

L.N. 339 of 2002

**CIVIL AVIATION ACT
 (CAP. 232)**

Air Navigation (Amendment) Order, 2002

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

1. The title of this Order is the Air Navigation (Amendment) Order, 2002 and it shall be read and construed as one with the Air Navigation Order, 1990, hereunder referred to as "the principal Order".
2. Article 2 of the principal Order shall be amended as follows:

(a) in paragraph (1) thereof, the definition of "JAR" shall be substituted by the following new definition:

"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, 1998, as amended."

(b) in paragraph 5 (a) thereof, immediately after the proviso thereto, there shall be added the following new proviso:

"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."

3. After the proviso to article 7 of the principal Order, there shall be added the following new proviso:

“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.”

Amends article 9 of the principal Order.

4. Immediately after paragraph (1)(b) of article 9 of the principal Order, there shall be added the following proviso:

“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 ”

Amends article 18 of the principal Order.

5. For paragraph (3) of article 18 of the principal Order, there shall be substituted the following new paragraph:

“(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 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, unless the Director either generally or in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order.”.

Amends article 19 of the principal Order.

6. For paragraphs (4) and (5) of article 19 of the principal Order, there shall be substituted the following new paragraphs:

“(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, 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 bears a valid certificate of test issued under Part C of Schedule 8 to this Order."

7. For sub-paragraph (a) of paragraph (5) of article 45 of the principal Order, there shall be substituted the following new sub-paragraph: Amends article 45 of the principal Order.

"(5)(a) Every aircraft to which this article applies, 'being an aircraft of which the maximum total weight authorised 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."

8. For sub-paragraph (a) of paragraph 2 of article 52 of the principal Order, there shall be substituted the following new sub-paragraph: Amends article 52 of the principal Order.

"(a) 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 total weight authorised 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;".

9. Article 53 of the principal Order shall be amended as follows:- Amends article 53 of the principal Order.

(a) in paragraph (2) thereof, for the words "as a member of its crew" there shall be substituted the words "as a member of its crew";

(b) in paragraph (3) thereof, for the words "flight crew" there shall be substituted the word "crew"; and

(c) in paragraph (4) thereof, for the words "until a date 12 months" there shall be substituted the words "until a date 15 months".

10. For article 55 of the principal Order, there shall be substituted the following new article: Amends article 55 of the principal Order.

"Flight times-responsibilities of crew.

55. 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:

Flight Crew:

(a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or

(b) during the period of 12 months expiring at the end of the previous month exceeds 900 hours;

Cabin Crew:

(a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 115 hours; or

(b) during the period of 12 months expiring at the end of the previous month exceeds 990 hours;

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

(i) in an aircraft of which the maximum total weight authorised 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 the aforesaid person since he was last medically examined and found fit by a person approved by the Director for the purpose of Article 19 (7) does not exceed 25 hours."

Adds new article 88A to the principal Order.

11. Immediately after article 88 of the principal Order there shall be inserted a new article 88A as follows:

"Approval of persons to furnish reports.

88A. In relation to any of his functions pursuant to any of the provisions of this Order the Director 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."

12. Schedule 5 to the principal Order shall be substituted by the following new Schedule:

Substitutes
Schedule 5 to the
principal Order.

"SCHEDULE 5

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

Aircraft Equipment

1. (1) Aircraft operated for public transport purposes registered in Malta shall be equipped in accordance with the requirements set forth in the editions of JAR OPS 1 Commercial Air Transportation (Aeroplanes) Sub Part K and JAR OPS 3 Commercial Air Transportation (Helicopters) Sub Part K applicable in Malta at the time.

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:

- (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 total weight authorised exceeding 5,700 kg, or authorised to carry more than nine passengers – Scale O.

(5) All aeroplanes with a maximum total weight authorised exceeding 27,000 kg issued with an individual certificate of airworthiness after 1 January 1989 – Scale L.

(6) All aeroplanes with a maximum total weight authorised 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 total weight authorised does not exceed 2,300 kg);

(2) a safety harness (where the maximum total weight authorised exceeds 2,300 kg):

Provided that the Director 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 sub paragraph (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 total weight authorised 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;

(v) an electric torch for each crew member station;

(vi) 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 total weight authorised of the aircraft exceeds 5,700 kg a means of indicating the outside air temperature;
- (v) If the maximum total weight authorised 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 total weight authorised 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 30 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 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.

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).”.

Substitutes
Schedule 8 to the
principal Order.

