless -

- (a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or
 - (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Director General does not in the particular case give a direction to the contrary.
- (3) For the purposes of this article:
- (a) a licence granted under the law of a Contracting State other than Malta (but which is not a JAA licence) purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Director General in the particular case gives a direction to the contrary, be

deemed to be a licence rendered valid under this Order but does not entitle the holder:

- (i) to act as a member of the flight crew of any aircraft for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or
 - (ii) in the case of a pilot's licence, to act as pilot of any aircraft flying in circumstances requiring compliance with Instrument Flight Rules or at night or to give any instruction in flying;
- (b) a JAR FCL licence issued by a JAA member State in accordance with the requirements of JAR FCL shall be deemed to be a licence rendered valid under this Order provided that the JAA has granted mutual recognition status to that member State for licensing purposes.

(4) Notwithstanding the provisions of subarticle (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Malta for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with:

- (a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Director General to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or treated as a member of the flight crew or an aircraft; and
- (b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence holds a pilot's or a flight engineer's licence granted under article 19 and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding the provisions of subarticle (1), a person may act as a member of the flight crew, otherwise than as a pilot, of an aircraft registered in Malta for the purpose of undergoing training or tests for the grant or renewal of a flight engineer's licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(6) An "appropriate licence" for the purpose of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(7) Notwithstanding anything in this article -

- (a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in Malta in or over the territory of a Contracting State other than Malta except in accordance with permission granted by the competent authorities of the State;
- (b) the holder of a licence granted or rendered valid under the law of a Contracting State other than Malta, being a licence endorsed as aforesaid shall not act as a member of the flight crew of any aircraft on or over Malta except in accordance with permission granted by the Director General, whether or not the licence is or is deemed to be rendered valid under this Order.

19. (1)(a) The Director General may grant licences, subject to such conditions as he deems fit, of any of the classes specified in Part A of the Eighth Schedule authorising the holder to act as a member of the flight crew of an aircraft registered in Malta, upon his being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his age, knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests, including in particular medical examinations, as the Director General may require of him.

Grant. renewal and effect of flight crew licences.

Amended by:

L.N. 57 of 1991;

L.N. 34 of 1992;

L.N. 339 of 2002;

L.N. 58 of 2005;

L.N. 287 of 2006;

L.N. 183 of 2007;

L.N. 462 of 2010.

- (b) A licence granted under this article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.
- (c) A licence shall, subject to the provisions of article 60, remain in force for the periods indicated in the licence, not exceeding those respectively specified in the said Eighth Schedule, and its period of validity may be renewed by the Director General from time to time upon his being satisfied that the applicant is a fit person and qualified as aforesaid.

(2) The Director General may include in a licence a rating, subject to such conditions as he deems fit, of any of the classes specified in Part B of the said Schedule, upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and the provisions of this Order, a licence of any class shall entitle the holder thereof

to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading "privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

(4) The holder of a pilot's licence shall not be entitled to exercise the privileges of an aircraft rating contained therein unless his licence includes a valid rating issued, renewed or revalidated in accordance with the requirements of JAR FCL 1 or JAR FCL 2.

(5) The holder of a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained therein unless his licence includes a valid rating issued, renewed or revalidated in accordance with the requirements of JAR-FCL4.

(6) A person, who on the last occasion when he took a test for the purposes of subarticles (4) and (5), failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(7) (a) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this article shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical certificate.

(b) A medical examination required under subarticle (1) shall be performed by a qualified person approved by the Director General either generally or in a particular case who shall make a report to the Director General and may issue a medical certificate subject to such conditions which he may deem fit to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates.

(c) The medical certificate shall, without prejudice to subarticle (7), be valid for such periods as therein specified.

(8) (a) A person shall not be entitled to act as member of the flight crew of an aircraft registered in Malta if he knows or has reason to believe that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(b) Every holder of a medical certificate issued under article 18 or 19 who -

(i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or

(ii) suffers any illness involving incapacity to undertake those functions throughout a period of twenty days or more; or

(iii) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director General in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of twenty days has elapsed in the case of illness;

- (c) The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy; and -
 - (i) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Director General and pronounced fit to resume his or her functions as a member of the flight crew or upon the Director General exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination; and
 - (ii) in the case of pregnancy, the suspension may be lifted by the Director General for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Director General after the pregnancy has ended and is pronounced fit to resume her functions as a member of the flight crew.

(9) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft having a maximum take-off mass not exceeding 5,700 kg., when, with the permission of the Director General, he is testing any person for the purposes of subarticles (1), (2) or (4), notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence.

(10) Where any provision of JAR-FCL or Part B of the Tenth Schedule to this Order permits a test to be conducted in a flight simulator approved by the Director General, that approval may be granted subject to such conditions as the Director General deems fit.

(11) Without prejudice to any other provision of this Order, the Director General may, for the purpose of this Article, either absolutely or subject to such conditions as he deems fit -

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations or test as he may specify;
- (c) approve a person to provide any course of training or instruction; and
- (d) approve a person as qualified to furnish reports to him and to accept such reports.

Validation of
licences.
Substituted by:
L.N. 321 of 2005.
Amended by:
L.N. 462 of 2010.

20. (1) Subject to subarticles (2) and (6), the Director General may issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than Malta and not being a JAR-FCL licence referred to in article 18(3). A certificate of validation may be issued subject to such conditions and for such periods as the Director General may think fit.

(2) Pursuant to Council Directive 91/670/EEC on mutual acceptance of personnel licences for the exercise of functions in civil aviation the Director General shall, subject to subarticles (4) and (5), issue a certificate of validation rendering valid a relevant licence granted under the law of an EEA State or Switzerland.

(3) For the purposes of this article, a relevant licence is one based on requirements equivalent to those for the equivalent licence granted by the Director General under article 19.

(4) (a) The Director General may ask the Commission for an opinion on the equivalence of a licence submitted for validation pursuant to subarticle (2) within three weeks of receipt by the Director General of all necessary information in respect of an application for validation.

(b) If the Director General does not ask the Commission for such an opinion he shall, within three months of receipt of all necessary information in respect of the application, either issue the certificate of validation or inform the applicant of any additional requirements or tests which are necessary to enable the Director General to grant the certificate of validation.

(5) (a) If after the examination of a licence the Director General has reasonable doubts as to the equivalence of that licence, the Director General may stipulate any additional requirement or test as may be necessary to enable the certificate of validation to be issued.

(b) Any such additional requirements or tests shall be notified as soon as reasonably practicable to the licence holder, to the authority which issued the licence and to the Commission.

(6) Pursuant to the said Council Directive, the Director General shall issue a certificate of validation rendering valid any licence issued in accordance with the requirements of Annex 1 to the Chicago Convention, if the bearer satisfies the special validation requirements laid down in the Annex to the said Council Directive.

Personal flying log
book.
Amended by:
L.N. 57 of 1991.

21. (1) Every member of the flight crew of an aircraft registered in Malta and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded:

(a) the name and address of the holder of the log book;

(b) particulars of the holder's licence, if any, to act as a member of the flight crew of an aircraft;

(c) the name and address of his employer, if any.

(2) Particulars of each flight during which the holder of the log book acted as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon thereafter as is reasonably practicable, including -

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this article, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including -

- (a) the date of the test or examination;
- (b) the type of simulator;
- (c) the capacity in which the holder acted;
- (d) the nature of the test or examination.

22. (1) A person shall not give any instruction in flying to which this article applies unless -

- (a) he holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes a flying instructor's rating entitling the holder to give the instruction.

(2) This article applies to instruction in flying given to any person flying or about to fly a flying machine for the purpose of becoming qualified for -

- (a) the grant of a pilot's licence;
- (b) the inclusion or variation of any rating in his licence.

23. A person under the age of sixteen years shall not act as pilot in command of a glider.

Instruction in flying.
Amended by:
L.N. 130 of 2003.

Glider pilot -
minimum age.

PART VI

Operation of Aircraft

Operations
manual.
*Amended by:
L.N. 462 of 2010.*

24. (1) This article shall apply to public transport aircraft registered in Malta except aircraft used for the time being solely for flights not intended to exceed sixty minutes in duration and which are either -

- (a) flights solely for training persons to perform duties in an aircraft; or
 - (b) flights intended to begin and end at the same aerodrome.
- (2) (a) The operator of every aircraft to which this article applies shall -
- (i) make available to each member of his operating staff an operations manual, and
 - (ii) ensure that each copy of the operations manual is kept up to date, and
 - (iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (b) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of the Tenth Schedule to this Order:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

- (3) (a) An aircraft to which this article applies shall not fly unless, not less than thirty days prior to such flight, the operator of the aircraft has furnished to the Director General a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.
- (b) Any amendments or additions to the operations manual shall be furnished to the Director General by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Director General.

- (c) Without prejudice to the foregoing subarticles, the operator shall make such amendments or additions to the operations manual as the Director General may

require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this article and of the Tenth Schedule, "operating staff" means the servants and agents employed by the operator' whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in the Fifth Schedule is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

24A. Notwithstanding any provision to the contrary in this Order, in case of an aircraft under an Agreement for Transfer of Functions and Duties in accordance with Article 83 bis of the Chicago Convention:

Agreements under
Article 83 bis.
Added by:
L.N. 480 of 2011.

- (a) this Order applies to a foreign-registered aircraft operated by a Maltese operator and to persons performing any functions or duties in respect of the aircraft if the requirements set out in this Order are specifically included under the terms of an agreement in force between Malta and another Contracting State in accordance with Article 83 bis of the Chicago Convention;
- (b) this Order does not apply to a Maltese aircraft operated by a foreign operator or to persons performing any functions or duties in respect of the aircraft if the requirements set out in this Order are specifically excluded under the terms of an agreement in force between Malta and another Contracting State in accordance with Article 83 bis of the Chicago Convention;
- (c) if the responsibility set out in Article 31 of the Chicago Convention to issue or to render valid a certificate of airworthiness for a Maltese aircraft is transferred to another Contracting State in accordance with Article 83 bis of the Chicago Convention, the certificate of airworthiness for that aircraft shall cease to have effect upon commencement of the transfer;
- (d) the registered owner of the aircraft shall surrender the certificate of airworthiness to the Director General, when notified by the Director General that an agreement in accordance with Article 83 bis of the Chicago Convention has been entered into, within seven days after the coming-into-force date of the agreement;
- (e) upon termination of a transfer to another Contracting State in accordance with Article 83 bis of the Chicago Convention, of the responsibility to issue or to render

valid a certificate of airworthiness for a Maltese aircraft as set out in Article 31 of the Chicago Convention, the Director General shall reinstate the certificate of airworthiness if the registered owner of the aircraft complies with the requirements on airworthiness of this Order;

- (f) if an agreement for the lease, charter or interchange of an aircraft or any similar arrangement, subject to an agreement in accordance with Article 83 bis of the Chicago Convention, is terminated on a date earlier than the date of the expiration set out in the agreement or arrangement, the Maltese operator of the aircraft if it is a foreign registered aircraft or the registered owner of the aircraft if it is a Maltese aircraft shall inform the Director General in writing of the actual date of termination within seven days of its occurrence.

Training manual.
Amended by:
L.N. 462 of 2010.

25. (1) The operator of every aircraft registered in Malta and flying for the purpose of public transport shall -

- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under article 26(2); and
- (b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under article 26(2), to perform his duties as such including in particular information and instructions relating to the matters specified in Part C of the Tenth Schedule.

- (3) (a) An aircraft to which this article applies shall not fly unless, not less than thirty days prior to such flight the operator of the aircraft has furnished to the Director General a copy of the whole of his training manual relating to the crew of that aircraft.
- (b) Any amendment or additions to the training manual shall be furnished to the Director General by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Director General.

- (c) Without prejudice to paragraphs (a) and (b), the operator shall make such amendments or additions to the training manual as the Director General may require for the purpose of ensuring the safety of the

aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

26. (1) The operator of an aircraft registered in Malta shall not permit the aircraft to fly for the purpose of public transport without first -

Public transport -
operator's
responsibilities.
Amended by:
L.N. 17 of 2006.

- (a) designating from among the flight crew a pilot to be the commander for the flight; and
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and
- (c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodromes at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped (including such equipment as is specified in the Sixth Schedule) to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in Malta shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of the Tenth Schedule in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the said Tenth Schedule.

(3) The operator of an aircraft registered in Malta shall not permit any member of the flight crew thereof, during any flight for the purpose of public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely effect the flight characteristics of the aircraft.

27. (1) The operator of an aircraft registered in Malta shall not cause or permit it to be loaded for a flight for the purpose of public transport or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that -

Loading - public
transport aircraft
and suspended
loads.
Amended by:
L.N. 17 of 2006;
L.N. 287 of 2006.

- (a) the load may safely be carried on the flight, and
- (b) any conditions subject to which the certificate of

airworthiness is in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in article 15) and the weight of such additional items in or on the aircraft as the operator deems fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provided that this subarticle shall not apply in relation to a flight if -

- (a) the aircraft's maximum take-off mass does not exceed 1,150 kg; or
- (b) the aircraft's maximum take-off mass does not exceed 2,730 kg and the flight is intended not to exceed sixty minutes in duration and is either -
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in subarticle (1).

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the specified requirements contained in Sub Part J of JAR OPS 1 and JAR OPS 3 and shall, unless he is himself the commander of the aircraft, submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this subarticle shall not apply if -

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or
- (b) subarticle (2) does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when article 57 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

28. (1) An aircraft registered in Malta shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements in regulation 1 in the Fourteenth Schedule in respect of its weight and related performance are complied with.

Public transport
operating
conditions.
Amended by:
L.N. 17 of 2006.

(2) The assessment of the ability of an aircraft to comply with subarticle (1) shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the first information available to the commander of the aircraft.

(3) A flying machine registered in Malta and flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft -

- (a) if it has one engine only, in event of the failure of that engine;
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

29.(1)(a) The operator of every aircraft to which article 24 applies shall establish and include in the operations manual relating to the aircraft particulars of aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Aircraft registered
in Malta -
aerodrome
operating minima.

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing, to the commander of the aircraft particulars of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified methods and the operator shall cause a copy of the said particulars to be retained at one of his offices for a minimum period of three months.

- (b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate such aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.

(2) The aerodrome operating minima specified shall not, in

respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

(3) In establishing aerodrome operating minima for the purpose of this article the operator of the aircraft shall take into account the following matters:

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness; and
- (b) the composition of its crew; and
- (c) the physical characteristics of the relevant aerodrome and its surroundings; and
- (d) the dimensions of the runways which may be selected for use; and
- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

and shall establish in relation to each runway which may be selected for use aerodrome operating minima appropriate to each set of circumstances which can reasonably be expected.

(4) An aircraft to which article 24 applies shall not commence a flight at a time when -

- (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or
- (b) according to the information available to the commander of the aircraft it would not be able, without contravening subarticle (5), to commence or continue an approach to landing at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(5) An aircraft to which article 24 applies when making a descent to an aerodrome shall not -

- (a) descend below 1000 ft. above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or
- (b)
 - (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or
 - (ii) descend below the relevant specified minimum descent height

unless from that height the specified visual reference for landing is established and is maintained.

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) In this article "specified" in relation to an aircraft means specified by the operator in, or ascertainable by a reference to, the operations manual relating to that aircraft.

30. (1) A public transport aircraft registered in a country other than Malta shall not use any aerodrome in Malta as a destination or alternate aerodrome unless the operator thereof shall have furnished to the Director General such particulars as he may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Malta for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not use any aerodrome in Malta as a destination or alternate aerodrome unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Director General may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

Aircraft not
registered in Malta
- aerodrome
operating minima.
Amended by:
L.N. 57 of 1991;
L.N. 462 of 2010.

(2) The aircraft shall not take off or land at an aerodrome in Malta in contravention of the aerodrome operating minima specified by the operator in relation to that aerodrome or of the instructions referred to in subarticle (1).

(3) Without prejudice to the provisions of subarticle (2), a public transport aircraft registered in a country other than Malta when making a descent to an aerodrome shall not -

- (a) descend below 1000 ft. above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or
- (b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or
- (ii) descend below the relevant specified minimum descent height

unless from that height the specified visual reference for landing is established and is maintained.

(4) In this article "specified" in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the operations manual relating to that aircraft.

Pre-flight action by
commander of
aircraft.

*Amended by:
L.N. 57 of 1991.*

31. The commander of an aircraft registered in Malta shall reasonably satisfy himself before the aircraft takes off -

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;
- (c) that the aircraft is in every way fit for the intended flight and that where a certificate of maintenance review is required by article 9(1) to be in force, it is in force and will not cease to be in force during the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant, if required, are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operating manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (g) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;
- (h) that the pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at
controls.

32. (1) The commander of an aircraft registered in Malta being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-offs and landing. If the aircraft carries two or more pilots, whether or not it is required to do so, and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 12 to be provided.

33. (1) This article applies to flights for the purpose of the public transport of passengers by aircraft registered in Malta.

Public transport of
passengers duties
of commander.

(2) In relation to every flight to which this article applies the commander of the aircraft shall -

Amended by:
L.N. 462 of 2010.

- (a) before the aircraft takes off take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belt, safety harnesses, oxygen equipment, and life-jackets, and all other devices required by or under this Order and intended for use by passengers individually in case of an emergency occurring to the aircraft:

Provided that in relation to life-jackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;

- (b) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than thirty minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a practical demonstration of the method of use of the life-jackets required by or under this Order for the use of passengers;
- (c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the preceding paragraph;
- (d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with article 17(7) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;
- (e) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary -
 - (i) take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses;

- (ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than thirty passengers, that such baggage is stowed in the passenger compartment storage spaces approved by the Director General for the purpose;
- (f) in an emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;
- (g) except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that -
 - (i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 12 is demonstrated to all passengers;
 - (ii) on reaching such altitude all passengers are recommended to use oxygen;
 - (iii) during any continuous period exceeding thirty minutes when the aircraft is flying above flight level 100 but not above flight level 130, and whenever the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.

Operation of radio
in aircraft.
Amended by:
L.N. 57 of 1991.

34. (1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law

(2) Whenever an aircraft is in flight in such circumstances that is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station for use by that aircraft:

Provided that:

- (a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and
- (b) the watch may be kept by a device installed in the aircraft if -
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and

- (ii) that station is notified, or in the case of a station situated in a country other than Malta, otherwise designated as transmitted a signal suitable for that purpose.

(3) Whenever an aircraft is in flight in such circumstances that is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the air space in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in subarticle (1).

