

L.N. 130 of 2003**CIVIL AVIATION ACT
(CAP. 232)****Air Navigation (Amendment) Order, 2003**

IN exercise of the powers conferred by article 3 of the Civil Aviation Act, the Minister for Transport and Communications, with the concurrence of the Minister of Finance and Economic Affairs, has made the following Order:-

1. The title of this Order is the Air Navigation (Amendment) Order, 2003 and it shall be read and construed as one with the Air Navigation Order, 1990, hereunder referred to as “the principal Order”. Citation.
LN 176 of 1990.

2. In sub-article (3) of article 9 of the principal order, sub-paragraphs (b) and (c) shall be renumbered (c) and (d) respectively and immediately after sub-paragraph (a) there shall be inserted the following new sub-paragraph (b):- Amends article 9 of
the principal Order.

“(b) the holder of an appropriate and valid JAR 66 Aircraft Maintenance Licence suitably authorised under an approved JAR 145 Approved Maintenance Organisation Certifying Staff Procedure”.

3. For sub-paragraph (a) of sub-article (6) of article 10 of the principal Order, there shall be substituted the following new sub-paragraph (a):- Amends article 10
of the principal
Order.

“(a) the holder of:-

(i) an appropriate and valid JAR 66 Aircraft Maintenance Licence authorised under an approved JAR 145 Approved Maintenance Organisation Certifying Staff Procedure;

(ii) an appropriate and valid JAR 66 Aircraft Maintenance Licence that permits the issue of such certificates in accordance with the JAR 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”.

Substitutes article 11 of the principal Order.

4. For article 11 of the principal Order there shall be substituted the following:-

“**11.** (1) The Director may grant JAR 66 Aircraft Maintenance Licences, subject to such conditions as specified within the JAR 66 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 may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and ability.

(2) The continuity of each granted JAR 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 from time to time upon his being satisfied that the applicant is a fit person, and satisfies the applicable JAR 66 Certifying Staff Maintenance Requirements.

(3) The Director 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 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.”.

Amends article 22 of the principal Order.

5. For sub-article (2) of article 22 of the principal Order there shall be substituted the following:-

“ (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.”.

6. For Schedule 4 to the principal Order there shall be substituted the following: Substitutes Schedule 4 to the principal Order.

“Schedule 4

(Article 11)

JAR 66 Aircraft Maintenance Licence Privileges

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

7. Schedule 16 to the principal Order shall be amended as follows: Amends Schedule 16 to the principal Order.

(a) for sub-paragraphs (i), (ii) and (v) of paragraph 2 of Part II there shall be substituted the following:-

“(i) in respect of an aeroplane or glider whose maximum take - off weight authorised does not exceed 2,000 kg, a charge of Lm30 for each 500 kg or part thereof;

(ii) in respect of an aeroplane or glider whose maximum take-off weight authorised exceeds 2,000 kg but does not exceed 10,000 kg, a charge of Lm120 plus Lm25 for each 500 kg or part thereof;

(v) in respect of a helicopter or gyroplane whose maximum take-off weight authorised exceeds 2,000kg but does not exceed 10,000 kg, a charge of Lm120 plus Lm25 for each 500 kg or part thereof.”;

(b) for the last sentence of paragraph 5 of Part II there shall be replaced the following:-

“ For a radio installation in an aircraft whose maximum take-off weight authorised exceeds 10,000 kg Lm100”;

(c) for paragraphs 8, 9 and 10 of Part II there shall be substituted the following:-

“8. Issue of JAR 66 Aircraft Maintenance Licences and Validation of non-JAR 66 Aircraft Maintenance Licences

(i) Upon making an application for the issue, renewal, replacement or variation of a JAR 66 Aircraft Maintenance Licence and type rating, the applicant shall pay:-

(a) for the grant or extension of a basic licence valid for 5 years granted under JAR 66, for each application, a charge of Lm100. 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 Lm30. Where an application for a Category C type rating is made concurrently with the same type rating within 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 JAR 66 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 Lm50;

(f) for the investigations associated with the transfer of a JAR 66 Aircraft Maintenance Licence issued by another JAA full member State to the authority of, and issue by, the Director, a charge of Lm25.

