**L.N. 80 of 2004**

# CIVIL AVIATION ACT
# (CAP. 232)

## Civil Aviation (Aerodrome Licensing) Regulations, 2004

IN exercise of the powers conferred by article 3 of the Civil Aviation Act, the Minister responsible for Transport and Communications has made the following regulations:-

Citation and commencement.

**1.** (1) The title of these regulations is the Civil Aviation (Aerodrome Licensing) Regulations, 2004.

(2) These regulations shall come into force on such date or dates as the Minister responsible for Transport and Communications may, by notice in the Gazette, appoint.

Interpretation.

**2.** In these regulations, unless the context otherwise requires -

L.N. 176 of 1990.

"aerodrome" has the same meaning as is given by article 2 of the Air Navigation Order, 1990;

"aerodrome licence" means a licence issued to the operator of an aerodrome by the Director under article 69 of the Air Navigation Order, 1990, subsequent to the acceptance of the aerodrome manual;

"aerodrome facilities and equipment" means the facilities and equipment, inside or outside the boundaries of an aerodrome, that are constructed or installed and maintained for the arrival, departure and surface movement of aircraft;

"aerodrome manual" means the manual that must be submitted to the Director by an aerodrome operator pursuant to these regulations, including any amendments thereto accepted by the Director;

"aerodrome operator" means, in the relation to a licensed aerodrome, the aerodrome licence holder;

"aeronautical information service" means a service established within the defined area of coverage responsible for the provision of aeronautical information and, or data necessary for the safety, regularity and efficiency of air navigation;

"air traffic services" means variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach area service or aerodrome service);

"apron" has the same meaning as is given in the Thirteenth Schedule to the Air Navigation Order, 1990;

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

"Doc 9774" means the document published by the International Civil Aviation Organisation and whose specifications are found in the Schedule to these regulations;

"ICAO" means the International Civil Aviation Organisation;

"licensed aerodrome" means an aerodrome whose operator has been granted an aerodrome licence;

"manoeuvring area" has the same meaning as is given in the Thirteenth Schedule to the Air Navigation Order, 1990;

"movement area" means that part of the aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeurving area and the apron(s);

"obstacle" means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight;

"obstacle limitation surfaces" means a series of surfaces that define the volume of airspace at and around an aerodrome to be kept free of obstacles in order to permit the intended aeroplane operations to be conducted safely and to prevent the aerodrome from becoming unusable by the growth of obstacles around the aerodrome;

"safety management system" means a system for the management of safety at aerodromes including organisational structure, responsibilities, procedures, processes and provisions for the implementation of aerodrome safety by an aerodrome operator, which provides for the control of safety at, and the safe use of, the aerodrome;

"standards and recommended practices" means the Standards and Recommended Practices (SARPs) in Volume I and II of Annex 14 to the Convention on International Civil Aviation whose specifications are found in the Schedule to these regulations.

Aerodrome manual.

**3.** (1) The applicant for an aerodrome licence shall have submitted for acceptance to the Director an aerodrome manual and

amendments thereto as may be required from time to time. The manual shall consist of five parts which shall contain the information specified in Appendix 1 to ICAO Document 9774.

(2) The aerodrome manual shall -

(a) be typewritten or printed, and signed by the aerodrome operator;

(b) be in a format that is easy to revise;

(c) have a system for recording the currency of pages and amendments thereto, including a page for logging revisions; and

(d) be organised in a manner that will facilitate the preparation, review and acceptance and, or approval process.

(3) The aerodrome operator shall provide the Director with a complete and current copy of the accepted aerodrome manual.

(4) The aerodrome operator shall keep at least one complete and current copy of the accepted aerodrome manual at the aerodrome and one copy at the operator's principal place of business, if other than the aerodrome.

(5) The aerodrome operator shall make the copy referred to in subregulation (4) available for inspection by persons authorised by the Director.

(6) The operator of a licensed aerodrome shall amend the aerodrome manual, whenever necessary, in order to maintain the accuracy of the information in the manual. In any case he shall also amend the aerodrome manual if the Director considers it to be so necessary.

Compliance with SARPs.