(5) In every aircraft registered in Malta which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made:

- (a) the identification of the aircraft radio station;
- (b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;
- (c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;
- (d) particulars of any action taken upon the receipt of a distress signal or distress message;
- (e) particulars of any failure or interruption of radio communications and the cause thereof:

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the

times at which he began and ended the maintenance of such watch.

(7) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(8) In any flying machine registered in Malta which is engaged on a flight for the purpose of public transport the pilot and the flight engineer, if any, shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Minimum
navigation
performance.
*Amended by:
L.N. 462 of 2010.*

35. An aircraft registered in Malta shall not fly in airspace prescribed for the purposes of this article unless -

- (a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability; and
- (b) the navigation systems required by paragraph (a) are approved by the Director General and installed and maintained in a manner approved by the Director General; and
- (c) the operating procedures for the navigation systems required by paragraph (a) are approved by the Director General; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said air space.

Use of flight data
recorders and
preservation of
records.
*Amended by:
L.N. 462 of 2010.*

36. (1) On any flight on which a flight data recorder is required by paragraph 4(4), 4(5), 4(6) and 4(7) of the Fifth Schedule to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of article 59, preserve -

- (a) the last twenty-five hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take-off, climb, cruise, descent, approach to landing, and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Director General may in a particular case direct.

Towing of gliders.

37. (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off -

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of flying in the manner referred to in article 31(g);
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

38. (1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

Towing, picking up and raising of persons and articles.

(2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(3) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(5) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal.

(6) Nothing in this article shall -

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an

aircraft in flight;

- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to an aircraft while it is flying in accordance with the "B" conditions set forth in the Second Schedule;
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 37.

Dropping of
articles and
animals.
Amended by:
L.N. 57 of 1991;
L.N. 34 of 1992;
L.N. 462 of 2010.

39. (1) Articles and animals, whether or not attached to a parachute, shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Except under and in accordance with the terms of an aerial application certificate granted under article 41, articles and animals, whether or not attached to a parachute, shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Malta:

Provided that this subarticle shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances:

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
- (e) the dropping at an aerodrome in accordance with prescribed regulations of ropes, banners, or similar articles towed by aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director General and in accordance with any conditions subject to which that permission may have been given;
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Director General and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this article dropping includes projecting and lowering.

(4) Nothing in this article or in article 40 shall prohibit the

lowering of any person, animal or article from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

40. (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over Malta except under and in accordance with the terms of a written permission granted by the Director General under this article.

Dropping of
persons.
Amended by:
L.N. 462 of 2010.

(2) For the purpose of this article dropping includes projecting and lowering.

(3) Notwithstanding the grant of a permission under subarticle (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Director General under this article.

(5) Every applicant for and every holder of a permission shall make available to the Director General if requested to do so a parachuting manual and shall make amendments or additions to such manual as the Director General may require. The holder of a permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without prejudice to any other provision to this Order the Director General may, for the purpose of this article accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(7) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

41. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or for training, for the dropping of articles for any of such purposes, other than under and in accordance with the terms of an aerial application certificate granted to the aircraft under subarticle (2).

Issue of aerial
application
certificates.
Amended by:
L.N. 462 of 2010.

(2) The Director General shall grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in subarticle (1). The certificate may be granted subject to such conditions as the

Director General thinks fit including without prejudice to the generality of the foregoing conditions for ensuring that the aircraft and any article dropped from it does not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of article 60, remain in force for the period specified in this certificate.

(3) Every applicant for and the holder of an aerial application certificate shall make available to the Director General upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of, or additions to, the manual as the Director General may require.

(4) For the purposes of this article "operating staff" has the meaning ascribed to it in article 24(4).

Carriage of
weapons and of
munitions of war.
*Amended by:
L.N. 462 of 2010.*

42. (1) An aircraft shall not carry any munitions of war unless -

- (a) such munition of war is carried with the written permission of the Director General and in accordance with any conditions relating thereto, and
- (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board the aircraft and any conditions of the permission of the Director General.

(2) Notwithstanding subarticle (1) it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or to take or cause to be taken on board an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless -

- (a) the weapon or munition of war -
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon, and
 - (ii) is carried in a part of the aircraft inaccessible to passengers, and
 - (iii) in case of a firearm, is unloaded, and
- (b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
- (c) without prejudice to subarticle (1), the operator consents to the carriage of such weapon or munition of war on the aircraft.

(4) Nothing in this article shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than Malta, if the weapon or munition of war, as the

case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purpose of this article a "munition of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas, or other thing which is designed or made for use in warfare or against persons including parts, whether components or accessories, for such weapon, ammunition or article.

43. (1) Dangerous goods shall not be carried in an aircraft except as follows:

Carriage of
dangerous goods.
Amended by:
L.N. 462 of 2010.

- (a) goods carried in accordance with any regulations which the Minister may make to permit dangerous goods to be carried either in aircraft generally or in aircraft of any class specified in the regulations;
- (b) goods carried with the written permission of the Director General, and in accordance with any conditions to which such permission may be subject;
- (c) goods carried in aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board;
- (d) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between the Government of Malta and the Government of that country permitting the carriage of dangerous goods within Malta in aircraft registered in that country.

(2) Dangerous goods permitted by or under this Order to be carried in an aircraft shall not be loaded as cargo therein unless -

- (a) the consignor of the goods has furnished the operator of the aircraft with particulars in writing of the nature of the goods and the danger to which they give rise; and
- (b) the goods or any container in which they are packed are clearly marked so as to indicate that danger to the person loading the goods in the aircraft.

The operator of the aircraft shall before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(3) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by or under this article.

(4) The provisions of this article shall be additional to and not in derogation of the provisions of article 42.

Method of carriage
of persons.

44. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to -

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein;
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in
markings.

*Amended by:
L.N. 339 of 2002;
L.N. 287 of 2006;
L.N. 462 of 2010.*

45. (1) This article shall apply to every public transport aircraft registered in Malta

(2) Whenever an aircraft to which this article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during an emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers:

Provided that:

- (a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Director General either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;
- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) nothing in this subarticle shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be indicated with the words "EXIT" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be indicated with the words "EMERGENCY EXIT" in capital letters.

- (4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near

the exterior surface.

- (5) (a) Every aircraft to which this article applies, being an aircraft of which the maximum take-off mass exceeds 3,600 kg, shall, as declared by the aircraft manufacturer, be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.
 - (b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in length along its outer edge and 2.5 centimetres in width.
 - (c) The words "CUT HERE IN EMERGENCY" shall be indicated across the centre of each break-in area in capital letters.
- (6) On every flight by an aircraft to which this article applies, being an aircraft of which the maximum take-off mass exceeds 5,700kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

- (7) The markings required by this article shall -
- (a) be painted or affixed by other equally permanent means;
 - (b) be red in colour and, in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;
 - (c) be kept at all times clean and unobscured.
- (8) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that -

- (a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Director General either in relation to the particular aircraft or to a class of aircraft; and
- (b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "EXIT" or "EMERGENCY "EXIT" are covered and the exit is marked by a red disc at least twenty-three centimetres in diameter with a horizontal white bar across it bearing the words "NO "EXIT" in red letters.

- Imperilling safety of aircraft. **46.** A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.
- Imperilling safety of any person or property. **47.** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- Acting in a disruptive manner.
*Added by:
L.N. 52 of 2001.* **48.** No person shall while in an aircraft -
(a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
(b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
(c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.
- Drunkenness in aircraft. **49.** (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.
(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.
- Smoking in aircraft. **50.** (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Malta so as to be visible from each passenger seat therein.
(2) A person shall not smoke in any compartment of an aircraft registered in Malta at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.
- Authority of commander of aircraft. **51.** Every person in an aircraft registered in Malta shall obey all lawful commands which the commander of the aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.
- Stowaways. **52.** A person shall not secret himself so as to be carried in an aircraft without the lawful consent of either the operator or the commander thereof or of any other person entitled to give consent to that person being carried in the aircraft.

PART VII

Fatigue of Crew

- Application and interpretation of Part VII.
*Amended by:
L.N. 339 of 2002;
L.N. 157 of 2004;
L.N. 385 of 2004;
L.N. 287 of 2006.* **53.** (1) Articles 54, 55 and 56 apply in relation to any aircraft registered in Malta which is either -
(a) engaged on a flight for the purpose of public transport;
or
(b) operated by an air transport undertaking:

Provided that the said articles shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

- (2) In this Part, unless the context otherwise requires -
- (a) "day" means a continuous period of twenty-four hours beginning at midnight Universal Coordinated Time;
 - (b) "duty time" means a period which starts when the crew member is required by an operator to report for a duty and ends when the crew member is free from all duties;
 - (c) "flight duty period" means the total time from the moment an operating crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the crew member is relieved of all duties having completed such flight or series of flights;
 - (d) "flight time" in relation to a person, means all time spent by that person in an aircraft whether or not registered in Malta (other than aircraft of which the maximum take-off mass does not exceed 1600kg and which is not flying for the purpose of public transport or aerial work) from the time the aircraft first moves from its parking place for the purpose of taking off until it comes to rest on the designated parking position or until all engines are stopped and he is carried therein as a member of the crew thereof;
 - (e) "rest period" means an uninterrupted and defined period of time during which a crew member is relieved of all duties by the operator.
- (3) For the purpose of this Part, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

54. (1) The operator of an aircraft to which this article applies shall not cause or permit that aircraft to make a flight unless -

- (a) he has established a scheme for regulation of flight times, duty times, flight duty periods and rest periods for every person flying in that aircraft as a member of its crew; and
- (b) the scheme is approved by the Director General subject to such conditions as he thinks fit; and
- (c) (i) either the scheme is incorporated in the operations manual required by article 24;
(ii) or in a case where an operations manual is not required by the article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and
- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

Fatigue of crew -
operator's
responsibilities.
Amended by:
L.N. 339 of 2002;
L.N. 385 of 2004;
L.N. 462 of 2010.

(2) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that that person is suffering from, or having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this article applies shall not cause or permit any person to fly therein as a member of its crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the twenty-eight days immediately preceding the flight showing -

- (a) all his flight times, duty times, flight duty periods and rest periods; and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in subarticle (3) shall, subject to the provisions of article 59, be preserved by the operator of the aircraft until a date fifteen months after the flight referred to in that subarticle.

Fatigue of crew -
responsibilities of
crew.

Amended by:
L.N. 157 of 2004.

55. (1) A person shall not act as a member of the crew of an aircraft to which this article applies if he knows or has reason to believe that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of twenty-eight days preceding the flight.

(3) A person who is operating as a crew member of an aircraft to which this article applies shall comply with the limitations for flight duty periods and rest periods as specified in the Operator's flight time limitations scheme required under article 54.

Flight times, duty
times, flight duty
periods and rest
periods -
responsibilities of
crew.

Substituted by:
L.N. 339 of 2002;
L.N. 157 of 2004.
Amended by:
L.N. 385 of 2004;
L.N. 287 of 2006;
L.N. 462 of 2010.

56. (1) A person shall not act as a member of the crew of an aircraft registered in Malta if at the beginning of the flight the aggregate of all his previous flight times is as follows:

- (a) during the period of twenty-eight consecutive days expiring at the end of the day on which the flight begins exceeds one hundred hours for flight crew or one hundred and fifteen hours for cabin crew; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds nine hundred hours:

Provided that this article shall not apply to a flight made:

- (i) in an aircraft of which the maximum take-off mass does not exceed 1,600 kg and which is not flying for the purpose of public transport or aerial work; or

- (ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking if at the time when the flight begins the aggregate of all the flight times of aforesaid person since he was last medically examined and found fit by a person approved by the Director General for the purpose of article 19(7) does not exceed twenty-five hours.

(2) A person shall not act as a crew member of an aircraft to which this article applies if the aggregate of his duty time exceeds 2000 hours in an interval of twelve consecutive months.

PART VIII

Documents and Records

57. (1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

Documents to be carried and records to be kept.

(2) An aircraft registered in Malta shall, when in flight, carry documents in accordance with the Eleventh Schedule:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than Malta, the documents may be kept at the aerodrome instead of being carried in the aircraft.

(3) The operator of a public transport aircraft registered in Malta shall in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

58. (1) The commander of an aircraft shall, when so requested and within a reasonable time so specified by the Director General, cause to be produced to the Director General:

Production of documents and records.
Amended by:
L.N. 462 of 2010.

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew;
- (c) such other documents as the aircraft is required by article 57 to carry when in flight.

(2) The operator of an aircraft registered in Malta shall, when so requested and within a reasonable time specified by the Director General, cause to be produced to the Director General such of the following documents or records as may have been requested by him being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available namely:

- (a) the documents referred to in the Eleventh Schedule as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to

be kept;

- (c) the weight schedule, if any, required to be preserved under article 15;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in the Eleventh Schedule as Documents D, E, F, H and J;
- (e) any records of flight times, duty period and rest period which he is required by article 54(4) to preserve, and such other documents and information in the possession or control of the operator, as the Director General may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manuals as are required to be made available under article 24(2)(a)(i);
- (g) the record made by any flight data recorder required to be carried by or under this Order;
- (h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under article 57(3).

- (3) (a) The holder of a licence granted or rendered valid under this Order shall, when so requested and within a reasonable time specified by the Director General, cause to be produced to the Director General his licence, including any certificate of validation.
- (b) The foregoing provisions of this subarticle shall apply to a medical certificate issued pursuant to article 18(1)(b)(ii) as they apply to a licence granted or rendered valid under this Order.

(4) Every person required by article 21 to keep a personal flying log book shall, when so requested and within a reasonable time specified by the Director General, cause it to be produced to the Director General within two years after the date of the last entry therein.

Preservation of documents, etc.

59. A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he has not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his heirs:

Provided that if -

- (a) another person becomes the operator of the aircraft and it remains registered in Malta, he or his heirs shall deliver to that other person upon demand the certificates of maintenance, release and compliance, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 36(2) which are in force or required to be preserved in respect of that aircraft;

- (b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in Malta he or his heirs shall deliver to that other person upon demand the log book relating to that engine or propeller;
- (c) any person in respect of whom a record has been kept by him in accordance with article 54(4) becomes a member of the flight crew of a public transport aircraft registered in Malta and operated by another person he or his heirs shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

60. (1) The appropriate authority may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case. The appropriate authority may, on sufficient grounds being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

Revocation,
suspension and
variation of
certificates,
licences and other
documents.
*Amended by:
L.N. 462 of 2010.*

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the appropriate authority forthwith after being required to do so by that authority.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under this Order, shall, in the absence of provisions to the contrary in the document, render the document invalid during the continuance of the breach.

(4) In this article the "appropriate authority" means in relation to a licence granted under article 71 and in relation to a permission granted under article 80, the Minister and in relation to any other document, the Director General.

(5) Notwithstanding subarticle (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient grounds being shown to the satisfaction of the Director General, whether or not after due inquiry.

61. (1) No person shall with intent to deceive -

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled; or
- (b) lend any certificate, licence, approval, permission, exemption or other document issued, or having effect, or required by or under this Order to, or allow it to be

Offences in
relation to
documents and
records.

used by, any other person; or

- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document,

and in this subarticle a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in subarticle (2) shall be made in ink or indelible pencil.

(4) A person shall not wilfully or negligently make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART IX

Control of Air Traffic

Rules of the Air
and Air Traffic
Control.
*Amended by:
L.N. 462 of 2010.*

62. (1) Every person and every aircraft shall comply with such of the Rules of Air and Air Traffic Control contained in the Thirteenth Schedule as may be applicable to that person or aircraft in the circumstances of the case.

(2) Subject to the provisions of subarticle (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary -

- (a) for avoiding immediate danger; or
- (b) for complying with the law of any country other than Malta within which the aircraft then is; or
- (c) for complying with Flying Orders for Military Aircraft in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of the Armed Forces of Malta.

(4) If any departure from the Rules of the Air and Air Traffic

Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Director General.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

63. (1) The Director General shall grant a licence, subject to such conditions as he thinks fit, to any person to act as an air traffic controller, or as a student air traffic controller, or as an apron controller, or as a student apron controller, if he is satisfied that the applicant is a fit person to hold the licence by reason of his knowledge, experience, competence, linguistic proficiency, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests, including medical examinations, as the Director General may require:

Licensing of air traffic controllers, student air traffic controllers, apron controllers and student apron controllers.

Amended by:

L.N. 57 of 1991.

Substituted by:

L.N. 52 of 2001.

Amended by:

L.N. 157 of 2004;

L.N. 183 of 2007.

Substituted by:

L.N. 139 of 2008.

Amended by:

L.N. 462 of 2010.

Provided that the Director General shall only grant -

- (a) a student air traffic controller's licence, to a person who is at least eighteen years old, and holds a secondary education certificate and who has successfully completed approved initial training relevant to the rating and, rating endorsement as applicable and as set out in Schedule 9; holds a valid medical certificate; and has demonstrated an adequate level of linguistic proficiency in accordance with the requirements set out in Schedule 9, and provided that the licence contains at least one rating and one rating endorsement, if applicable; or
- (b) an air traffic controller's licence, to a person who is at least twenty one years old, holds a student licence, is sufficiently trained in safety, security and crisis management, has completed an approved unit training plan and successfully passed the appropriate examinations or assessments in accordance with the requirements set out in Schedule 9, holds a valid medical certificate; and has demonstrated an adequate level of linguistic proficiency in accordance with the requirements set out in Schedule 9. The licence shall be validated by the inclusion of one or more ratings and the relevant rating, unit and language endorsements for which training was successfully completed; or
- (c) an instructor endorsement to holders of an air traffic controller licence who has provided air traffic control services for an immediately preceding period of at least one year, or such longer duration as is fixed by the Director General having regard to the ratings and

endorsements for which instruction is given, and has successfully completed an approved on-the-job training instructor course during which the required knowledge and pedagogical skills were assessed through appropriate examinations; or

- (d) a student apron controller's licence to a person who is at least eighteen years old; or
 - (e) an apron controller's licence to a person who is at least twenty one years old, holds a student apron controller's licence and has completed an approved training plan and successfully passed the appropriate examination or assessments, holds a valid medical certificate and has demonstrated an adequate level of linguistic proficiency.
- (2) An air traffic controller's licence, or a student air traffic controller's licence should include the items set out in Schedule 9.
- (3) Every licence to act as an air traffic controller shall include:
- (a) ratings of one or more of the classes set forth in Schedule 9 specifying the type of air traffic control service which the holder of the licence is competent to provide,
 - (b) the air traffic control unit at which the service may be provided,
 - (c) where applicable the operational positions or sectors on which the air traffic controller is competent to provide an air traffic control service, and
 - (d) the type of surveillance equipment.