13. Schedule 8 to the principal Order shall be substituted by the following new Schedule:

“SCHEDULE 8”

(Article 19)

Flight Crew of Aircraft: Licences and Ratings

PART A – LICENCES (non JAR FCL)

Minimum Age, Period of Validity, Privileges

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 6 months carried out as pilot in command not less than 5 take-offs and 5 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 or 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 90 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 5 take-offs and 5 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 total weight authorised 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 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 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 65 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 Navigator's Licence

Minimum Age – 21 years

Maximum Period of Validity – 6 months

Privileges: The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator's General Licence

Minimum Age – 18 years

Maximum period of Validity – 2 years.

Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

PART A – LICENCES (JAR FCL)

Minimum Age, Period of Validity, Privileges

Where the Director grants pilot licences in accordance with JAR FCL 1 or JAR FCL 2 requirements, the privileges, age limit and maximum period of validity thereof shall be those set out in the edition of JAR FCL 1 or JAR FCL 2 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 authorised by the Director for that purpose, indicating that the holder has, within the previous 13 months, passed an instrument flying test.

Instrument Rating (Helicopters) shall entitle the holder of a licence to act as pilot in command or co-pilot of a helicopter flying in controlled airspace in circumstances which require compliance with the Instrument Flight Rules.

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorised by the Director for that purpose, indicating that the holder has within the previous 13 months, passed an instrument flying test.

Night Rating (Aeroplanes) shall entitle the holder of a Private Pilot's Licence (Aeroplanes) to act as pilot in command at night of an aeroplane.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of public transport or aerial work.

Flying Instructor's rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose:

Provided that the holder shall not be so entitled unless his licence bears a certificate, signed by a person authorised by the Director for that purpose, indicating that the holder has, within the previous 25 months, passed a test of his ability to perform the functions of Flight Instructor and the test shall, where the Director so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight.

2. An aircraft rating included in a flight engineer's licence shall entitle the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. 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.

PART C – CERTIFICATE OF TEST AND REVALIDATION OF RATINGS

Certificate of Test

1. A certificate of test required by Article 19 (5) of this Order shall be signed by a person authorised by the Director to sign certificates of this kind and shall certify the following particulars:

(a) the functions to which the certificate relates:

(b) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying logbook of which the certificate test of his ability to perform the functions to which the certificate relates;

(c) the type of aircraft or flight simulator in or by means of which the test was conducted;

(d) the date on which it was signed.

Nature of Test

2. The appropriate test referred to in paragraph 1 of this part of this Schedule shall be a test which entitles the holder of the licence of which the certificate forms part to act as pilot in command and/or co-pilot of aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot in command and/or co-pilot and shall where the Director so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Director.

Period of Validity of Certificate of Test

3. A certificate of test required by article 19 (5) of this Order shall not be valid in relation to a flight made more than 13 months after the date of the test which it certifies.

Revalidation of Ratings

4. The revalidation of a rating required by article 19 (4) contained in a flight crew licence shall be signed by a person authorised by the Director and shall contain the following particulars:

- (a) the date of test,
- (b) the expiry date of the validation period,
- (c) the examiner's authorisation number, and
- (d) the examiner's signature."

14. In Schedule 11 to the principal Order, immediately after the words " "B" means the certificate of airworthiness in force in respect of the aircraft", there shall be added the following new proviso:

Amends Schedule 11 to the principal Order.

"Provided that the Director 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."

15. Schedule 16 to the principal Order shall be substituted by the following new schedule:

“SCHEDULE 16

(Article 6)

Fees

PART 1

Aircraft Registration

The following charges are payable to the Director 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
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Aeroplanes having an empty weight not exceeding 150 kg, a wing areas of not less than 10 square metres, and a wing loading not exceeding 10 kg per square metre at empty weight and which are designed to carry not more than 2 persons	Lm25
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Any other aircraft whose maximum weight authorised:

Does not exceed 750 kg	Lm 30
Exceeds 750 kg but not 2730 kg	Lm 60
Exceeds 2730 kg but not 5700 kg	Lm 90
Exceeds 5700 kg but not 15 tonnes	Lm120
Exceeds 15 tonnes but not 50 tonnes	Lm180
exceeds 50 tonnes	Lm300

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 Lm 20;

(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 Certificate of Airworthiness – Issue

Upon making an application for the first issue of a Certificate of Airworthiness valid for one year or part thereof, the applicant shall pay:

(i) in respect of an aeroplane or glider whose maximum take-off weight authorised does not exceed 2,000 kg, a charge of Lm50 for each 500 kg or part thereof;

(ii) in respect of an aeroplane or glider whose maximum take-off weight authorised exceeds 2,000kg, but does not exceed 10,000 kg, a charge of Lm200 plus Lm50 for each 500kg or part thereof;

(iii) in respect of an aeroplane or glider whose maximum take-off weight authorised exceeds 10,000 kg, a charge of Lm1,200 plus Lm15 for each 500 kg or part thereof;

(iv) in respect of a helicopter or gyroplane whose maximum take-off weight authorised does not exceed 2,000 kg, a charge of Lm50 for each 500 kg or part thereof;

(v) in respect of a helicopter or gyroplane whose maximum take-off weight authorised exceeds 2,000 kg but does not exceed 10,000 kg, a charge of Lm200 plus Lm50 for each 500kg or part thereof;

(vi) in respect of a helicopter or gyroplane whose maximum take-off weight authorised exceeds 10,000 kg, a charge of Lm1,200 plus Lm15 for each 500 kg or part thereof.