**4.** The operator of an aerodrome used for public transport purposes shall comply with the Standards and Recommended Practices of Volume 1 and Volume 2, Annex 14 to the Convention on International Civil Aviation, except for differences filed by Malta, and with national regulations, as well as with any conditions that are specified in the aerodrome licence.

Competence of operational and maintenance personnel.

**5.** (1) The aerodrome operator shall employ an adequate number of qualified and skilled personnel to perform all critical activities for aerodrome operation and maintenance.

(2) If the Director or any other competent authority requires

competency certification for the personnel referred to in subregulation (1), the aerodrome operator shall employ only those persons possessing such certificates.

(3) The aerodrome operator shall implement a programme to upgrade the competency of the personnel referred to in subregulation (1).

Aerodrome operation and maintenance.

**6.** (1) Subject to any directives that the Director may issue, the aerodrome operator shall operate and maintain the aerodrome in accordance with the procedures set out in the aerodrome manual.

(2) To ensure the safety of aircraft, the Director may give written directives to an aerodrome operator to alter the procedures set out in the aerodrome manual.

(3) The aerodrome operator should ensure proper and efficient maintenance of the aerodrome facilities.

(4) The aerodrome licence holder shall coordinate with the air navigation services provider in order to be satisfied that appropriate air traffic services are available to ensure the safety of aircraft in the airspace associated with the aerodrome. The coordination shall cover other areas related to safety such as aeronautical information, air traffic control, meteorological and security services.

Safety management system.

**7.** (1) The aerodrome operator shall establish a safety management system for the aerodrome describing the structure of the organization and the duties, powers and responsibilities of the officials in the organizational structure, with a view to ensuring that operations are carried out in a demonstrably controlled way and are improved where necessary.

(2) The aerodrome operator shall oblige all users of the aerodrome, including fixed-base operators, ground handling agencies and other organizations that perform activities independently at the aerodrome in relation to flight or aircraft handling, to comply with the requirements laid down by the aerodrome operator with regard to safety at the aerodrome

(3) The aerodrome operator shall require all users of the aerodrome, including aircraft operators based thereon, ground handling agencies and other organisations referred to in subregulation (2), to cooperate in the programme to promote safety at, and the safe use of, the aerodrome by immediately informing it of any accidents, incidents, defects and faults which have a bearing on safety.

Internal safety, audits and safety reporting.

**8.** (1) The aerodrome operator shall arrange for an audit of the safety management system, including an inspection of the aerodrome facilities and equipment. The audit shall cover the aerodrome operator's own functions. The aerodrome operator shall also arrange for an external audit and inspection programme for evaluating other users, including aircraft operators based on the aerodrome, ground handling agencies and other organisations working at the aerodrome as referred to in regulation 7(2).

(2) The audits referred to in subregulation (1) shall be carried out every twelve months, or as may be agreed with the Director.

(3) The aerodrome operator shall ensure that the audit reports, including the report on the aerodrome facilities, services and equipment, are prepared by suitably qualified safety experts.

(4) The aerodrome operator shall retain a copy of the report(s) referred to in subregulation (3) for a period of five years. The Director may request a copy of the report(s) for review and reference.

(5) The report(s) referred to in subregulation (3) shall be prepared and signed by the persons who carried out the audits and inspections.

Access to aerodrome.

**9.** (1) Personnel so authorized by the Director may inspect and carry out tests on the aerodrome facilities, services and equipment, inspect the aerodrome operator's documents and records and verify the aerodrome operator's safety management system before the aerodrome licence is granted or renewed and, subsequently, at any other time, for the purpose of ensuring safety at the aerodrome.

(2) An aerodrome operator shall, at the request of the person referred to in subregulation (1), allow access to any part of the aerodrome or any aerodrome facility, including equipment, records, documents and operator personnel, for the purpose referred to in subregulation (1).

(3) The aerodrome operator shall cooperate in conducting the activities referred to in subregulation (1).

Notification and reporting.