If throughout any period of one hundred and twenty days, the holder of the licence has not for a minimum period of time specified by the Director General, provided at a particular unit the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Director General's powers under article 60, cease to be valid for that unit at the end of that period, and upon a rating ceasing to be valid for a unit the holder of the licence shall forthwith inform the Director General to that effect and shall forward the licence to the Director General to enable him to endorse it accordingly.

(4) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes an On-the-Job Training Instructor endorsement and a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid for the air traffic control unit where the service is being provided.

(5) Every licence to act as an apron controller shall include a list of the places at which he may provide apron management service. If throughout any period of one hundred and twenty days, the holder of the licence has not, for a minimum period of time to

be specified by the Director General, provided at a particular place apron management service, the licence shall, without prejudice to the Director General's powers under article 60, cease to be valid for that place at the end of that period, and upon a licence ceasing to be valid for a place the holder of the licence shall forthwith inform the Director General to that effect and shall forward the licence to the Director General to enable him to endorse it accordingly.

(6) Every licence to act as a student apron controller shall be valid only for the purpose of authorising the holder to provide apron management service under the supervision of another person who is present at the time and is the holder of a valid apron controller's licence which is valid at the place in question.

(7) A licence to act as an air traffic controller, or a student air traffic controller, or as an apron controller, or as a student apron controller, shall not be valid unless it bears the signature of the holder.

(8) (a) Subject to the provision of article 60, a student air traffic controller's licence shall remain in force for a maximum period of two years, and its validity may be renewed by the Director General from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(b) Subject to the provisions of article 60, an air traffic controller's licence shall remain in force for the period indicated in the licence and if no period is indicated in the licence, subject to the aforesaid, it shall remain in force for the lifetime of the holder.

(9) Subject to the provisions of article 60, a student apron controller's licence and an apron controller's licence shall remain in force for maximum periods of two years, and their validity may be renewed by the Director General from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(10) Every applicant and holder of an air traffic controller's licence, or a student air traffic controller's licence, or an apron controller's licence, or a student apron controller's licence, shall upon such occasions as the Director General may require -

(a) submit himself to medical examination by a person approved by the Director General either generally or in a particular case who shall make a report to the Director General in such form as the Director General may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Director General may require, and such examinations and tests may be conducted by the Director General or by a person approved by the Director General; and

(c) submit himself to such tests to determine whether he is using any psychoactive substances by a person

approved by the Director General either generally or in a particular case who shall make a report to the Director General in such form as the Director General may require.

(11) On the basis of the medical examination referred to in subarticle (9), the Director General or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as the Director General or the person approved by him thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to article 66, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(12) (a) The holder of an air traffic controller's licence, or a student air traffic controller's licence, or an apron controller's licence, or a student apron controller's licence shall not provide any type of air traffic control service or apron management service, as the case may be, at an air traffic control unit or place as is referred to in articles 64 and 65(1) -

- (i) unless his licence includes a medical certificate issued and in force under subarticle (11), or
- (ii) if he fails a medical examination whilst his previous medical certificate has not yet expired, or
- (iii) he is under the influence of a psychoactive substance including any medicine that might have a negative influence on his capacity to perform a safe service, or
- (iv) whenever there is any decrease in his medical fitness which might render him unable to safely and properly exercise the licence privileges.

(b) Medical certificates shall be issued by a competent medical body or by medical examiners approved by the Director General, and shall be consistent with the provisions of Annex 1 to the Chicago Convention on International Civil Aviation and the Requirements for European Class 3 Medical Certification of Air Traffic Controllers laid down by Eurocontrol.

(c) Medical certificates shall be valid from the date of the medical examination and for twenty-four months thereafter for air traffic controllers up to the age of forty years and for twelve months above that age. A medical certificate may be revoked at any time if the medical condition of the holder so requires.

(d) The Director General shall ensure that effective review or appeal procedures are in place with the appropriate involvement of independent medical advisors.

(e) A licence holder shall notify his employers that he is becoming aware of any decrease in medical fitness or is under the influence of any psychoactive substance

or medicine which might render him unable to exercise the privileges of the licence safely and properly.

(13) The Director General may issue to a suitably qualified air traffic controller an On-the-Job Training Instructor endorsement in an air traffic controller's licence, subject to such conditions as he thinks fit, to enable him to supervise student air traffic controller licence holders, or trainee air traffic controllers, whilst such student or trainee air traffic controller provides an operational air traffic control service during on the job training.

The instructor endorsement shall indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.

63A. (1) An air traffic controller shall demonstrate the ability to speak and understand English to a satisfactory standard. Proficiency shall be determined in accordance with the language proficiency rating scale set out in Schedule 9.

Language
proficiency.
Added by:
L.N. 139 of 2008.
Amended by:
L.N. 462 of 2010.

(2) For reasons of safety an air traffic controller exercising privileges under an Aerodrome Control rating shall be also proficient in the Maltese language.

(3) The level required of language endorsements shall be level 4 of the language proficiency rating scale set out in Schedule 9.

(4) Language proficiency shall be demonstrated by a certificate issued under a transparent and objective assessment procedure approved by the Director General.

63B. (1) An air traffic controller shall hold a unit endorsement entered on and forming part of his licence, indicating the ICAO location indicator and the sectors and, or working positions where he is competent to work.

Unit endorsements
and conditions for
maintaining ratings
and endorsements.
Added by:
L.N. 139 of 2008.
Amended by:
L.N. 462 of 2010.

(2) (a) Unit endorsements shall be valid for an initial period of twelve months, and shall be extended for the following twelve months if the air navigation service provider demonstrates that:

- (i) the applicant has been exercising the privileges of the licence for a minimum number of hours, as indicated in the approved unit competence scheme, throughout the previous twelve months;
- (ii) the applicant's competence has been assessed in accordance with Schedule 9; and
- (iii) the applicant holds a valid medical certificate.

(b) The minimum number of working hours, leaving aside instruction tasks, required to maintain the validity of the unit endorsement may be reduced by the Director General for on-the-job training instructors in proportion to the time spent in the instruction of trainees on the working positions for which the extension is applied.

(3) Where unit endorsements cease to be valid, a unit training plan must be successfully completed so as to revalidate the

endorsement.

(4) The holder of a rating or rating endorsement who has not been providing air traffic control services associated with the rating or rating endorsement for any period of four consecutive years may only commence unit training in that rating or rating endorsement after appropriate assessment as to whether such holder continues to satisfy the conditions of that rating or rating endorsement, and after satisfying any training requirements that result from this assessment.

(5) The language proficiency of an applicant shall be formally evaluated at regular intervals, except in the case of applicants who have demonstrated proficiency level 6. This interval shall be no longer than three years for applicants who demonstrate proficiency level 4 and no longer than six years for applicants who demonstrate proficiency level 5.

(6) The instructor endorsement shall be valid for a renewable period of thirty-six months.

Certification of
training providers.
Added by:
L.N. 139 of 2008.
Amended by:
L.N. 462 of 2010.

63C. (1) The provision of training to air traffic controllers, including related assessment procedures, shall be subject to certification by the Director General. The requirements for certification shall relate to technical and operational competence and suitability to organise training courses as set out in Schedule 9.

(2) Application for certification shall be submitted to the Director General, where the applicant has its principal place of operation and, if any, its registered office in Malta.

(3) The Director General shall issue certificates for training providers whenever the applicant training provider fulfils the requirements laid down in Schedule 9. Certificates may be issued for each type of training or in combination with other air navigation services, whereby the type of training and the type of air navigation service shall be certified as a package of services. Certificates shall specify the information as given in Schedule 9.

(4) Certificates of training providers issued by another EU Member State in accordance with the provisions of Directive 2006/23/EC shall be recognised as valid under this Order.

Compliance with
competence
standards.
Added by:
L.N. 139 of 2008.
Amended by:
L.N. 462 of 2010.

63D. (1) The Director General shall supervise and monitor the training of air traffic controllers in order to ensure the levels of competence required for them to perform their work to high safety standards. In performing the oversight the Director General shall, to the extent of his responsibility, include:

- (a) the issuing and revocation of licences, ratings and endorsements for which the relevant training and assessment was completed;
- (b) the maintenance and suspension of ratings and endorsements;
- (c) the certification of training providers;
- (d) the approval of training courses, unit training plans and competence schemes;

- (e) the approval of competence examiners or competence assessors;
- (f) the monitoring and auditing of training systems;
- (g) the establishment of appropriate appeal and notification mechanisms.

(2) For the purposes of the effective application of Directive 2006/23/EC the Director General shall provide appropriate information and mutual assistance to other competent authorities of EU Member States, particularly in cases involving the free movement of air traffic controllers within the European Community.

(3) The Director General shall ensure that a data base is maintained listing the competencies of all licence holders under his responsibility and the validity dates of their endorsements. To this end, operational units within air navigation service providers shall keep records of the hours effectively worked in the sectors, group of sectors or in the working positions for every licence holder working in the unit and shall on request provide this data to the Director General.

(4) The Director General shall approve licence holders who are entitled to act as competence examiners or competence assessors for unit and continuation training. Approval shall be valid for a renewable period of three years.

(5) The Director General shall either directly or through delegation to recognised organisations in accordance with article 3 of Regulation (EC) No 550/2004 audit training providers on a regular basis and may make on-the-spot visits with a view to guaranteeing effective compliance with the standards laid down in Directive 2006/23/EC.

63E. (1) In accordance with the provisions of Directive 2006/23/EC and subject to the minimum age limit of twenty-one years and to language proficiency requirements, licences and their associated ratings, ratings endorsements and language endorsements as well as medical certificates issued by the competent authority of a Member State of the European Community shall be recognised as valid under this Order.

Mutual recognition
of air traffic
controller licences.
Added by:
L.N. 139 of 2008.
Amended by:
L.N. 462 of 2010.

(2) Licence holders exercising in Malta the privileges of a licence issued by another Member State of the European Community in accordance with the provisions of Directive 2006/23/EC, shall have the right to exchange their licence for a licence issued under this Order, without additional conditions being imposed.

(3) In order to grant a unit endorsement, the Director General shall require an applicant to fulfil the particular conditions associated with this endorsement, specifying the unit, sector or working position. When establishing the unit training plan, the training provider shall take due account of the acquired competencies and experience of the applicant.

(4) The Director General shall approve and give a reasoned

decision on the unit training plan containing the proposed training for the applicant not later than six weeks after presentation of the evidence, without prejudice to the delay resulting from any appeal that may be made. In his decision, the Director General shall ensure that the principles of non-discrimination and proportionality are respected.

Prohibition of
unlicensed and
student air traffic
controllers.
Amended by:
L.N. 57 of 1991;
L.N. 52 of 2001;
L.N. 157 of 2004.

64. (1) A person shall not provide at any place any type of air traffic control service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service unless he is the holder, and complies with the terms of:

- (i) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with article 63(3); or
- (ii) a valid air traffic controller's licence so granted authorising him to provide that type of service at that air traffic control unit; or
- (iii) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at that air traffic control unit, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that air traffic control unit the type of air traffic control service which is being provided and his licence includes a valid On-the-Job Training Instructor endorsement.

(2) The holder of a licence shall not be entitled to perform any of the functions specified in the Ninth Schedule in respect of a rating at any place referred to in subarticle (1) unless -

- (a) his licence includes that rating and that rating is valid for that air traffic control unit and includes where applicable, the operational positions or sectors on which the air traffic controller is competent to provide an air traffic control service, and, or the specific types of service the holder of the air traffic controller licence may provide and the type of surveillance equipment, if any, with the aid of which, the functions are performed and he complies with the air traffic control unit competency scheme and is competent to provide that type of service; or
- (b) he is supervised by a person who is present at the time who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that air traffic control unit the type of air traffic control service which is being provided and his licence includes a valid On-the-Job Training Instructor endorsement.

(3) The holder of a student air traffic controller's licence shall not provide any type of air traffic control service unless he

complies with the air traffic control unit competency scheme and is competent to undertake on the job training.

(4) The holder of an air traffic controller's licence who fails a competency check or is assessed as unfit to provide a type of air traffic control service to which his rating relates shall not provide that type of air traffic control service even though his rating is still valid except under the supervision of a licensed air traffic controller who is appropriately rated and holds a valid On-the-Job Training Instructor endorsement.

(5) Nothing in this article shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

(6) The holder of an air traffic controller's licence shall not provide any type of air traffic control service before he is familiar with all pertinent and current information.

65. (1) A person shall not provide at any place any type of apron management service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of apron management service unless he is the holder, and complies with the terms of -

Prohibition of
unlicensed and
student apron
controllers.
Added by:
L.N. 52 of 2001.

- (i) a valid student apron controller's licence granted under this Order and he is supervised in accordance with article 63(5); or
- (ii) a valid apron controller's licence so granted authorising him to provide that type of service at that place; or
- (iii) a valid apron controller's licence so granted which does not authorise him to provide that type of service at that place, but he is supervised by a person who is present at the time and who is the holder of a valid apron controller's licence so granted which authorises him to provide at that place the type of apron management service which is being provided.

(2) The holder of an apron controller's licence shall not provide an apron management service before he is familiar with all pertinent and current information.

66. (1) Every holder of an air traffic controller's licence or an apron controller's licence granted under article 63 who -

Incapacity of air
traffic controllers.
Amended by:
L.N. 52 of 2001;
L.N. 183 of 2007;
L.N. 462 of 2010.

- (a) suffers any personal injury or illness involving incapacity to undertake any of the functions to which his licence relates throughout a period of thirty consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director General in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's licence or an apron controller's

licence shall be deemed to be suspended upon the lapse of such period of injury or illness as is referred to in subarticle (1)(a). The suspension of the licence shall cease -

- (a) upon the holder being medically examined under arrangements made by the Director General and pronounced fit to resume his functions under the licence; or
- (b) upon the Director General exempting the holder from the requirement of a medical examination subject to such conditions as the Director General may think fit.

(3) Upon the pregnancy of the holder of an air traffic controller's licence or an apron controller's licence being confirmed, the licence shall be deemed to be suspended and the suspension may be lifted by the Director General for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Director General after the pregnancy has ended and is pronounced fit to resume her functions as an air traffic controller or an apron controller.

Power to prohibit
or restrict flying.
Amended by:
L.N. 57 of 1991.

67. (1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying over an area of Malta or along any route therein by reason of -

- (a) the intended gathering or movement of a large number of persons;
- (b) the intended holding of an aircraft race or contest or of an exhibition of flying; or
- (c) national defence or any other reason affecting the public interest,

the Minister may notify the prohibition, restriction or imposition of conditions on flight, either generally or in relation to any class of aircraft, over any such area or along any such route, and an aircraft shall not fly in contravention of such notice.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any such notice which has been made for any of the reasons referred to in subarticle (1)(c) he shall forthwith cause a signal of distress to be made by radio or by one of the prescribed visual signals, and shall, unless otherwise instructed by the appropriate air traffic control unit, cause the aircraft to land at the aerodrome, being an aerodrome suitable for that purpose, which it can reach by flying to the least possible extent over the area to which the notice relates. The aircraft shall not begin to descend while over such area.

Balloons, kites and
airships.
Amended by:
L.N. 462 of 2010.

68. (1) Within Malta -

- (a) a captive balloon or kite shall not be flown at a height of more than sixty metres above the ground level or within sixty metres of any vessel, vehicle or structure;
- (b) a captive balloon shall not be flown within five kilometres of an aerodrome;
- (c) a balloon exceeding two metres in any linear

dimension at any stage of its flight, including any basket or other equipment attached to the balloon. shall not be flown in controlled airspace;

- (d) a kite shall not be flown within five kilometres of an aerodrome;
- (e) an airship shall not be moored;
- (f) a parascending parachute shall not be launched by towing to a height of more than sixty metres above the surface, without the permission in writing of the Director General and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

PART X

Aerodromes, Aeronautical Lights and Dangerous Lights

69. (1) An aircraft to which this subarticle applies shall not take off or land at a place in Malta other than -

- (a) an aerodrome licensed under this Order for take-off or landing of such aircraft; or
- (b) a Government aerodrome notified as available for takeoff and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be,

and in accordance with any conditions subject to which the aerodrome may have been so licensed or notified, or subject to which such permission may have been given.

(2) Subarticle (1) applies to:

- (a) aeroplanes of which the maximum take-off mass exceeds 2,730 kg and which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying;
- (b) aeroplanes of which the maximum take-off mass does not exceed 2,730 kg engaged on either -
 - (i) scheduled journeys for the purpose of the public transport of passengers; or
 - (ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome; or
 - (iii) flights for the purpose of instruction in flying; or
 - (iv) flights for the purpose of the public transport of passengers at night;
- (c) helicopters and gyroplanes engaged on such flights as

Aerodromes:
public transport of
passengers and
instruction in
flying.

*Amended by:
L.N. 57 of 1991;
L.N. 287 of 2006.*

are specified in paragraphs (b)(i), (ii) and (iii);

(d) gliders, other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club, which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) (a) The person responsible for the area used for the take-off or landing of helicopters at night in a place other than such a place as is specified in subarticle (1) shall cause to be in operation, whenever a helicopter flying for the purpose of public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter -

(i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing;

(ii) in the case of taking off, to make a safe take-off.

(b) A helicopter flying for the purpose of public transport of passengers at night shall not take off or land at a place to which paragraph (a) applies unless there is in operation such lighting.

Use of
Government
aerodromes.

70. The Minister may cause to be notified, subject to such conditions as he thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of
aerodromes.

71. (1) The Minister may licence any aerodrome in Malta subject to such conditions as he thinks fit, for the take-off and landing of aircraft engaged in flights for the purpose of the public transport of passengers, or for the purpose of instruction in flying, or of any classes of such aircraft.

(2) Without prejudice to the generality of subarticle (1), the Minister may grant a licence, in this Order referred to as "a licence for public use", which shall be subject to the condition that the aerodrome shall at all times when it is available for take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The licence of an aerodrome in respect of which a licence for public use is in force shall display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(4) The holder of an aerodrome licence granted under this Order shall not cause or permit any condition of the licence to be contravened, in relation to an aircraft engaged on a flight for the public transport of passengers or for instruction in flying, but the licence shall not cease to be valid by reason only of such a contravention.

(5) A licence granted by the Minister in respect of an aerodrome shall subject to the provisions of article 60, and remain

in force for such period as may be specified in the licence.

72. (1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Director General and the equipment thereof is of a type the specification of which is approved by the Director General in relation to the purpose for which it is to be used.

Radio equipment at
aerodromes.
Amended by:
L.N. 462 of 2010.

