

L.N. 58 of 2005**CIVIL AVIATION ACT
(CAP. 232)****Air Navigation (Amendment) Order, 2005**

IN exercise of the powers conferred by article 3 of the Civil Aviation Act, the Minister for Competitiveness and Communications, with the concurrence of the Prime Minister and Minister of Finance, has made the following Order.

1. The title of this Order is the Air Navigation (Amendment) Order, 2005, and it shall be read and construed as one with the Air Navigation Order, 1990, hereunder referred to as “the principal Order”. Citation.
L.N. 176 of 1990.

2. In paragraph (5) of article 17 of the principal Order the sentence “Where however radiotelegraphy apparatus is required to be operated a flight radio operator shall be carried specifically for this purpose in addition to any other person who is carried in accordance with this article to perform other duties.” shall be deleted. Amends article 17 of the principal Order.

3. Article 18 of the principal Order shall be amended as follows:- Amends article 18 of the principal Order.

(a) in paragraph (1) (a) (i) thereof the words “as the pilot of a glider not flying for the purpose of public transport or aerial work, or” shall be deleted.

(b) in paragraph (4) (b) thereof the words “,a flight navigator’s” shall be deleted.

(c) in paragraph (5) thereof the words “flight navigators or a” shall be deleted.

(d) paragraph (7) thereof shall be deleted and paragraph (8) shall be renumbered paragraph (7).

4. Article 19 of the principal Order shall be amended as follows:- Amends article 19 of the principal Order.

(a) in paragraph (4) thereof the words “includes a valid rating, renewed or revalidated” shall be substituted by the words “includes a valid rating issued, renewed or revalidated”;

(b) paragraph (5) thereof shall be substituted by the following new paragraph:-

“(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.”;

(c) in paragraph (9) thereof the words “or that the licence or personal flying logbook, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft” shall be deleted; and

(d) In paragraph (10) thereof the words “Part C of the Eighth Schedule” shall be substituted by the word “JAR-FCL”.

Amends the Eighth
Schedule to the
principal Order.

5. The Eighth Schedule to the principal Order shall be amended as follows:-

(a) in PART A-LICENCES (non JAR FCL), paragraph 2, shall be substituted as follows:-

“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.”;

(b) PART A - LICENCES (JAR FCL) there shall be substituted the following:-

“ PART A - LICENCES (JAR FCL)

Minimum Age, Period of Validity, Privileges

Subject to any limitations made by the Director, where the Director 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.”;

(c) PART B - RATINGS (non JAR FCL) shall be amended as follows:-

(i) for paragraph 1, thereof, there shall be substituted the following:-

“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 for that purpose, indicating that the holder has, within the previous twelve months, passed an instrument flying test.”

(ii) Paragraph 2 shall be deleted and paragraph 3 shall be renumbered as paragraph 2 thereof; and

(d) PART C - CERTIFICATE OF TEST AND REVALIDATION OF RATINGS shall be deleted.

2. The Sixteenth Schedule to the principal Order shall be amended as follows:-

Amends the Sixteenth Schedule to the principal Order.

(a) In PART II for Section 8 there shall be substituted the following:-

“8. Issue of Part-66 Aircraft Maintenance Licences and Validation of non-JAR-66/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 Lm 100. 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 Lm 30. 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 Lm60;

(d) for each application for the removal of one or more limitations, a charge of Lm10;

(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 Lm25 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 Lm 50;

(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 Lm30.

(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 Lm20.

(h) For a written or multiple choice Part-66 module examination a charge of Lm20 per examination.

(i) For the re-issue of a Part-66 Aircraft Maintenance Licence following change of address a charge of Lm5.

(j) For the re-issue of a Part-66 Aircraft Maintenance Licence following loss or theft of the licence document a charge of Lm30.

(ii) Upon making an application for the validation of a non-JAR-66/Part-66 Aircraft Maintenance Licence, the applicant shall pay a fee of Lm 20 for each year or part thereof that makes up the period of validity of the validation or certificate.”; and

(b) PART III thereof shall be amended as follows:-

(i) in paragraph 1.1 (a) the words “or a flight engineer’s licence” shall be deleted;

(ii) in paragraph 1.2 (c) the words “or renewal” shall be deleted;

(iii) in paragraph 2 (a) for the words “or a synthetic flight instructor rating” there shall be substituted the words “,a synthetic flight instructor authorisation, a multi crew co-operation instructor authorisation, a flight engineer instructor rating or a synthetic flight engineer instructor authorisation”; and

(iv) in paragraph 2 (b) the words “or a synthetic flight examiner authorisation” shall be replaced by the words “, a synthetic flight examiner authorisation, an instrument rating examiner authorisation or a flight engineer examiner authorisation”.