2 Certificate of Airworthiness – Renewal

Upon making an application for the renewal of a Certificate of Airworthiness valid for one year or part thereof, the applicant shall pay:

(i) in respect of an aeroplane or glider whose maximum take-off weight authorised exceeds 2,000 kg a charge of Lm30 for each 500kg or part thereof;

(ii) in respect of an aeroplane or glider whose maximum take off weight exceeds 2000kg does not exceed 10,000kg, a charge of Lm120 plus Lm25 for each 500kg or part thereof;

(iii) in respect of an aeroplane or glider whose maximum take-off weight authorised exceeds 10,000kg, a charge of Lm620 plus Lm 10 for each 500kg or part thereof;

(iv) in respect of a helicopter or gyroplane whose maximum take-off weight authorised does not exceed 2,000kg, a charge of Lm30 for each 500kg or part thereof;

(v) in respect of a helicopter or gyroplane whose maximum take-off weight authorised exceeds 2000kg but does not exceed 10,000kg, a charge of Lm120 plus Lm25 for each 500kg in part thereof;

(vi) in respect of a helicopter or gyroplane whose maximum take-off weight authorised exceeds 10,000kg, a charge of Lm620 plus Lm10 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 weight authorised does not exceed 2,000kg, the sum of Lm50 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; and

(b) in the case of any other aircraft, a charge of Lm200 plus the sum of Lm50 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.

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 Lm25 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 weight authorised does not exceed 2,000kg.....	Lm 30
For a radio installation in an aircraft whose maximum take-off weight authorised exceeds 2,000kg but does not exceed 10,000kg	Lm 50
For a radio installation in an aircraft whose maximum take-off exceeds 10,000kg	Lm100.

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 Airworthiness Statement

In respect of an application for the issue of an Airworthiness 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 Validation of Aircraft Maintenance Engineer's Licence

Upon making an application for the validation of an Aircraft Maintenance Engineer's 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 certificate.

9 Approval of Aircraft Maintenance Organisation - First Issue

Upon making an application for the issue of a Certificate of Approval for an Aircraft Maintenance Organisation under JAR 145 valid for two years, the applicant shall pay, depending on the maximum take-off weight authorised of the aircraft on the capability list of the organisation, the following fees for every annual period or part thereof of the validity of the certificate:-

if the aircraft with the highest maximum take-off weight authorised does not exceed 2,000kg	Lm500
if the aircraft with the highest maximum take-off weight authorised exceeds 2,000 kg but does not exceed 10,000kg.....	Lm2500
if the aircraft with the highest maximum take-off weight authorised exceeds 10,000 kg	Lm5000:

Provided that if the actual costs of the Director's investigations leading to the issue of an aircraft maintenance organisation approval certificate are higher than those specified above, the Director will charge the actual costs incurred.

10 Approval of Aircraft Maintenance Organisation – Subsequent Issue

Upon making an application for the second and subsequent issues of a Certificate of Approval for an Aircraft Maintenance Organisation under JAR 145 valid for two years, the applicant shall pay, depending on the maximum take-off weight authorised of the aircraft on the capability list of the organisation, the following fees for every annual period or part thereof of the validity of the certificate:–

if the aircraft with the highest maximum take-off weight authorised does not exceed 2,000kg	Lm300
if the aircraft with the highest maximum take-off weight authorised exceeds 2,000 kg does not exceed 10,000kg.....	Lm1000
if the aircraft with the highest maximum take-off weight authorised exceeds 10,000kg	Lm3000

Provided that if the actual costs of the Director's investigations leading to the issue of an aircraft maintenance organisation approval certificate are higher than those specified above, the Director will charge the actual costs incurred.

11 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 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.

12 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 Lm20.

13 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.

PART III

Flight Crew and Air Traffic Control Licences

I Upon making an application for the grant or renewal of a licence to act as flight crew member, the applicant shall pay:

(a) for the grant of an Airline Transport Pilot Licence, a Commercial Pilot Licence, a Flight Navigator's Licence or a Flight Engineer's Licence, a charge of Lm 40;

(b) for the renewal of an Airline Transport Pilot Licence, Commercial Pilot Licence, Flight Navigator's Licence or a Flight Engineer's Licence, a charge of Lm20;

(c) for the grant of a Private Licence, a charge of Lm30;

(d) for the renewal of a Private Pilot Licence, a charge of Lm15;

(e) for the grant or renewal of a Flight Radio Telephony Operator's Restricted Licence (except when the applicant is either the holder of a licence to act as Pilot, Flight Navigator or Flight Engineer), a charge of Lm15.