(2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are -

- (a) installed, modified and maintained in a manner approved by the Director General, and
- (b) flight checked by the Director General or by a person approved by the Director General for that purpose on such occasions as the Director General may require:

Provided that the provisions of this subarticle shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by an aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Director General may if he thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Director General.

73. (1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome -

Records at
aerodromes.
Amended by:
L.N. 462 of 2010.

- (a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and
- (b) preserve the written record for a period of one year or such longer period as the Director General may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of

recording the terms or content of any radio message or signal transmitted to any aircraft or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with subarticle (2) shall be:

- (a) of a type the specifications of which is approved by the Director General in relation to the particular aeronautical radio station, and
- (b) installed, modified and maintained in a manner approved by the Director General; and
- (c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with subarticle (2) includes:

- (a) the identification of the aeronautical radio station; and
- (b) the date or dates on which the record was made; and
- (c) a means of determining the time at which each message or signal was transmitted; and
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with subarticle (2) ceases to be capable of recording the matters required by this article to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in subarticle (4) are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with subarticles (2) and (5) for a period of thirty days from the date on which the message or signal was recorded or for such longer period as the Director General may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his heirs:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his heirs shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with

the record delivered to him as if he were that previous person in charge.

(8) The provisions of this article shall not apply in respect of any aeronautical radio station of which the person in charge is the Director General.

74. (1) The person in charge of any aerodrome in Malta which is open to public use by aircraft registered in Malta shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in another Contracting State on the same terms and conditions as for use by aircraft registered in Malta.

Use of aerodromes
by aircraft of
Contracting States.

(2) The Minister may, in relation to any aerodrome open to public use, prescribe the charges or maximum charges which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to these charges and the performance of these services.

(3) The charges to be made for the use of an aerodrome for services thereat mentioned in subarticle (2) shall be published or exhibited in such a place and manner as to be readily available for the information of any person affected thereby.

75. The conditions under which noise and vibration may be caused by aircraft, including military aircraft, on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as specified in regulation 3 of the Fourteenth Schedule and article 13(2) of the Act shall apply to any such aerodromes.

Noise and
vibration caused by
aircraft on
aerodromes.

76. (1) A person shall not establish or maintain an aeronautical ground light within Malta except with the permission of the Director General and in accordance with any conditions which may be prescribed, or subject to which the permission may be granted.

Aeronautical
lights.
Amended by:
L.N. 321 of 2005;
L.N. 462 of 2010.

(2) A person shall not alter the character of an aeronautical ground light within Malta except with the permission of the Director General and in accordance with any conditions subject to which the permission may be granted.

(3) In the case of an aeronautical ground light, being a beacon, which is or may be visible from any waters within an area of a lighthouse authority, the Director General shall not give his permission for the purpose of this article except with the consent of that authority.

(4) A person shall not intentionally or negligently damage or interfere with any aeronautical light established and maintained by or with the permission of the Director General.

(5) The Director General may cause a person to install an obstruction light on top of any object deemed to be an obstacle for aircraft approaching or taking off from an airfield.

Dangerous lights.
Amended by:
L.N. 462 of 2010.

77. (1) A person shall not exhibit in Malta any light which -
- (a) by reason of its glare is liable to endanger aircraft taking off from or landing in an aerodrome; or
 - (b) by reason of its liability. to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Director General to be such a light as aforesaid is exhibited, the Director General may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Director General under this article shall not be exercised except with the consent of that authority.

Customs airports.

78. (1) The Minister may, in consultation with the Minister responsible for Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactment for the time being in force relating to Customs.

(2) The Minister may by order revoke any designation so made.

PART XI

General

Flights over any
foreign country.
Amended by:
L.N. 57 of 1991.

79. (1) The operator or commander of an aircraft registered in Malta (or, if the operator's principal place of business or permanent residence is in Malta, any other aircraft), which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene subarticle (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in subarticle (1).

(3) The operator or commander of an aircraft registered in Malta (or, if the operator's principal place of business or permanent residence is in Malta, any other aircraft), which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever -

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country,

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene subarticle (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in subarticle (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

80. An aircraft shall not fly over Malta for the purpose of aerial survey except with the permission of the Minister granted to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

Restriction with respect to aerial survey from aircraft.

81. (1) Subject to the provisions of this article and in accordance with the provisions of Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation, every person who -

Mandatory reporting.
Amended by:
L.N. 57 of 1991.
Substituted by:
L.N. 17 of 2006.
Amended by:
L.N. 462 of 2010.

- (a) is the operator or commander of a turbine-powered aircraft registered in Malta or a public transport aircraft used by the holder of an Air Operator's Certificate issued by the Director General; or
- (b) carries out in Malta the business of designing, manufacturing or modifying a turbine-powered or a public transport aircraft, or any equipment or part thereof; or
- (c) signs a certificate of maintenance review, or of release to service in respect of the aircraft indicated in paragraph (a); or any equipment or part thereof; or
- (d) performs a function which requires him to be authorised by the Director General as an air traffic controller or as a flight information officer; or
- (e) is a manager of an airport covered by Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes; or
- (f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are approved for use by the Director General; or
- (g) performs a function connected with the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport covered by Regulation (EEC) No 2408/92;

shall:

- (i) make a report to the Director General of any occurrence of which he knows and which is of

such a description as specified in regulation 4 of the Fourteenth Schedule. The report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Director General may in any particular case approve, and

- (ii) make a report to the Director General, within such time, by such means, and containing such information as the Director General may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Director General in accordance with this article.

(2) In this article:

- (a) "occurrence" means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident, hereinafter referred to as "accident or serious incident", as defined in Article 3(a) and (k) of Directive 94/56/EC of 21 November 2004 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents; and
- (b) "disidentification" means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information.

(3) Subject to subarticle (1)(g)(ii), nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director General in accordance with this article.

(4) A person shall not make any report under this article if he has reason to believe that the report is false.

(5) Without prejudice to article 36(2) and subject to the provisions of article 59, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Director General or for such longer periods as the Director General may in a particular case direct:

Provided that the record may be erased if the aircraft is outside Malta and it is not reasonably practicable to preserve the record until the aircraft reaches Malta.

- (6) (a) For the purposes of Article 5(1) of Directive 2003/42/EC the Director General is the designated authority to put in place a mechanism to collect, evaluate, process

and store occurrences reported in accordance with subarticle (1).

- (b) Reports shall be stored by the Director General in a database, which shall also include reports of accidents and serious incidents. This database shall be compatible with specific software developed for the purpose by the Commission of the European Union. Names or addresses shall never be recorded in this database.
- (c) All safety-related information relating to incidents stored in this database shall be made available to the competent authorities of the other Member States and of the Commission of the European Union. The Director General shall notify, whenever necessary, the reports mentioned in paragraph (b) to the competent authority of the State where the aircraft is registered, where the aircraft is manufactured and, or where the operator is certified.

(7) Any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the European Community shall have access to information on occurrences collected and exchanged in accordance with Article 6 of Directive 2003/42/EC to enable it to draw the safety lessons from the reported occurrences.

(8) The Director General may publish at least annually a safety review containing information on the types of occurrences collected under the mandatory occurrence-reporting system to inform the public of the level of safety in civil aviation. The Director General may also publish disidentified reports.

(9) The Director General shall take necessary measures as may be required by law to ensure confidentiality of the information received under Article 6 of Directive 2003/42/EC from other States and shall use the information solely for the objective of the same Directive.

(10) Without prejudice to the applicable rules of criminal law and to rules related to access to information by judicial authorities, there shall be no proceedings in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the Director General only because they have been reported under the mandatory occurrence-reporting scheme, except in cases of gross negligence. Employees who report incidents of which they may have knowledge shall not be subjected to any prejudice by their employer.

82. (1) If it appears to the Director General that any aircraft is intended or likely to be flown -

- (a) in such circumstances that any provision of articles 3, 5, 7, 17, 18, 27, 36, 42 or 43 would be contravened in relation to the flights; or
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order or

Power to prevent aircraft flying.
Amended by:
L.N. 132 of 2006;
L.N. 462 of 2010;
L.N. 480 of 2011.

of any Schedule thereto or of any directions made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or

- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any schedule thereto; or
- (d) when during a ramp inspection of an aircraft conducted in accordance with Directive 2004/36/CE as amended by Directive 2008/49/EC findings of a category that make the aircraft not fit for flight are determined,

the Director General may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director General, and the Director General may take such steps as are necessary to detain the aircraft.

(2) For the purpose of subarticle (1), the Director General may enter upon and inspect any aircraft.

Right of access to aerodromes and other places.

*Amended by:
L.N. 462 of 2010;
L.N. 480 of 2011.*

83. The Director General shall, at all reasonable times, have the right to enter and inspect any aircraft, aerodrome or other landing place as well as any other civil aviation facilities which are located outside the aerodrome area to ensure compliance with any of the provisions of this Order.

Obstruction of persons.

84. No person shall obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions.

85. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or of any schedule thereto shall be deemed for the purposes of this Order to have contravened that provision.

Penalties.
*Amended by:
L.N. 411 of 2007.*

86. (1) If any provision of this Order or of any schedule thereto is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall, without prejudice to the liability of any other person under this Order for that contravention, be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any Schedule thereto, was due to any cause not avoidable by the exercise of reasonable care by that person, that act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any Schedule thereto by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work, the flight shall be treated, without prejudice to the liability of any other person under this

Order, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) If a person contravenes a provision of this Order, or of any Schedule thereto, not being a provision referred to in subarticles (5) or (6), he shall be liable on conviction to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94); and in the case of a second or subsequent offence to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87).

(5) If a person contravenes any provision specified in Part A of the Twelfth Schedule he shall be liable on conviction to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87); and in the case of a second or subsequent offence to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69), or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) If a person contravenes any provision specified in Part B of the Twelfth Schedule he shall be liable on conviction to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euros and thirty-seven cents (2,329.37) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

87. Except where the context otherwise requires, the provisions of this Order -

Extra-territorial
effect of the Order.

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Malta, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft shall apply to such other aircraft when they are within Malta;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by persons in or by any of the crew of, any aircraft registered in Malta, shall apply to such persons and crew, wherever they may be;
- (d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Malta by other persons shall, where such persons are citizens of Malta, apply to them wherever they may be and the courts of Malta shall have jurisdiction accordingly.

88. The Director General may direct that such of the provisions of this Order or of any Schedule thereto or of any directions made thereunder, as may be specified in the direction, shall have effect as if reference in those provisions to Maltese aircraft registered in Malta included reference to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is

Application of
Order to Maltese
controlled aircraft
not registered in
Malta.

Amended by:
L.N. 462 of 2010.

qualified to hold any interest by way of ownership in an aircraft registered in Malta.

Application of
Order to military
aircraft.

89. (1) Save as otherwise provided by subarticle (2), article 62(1) and article 75, nothing in this Order shall apply to or in relation to any military aircraft.

(2) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of the armed forces of the Government of Malta, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 46, 47, 49, 62, (so far as applicable), 67 and 79.

Non-applicability
to small aircraft.
Amended by:
L.N. 202 of 1998;
L.N. 462 of 2010.

90. The provisions of this Order, other than articles 47 and 68, shall not apply to or in relation to:

- (a) any balloon which at any stage of its flight is not more than two metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than two kg;
- (c) any other aircraft weighing not more than 20kg without its fuel, provided that an aircraft weighing more than 7kg without its fuel shall be flown not above 400 feet above the surface and in accordance with the permission and any conditions set out by the Director General.

Approval of
persons to furnish
reports.
Added by:
L.N. 339 of 2002.
Amended by:
L.N. 462 of 2010.

90A. In relation to any of his functions pursuant to any of the provisions of this Order the Director General may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to him and may accept such reports.

Exemption from
Order.

91. The Minister may by order exempt from any of the provisions of this Order or any Schedule thereto, any aircraft or persons, either absolutely or subject to such conditions as may be specified in the Order.

Right of appeal.
Amended by:
L.N. 462 of 2010.

92. An appeal shall lie to the Minister from any decision of the Director General that a person is not a fit person to hold a licence to act as aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller or student air traffic controller, and if the Minister is satisfied on the evidence submitted, that the decision should be reversed, the Minister may reverse such decision:

Provided that an appeal shall not lie from a decision of the Director General that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

Saving.
Amended by:
L.N. 462 of 2010.

93. (1) Subject to the provisions of articles 71 and 74, nothing in this Order or any Schedule thereto shall confer any right to land in any place without the consent of the owner thereof.

(2) Nothing in this Order shall oblige the Director General to accept an application from the holder of any current certificate, licence, approval, permission, exemption, or other document, being

an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than sixty days before the current document is due to expire.

*Amended by:
L.N. 57 of 1991.*

FIRST SCHEDULE
(DELETED BY L.N. 462 OF 2010)

*Amended by:
L.N. 462 of 2010.*

SECOND SCHEDULE
[Articles 3(1), 7(1) and 38(6)]
A and B Conditions

The A Conditions and B Conditions referred to in article 3(1), 7(1) and 38(6) are as follows:

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under this Order, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to -

- (a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be; or
- (b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (a), after such an application has been made, or at which the installation of furnishings in, or the taking off, the aircraft is to be undertaken; or
- (c) proceed to or from a place at which the aircraft is to be or has been stored.

(3) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate or by a person approved by the Director General for the purpose of issuing certificates under this condition, and in accordance with the approval.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under this Order in respect of the aircraft or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2) of these Conditions.

(6) The aircraft shall not fly over any congested area of a city, town or

settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome, or a licensed aerodrome in accordance with normal aviation practice.

(7) Without prejudice to the provisions of article 17(2), the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Director General for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in Malta or under the law of any country referred to in article 3, the aircraft shall be marked in a manner approved by the Director General for the purposes of these Conditions, and the provisions of articles 13, 14, 18, 31, 34, 57 and 58 shall be complied with in relation to the aircraft as if it was registered in Malta so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of -

- (a) experimenting with or testing the aircraft (including in particular its engines) and its equipment; or
- (b) enabling it to qualify for the issue of a certificate of airworthiness or the validation thereof, or the approval of a modification of the aircraft; or
- (c) proceeding to or from a place at which any experiment, inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (a) or (b), or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
- (d) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft.

(4) Without prejudice to the provisions of article 17(2), the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following:

- (a) persons employed by the operator who carry out during the flight duties in connection with the purposes specified in paragraph (3) of these Conditions;
- (b) persons employed by manufacturers of component parts of the aircraft (including its engines) who carry out during the flight duties in connection with the purposes so specified;
- (c) persons approved by the Director General under article 8(7) as qualified to furnish reports for the purposes of that article;
- (d) persons, other than those carried under the preceding provisions of this paragraph, who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation.

(6) The aircraft shall not fly, except in accordance with procedures which have been approved by the Director General in relation to that flight, over any congested area of a city, town or settlement.

THIRD SCHEDULE

(Article 8)

1. Categories of Aircraft:
Transport Category (Passenger).
Transport Category (Cargo).
Aerial Work Category.
Private Category.
Special Category.
 2. Purposes for which aircraft may fly:
Transport Category (Passenger): any purpose.
Transport Category (Cargo): any purpose, other than the public transport of passengers.
Aerial Work Category: aerial work only.
Private Category: any purpose other than public transport or aerial work.
Special Category: any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.
-

Amended by:
L.N. 57 of 1991.
Substituted by:
L.N. 130 of 2003;
L.N. 157 of 2004.

FOURTH SCHEDULE

(Article 11)

JAR 66 Aircraft Maintenance Licence Privileges

An aircraft maintenance licence holder may, subject to conditions endorsed upon his licence, issue such certificates as permitted by the JAR 66 and JAR 145 requirements.

FIFTH SCHEDULE
(Articles 10(4), 12(2) and 36(1))

Amended by:
L.N. 57 of 1991.
Substituted by:
L.N. 202 of 1998;
L.N. 339 of 2002.
Amended by:
L.N. 445 of 2004;
L.N. 287 of 2006;
L.N. 462 of 2010.

Aircraft Equipment

1. Aircraft operated for public transport purposes registered in Malta shall be equipped in accordance with the requirements set forth in the edition of JAR-OPS 1 Commercial Air Transportation (Aeroplanes) Sub Parts K and L and JAR-OPS 3 Commercial Air Transportation (Helicopters) Sub-Parts K and L applicable in Malta at the time, and satisfy EC Regulation 1702/2003.

2. Aircraft operated for purposes other than those specified in paragraph 1 and gliders, registered in Malta, shall be provided with adequate equipment appropriate to the circumstances of flight specified in paragraph 5 and for the purposes of this paragraph the expression "adequate equipment" shall mean the scales of equipment indicated in paragraph 6, provided that if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

3. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

4. The following items of equipment shall not be required to be of a type approved by the Director General:

- (i) The equipment referred to in Scale A(ii);
- (ii) First Aid Equipment and Handbook, referred to in Scale B;
- (iii) Time pieces, referred to in Scale F;
- (iv) Torches, referred to in Scale C and G;
- (v) Sea anchors, referred to in Scales I and J;
- (vi) Rocket signals, referred to in Scale J;
- (vii) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I.

5. (1) Gliders when flying by night for purposes other than public transport or aerial work - Scale A(ii).

(2) Gliders flying for purposes of public transport or aerial work – Scale A, B, D and F(i), and:

- (a) when flying by night - Scale C and G;
 - (b) when carrying out aerobatic manoeuvres - Scale M.
- (3) Aeroplanes and Helicopters - Scale A, and
- (a) when flying by night - Scale C, D and G;
 - (b) when operating under VFR - Scale D;
 - (c) when flying under Instrument Flight Rules
 - (i) outside controlled airspace - Scale D

- (ii) within controlled airspace - Scale E and E(iv) duplicated and F
- (d) when carrying out aerobatic manoeuvres - Scale M.
- (4) All turbine engined aeroplanes and helicopters with a maximum take-off mass exceeding 5,700 kg, or authorised to carry more than nine passengers - Scale O.
- (5) All aeroplanes with a maximum take-off mass exceeding 27,000 kg issued with an individual certificate of airworthiness after 1 January 1989 - Scale L.
- (6) All aeroplanes with a maximum take-off mass exceeding 27,000 kg and issued with an individual certificate of airworthiness on or after 1 January 1987 - Scale N.
- (7) (i) All aeroplanes operating over water at a distance from land of more than 50 nautical miles - Scale H;
- (ii) single engined land aeroplanes operating more than 100 nautical miles from land and multi engined land aeroplanes capable of continuing flight with one engine inoperative operating more than 200 nautical miles from land - Scale H and J;
- (iii) Seaplanes operating on any flight - Scale H and I.
- (8) (i) Helicopters flying over water having Performance Class 1 and 2 - Scale H and J;
- (ii) Helicopters flying over water having Performance Class 3 - Scale H.
- (9) All aeroplanes and helicopters operating at high altitudes - Scale K.
- (10) All aeroplanes and helicopters flying in icing conditions - Scale P.
- (11) All aeroplanes and helicopters operating with more than one flight crew - Scale Q.
- 6. The scales of equipment indicated in the foregoing shall be as follows:
 - Scale A
 - (i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating, whichever is the greater.
 - (ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft, including any diversion which may be reasonably expected.
 - (iii) (a) Every pilot's seat or seat alongside, in all gliders, aeroplanes, helicopters and gyroplanes shall be equipped with -
 - (1) a safety belt with one diagonal shoulder strap or a safety harness (where the maximum take-off mass does not exceed 2,300 kg);
 - (2) a safety harness (where the maximum take-off mass exceeds 2,300 kg):Provided that the Director General may permit a safety belt without a diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practical to fit a safety belt with one diagonal shoulder strap, or safety harness.
 - (b) For every seat in use (not being a seat referred to in subparagraph (a) above) a safety belt with or without one diagonal shoulder strap or a safety harness.