**10.** An aerodrome operator shall notify and report to the Director, Air Traffic Services, and pilots on matters effecting safety listed below within the specified time limits required by this regulation:

(a) notification of inaccuracies in Aeronautical Information Service (AIS) publications: an aerodrome operator

shall review all aerodrome related information contained in the Aeronautical Information Publication (AIP), AIP Supplements, AIP Amendments, Notices to Airmen (NOTAMs), Pre-flight Information Bulletins and Aeronautical Information Circulars issued by AIS on receipt thereof and immediately after such reviews shall notify the AIS of any inaccurate information contained therein that pertains to the aerodrome;

(b) notification of changes to the aerodrome facilities, equipment and level of service planned in advance: an aerodrome operator shall notify AIS and the Director, in writing, at least thirty days before effecting any change to an aerodrome facility or equipment or the level of service at the aerodrome that has been planned in advance and which is likely to affect the accuracy of the information contained in any AIS publication;

(c) issues requiring immediate notification: subjkect to the requests of paragraph (d), an aerodrome operator shall give AIS, and shall arrange for air traffic control to receive, immediate notice detailing any of the following circumstances of which the operator has knowledge:

(i) obstacles, obstructions and hazards:

1. any projections by an object through an obstacle limitation surface relating to the aerodrome; and

2. the existence of any obstruction or hazardous condition affecting aviation safety at or near the aerodrome;

(ii) level of service: reduction in the level of service at the aerodrome as set out in any of the AIS publications referred to in paragraph (b);

(iii) movement area: closure of any part of the movement area of the aerodrome; and

(iv) any other condition that could affect aviation safety at the aerodrome and against which precautions are warranted.

(d) immediate notification to pilots: when it is not feasible for an aerodrome operator to arrange for AIS and Air Traffic Services to receive notice of a circumstance referred to

in, and in accordance with, paragraph (c), the operator shall give immediate notice direct to pilots who may be affected by that circumstance.

Special inspections.

**11.** An aerodrome operator shall inspect an aerodrome, as circumstances require, to ensure aviation safety -

(a) as soon as practicable after any aircraft accident or incident within the meaning of these terms as defined in the Civil Aviation (Investigation of Accidents and Incidents) Regulations, 2002; L.N. 135 of 2002.

(b) during any period of construction or repair of the aerodrome facilities or equipment that is critical to the safety of aircraft operations; and

(c) at any other time when there are conditions at the aerodrome that could affect aviation safety.

Removal of obstruction from the aerodrome surface.

**12.** An aerodrome operator shall remove from the aerodrome surface any vehicle or other obstruction that is likely to be hazardous to aircraft operations.

Warning notices.

**13.** When low flying aircraft, at or near an aerodrome, or taxiing aircraft are likely to be hazardous to people or vehicular traffic, the aerodrome operator shall:

(a) post hazard warning notices on any public way that is adjacent to the manoeuvring area; or

(b) if such a public way is not controlled by the aerodrome operator, inform the authority responsible for posting the notices on the public way that there is a hazard.

Exemptions.

**14.** (1) The Director may exempt, in writing, an aerodrome operator from complying with specific provisions of these regulations.

(2) Before the Director decides to grant exemptions to the aerodrome operator in accordance with subregulation (1), the Director shall take into account all safety-related aspects.

(3) An exemption shall be subject to the aerodrome operator complying with the conditions and procedures specified by the Director in the aerodrome licence as being necessary in the interest of safety.

(4) When an aerodrome does not meet the requirement of a standard or recommended practice as defined in regulation 2, the

Director may determine the conditions and procedures that are necessary to ensure a level of safety equivalent to that established by the relevant ICAO standard or practice. Such action shall be taken only after carrying out aeronautical studies, and only if and where permitted by ICAO standards or practices.

(5) Deviation from a standard or practice and the conditions and procedures referred to in subregulation (4) shall be set out in an endorsement on the aerodrome licence.

SCHEDULE

Doc 9774 First Edition entitled "Manual on Certification of Aerodromes".

Annex 14, Volume 1, entitled "Aerodrome Design and Operations", Edition 3, incorporating amendment 3 and subject to any differences notified to ICAO by the Republic of Malta.

Annex 14, Volume II, entitled "Heliports" Edition 2, incorporating Amendment 1, and subject to any differences notified to ICAO by the Republic of Malta.