2 Upon making an application for the inclusion of a new aircraft rating in an Airline Transport Pilot Licence, a Commercial Pilot Licence or in a Flight Engineer's Licence, the applicant shall pay, after passing the appropriate examination and tests, a charge of Lm30.

3 Upon making an application for the inclusion of a Flight Instructor's Rating or an Instrument Rating in a pilot licence, the applicant shall pay a charge of Lm20.

4 Upon making an application for the grant of a licence to act as flight crew member or for the inclusion of a rating therein, the applicant shall pay, in respect of the examinations under Column 1, the corresponding fee under Column 2.

Column 1	Column 2
a) For a technical examination on an aircraft type for the inclusion in an Airline Transport Pilot Licence, a Commercial Pilot Licence or a Flight Engineer's Licence of that aircraft type rating	Lm30
b) for each examination on aviation law, flight rules and procedures taken for an Airline Transport Pilot Licence, a Commercial Pilot Licence, a Flight Engineer's Licence or Flight Navigator's Licence	Lm20
c) for a Private Pilot Licence examination on aviation law, flight rules and procedures, navigation and meteorology	Lm30
d) for a Private Pilot Licence (Aeroplane) technical examination, Part 1 (general), technical examination Part 2 (type)	Lm30.

5 Validation of Flight Crew Licences

Upon making an application for the issue of a certificate of validation of an Airline Transport Pilot Licence a Commercial Pilot Licence, a Flight Engineer's Licence or a Flight Navigator's Licence, the applicant shall pay a fee of Lm30.

In addition there shall be paid in respect of:-

- (i) any technical examination required, a fee of Lm30;
- (ii) an examination on aviation law and flight rules and procedures, a fee of Lm20.

6 Tests

Upon making an application for a flight test in an aircraft or an aircraft simulator in order to be granted an authorisation to act as a simulator or flight test examiner for the issue or renewal of an aircraft type rating in an Airline Transport Pilot Licence or a Commercial Pilot Licence, the applicant shall pay the sum of Lm200.

7 Approval of Simulators

Upon making an application for the approval of an aircraft flight simulator, the applicant shall pay the sum of Lm500 for every period of twelve consecutive months that the approval is valid.

8 Air Traffic Controller's Licence

Upon making an application for the issue or renewal of an Air Traffic Controller's Licence, the applicant shall pay a fee of Lm50.

9 Addition of Air Traffic Control ratings

Upon making an application for the issue of a second or subsequent air traffic control rating in his licence, the applicant shall pay a fee of Lm50.

10 Renewal of Ratings

In respect of the renewal of an air traffic control rating in an Air Traffic Controller's Licence, the applicant shall pay a fee of Lm30.

11 Apron Controller's Licence

Upon making an application for the issue or renewal of an Apron Controller's Licence, the applicant shall pay a fee of Lm40.

12 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 charge of Lm10.

13 Additional charge where functions are performed abroad

When an application is made for the Director to perform 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 cost incurred in the case when the Department's contractor is used.

PART IV

Charges for use at Luqa A  rodrome

Landing Charges

1. (i) The landing charges payable to Malta International Airport plc are assessed on the basis of the maximum of the maximum total weight authorised in the Certificate of Airworthiness as follows:

Aircraft whose maximum total weight authorised does not exceed 12,000kg a charge of 56 cents per 500kg or part thereof;

Aircraft whose maximum total weight authorised exceeds 12,000kg a charge of Lm12.65 plus 76 cents per 500 kg or part thereof in excess of 12,000kg;

Helicopters a charge equal to 50 per cent of the standard charge fixed for any aircraft of similar weight.

(ii) In the case of landings and take-off at night the charges are increased by 25 per cent (night is defined as the period between

2000 to 0500 local time from 1st April to 31st October and between 1900 to 0600 hours local time from 1st November to 31st March).

(iii) A special rebate of 75 per cent of the standard landing fee may be applied for to Malta International Airport plc in the case of a flight or flights carried out solely for the purpose of training or testing of flying personnel and/or special equipment in the aeroplane.

2 Parking Charges

The fees for the parking of aircraft payable to Malta International Airport plc are assessed on the basis of the space occupied and time on ground. The standard charge for each 24-hour period or part thereof exceeding 6 hours is calculated at 4 cents per 10 square metres of space occupied or part thereof in the case of aircraft whose maximum total weight authorised exceeds 2,500 kg and 30 cents for all other aircraft.”.