Scale B

- (i) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following:
 - Roller bandages, triangular bandages, adhesive plaster, absorbent gauze, cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;
 - Haemostatic bandages or tourniquets, scissors;
 - Antiseptic, analgesic, and stimulant drugs;
 - Splints, in the case of aeroplanes the maximum take-off mass of which exceeds 5,700 kg;
 - A handbook of First Aid.
- (ii) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

Scale C

- (i) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control;
- (ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;
- (iii) unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land;
- (iv) an electric torch for each crew member station;
- (v) lights in all passenger compartments.

Scale D

- (i) Either -
 - (a) a turn indicator (not required for helicopters and gyroplanes) and a slip indicator; or
 - (b) a gyroscopic bank and pitch indicator and a gyroscopic indicator;
- (ii) a sensitive pressure altimeter adjustable for changes in barometric pressure;
- (iii) a magnetic compass.

Scale E

- (i) A turn indicator (not required for helicopters and gyroplanes) and a slip indicator with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator;
- (ii) A gyroscopic bank and pitch indicator;
- (iii) A gyroscopic direction indicator;
- (iv) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale F

- (i) A time piece with a sweep second hand;

- (ii) A means of indicating whether the power supply to the gyroscopic instrument is adequate;
- (iii) A rate of climb and descent indicator;
- (iv) If the maximum take-off mass of the aircraft exceeds 5,700 kg a means of indicating the outside air temperature;
- (v) If the maximum take-off mass of the aircraft exceeds 5,700 kg two airspeed indicators.

Scale G

- (i) Landing lights consisting of two single filament lamps, or one dual filament with separately energised filaments;
- (ii) An electric lighting system to provide illumination in every passenger compartment;
- (iii) In the case of any other aircraft one electric torch for each member of the crew of the aircraft;
- (iv) In the case of an aircraft of which the maximum take-off mass exceeds 5,700kg, a means of observing the existence and build up of the ice on the aircraft.

Scale H

For each person on board, a life jacket or equivalent flotation device stowed in a position easily accessible for the seat of the person for whose user it is provided.

Scale I

A sea anchor and other equipment necessary to facilitate mooring, anchorage or manoeuvring the aircraft on water, appropriate to its size, weight and handling characteristics.

Scale J

Life rafts sufficient to accommodate all persons on board the aeroplane or helicopter, with the following equipment:

- (a) a sea anchor;
- (b) marine type pyrotechnic distress signals;
- (c) life lines, and a means of attaching one life raft to another.

Scale K

- (i) In every flight operated at altitudes at which the atmospheric pressure in personnel compartments will be less than 700 hPa, sufficient breathing oxygen to supply:
 - (a) all crew members and at least 10% of the passengers for any period in excess of thirty minutes that the pressure in the compartments occupied by them will be between 700 hPa and 620 hPa; and
 - (b) all crew members and passengers for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.
- (ii) In every pressurised aeroplane or helicopter a sufficient quantity of stored oxygen to supply all crew members and passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurisation, for any period that the atmospheric

pressure in any compartment occupied by them would be less than 700 hPa. In addition when an aeroplane or helicopter is operated at flight altitudes where the atmospheric pressure is more than 376 hPa and cannot descend safely within four minutes to a flight altitude where the atmospheric pressure is equal to 620 hPa, there shall be no less than 10 minutes supply of oxygen for the occupants of the passenger compartment.

Scale L

A Type 1 flight data recorder which is capable of recording, by reference to a time scale, the following data:

Pressure altitude, indicated airspeed, heading, normal acceleration, pitch attitude, roll attitude, radio transmission keying, power on each engine, trailing edge flap or cockpit control selection, leading edge flap or cockpit control selection, thrust reversed position, ground spoiler/speed brake selection, outside air temperature, autopilot/autothrottle/AFCs mode and engagement status.

Scale M

Safety harness for every seat in use:

Provided that in the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Director General may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale N

A four channel cockpit capable of recording the aural environment of the flight deck during flight. Provided that an aircraft shall not be required to carry the said equipment, if before take off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Director General.

Scale O

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water: provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonable practicable for the equipment to be repaired or replaced (ground proximity warning system).

Amended by:
L.N. 202 of 1998.
Substituted by:
L.N. 17 of 2006.
Amended by:
L.N. 287 of 2006.

SIXTH SCHEDULE (Article 13)

1. With the exception of those aircraft operated for public transport for which the requirements set out in JAR OPS 1 and JAR OPS 3 apply, aircraft shall be provided, when flying in the circumstances specified in paragraph 2 of this Schedule, with the scales of equipment indicated.

2. (a) All aircraft flying within Malta when flying:

- (i) Under IFR
scale A, B, C, and D
- (ii) Under VFR
scale A and D

(b) Maltese registered aircraft wherever they may be shall comply with the laws of the country in which the aircraft is being operated.

(c) All aeroplanes registered in Malta, wherever they may be, and all aeroplanes wherever registered when flying in Malta, powered by one or more turbine jet or turbine propeller engines and either having a maximum take-off mass exceeding 15000 kg or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers - Scale E.

3. The scales of radio equipment indicated in the foregoing shall be as follows:

Scale A

Radio equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including VHF omni-range equipment, Automatic Direction Finding equipment and Distance Measuring Equipment.

Scale C

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale D

Secondary surveillance radar equipment.

Scale E

Airborne collision avoidance system.

4. In this Schedule:

- (1) "Automatic Direction Finding equipment" means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;
- (2) "VHF omni-range equipment" means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means

of signals received from very high frequency omni-directional radio ranges;

- (3) "Distance Measuring Equipment" means radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations;
- (4) "Secondary surveillance radar equipment" means such type of radio equipment as may be notified as being capable of (a) replying to an interrogation from secondary surveillance radar units on the surface and (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;
- (5) "Airborne collision avoidance system" means an aeroplane system which conforms to requirement set out in Volume 4 Chapter 4 of Annex 10 (first Edition) in the Chicago Convention; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity.

SEVENTH SCHEDULE

(Article 14)

Aircraft, Engine and Propeller Log Books

1. Aircraft Log Books

The following entries shall be included in the aircraft log book:

- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
- (b) the nationality and registration marks of the aircraft;
- (c) the name and address of the operator of the aircraft;
- (d) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take offs and landings on that day;
- (e) particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under this Order, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by article 9(7);
- (g) particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under sub-paragraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine Log Book

The following entries shall be included in the engine log book:

- (a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;
- (b) the nationality and registration marks of each aircraft in which the engine is fitted;
- (c) the name and address of the operator of each such aircraft;
- (d) either -
 - (i) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made that day, the number of flights and the total duration of the period between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification, or inspection was undertaken on the engine;
- (e) particulars of all maintenance work done on the engine;
- (f) particulars of any defects occurring in the engine, and of the rectification of such defects including a reference to the relevant entries in the technical log required by article 9(7);
- (g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log Book

The following entries shall be included in the variable pitch propeller log book:

- (a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
- (b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;
- (c) the name and address of the operator of each such aircraft;
- (d) either -
 - (i) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made on that day the number of flights and the total duration of the periods between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification, or inspection was undertaken on the propeller;
- (e) particulars of all maintenance work done on the propeller;
- (f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by article 9(7);
- (g) particulars of any overhaul, repairs, replacements and modifications relating to the propeller.

EIGHTH SCHEDULE
(Article 19)

Amended by:
L.N. 57 of 1991;
L.N. 34 of 1992;
L.N. 52 of 2001.
Substituted by:
L.N. 339 of 2002.
Amended by:
L.N. 157 of 2004;
L.N. 58 of 2005;
L.N. 287 of 2006;
L.N. 462 of 2010.

Flight Crew of Aircraft: Licences and Ratings

PART A - LICENCES (non JAR FCL)

Minimum Age, Period of Validity, Privileges

1. 1. Aeroplane Pilots

Private Pilot's Licence (Aeroplanes)

Minimum age - 17 years

Maximum Period of Validity - 2 years

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified in the aircraft rating included in the licence:

Provided that:

- (a) He shall not fly such an aeroplane for the purpose of public transport or aerial work and he shall not fly such an aeroplane on a special VFR flight with a flight visibility of less than three kilometres;
- (b) he shall not receive any remuneration for his services as a pilot;
- (c) he shall not fly as pilot in command of such an aeroplane at night unless:
 - (i) his licence includes a night rating (aeroplanes) and
 - (ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding six months carried out as pilot in command not less than five take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (d) he shall not, unless his licence includes an instrument rating (aeroplane), fly as pilot in command or co-pilot of such an aeroplane flying in circumstances which require compliance with the Instrument Flight Rules.

Commercial Pilot's Licence (Aeroplanes)

Minimum Age - 18 years

Maximum Period of Validity - 6 months.

Privileges

- (1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes a night rating (aeroplanes), entitled to fly as pilot in command of an aeroplane on a special VFR flight notwithstanding that the flight visibility is less than

three kilometres; and

- (2) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that:

- (a) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;
 - (b) he shall not fly such an aeroplane at night on which any passenger is carried unless his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding ninety days carried out as pilot in command on an aeroplane of the same class or type, or in a flight simulator approved for the purpose not less than five take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
 - (c) he shall not, unless his licence includes an instrument rating (aeroplanes) fly any such aeroplane of which the maximum take-off mass exceeds 2,300 kg. On any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
 - (d) he shall not fly such an aeroplane on a flight for the purpose of public transport unless it is certified for single pilot operation;
 - (e) he shall not fly such an aeroplane on any flight for the purpose of public transport after he attains the age of sixty years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of sixty years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane;
 - (f) he shall not, unless his licence includes an instrument rating (aeroplane), fly as pilot in command or co-pilot of such an aeroplane flying in circumstances which require compliance with the Instrument Flight Rules.
- (3) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.
- (4) He shall not at any time after he attains the age of sixty-five years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.

Airline Transport Pilot's Licence (Aeroplanes)

Minimum Age - 21 years

Maximum of Validity - 6 months

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that proviso (d) to paragraph (2) of those privileges shall not apply.

2. Other Flight Crew

Flight Radio Telephony Operator's Licence

Minimum age - 16 years

Maximum period of validity - 10 years

Privileges: the holder of the licence shall be entitled to operate radio telephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency except by the use of external switching devices.

PART A - LICENCES (JAR FCL)

Minimum Age, Period of Validity, Privileges

Subject to any limitations made by the Director General, where the Director General grants Pilot Licences and ratings in accordance with the requirements of JAR-FCL 1 or JAR-FCL 2 or Flight Engineer's Licences in accordance with the requirements of JAR-FCL 4, the privileges, age limits and maximum period of validity thereof shall be those set out in the edition of JAR-FCL 1, JAR-FCL 2 or JAR-FCL 4 applicable in Malta.

PART B - RATINGS (non JAR FCL)

1. The following ratings may be included in a pilot's licence granted under Part V of this Order, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

Aircraft Rating. The licence shall entitle the holder to act as pilot only of aircraft of the type specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot in command or co-pilot of an aeroplane flying in controlled airspace in circumstances which require compliance with Instrument Flight Rules.

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorized by the Director General for that purpose, indicating that the holder has, within the previous twelve months, passed an instrument flying test.

2. For the purpose of this Schedule:

"Solo flight" means a flight during which a student pilot is the sole occupant of an aircraft; and

"Cross-country Flight" means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure.

Amended by:
L.N. 57 of 1991.
Substituted by:
L.N. 157 of 2004;
L.N. 139 of 2008;
L.N. 462 of 2010.

NINTH SCHEDULE

(Articles 63(1), 63(2), 63(3), 63A, 63B, 63C)

Air traffic controller ratings and endorsements

Licences shall contain one or more of the following ratings in order to indicate the type of service which the licence holder may provide:

- (a) the Aerodrome Control Visual rating (ADV), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;
- (b) the Aerodrome Control Instrument rating (ADI), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has published instrument approach or departure procedures and shall be accompanied by at least one of the rating endorsements described in paragraph 1 below;
- (c) the Approach Control Procedural rating (APP), which shall indicate that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of surveillance equipment;
- (d) the Approach Control Surveillance rating (APS), which shall indicate that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and shall be accompanied by at least one of the rating endorsements described in paragraph 2 below;
- (e) the Area Control Procedural rating (ACP), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment;
- (f) the Area Control Surveillance rating (ACS), which shall indicate that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and shall be accompanied by at least one of the rating endorsements described in paragraph 3 below.

1. The Aerodrome Control Instrument rating (ADI) shall bear at least one of the following endorsements:

- (a) the Tower Control endorsement (TWR), which shall indicate that the holder is competent to provide control services where aerodrome control is provided from one working position;
- (b) the Ground Movement Control endorsement (GMC), which shall indicate that the holder of the licence is competent to provide ground movement control;
- (c) the Ground Movement Surveillance endorsement (GMS), granted in addition to the Ground Movement Control endorsement or Tower Control endorsement, which shall indicate that the holder is competent to provide ground movement control with the help of aerodrome surface movement

guidance systems;

- (d) the Air Control endorsement (AIR), which shall indicate that the holder of the licence is competent to provide air control;
- (e) the Aerodrome Radar Control endorsement (RAD), granted in addition to the Air Control endorsement or Tower Control endorsement, which shall indicate that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.

2. The Approach Control Surveillance rating (APS) shall bear at least one of the following endorsements:

- (a) the Radar endorsement (RAD), which shall indicate that the holder of the licence is competent to provide an approach control service with the use of primary and, or secondary radar equipment;
- (b) the Precision Approach Radar endorsement (PAR), granted in addition to the Radar endorsement, which shall indicate that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar equipment to aircraft on the final approach to the runway;
- (c) the Surveillance Radar Approach endorsement (SRA), granted in addition to the Radar endorsement, which shall indicate that the holder is competent to provide ground controlled non-precision approaches with the use of surveillance equipment to aircraft on the final approach to the runway;
- (d) the Automatic Dependent Surveillance endorsement (ADS), which shall indicate that the holder is competent to provide an approach control service with the use of automatic dependent surveillance;
- (e) the Terminal Control endorsement (TCL), granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which shall indicate that the holder is competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and, or adjacent sectors.

3. The Area Control Surveillance rating (ACS) shall bear at least one of the following endorsements:

- (a) the Radar endorsement (RAD), which shall indicate that the holder is competent to provide area control services with the use of surveillance radar equipment;
- (b) the Automatic Dependent Surveillance endorsement (ADS), which shall indicate that the holder is competent to provide area control services with the use of automatic dependent surveillance;
- (c) the Terminal Control endorsement (TCL), granted in addition to the Radar or Automatic Dependent Surveillance endorsements, which shall indicate that the holder is competent to provide air traffic control services with the use of any surveillance equipment to aircraft operating in a specified terminal area and, or adjacent sectors;
- (d) the Oceanic Control (OCN) endorsement, which shall indicate that the holder is competent to provide air traffic control services to aircraft operating in an Oceanic Control Area.

4. Without prejudice to paragraphs 1, 2 and 3, the Director General may, in exceptional cases which only arise due to particular characteristics of the air traffic in the airspace under his responsibility, develop national endorsements. Such

endorsements shall not affect the overall freedom of movement of air traffic controllers.

Specifications for Licences

Licences issued by the Director General must conform to the following specifications:

1. Details

1.1 The following details must appear on the licence, an asterisk indicating those items which must be translated into English:

- (a) *Name of State or Authority issuing the licence (in bold type);
- (b) *Title of licence (in very bold type);
- (c) Serial number of the licence, in arabic numerals, given by the authority issuing the licence;
- (d) Name of holder in full (in roman alphabet also if script of national language is other than roman);
- (e) Date of birth;
- (f) Nationality of holder;
- (g) Signature of holder;
- (h) *Certification concerning validity and authorisation for holder to exercise privileges appropriate to the licence, indicating:
 - (i) the ratings, rating endorsements, language endorsements, instructor endorsements and unit endorsements,
 - (ii) the dates when they were first issued,
 - (iii) the dates on which their validity expires;
- (i) Signature of officer issuing the licence and the date of such issue;
- (j) Seal or stamp of authority issuing the licence.

1.2 The licence must be accompanied by a valid medical certificate.

Material

First quality paper or other suitable material must be used and the items mentioned under point I must appear clearly thereon.

Colour

The distinguishing colour of the air traffic controller licence shall be yellow.

Training Requirements

Part A

Initial training requirements for air traffic controllers

The initial training will ensure that student air traffic controllers satisfy at least the objectives for basic and rating training, as described in Eurocontrol's "Guidelines for air traffic controller Common Core Content Initial Training", edition of 10.12.2004, so that air traffic controllers are capable of handling air traffic in a safe, quick and efficient way.

Initial training will cover the following subjects: Aviation Law, Air Traffic Management, including Procedures for Civil-Military Co-operation, Meteorology, Navigation, Aircraft and Principles of Flight, including an understanding between air traffic controller and pilot, Human Factors, Equipment and Systems,

Professional Environment, Safety and Safety Culture, Safety Management Systems, Unusual/Emergency Situations, Degraded Systems and Linguistic Knowledge, including Radiotelephony Phraseology.

The subjects will be taught in such a way that they prepare the applicants for the different types of air traffic services and highlight safety aspects. The initial training will consist of theoretical and practical courses, including simulation, and its duration will be determined in the approved initial training plans. Acquired skills must ensure that the candidate can be considered competent to handle complex and dense traffic situations, facilitating the transition to unit training. The competence of the candidate after initial training will be assessed through appropriate examinations or a system of continuous assessment.