(ii) Upon making an application for the validation of a non-JAR 66 Aircraft Maintenance Licence, the applicant shall pay a fee of Lm20 for each year or part thereof that makes up the period of validity of the validation or certificate.

9. Approval of JAR 145 Aircraft Maintenance Organisation

Upon making an application for the issue of a Certificate of Approval of an Aircraft Maintenance Organisation under JAR 145 valid for two years, the applicant shall pay, depending on the ratings included in the extent of approval contained in the Certificate, the following fees for every annual period or part thereof of the validity of the Certificate:-

Category Rating	Initial issue Fee (Lm)	Subsequent issue Fee (Lm)
A1	5,000	3,000
A2	2,500	1,000
B	750	500
C	750	500
D	750	500

Provided that:

(a) In the case of an A1 rating which covers base maintenance, only 50% of the fee is payable if more than 50% of the aircraft maintained on an annual basis have a maximum take-off weight authorised 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 in paragraph 13 together with the cost of travel and accommodation for the investigating Airworthiness Inspectorate survey staff;

(d) Where the actual costs of the Director's investigations leading to the issue of a Certificate of Approval of an Aircraft Maintenance Organisation are higher than those specified above, the Director shall charge the actual costs incurred.

10. 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 Lm1,000 for the first issue and Lm750 for each subsequent issue.”;

(d) for Part III thereof, there shall be substituted the following:-

“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 or a flight engineer’s licence, a charge of Lm15;
- (b) for the addition of a type rating or class rating, a charge of Lm50;
- (c) for the inclusion of an instrument rating, a charge of Lm75;
- (d) for the variation of an instrument rating, a charge of Lm20.

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 Lm200;
- (b) for the issue of a flight engineer’s licence, a charge of Lm200;
- (c) for the issue or renewal of a private pilot licence, a charge of Lm50;

(d) for the addition of a type rating or class rating, a charge of Lm50;

(e) for the inclusion of an instrument rating, a charge of Lm75;

(f) for the variation of an instrument rating, a charge of Lm20.

1.3 Flight Radio Telephony Operator's (Restricted) Licence

Upon making an application for the issue of a Flight Radio Telephony Operator's (Restricted) 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 Lm15.

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 or a synthetic flight instructor rating, a charge of Lm50;

(b) for a flight examiner authorisation, a flight instructor examiner authorisation, a type rating examiner authorisation, a class rating examiner authorisation or a synthetic flight examiner authorisation, a charge of Lm75.

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 Lm40 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 Lm20 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 Lm20 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 Lm100;
- (b) for an examiner rating flight test, a charge of Lm150;
- (c) for a night qualifications flight test, a charge of Lm50.

5. Air Traffic Controller Licences

Upon making an application for the issue, renewal or endorsement of a licence to perform duties in air traffic control, the applicant shall pay:-

- (a) for the issue of an air traffic controller's licence including one rating, a charge of Lm20 for each year or part thereof of validity of the licence;
- (b) for the renewal of an air traffic controller's licence, a charge of Lm15 for each year or part thereof of validity of the licence;
- (c) for the inclusion of an additional rating or a new rating specifying radar or other equipment different from that in an existing rating, a charge of Lm30;
- (d) for the issue or renewal of a student air traffic controller's licence, a charge of Lm10 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 Lm10 for each year or part thereof of validity of the licence;
- (f) for the issue or renewal of a student apron controller's licence, a charge of Lm5 for each year or part thereof of validity of the licence.

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 Lm600 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 Lm250;
- (b) for the renewal of the approval valid for 1 year, a charge of Lm150.

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 Lm1,500;
- (b) for the renewal of an approval valid for 3 years, a charge of Lm1,500;
- (c) for the inclusion in the approval of another aircraft type, a charge of Lm500.

9. 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 Lm150.

10. 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 Lm150.

11. 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 Lm20.

12. Additional charge where functions are performed abroad

When an application is made for the Director to perform a function in a country outside Malta in respect of which the Director charges a fee, as a result of which the Director 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 Lm250 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.

13. Charges where functions are not performed by the Director's staff

When an application is made to the Director to perform a function in respect of which the Director charges a fee, and which function the Director 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.”.