Part B

Unit training requirements for air traffic controllers

Unit training plans will detail the processes and timing required to allow the application of the unit procedures to the local area under the supervision of an on-the-job training instructor. The approved plan will include indications of all elements of the competence assessment system, including work arrangements, progress assessment and examination, together with procedures for notifying the national supervisory authority. Unit training may contain certain elements of the initial training which are specific to national conditions.

The duration of unit training will be determined in the unit training plan. The required skills will be assessed through appropriate examinations or a system of continuous assessment, by approved competence examiners or assessors who will be neutral and objective in their judgement. To this end, the national supervisory authorities will put in place appeal mechanisms to ensure fair treatment of candidates.

Part C

Continuation training requirements for air traffic controllers

Rating and unit endorsements on air traffic controllers' licences will be kept valid through approved continuation training, which consists of training to maintain the skills of air traffic controllers, refresher courses, emergency training and, where appropriate, linguistic training.

Continuation training will consist of theoretical and practical courses, together with simulation. For this purpose, the training provider will establish unit competence schemes detailing the processes, manning and timing necessary to provide for the appropriate continuation training and to demonstrate competence. These schemes will be reviewed and approved at least every three years. The duration of the continuation training will be decided in accordance with the functional needs of the air traffic controllers working in the unit, in particular in the light of changes or planned changes in procedures or equipment, or in the light of the overall safety management requirements. The competence of each air traffic controller will be appropriately assessed at least every three years. The air navigation service provider will ensure that mechanisms are applied to guarantee fair treatment of licence holders where the validity of their endorsements cannot be extended.

Requirements for proficiency in languages

The language proficiency requirements laid down in Article 8 are applicable to the use of both phraseologies and plain language. To meet the language proficiency requirements an applicant for a licence or a licence holder will be assessed and must demonstrate compliance with at least the Operational Level (Level 4) of the Language

Proficiency Rating Scale set out in this Annex.

Proficient speakers must:

- (a) communicate effectively in voice-only (telephone/radiotelephone) and in face-to-face situations;
- (b) communicate on common, concrete and work-related topics with accuracy and clarity;
- (c) use appropriate communicative strategies to exchange messages and to recognise and resolve misunderstandings (e.g. to check, confirm or clarify information) in a general or work related context;
- (d) handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine work situation or communicative task with which they are otherwise familiar; and
- (e) use a dialect or accent which is intelligible to the aeronautical community.

Language proficiency rating scale: Expert, Extended and Operational Levels

Level	Pronunciation	Structure	Vocabulary	Fluency	Comprehension	Interaction
	Uses a dialect and/or accent intelligible to the aeronautical community.	Relevant grammatical structures and sentence patterns are determined by language functions appropriate to the task.				
Expert 6	Pronunciation, stress, rhythm and intonation, though possibly influenced by the first language or regional variation, almost never interfere with ease of understanding.	Both basic and complex grammatical structures and sentence patterns are consistently well controlled.	Vocabulary range and accuracy are sufficient to communicate effectively on a wide variety of familiar and unfamiliar topics. Vocabulary is idiomatic, nuanced, and sensitive to register.	Able to speak at length with a natural, effortless flow. Varies speech flow for stylistic effect, e.g. to emphasise a point. Uses appropriate discourse markers and connectors spontaneously.	Comprehension is consistently accurate in nearly all contexts and includes comprehension of linguistic and cultural subtleties.	Interacts with ease in nearly all situations. Is sensitive to verbal and non-verbal cues, and responds to them appropriately.

Level	Pronunciation	Structure	Vocabulary	Fluency	Comprehension	Interaction
Extended 5	Pronunciation, stress, rhythm and intonation, though influenced by the first language or regional variation, rarely interfere with ease of understanding.	Basic grammatical structures and sentence patterns are consistently well controlled. Complex structures are attempted but with errors which sometimes interfere with meaning.	Vocabulary range and accuracy are sufficient to communicate effectively on common, concrete and work-related topics. Paraphrases consistently and successfully. Vocabulary is sometimes idiomatic.	Able to speak at length with relative ease on familiar topics, but may not vary speech flow as a stylistic device. Can make use of appropriate discourse markers or connectors.	Comprehension is accurate on common, concrete, and work-related topics and mostly accurate when the speaker is confronted with a linguistic or situational complication or an unexpected turn of events. Is able to comprehend a range of speech varieties (dialect and/or accent) or registers.	Responses are immediate, appropriate, and informative. Manages the speaker/listener relationship effectively.
Operational 4	Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation but only sometimes interfere with ease of understanding.	Basic grammatical structures and sentence patterns are used creatively and are usually well controlled. Errors may occur, particularly in unusual or unexpected circumstances, but rarely interfere with meaning.	Vocabulary range and accuracy are usually sufficient to communicate effectively on common, concrete, and work-related topics. Can often paraphrase successfully when lacking vocabulary in unusual or unexpected circumstances.	Produces stretches of language at an appropriate tempo. There may be occasional loss of fluency on transition from rehearsed or formulaic speech to spontaneous interaction, but this does not prevent effective communication. Can make limited use of discourse markers or connectors. Fillers are not distracting.	Comprehension is mostly accurate on common, concrete, and work-related topics when the accent or variety used is sufficiently intelligible for an international community of users. When the speaker is confronted with a linguistic or situational complication or an unexpected turn of events, comprehension may be slower or require clarification strategies.	Responses are usually immediate, appropriate, and informative. Initiates and maintains exchanges even when dealing with an unexpected turn of events. Deals adequately with apparent misunderstandings by checking, confirming, or clarifying.

Language proficiency rating scale: Pre-Operational, Elementary
and Pre-Elementary Levels

Level	Pronunciation	Structure	Vocabulary	Fluency	Comprehension	Interactions
	Uses a dialect and/or accent intelligible to the aeronautical community.	Relevant grammatical structures and sentence patterns are determined by language functions appropriate to the task.				

Level	Pronunciation	Structure	Vocabulary	Fluency	Comprehension	Interactions
Pre-Operational 3	Pronunciation, stress, rhythm and intonation are influenced by the first language or regional variation and frequently interfere with ease of understanding.	Basic grammatical structures and sentence patterns associated with predictable situations are not always well controlled. Errors frequently interfere with meaning.	Vocabulary range and accuracy are often sufficient to communicate on common, concrete, or work-related topics but range is limited and the word choice often inappropriate. Is often unable to paraphrase successfully when lacking vocabulary.	Produces stretches of language, but phrasing and pausing are often inappropriate. Hesitations or slowness in language processing may prevent effective communication. Fillers are sometimes distracting.	Comprehension is often accurate, on common, concrete, and work-related topics when the accent or variety used is sufficiently intelligible for an international community of users. May fail to understand a linguistic or situational complication or an unexpected turn of events.	Responses are sometimes immediate, appropriate, and informative. Can initiate and maintain exchanges with reasonable ease on familiar topics and in predictable situations. Generally inadequate when dealing with an unexpected turn of events.
Elementary 2	Pronunciation, stress, rhythm and intonation are heavily influenced by the first language or regional variation and usually interfere with ease of understanding.	Shows only limited control of a few simple memorized grammatical structures and sentence patterns.	Limited vocabulary range consisting only of isolated words and memorized phrases.	Can produce very short, isolated, memorized utterances with frequent pausing and a distracting use of fillers to search for expressions and to articulate less familiar words.	Comprehension is limited to isolated, memorized phrases when they are carefully and slowly articulated.	Response time is slow, and often inappropriate. Interaction is limited to simple routine exchanges.
Pre-Elementary 1	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.	Performs at a level below the Elementary level.

Requirements to be attached to Certificates awarded to Training Providers

1. Compliance with the requirements referred to in Article 13 must be demonstrated by evidence that training providers are adequately staffed and equipped and operate in an environment suitable for the provision of the training necessary to obtain or maintain student air traffic controller licences and air traffic controller licences. In particular training providers must:

- (a) have an efficient management structure and sufficient staff with adequate qualifications and experience to provide training according to the standards set out in this Order;
- (b) have available the necessary facilities, equipment and accommodation appropriate for the type of training offered;
- (c) provide the methodology they will use to establish details of the content, organisation and duration of training courses, unit training plans and unit competence schemes; this will include the way examinations or assessments will be organised. For examinations related to initial training, including simulation training, the qualifications of the examiners must be indicated in detail;

- (d) furnish proof of the quality management system in place to monitor compliance with and the adequacy of the systems and procedures which ensure that the training services provided satisfy the standards set out in this Order;
 - (e) demonstrate that sufficient funding is available to conduct the training according to the standards set out in this Order and that the activities have sufficient insurance cover in accordance with the nature of the training provided.
2. Certificates must specify:
- (a) the national supervisory authority issuing the certificate;
 - (b) the applicant (name and address);
 - (c) the type of services which are certified;
 - (d) a statement of the applicant's conformity with the requirements defined in point 1;
 - (e) the date of issue and the period of validity of the certificate.

TENTH SCHEDULE
(Article 24)

*Amended by:
L.N. 57 of 1991;
L.N. 202 of 1998.
Substituted by:
L.N. 385 of 2004.
Amended by:
L.N. 462 of 2010.*

Public Transport - Operational Requirements

Part A - Operations Manual

The information and instructions that are to be contained in the operations manual referred to in article 24(2) of the Order shall be those that are specified in documents JAR OPS 1 and JAR OPS 3.

Part B - Crew Training and Tests

(Article 26)

1. The training, experience, practice and periodical tests required under article 26(2) of this Order in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be:

- (1) for pilots and cabin crew in accordance with the provisions contained in JAR OPS 1 and JAR OPS 3; and
- (2) for Flight Navigators and Flight Radio Operators as shown below:
 - (i) Flight Engineers
Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator:
 - (a) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;
 - (b) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be

used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in an aircraft in flight, or under supervision of a person approved by the Director General for the purpose by means of a flight simulator approved by the Director General.

- (ii) Flight Navigators and Flight Radio Operators Every flight navigator and flight radio operator whose inclusion in the flight crew is required under article 17(4) and (5) respectively of this Order shall, within the relevant period, have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight:
 - (a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for the purposes of navigation;
 - (b) in the case of a flight radio operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of this ability to carry out emergency procedures.

2. (1) The records required to be maintained by an operator under article 26(2) of this Order shall be accurate and up-to-date records so kept as to show, on any date in relation to each person who has during the periods immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator, as specified in JAR OPS 1 and JAR OPS 3:

- (a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner;
- (b) the date upon which that person last practised the carrying out of duties referred to in paragraph 1(1)(b) of this Schedule;
- (c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties;
- (d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1(5)(a) (i) of this Schedule including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents, whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall, at the request of any person in respect of whom he is required to keep records as aforesaid, furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

Part C - Training Manual

(Article 25(2))

The information and instructions in relation to the training experience, practice and periodical tests required under article 26(2) of this Order to be included in the training manual referred to in article 25(2) of this Order shall be those that are specified in JAR OPS 1 and JAR OPS 3.

ELEVENTH SCHEDULE

(Articles 57 and 58)

Amended by:
L.N. 57 of 1991;
L.N. 339 of 2002;
L.N. 462 of 2010;
L.N. 480 of 2011.

Documents to be carried by Aircraft Registered in Malta

On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is international air navigation: Document G.

On a flight for the purpose of the public transport of passengers:

Documents J and K.

On a flight for the purpose of aerial work:

Documents A, B, C, D, E, F, and, if the flight is international air navigation: Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work:

Documents A, B, C, G and L.

For the purpose of this Schedule:

"A" means the licence in force in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by this Order;

"B" means the certificate of airworthiness in force in respect of the aircraft:

Provided that the Director General may approve that the flight manual which forms part of the certificate of airworthiness need not be carried on board the aircraft as required by this Schedule if the relevant data contained therein is otherwise made available to the flight crew;

"C" means the licences of the members of the flight crew of the aircraft;

"D" means one copy of the load sheet, if any, required by article 27 of this Order in respect of the flight;

"E" means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

"F" means the technical log, if any, in which entries are required to be made under article 9;

"G" means the certificate of registration in force in respect of the aircraft;

"H" means the operations manual, if any, required by article 24(2)(a)(iii) to be carried on the flight;

"J" means one copy of the certificate of release, if any, in force in respect of the aircraft;

"K" means the air operator's certificate;

"L" means the passenger and cargo manifests.

For the purpose of this Schedule:

"International air navigation" means any flight which includes passage over the territory of any country other than Malta.

*Amended by:
L.N. 52 of 2001.*

TWELFTH SCHEDULE

Penalties

Part A - Provisions referred to in article 86(5)

Article of Order	Subject
3	Aircraft flying unregistered
5	Aircraft flying with false or incorrect markings
7	Flight without a certificate of airworthiness
9(1)	Flight without appropriate maintenance
9(1)(b)	Flight without certificate of maintenance review
9(7)	Failure to enter flight times and defects in technical log
10	Flight without certificate of release to service
12	Flight without required equipment
13	Flight without required radio equipment
14	Failure to keep log book
15	Requirement to weigh aircraft and keep weight schedule
17	Crew requirement
18	Requirement for appropriate licence
19(4)	Requirement for appropriate certificates
19(5)	Prohibition of flight after failure of test
19(6)(a)	Flight without valid medical certificate
19(7)	Flight in unfit condition
22	Instruction in flying without appropriate licence and rating
24	Operations manual requirement
25	Training manual requirement
26	Operator's responsibilities in connection with crew
27	Requirements for loading aircraft
28	Operational restrictions on aircraft
29	Aerodrome operating minima - Malta registered aircraft
30	Aerodrome operating minima - foreign registered aircraft
31	Pre-flight action by commander of aircraft
32	Requirement for pilot to remain at controls

Article of Order	Subject
33	Duties of commander on flight for public transport of passengers
34	Requirement for radio station in aircraft to be licensed and for operation of same
35	Requirement for minimum navigation performance system
36	Use of flight recorders and preservation of records
37	Towing of gliders
38	Towing, picking-up and raising of persons and articles by aircraft
39	Dropping of persons and articles from aircraft
41	Requirement for aerial application certificate
44	Carriage of persons in or on any part of an aircraft not designed for that purpose
45	Requirement for exits and break-in markings
50	Prohibition of smoking in aircraft
51	Requirement to obey lawful commands of aircraft commander
52	Prohibition of stowaways
54(3)	Operator's obligation to obtain flight time records of flight crew
55(2)	Flight crew member's obligation to inform operator of flight times
56	Flight time limitations
57(2)	Breach of Rules of the Air and Air Traffic Control
64	Requirement for licensing of air traffic controllers
65	Requirement for licensing of apron controllers
67	Flight in contravention of restriction of flying regulations
68	Flight by balloons, kites and airships
69	Requirement for licensed aerodromes
71(4)	Contravention of conditions of aerodrome licences
72	Use of radio equipment at aerodromes
73	Requirement to keep records at aerodromes
76	Use of aeronautical lights
77(1)	Prohibition of dangerous lights
77(2)	Failure to extinguish or screen dangerous lights
80	Restriction of flights for aerial survey by non-Maltese registered aircraft
81 (except (4))	Requirement to report occurrences
84	Obstruction of persons performing duties under Order.
Part B - Provisions Referred to in Article 86(6)	

Article of Order	Subject
42	Prohibition of carriage of weapons and munitions of war
43	Prohibition of carriage of dangerous goods
46	Endangering safety of aircraft
47	Endangering safety of persons or property
48	Acting in a disruptive manner
49	Prohibition of drunkenness in aircraft
54(1)	Operator's obligation to regulate flight times of flight crew
54(2)	Operator's obligation not allow flight by crew in dangerous state of fatigue
55(1)	Crew's obligation not to fly in dangerous state of fatigue

Article of Order	Subject
61 (except (3))	Use of false or unauthorised documents and records
81(4)	Making false reports
82	Flight in contravention of direction not to fly.

Amended by:
L.N. 57 of 1991;
L.N. 34 of 1992;
L.N. 52 of 2001;
L.N. 321 of 2005;
L.N. 132 of 2006;
L.N. 183 of 2007;
L.N. 462 of 2010.
Substituted by:
L.N. 197 of 2017.

THIRTEENTH SCHEDULE

(Article 62(1))

Rules of the Air and Air Traffic Control

SECTION I

Interpretation

Commission Implementing Regulation (EU) No. 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No. 1035/2011 and Regulations (EC) No. 1265/2007, (EC) No.1794/2006, (EC) No.1033/2006, (EC) No. 255/2010 and (EC) No. 2016/1185* ("the Regulation") entered into force in Malta on 4 December 2012.

The common rules of the air specified in the Regulation are also known as the Standardised European Rules of the Air - "SERA".

These Rules complement SERA, apply in addition to the provisions of SERA and shall be interpreted and construed in conjunction with them.

In these Rules terms used which are defined in Article 2 of SERA have the same meaning as given in that article.

1. In these Rules, unless the context otherwise requires -

"anti-collision light" means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

"hand glider" means a glider capable of being -

- (a) carried
- (b) foot launched, and
- (c) landed solely by the energy and use of a pilot's legs;

* Regulation (EC) No. 2016/1185 shall apply from 12 October 2017. Provided that the following provisions shall apply from 18 August 2016:-

- (1) Article 1(1);
- (2) Article 1(2) (f), (i), (j), (l) and (o);
- (3) Article 1(3);
- (4) Article 2;
- (5) points (1), (2), (3), (4), (5), (6), (8), (12), (13), (15), (16), (19), (21), (22), (26)(b), (26)(c), (27) and (28) of the Annex.

SECTION II

GENERAL

Application of Rules to aircraft and airspace users and Compliance

2A. These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of rule 31, apply in relation to:

- (a) all aircraft within Malta; and
- (b) all aircraft registered in Malta, wherever they may be provided that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

2B. Permissions

Wherever in these Rules there is provision for a permission to be granted by the Director General for the purpose of a rule, it may be granted -

- (a) in respect of classes of aircraft, persons or vehicles generally or in respect of any particular aircraft, person or vehicle or class of aircraft, person or vehicle; and
- (b) subject to such conditions as the Director General deems fit.

Misuse of Signals and Markings

3. (1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules.

Reporting hazardous conditions

4. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Practice Instrument Approaches

5. Within Malta an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless -

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION III

Lights and other signals to be shown or made by aircraft

General

6. (1) For the purposes of this Section the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Section, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable through no greater angle. either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all direction, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of lights by Aircraft

7. A flying machine on a land aerodrome in Malta at which aircraft normally land or take off at night shall, unless it is stationary on the apron or a part of the aerodrome provided for the maintenance of aircraft, display by night either the lights which it would be required to display if it were flying, or the lights specified in rule 9.

Failure of Navigation Lights

8. In Malta, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight

Flying Machines

9. (1) A flying machine when flying at night shall display lights as follows:
- (a) an unobstructed red light of at least five candela projected above and below the horizontal plane from dead ahead to 110 degrees to left (port);
 - (b) an unobstructed green light of at least five candela projected above and below the horizontal plane through an angle from dead ahead to 110 degrees right (starboard);
 - (c) an unobstructed white light of at least three candela projected above and below the horizontal plane rearward through an angle of 140 degrees.

These lights also called navigation lights may be displayed either as steady lights or flashing lights.

(2) When the lights described in sub-rule (1) are displayed as flashing lights, either one or both of the following additional lights shall be displayed:

- (a) a flashing red rear light of at least 20 candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane which alternates with the flashing white rear light described in sub-rule (1)(c);
- (b) a flashing white light of at least 20 candela visible in all directions which alternates with the lights described in sub-rules (1)(a), (1)(b) and (1)(c).

(3) When the lights described in sub-rule (1) are displayed as steady lights, an additional flashing light or lights called anti-collision light/s visible as far as is practicable in all directions within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane shall be displayed.

(4) In addition, wing tip clearance lights comprising steady lights of the colour described for the navigation lights in sub-rule (1)(a) and (1)(b) shall be provided if there are no navigation lights within 1.80 metres of the wing tips.

Gliders

10. A glider while flying at night shall display either a steady red light of at least five candela, showing in all directions or lights in accordance with rule 9.

Free Balloons

11. A free balloon while flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket or if there is no basket, below the lowest part of the balloon.

Captive Balloons and Kites

12. (1) Low Flying rules shall not apply to any captive balloon or kite.

(2) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows:

- (a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights: the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(3) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length and marked with alternate bands of red and white 50 centimetres wide.

(4) A kite flown in the circumstances referred to in sub-rule (3) shall have

attached to its mooring cable either:

- (a) tubular streamers as specified in sub-rule (3), or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide.

Airships

13. (1) Except as provided in sub-rule (2), an airship while flying at night shall display the following steady lights:

- (a) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
- (b) a green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
- (d) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship while flying at night shall display, if it is not under command, nor has voluntarily stopped its engines, or is being towed, the following steady lights:

- (a) the white lights referred to in sub-rule (1)(a) and (d);
- (b) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and
- (c) if the airship is making way but not otherwise, the green and red light referred to in sub-rule (1)(b) and (c):

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in sub-rule (1).

(3) An airship, while moored within Malta by night, shall display the following lights:

- (a) when moored to a mooring mast, at or near the rear, a white light of at least five candela showing in all directions;
- (b) when moored otherwise than to a mooring mast:
 - (i) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;
 - (ii) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this rule:

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;

- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

SECTION IV

General Flight Rules

Rules for avoiding aerial collisions

14. (1) General

For the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) Converging

Subject to the provisions of sub-rules (3) and (4), an aircraft in the air shall give way to another converging aircraft as follows:

- (a) flying machines shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons.

(3) Approaching Head-on

When two aircraft are approaching head-on or approximately so in the air and there is danger of collision each shall alter its course to the right.

(4) Overtaking

An aircraft which is being overtaken in the air shall have the right of way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Malta may alter its course to the right or to the left.

Aerobatic Manoeuvres

15. An aircraft shall not carry out any aerobatic manoeuvres -

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand Traffic Rule

16. An aircraft which is flying within Malta in sight of the ground and following a road, coastline, or any other line of landmarks, shall keep such line or landmarks on its left.

Notification of Arrival

17. The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

SECTION V

Cruising Levels

18. In order to comply with the Instrument Flight Rules an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in SERA Appendix 3 (Table of Cruising Levels). The level of flight shall be measured by an altimeter set according to the system notified, or in the case of the flight over a country other than Malta otherwise published by the competent authority in relation to the area in which the aircraft is flying:

Provided that an aircraft may be flown at a level other than the level required by this rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

SECTION VI

Aerodrome Traffic Rules

Application of Aerodrome Traffic Rules

19. The rules in this Section which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

Visual Signals

20. The commander of a flying machine on, or in, the traffic zone of an aerodrome shall observe such visual signals as may be displayed at or directed to him from the aerodrome by the authority or the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey Marshalling signals if, in his opinion, it is inadvisable to do so in the interests of safety.

Access and movement on the Manoeuvring Area and other parts of the aerodrome used by aircraft

21. (1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle or person shall not go or move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purposes of this rule may be granted either in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of persons or vehicles.

Right of Way on the Ground

22. (1) This rule shall apply to -

- (a) flying machines; and
- (b) vehicles

on any part of land aerodrome provided for the use of aircraft and under the

control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying Machines and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles and flying machines which are not taking off or landing shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of sub-rule (3) and of rule 24(3)(b), in case of danger of collision between two flying machines:

(a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right;

(b) when two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

(c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of sub-rule (3)(b), a vehicle shall:

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Dropping of Tow Ropes, etc.

23. Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and:

(a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome, or

(b) in the area designated by a yellow cross with two arms 6 metres long by 1 metre wide at right angles indicating that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed; and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

Aerodromes not having Air Traffic Control Units

24.(1) (a) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where no air traffic control unit is for the time being notified as being on watch, except for the purpose of taking off or landing at that aerodrome or observing the signals in the signals area with a view to landing there, unless he has the permission of the person in charge of the aerodrome.

(b) An aircraft flying within such a zone for the purposes of observing

the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall:

- (a) observe other aerodrome traffic for the purpose of avoiding collision and conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;
- (b) make all turns to the left unless ground signals otherwise indicate; and
- (c) take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) A glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take-offs and landings are not confined to a runway -

- (i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off; and if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
- (ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take off.

(4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so.

Aerodrome having Air Traffic Control Units

25. (1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, except for the purpose of observing any signals at that aerodrome with a view to landing there, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch or moving on such an aerodrome shall:

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;
- (b) not taxi on the apron or manoeuvring area or take off or land anywhere in the zone except with the permission of the air traffic control unit;
- (c) comply with the provisions of rule 22(1)(b), (2) and (3) as if the aerodrome did not have an air traffic control unit, unless he has the permission of the air traffic control unit at the aerodrome, or has been instructed by that unit, to do otherwise.

(3) Without prejudice to Rules on weather reports and forecasts and the relevant SERA provisions, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within Malta having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

SECTION VII

Air Traffic Control

Provision of Air Traffic Control Services

26. (1) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and is either situated in a control zone or is an aerodrome in respect of which the Director General has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service to be provided there, the person in charge of the aerodrome shall cause air traffic control service to be provided at all times when the aerodrome is open for the take-off and landing of aircraft.

(2) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and with equipment for providing holding aid, let-down aid or approach aid by radio or radar the person in charge of the aerodrome shall inform the Director General in advance of any period during which any of the said equipment will be in operation for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to sub-rule (1), cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.

FOURTEENTH SCHEDULE

(Articles 10(3), 26(1), 28(1), 75 and 81(1))

Air Navigation (General) Regulations

Amended by:
L.N. 57 of 1991;
L.N. 202 of 1998.
Substituted by:
L.N. 17 of 2006.
Amended by:
L.N. 462 of 2010.

1. Weight and Performance

Where the provisions of JAR OPS 1 and JAR OPS 3 are not applicable, the operator of an aircraft registered in Malta shall for the purpose of assessing the weight and related performance of the aircraft, use the performance regulations of the State of Manufacture if the Director General so approves.

2. Noise and Vibration caused by aircraft on aerodromes

With reference to article 75, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows:

- (a) the aircraft is taking off or landing, or
- (b) the aircraft is moving on the ground or water, or

- (c) the engines are being operated in the aircraft -
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of a flight; or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

3. Pilot Maintenance - specified repairs or replacements

With reference to article 10(3) the following repairs or replacements are hereby specified:

- (1) Replacement of landing gear tyres, landing skids or skid shoes.
- (2) Replacement of elastic shock absorber cord units on landing gear where special tools are not required.
- (3) Replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems.
- (4) Patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control services, if the repairs do not cover up structural damage and do not include repairs to rotor blades.
- (5) Repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or effect the structure of the aircraft.
- (6) Repairs, not requiring welding, to fairings, non-structural cover plates and cowlings.
- (7) Replacements of side windows where that work does not interfere with the structure or with any operating system.
- (8) Replacement of safety belts or safety harness.
- (9) Replacement of seats or seat parts not involving dismantling of any structure or of any operating system.
- (10) Replacement of bulbs, reflectors, glasses, lenses or lights.
- (11) Replacement of any cowlings not requiring removal of the propeller, rotors or disconnection of engine or flight controls.
- (12) Replacement of unserviceable sparking plugs.
- (13) Replacement of batteries.
- (14) Replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight.
- (15) Replacement of main rotor blades that are designed for removal where special tools are not required.
- (16) Replacement of generator and fan belts designed for removal where special tools are not required.

4. Mandatory Reporting - specified occurrences time and manner of reporting and information to be reported.

(1) With reference to article 81(1), the following occurrences are specified, that is to say those:

- (a) involving damage to an aircraft;

- (b) involving injury to a person;
- (c) involving the impairment during a flight of the capacity of a number of the flight crew of an aircraft to undertake the functions to which his licence relates;
- (d) involving the use in flight of any procedures taken for the purpose of overcoming an emergency;
- (e) involving the failure of an aircraft system or of any equipment of an aircraft;
- (f) arising from the control of an aircraft in flight by its flight crew;
- (g) arising from failure or inadequacy of facilities or service on the ground used or intended to be used for the purposes of or in connection with the operation of aircraft;
- (h) arising from the loading or the carriage of passengers, cargo (including mail) or fuel, and those that are not referred to in paragraphs (a) to (h) but which, in the opinion of a person referred to in article 81(1)(a) to (g), constitute an occurrence endangering, or which if not corrected would endanger the safety of an aircraft, its occupants or any other person.

(2) For the purposes of this regulation an aircraft system includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and other system of the aircraft.

(3) With reference to article 81(1), a report containing the information referred to in subarticle (4) shall be dispatched in writing and by the quickest available means to the Director General within 96 hours of the reportable occurrence coming to the knowledge of the person making the report:

Provided that if at that time any of the said information is not in the possession of that person, he shall despatch that information to the Director General in writing and by the quickest available means within 96 hours of its coming in his possession.

(4) With reference to article 81(1) a report shall, as far as possible, contain the following information:

- (a) the type, series and registration marks of the aircraft concerned;
- (b) the name of the operator of the aircraft;
- (c) the date of the reportable occurrence;
- (d) if the person making the report has instituted an investigation into reportable occurrences, whether or not this has been completed;
- (e) a description of the reportable occurrence, including its effects and any other relevant information;
- (f) in the case of a reportable occurrence which occurs during flight -
 - (i) the Universal Co-ordinated Time of the occurrence;
 - (ii) the last point of departure and the next point of intended landing of the aircraft at that time;
 - (iii) the geographical position of the aircraft at that time;
- (g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its

- location on the aircraft;
- (h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for the employer;
 - (i) in the case of a report made by the commander of an aircraft where a person referred to in article 81(1)(c) or (d) the address or telephone number at which communications should be made to him if different from that of his place of employment.
-

*Substituted by:
L.N. 34 of 1992.*

FIFTEENTH SCHEDULE
(Article 17(4))

Areas specified in connection with the Carriage of Flight Navigators as members of the Flight Crews or Approved Navigational Equipment on Public Transport Aircraft

The following areas are hereby specified for the purposes of article 17(4):

Area A - Arctic

All the area north of latitude 68° north, but excluding any part thereof within the area enclosed by rhumb lines joining successively the following points:

68° north latitude 00° east/west longitude

73° north latitude 15° east longitude

73° north latitude 30° east longitude

68° north latitude 45° east longitude

68° north latitude 00° east/west longitude

Area B - Antarctic

All that area south of latitude 55° south.

Area C - Sahara

All that area enclosed by rhumb lines joining successively the following points:

30° north latitude 05° west longitude

24° north latitude 11° west longitude

14° north latitude 11° west longitude

14° north latitude 28° east longitude

24° north latitude 28° east longitude

28° north latitude 23° east longitude

30° north latitude 15° east longitude

30° north latitude 05° west longitude

Area D - South America

All that area enclosed by rhumb lines joining successively the following points:

04° north latitude 72° west longitude
04° north latitude 60° west longitude
08° south latitude 42° west longitude
18° south latitude 54° west longitude
18° south latitude 60° west longitude
14° south latitude 72° west longitude
05° south latitude 76° west longitude
04° north latitude 72° west longitude

Area E - Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

60° north latitude 180° east/west longitude
20° north latitude 128° east longitude
04° north latitude 128° east longitude
04° north latitude 180° east/west longitude
55° south latitude 180° east/west longitude
55° south latitude 82° west longitude
25° south latitude 82° west longitude
60° north latitude 155° west longitude
60° north latitude 180° east/west longitude

Area F - Australia

All that area enclosed by rhumb lines joining successively the following points:

18° south latitude 123° east longitude
30° south latitude 118° east longitude
30° south latitude 135° east longitude
18° south latitude 123° east longitude

Area G - Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35° south latitude 110° east longitude
55° south latitude 180° east/west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
25° south latitude 60° east longitude
20° south latitude 60° east longitude
05° south latitude 43° east longitude
10° north latitude 55° east longitude
10° north latitude 73° east longitude
04° north latitude 77° east longitude

04° north latitude 92° east longitude
10° south latitude 100° east longitude
10° south latitude 110° east longitude
35° south latitude 110° east longitude

Area H - North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

55° north latitude 15° west longitude
68° north latitude 28° west longitude
68° north latitude 60° west longitude
45° north latitude 45° west longitude
40° north latitude 60° west longitude
40° north latitude 19° west longitude
55° north latitude 15° west longitude

Area I - South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

40° north latitude 60° west longitude
18° north latitude 60° west longitude
05° south latitude 30° west longitude
55° south latitude 55° west longitude
55° south latitude 10° east longitude
40° south latitude 10° east longitude
02° north latitude 05° east longitude
02° north latitude 10° west longitude
15° north latitude 25° west longitude
40° north latitude 19° west longitude
40° north latitude 60° west longitude

Area J - Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 130° west longitude
55° north latitude 115° west longitude
55° north latitude 70° west longitude
68° north latitude 60° west longitude
68° north latitude 130° west longitude

Area K - Northern Asia

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 56° east longitude

68° north latitude 160° east longitude

50° north latitude 125° east longitude

50° north latitude 56° east longitude

68° north latitude 56° east longitude

Area L - Southern Asia

All that area enclosed by rhumb lines joining successively the following points:

50° north latitude 56° east longitude

50° north latitude 125° east longitude

40° north latitude 110° east longitude

30° north latitude 110° east longitude

30° north latitude 80° east longitude

35° north latitude 80° east longitude

35° north latitude 56° east longitude

50° north latitude 56° east longitude.

SIXTEENTH SCHEDULE

(Article 6)

Fees

PART I

Amended by:

L.N. 57 of 1991;

L.N. 34 of 1992.

Substituted by:

L.N. 339 of 2002.

Amended by:

L.N. 130 of 2003;

L.N. 124 of 2004;

L.N. 157 of 2004;

L.N. 385 of 2004;

L.N. 445 of 2004;

L.N. 58 of 2005;

L.N. 287 of 2006;

L.N. 183 of 2007.

Substituted by:

L.N. 411 of 2007.

Amended by:

L.N. 462 of 2010.

Aircraft Registration

The following charges are payable to the Director General by an applicant for the issue of a Certificate of Registration in respect of an aircraft:

Aircraft in respect of which application is made:	Charge Payable
Aeroplanes having an empty weight not exceeding 150 kg, a wing area of not less than 10 square metres, and a wing loading not exceeding 10 kg per square meter at empty weight and which are designed to carry not more than 2 persons	€58.23
Any other aircraft whose maximum take-off mass:	
does not exceed 750 kg	€69.88
exceeds 750 kg but not 2730 kg	€139.76

exceeds 2730 kg but not 5700 kg	€209.64
exceeds 5700 kg but not 15 tonnes	€279.52
exceeds 15 tonnes but not 50 tonnes	€419.29
exceeds 50 tonnes	€698.81

Upon making an application for a revised Certificate of Registration, the registered owner of the aircraft shall pay:

- (i) if the revised Certificate of Registration is applied for due to change of address, a fee of €46.59;
- (ii) if the revised Certificate of Registration is applied for due to change of legal ownership, a charge equal to the 50% of the fee as would be payable for the initial of the certificate.

PART II

Charges for Aircraft Airworthiness Certification, Aircraft Maintenance Organisation Approval and Aircraft Maintenance Engineers' Licences.

1. EASA Form 25 Certificate of Airworthiness - Issue

Upon making an application for the issue of a Certificate of Airworthiness together with the associated Airworthiness Review Certificate EASA Form 15a or 15b valid for one year of part thereof, the applicant shall pay:

- (i) in respect of an aeroplane or glider whose maximum take-off mass does not exceed 2,000 kg, a charge of €116.47 for each 500 kg or part thereof;
- (ii) in respect of an aeroplane or glider whose maximum take-off mass exceeds 2,000kg, but does not exceed 10,000 kg, a charge of €465.87 plus €116.47 for each 500kg or part thereof;
- (iii) in respect of an aeroplane or glider whose maximum take-off mass exceeds 10,000 kg, a charge of €2,795.25 plus €34.94 for each 500 kg or part thereof;
- (iv) in respect of a helicopter or gyroplane whose maximum take-off mass does not exceed 2,000 kg, a charge of €116.47 for each 500 kg or part thereof;
- (v) in respect of a helicopter or gyroplane whose maximum take-off mass exceeds 2,000 kg but does not exceed 10,000 kg, a charge of €465.87 plus €116.47 for each 500kg or part thereof;
- (vi) in respect of a helicopter or gyroplane whose maximum take-off mass exceeds 10,000 kg, a charge or €2,795.25 plus €34.94 for each 500 kg or part thereof.

2. EASA Form 25 Certificate of Airworthiness - Continuance

Upon making an application for the continuance of a Certificate of Airworthiness by the renewal of the associated Airworthiness Review Certificate EASA Form 15a or 15b valid for one year or part thereof, the applicant shall pay:

- (i) in respect of an aeroplane or glider whose maximum take-off mass does not exceed 2,000 kg, a charge of €69.88 for each 500 kg or part thereof;
- (ii) in respect of an aeroplane or glider whose maximum take-off mass exceeds 2,000 kg but does not exceed 10,000 kg, a charge of €279.52 plus €58.23 for each 500 kg or part thereof;

- (iii) in respect of an aeroplane or glider whose maximum take-off mass exceeds 10,000kg, a charge of €1,444.21 plus €23.29 for each 500kg or part thereof;
- (iv) in respect of a helicopter or gyroplane whose maximum take-off mass does not exceed 2,000kg, a charge of €69.88 for each 500kg or part thereof;
- (v) in respect of a helicopter or gyroplane whose maximum take-off mass exceeds 2,000kg but does not exceed 10,000 kg, a charge of €279.52 plus €58.23 for each 500 kg or part thereof;
- (vi) in respect of a helicopter or gyroplane whose maximum take-off mass exceeds 10,000kg, a charge of €1,444.21 plus €23.29 for each 500 kg or part thereof.

3. Permit to Fly - Issue

In respect of an application for the grant of a permit to fly, valid for one year or part thereof, in the case of an aircraft without there being in force a Certificate of Airworthiness, the applicant shall pay:

- (a) in the case of an aircraft whose maximum take-off mass does not exceed 2,000kg, the sum of €116.47 for each 500kg or part thereof, or, if the total cost of the investigations exceeds that amount, a charge of such amount as may be decided by the Director General; and
- (b) in the case of any other aircraft, a charge of €465.87 plus the sum of €116.47 for each 500kg or part thereof, or if the total cost of the investigations exceeds that amount a charge of such amount as may be decided by the Director General.

4. Permit to Fly - Renewal

In respect of an application for the renewal of a permit to fly, valid for one year or part thereof, in the case of an aircraft without there being in force a Certificate of Airworthiness, the applicant shall pay the sum of €58.23 for each 500kg or part thereof.

5. Certificate of Radio Station Approval - Issue

In respect of an application for the issue of a Certificate of Radio Station Approval, an applicant shall pay a fee in accordance with the table below:

For a radio installation in an aircraft whose maximum take-off mass does not exceed 2,000kg	€69.88
For a radio installation in an aircraft whose maximum take-off mass exceeds 2,000kg but does not exceed 10,000kg	€116.47
For a radio installation in an aircraft whose maximum take-off mass exceeds 10,000kg	€232.94.

6. Variation of a Certificate of Radio Station Approval

In respect of a variation to a Certificate of Radio Station Approval, the applicant shall pay a fee equal to 25% of the fee payable in accordance with paragraph 5 above for the issue of a Certificate of Radio Station Approval for the class of aircraft concerned.

7. Export Conformity Statement

In respect of an application for the issue of an Export Conformity Statement in respect of an aircraft, the applicant shall pay an amount equal to the charge that

would be applicable for the renewal of a certificate of airworthiness in respect of that aircraft.

8. Issue of Part-66 Aircraft Maintenance Licences and Validation of Part-66 Aircraft Maintenance Licences.

(i) Upon making an application for the issue, renewal, replacement or variation of a Part-66 Aircraft Maintenance Licence and type rating, the applicant shall pay:

- (a) for the grant or renewal of a basic licence valid for 5 years granted under Part-66, for each application, a charge of €232.94. Where an application for a Category C basic rating is made concurrently with Category B1 or B2, no further charge is payable;
- (b) for inclusion of a type rating, a charge of €69.88. Where an application for a category C basic rating is made concurrently with Category B1 or B2, no further charge is payable;
- (c) for the renewal of a licence for a further period of 5 years, a charge of €139.76;
- (d) for each application for the removal of one or more limitations, a charge of €23.29;
- (e) for the investigation and assessment for the exemption from any examination modules required to be completed for the issue of a Part-66 Aircraft Maintenance Licence, or for the acceptance of any academic degree in the technical discipline from a university, or other higher educational institute, a charge of €58.23 or, if the cost of the assessment exceeds this amount, a charge will be considered relating to the expenses incurred, subject to a maximum of €116.47;
- (f) for the investigations associated with the conversion reports of national certifying qualifications or Part-145 certifying authorisations into a Part-66 Aircraft Maintenance Licence a charge of €69.88;
- (g) for an interview associated with the granting of one or more type or group rating for aircraft of less than 5700 kg Maximum Take Off Mass a charge of €46.59;
- (h) for a written or multiple choice Part-66 module examination a charge of €46.59 per examination;
- (i) for the re-issue of a Part-66 Aircraft Maintenance Licence following change of address a charge of €11.65;
- (j) for the re-issue of a Part-66 Aircraft Maintenance Licence following loss or theft of the licence document a charge of €69.88.

(ii) Upon making an application for the validation of a Part-66 Aircraft Maintenance Licence, the applicant shall pay a fee of €46.59 for each year or part thereof that makes up the period of validity of the validation or certificate.

9. Approval of Part-147 Aircraft Maintenance Training Organisation

(1) Upon making an application for the issue of a Certificate of Approval of an Aircraft Maintenance Training Organisation under Article 6, Annex IV, Part-147 of EC Regulation 2042/2003, the applicant shall pay, depending on the ratings included in the extent of approval contained in the certificate, 50% of the applicable fee from the list of fees below, and the remaining 50% on the issue of the certificate.

Basic Training (B1, B2, A Category)

Aeroplanes Turbine

€3,494.06

Aeroplanes Piston	€2,795.25
Helicopters Turbine	€3,494.06
Helicopters Piston	€2,795.25
Avionics	€2,795.25
Type/Tasks Training	
Aeroplanes with a maximum take-off mass greater than 5700 kg	€3,494.06
Aeroplanes with a maximum take-off mass less than 5700 kg	€2,329.37
Turbine Engine	€2,329.37
Piston Engine	€2,329.37:

Provided that where the organisation has more than one aircraft category in either Basic Training or Type/Task Training rating, only the highest of the fees attracted by the ratings shall be payable.

(2) Subsequent to the initial issue of Part-147 approval of an Aircraft Maintenance Training Organisation, the holder of such certificate shall pay the applicable fee from the list of fees below in respect of the category rating of the certificate on completion of the two yearly review of the organisation:

Basic Training (B1, B2, A Category)

Aeroplanes Turbine	€2,329.37
Aeroplanes Piston	€1,164.69
Helicopters Turbine	€2,329.37
Helicopters Piston	€1,747.03
Avionics	€2,329.37
Type/Tasks Training	
Aeroplanes with a maximum take-off mass greater than 5700 kg	€2,329.37
Aeroplanes with a maximum take-off mass less than 5700 kg	€1,863.50
Turbine Engine	€1,863.50
Piston Engine	€1,863.50:

Provided that where the organisation has more than one aircraft category in either Basic Training or Type/Task Training rating, only the highest of the fees attracted by the ratings shall be payable.

(3) When the holder of a Part-147 certificate of approval with Type/Task training capability requires the inclusion of a new type rating course, he shall pay a fee equal to half that payable on completion of the two yearly review in respect of type/task training concerned.

(4) When the holder of a Part-147 certificate of approval with basic training capability requires the inclusion of a type rating course, he shall pay a fee equal to that payable on completion of the two yearly review in respect of type/task training concerned.

(5) When the holder of a Part-147 certificate of approval with type/task training

capability requires the inclusion of a basic training capability, he shall pay a fee equal to that payable on completion of the two yearly review in respect of basic training concerned.

(6) When the holder of a Part 147 certificate of approval with basic training capabilities requires a variation of these approvals to include a new category, he shall pay a fee equal to half that payable on completion of the two yearly review in respect of the category concerned.

10. Approval of Part 145 Aircraft Maintenance Organisation

(1) Upon making an application for the issue of a Certificate of Approval of an Aircraft Maintenance Organisation under Article 4, Annex II, Part-145 of EC Regulation 2042/2003, the applicant shall pay, depending on the ratings included in the extent of approval contained in the certificate, 50% of the applicable fee from the list of fees below, and the remaining 50% on the issue of the certificate.

Category Rating	Fee (€)
A1	23,293.73
A2	11,646.87
A3	18,634.99
A4	6,988.12
B	3,494.06
C	3,494.06
D	3,494.06

Provided that:

- (a) In the case of an A1 rating which covers base maintenance, only half of the fee is payable if more than 50% of the aircraft maintained on an annual basis have a maximum take-off mass of less than 10 tonnes;
- (b) Where the organisation has more than one category rating, only the highest of the fees attracted by the ratings shall be payable;
- (c) Where the organisation has remotely located secondary sites and facilities, there shall be paid an additional charge as provided for in paragraph 14 together with the cost of travel and accommodation for the investigating Airworthiness Inspectorate survey staff;
- (d) Where the actual costs of the Director General's investigations leading to the issue of a Certificate of Approval of an Aircraft Maintenance Organisation are higher than those specified above, the Director General may charge the actual costs incurred.

(2) Subsequent to the initial issue of a Part 145 Certificate of Approval of an Aircraft Maintenance Organisation, the holder of such certificate shall pay the applicable fee from the list of fees below in respect of the category rating of the certificate on completion of the two-yearly review of the organisation:

Category Rating	Fee (€)
A1	13,976.24
A2	4,658.75
A3	9,317.49

A4	3,494.06
B	2,329.37
C	2,329.37
D	2,329.37

(3) Where a maintenance organisation already holds a JAR 145 certificate, the fee to be paid for the conversion to a Part 145 certificate will be the same as that payable on completion of the two-yearly review of the organisation.

(4) When the holder of a Part 145 certificate of approval requires the inclusion of a new type of aircraft, engine or component that affects the approval ratings in the certificate, he shall pay a fee equal to 50% of that payable on completion of the two-yearly review in respect of the category rating concerned except that such fee is not payable if the application is processed not more than twelve months before the due date of the next two-yearly review.

11. Approval of Aircraft Maintenance Organisations

Upon making an application for the issue of a Certificate of Approval of an Aircraft Maintenance Organisation under the Air Navigation Order, not being a certification made under any JAA Code, an applicant shall pay, for every annual period or part thereof that the Approval Certificate is valid, a fee of €2,329.37 for the first issue and €1,747.03 for each subsequent issue.

12. Variation of a Certificate of Approval for an Aircraft Maintenance Organisation

Upon making an application for a variation to a Certificate of Approval for an Aircraft Maintenance Organisation which leads to an increase in the organisation capability list, the applicant shall pay a charge equal to 10% of the fee as would be payable for the first issue of the Approval Certificate as specified in paragraph 9 above or the actual costs of the Director General investigations whichever is the greater. Any variation to the certificate other than the one aforementioned shall attract a charge equal to 1% of the fee as would be payable for the first issue of the Approval Certificate as specified in paragraph 9 above.

13. Copies of Documents

Upon application being made for the issue of a copy or replacement document issued under Parts I and II of this Schedule, the applicant shall pay a fee of €46.59.

14. Additional charge where functions are performed abroad When an application is made for the Director General to perform a function in a country outside Malta in respect of which the Director General charges a fee, as a result of which the Director General deems it necessary for the work to be performed by one of his employees or by his contractor, the applicant shall, in addition to the appropriate fee, pay a charge equal to €582.34 per working day in the case of a Department employee or to the actual costs incurred in the case when the Department's contractor is used.

PART III

Charges for Flight Crew Licences, Instructor and Examiner Ratings, Validation of Flight Crew Licences, Flight Tests, Air Traffic Control Licences, Approval of Simulators, Flight Navigation Procedures Trainers, Type Rating Training Organisations, Operator's Conversion Courses and Multi-Crew Cooperation Courses

1. Flight Crew Licences

1.1 Non-JAR FCL Licences and Ratings

Upon making an application for the renewal or endorsement of a licence to act as a flight crew member, the applicant shall pay:

- (a) for the renewal of a professional pilot's licence, a charge of €34.94;
- (b) for the addition of a type rating or class rating, a charge of €116.47;
- (c) for the inclusion of an instrument rating, a charge of €174.70;
- (d) for the variation of an instrument rating, a charge of €46.59.

1.2 JAR FCL Licences and Ratings

Upon making an application for the issue, renewal or endorsement of a licence to act as a flight crew member, the applicant shall pay:

- (a) for the issue of a professional pilot licence including an instrument rating and initial type rating where these are included, a charge of €465.87;
- (b) for the issue of a flight engineer's licence, a charge of €465.87;
- (c) for the issue of a private pilot licence, a charge of €116.47;
- (d) for the addition of a type rating or class rating, a charge of €116.47;
- (e) for the inclusion of an instrument rating, a charge of €174.70;
- (f) for the variation of an instrument rating, a charge of €46.59;
- (g) for the inclusion of a night qualification a charge of €46.59.

1.3 Flight Radio Telephony Operator's Licence

Upon making an application for the issue of a Flight Radio Telephony Operator's Licence, not being a licence included in a pilot or flight engineer's licence issued under this Order, the applicant shall pay a charge of €34.94.

2. Instructor Ratings and Examiner Authorisations

Upon making an application for the issue or renewal of the following ratings and authorisations, in respect of each rating and authorisation, the applicant shall pay:

- (a) for a flight instructor rating, a type rating instructor rating, a class rating instructor rating, an instrument rating instructor rating, a synthetic flight instructor authorisation, a multi crew cooperation instructor authorisation, a flight engineer instructor rating or a synthetic flight engineer instructor authorisation, a charge of €116.47;
- (b) for a flight examiner authorisation, a flight instructor examiner authorisation, a type rating examiner authorisation, a class rating examiner authorisation, a synthetic flight examiner authorisation, an instrument rating examiner authorisation or a flight engineer examiner authorisation, a charge of €174.70.

3. Validation of Flight Crew Licences

Upon making an application for the validation of a flight crew licence, the applicant shall pay:

- (a) for the issue of a certificate of validation for a professional pilot or flight engineer's licence, a charge of €93.17 for each year or part thereof of validity of the certificate;
- (b) for the issue of a certificate of validation of a private pilot licence for

the purpose of permitting the holder to exercise the privileges of an instrument rating or night qualification, a charge of €46.59 for each year or part thereof of validity of the certificate;

- (c) for the issue of a certificate of validation of a microlight pilot licence, a charge of €46.59 for each year or part thereof of validity of the certificate.

4. Flight Tests

Upon making an application for a flight test, the applicant shall pay:

- (a) for an instrument rating flight test, a charge of €232.94;
- (b) for an examiner rating flight test, a charge of €349.41;
- (c) for a night qualifications flight test, a charge of €116.47.

5. Air Traffic Controller Licences

- (a) Upon making an application for the issue of a licence to perform duties of an air traffic controller, the applicant shall pay a charge of €232.94;
- (b) for the inclusion of an additional air traffic control rating or rating endorsement to include the use of new or additional radar or other equipment in an existing licence, a charge of €69.88;
- (c) for the renewal of an air traffic control rating, a charge of €34.94 for each year or part thereof of validity of the rating;
- (d) for the issue or renewal of a student air traffic controller's licence, a charge of €23.29 for each year or part thereof of validity of the licence;
- (e) for the issue or renewal of an apron controller's licence, a charge of €23.29 for each year or part thereof of the validity of the licence;
- (f) for the issue or renewal of a student apron controller's licence, a charge of €11.65 for each year or part thereof of the validity of the licence;
- (g) for a variation of an air traffic controller licence or a student air traffic controller licence except as specified as in (a) to (f) above a charge of €23.29.

6. Approval of Simulators

Upon making an application for the approval of an aircraft flight simulator and its use, the applicant shall pay a charge of €1,397.62 for every consecutive period of 12 months.

7. Approval of Flight Navigation Procedures Trainers

Upon making an application for the approval of a flight navigation procedures trainer, the applicant shall pay:

- (a) for the issue of the first approval valid for 1 year, a charge of €582.34;
- (b) for the renewal of the approval valid for 1 year, a charge of €349.41.

8. Approval of Type Rating Training Organisations

Upon making an application for the approval of a type rating training organisation, the applicant shall pay:

- (a) for the issue of an approval valid for 1 year, a charge of €3,494.06;
- (b) for the renewal of an approval valid for 3 years, a charge of €3,494.06;
- (c) for the inclusion in the approval of another aircraft type, a charge of €1,164.69.

9. Approval of Flight Training Organisations.

Upon making an application for the issue or renewal of an approval in respect of the modular courses of a flight training organisation, the applicants shall pay -

- (a) in the case of an approval to provide courses of flight training for a Commercial Pilot Licence (Aeroplane) a charge of €1,164.69;
- (b) in the case of an approval to provide courses of flight training for the instrument rating a charge of €1,164.69;
- (c) in the case of an approval to provide courses of simulated flight training for the instrument rating, a charge of €582.34;
- (d) in the case of an approval to provide courses of theoretical knowledge for the issue of an airline transport pilot licence, a commercial pilot licence and instrument rating a charge of €2,329.37;
- (e) in the case of an approval to provide a course of training of additional theoretical knowledge for high performance aircraft, a charge of €931.75;
- (f) for the inclusion in the approval to provide courses of training for single engine or multi-engine single pilot aeroplane class rating, for each class included a charge of €582.34;
- (g) for the inclusion in the approval of each type rating course approval a charge of €1,164.69;
- (h) in the case of an application to extend the approval to include an additional approved site a charge of €1,164.69 for each additional site applied for;
- (i) in the case of an approval to provide courses of training for an instructor rating a charge of €582.34.

10. Ground Examinations Charges for Flight Crew

Upon making an application for an examination to be conducted by the Director General in respect of theoretical knowledge for the Instrument Rating or the Commercial Pilot's Licence or Air Transport Pilot Licence, the applicant shall pay a charge of €58.23 per paper.

11. Approval of Operator's Aircraft Type Conversion Course

Upon making an application for the approval of an operator's aircraft type conversion course, the applicant shall pay a charge of €349.41.

12. Approval of Multi-Crew Co-operation Course

Upon making an application for the approval of a multi-crew co-operation course, the applicant shall pay a charge of €349.41.

13. Copies of Documents

Upon application being made for the issue of a copy or replacement document issued under Part III of this Schedule, the applicant shall pay a fee of €46.59.

14. Additional charge where functions are performed abroad

When an application is made for the Director General to perform a function in a country outside Malta in respect of which the Director General charges a fee, as a result of which the Director General deems it necessary for the work to be performed by one of his employees or by his contractor, the applicant shall, in

addition to the appropriate fee, pay a charge equal to €582.34 per working day in the case of a Department employee or to the actual costs incurred in the case when the Department's contractor is used.

15. Charges where functions are not performed by the Director General's staff

When an application is made to the Director General to perform a function in respect of which the Director General charges a fee, and which function the Director General considers necessary to be performed by a contractor, the applicant shall pay a charge equal to the costs of the contractor. The applicant's agreement shall be sought in advance by the Director General.
