

L.N. 52 of 2001

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

Air Navigation (Amendment) Order, 2001

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, 2001 and it shall be read and construed as one with the Air Navigation Order, 1990, hereinafter referred to as "the principal Order".

Citation.

L.N. 176 of 1990.

2. The Arrangement of Articles to the principal Order shall be amended as follows:

Amends the
Arrangement of
Articles to the
principal Order.

(a) in Part VI thereof, after the words "47. Imperilling safety of any person or property." there shall be added the words "47A. Acting in a disruptive manner.";

(b) in article 62 thereof, after the last word "controllers" there shall be added the words ", apron controllers and student apron controllers"; and

(c) in Part IX thereof, after the words "63. Prohibition of unlicensed and student air traffic controllers." there shall be added the words "63A. Prohibition of unlicensed and student apron controllers.".

3. Paragraph (1) of article 2 of the principal Order shall be amended as follows:-

Amends article 2 of
the principal Order.

(a) the definition of "air traffic unit" shall be substituted by the following new definition:

"air traffic unit" means a person appointed by the Director 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"; and

(b) immediately after the definition of "air traffic unit" there shall be inserted the following new definition:

"apron management unit" means a person appointed by the Director 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;"

Amends article 4 of the principal Order.

4. Immediately after sub-paragraph (c)(ii) of paragraph (3) of article 4 of the principal Order, there shall be added the following proviso:

"Provided that sub-paragraph (c) (ii) above does not apply to a body corporate whose sole business is that of leasing aircraft."

Adds new article 47A to the principal Order.

5. Immediately after article 47 of the principal Order there shall be inserted the following new article 47A:

"Acting in a disruptive manner.

47A. 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."

Substitutes article 62 of the principal Order.

6. For article 62 of the principal Order there shall be substituted the following new article:

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

"62. (1) The Director 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 and is qualified by reason of his knowledge, experience, competence, 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 may require:

Provided that the Director shall not grant:

(a) a student air traffic controller's licence, or a student apron controller's licence to a person under the age of 20 years; or

(b) an air traffic controller's licence, or an apron controller's licence to a person under the age of 21 years.

(2) 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 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide, (b) a list of the places at which, and (c) the type of radar equipment if any, with the aid of which, he may provide the service. If throughout any period of 120 days, the holder of the licence has not for a minimum period of time to be specified by the Director, provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Director's powers under Article 59 of this Order, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Director to that effect and shall forward the licence to the Director to enable him to endorse it accordingly.

(3) 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 a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) 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 120 days, the holder of the licence has not for a minimum period of time to be specified by the Director, provided at a particular place apron management service, the licence shall without prejudice to the Director's powers under Article 59 of this Order, 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 to that effect and shall forward the licence to the Director to enable him to endorse it accordingly.

(5) 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.

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

(7) Subject to the *provisions* of article 59 of this Order, a student air traffic controller's licence and an air traffic controller's licence shall remain in force for maximum periods of *two years* and five years respectively and their validity may be renewed by the Director from *time to time*, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(8) Subject to the provisions of article 59 of this Order, a student apron controller's licence and an apron controller's licence shall remain in force for maximum periods of two years and five years respectively and *their validity may be* renewed by the Director from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.

(9) 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 may require:

(a) submit *himself to medical examination* by a person approved by the Director either generally or in a particular case who shall make a report to the Director in *such form* as the Director 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 may require, and such examinations and tests may be conducted by the Director or by a person approved by the Director.

(10) On the basis of the medical examination referred to in paragraph (9) of this Article, the Director or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as the Director 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 64 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(11) The holder of an air traffic controller's licence or student air traffic controller's licence, or an apron controller's licence or 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 any such aerodrome or place as is referred to in article 63 (1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (10) of this article.”.

7. In article 63 of the principal Order there shall be added the following new paragraph (4):

Amends article 63 of the principal Order.

“(4) 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.”.

8. Immediately after article 63 of the principal Order there shall be inserted the following new article 63A.

Adds new article 63A to the principal Order.

“Prohibition of unlicensed and student apron controllers.

“63A (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:

(i) a valid student apron controller's licence granted under this Order and he is supervised in accordance with article 62 (5) of this Order; or

(ii) a valid apron controller's licence so granted authorising him to provide that type of service at that place; or

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(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.”.

Amends article 64
of the principal
Order.

9. In paragraphs (1), (2) and (3) of article 64 of the principal Order, after the words “air traffic controller's licence” there shall be added the words “or an apron controller's licence”.

Amends Schedule 8
to the principal
Order.

10. Schedule 8 to the principal Order shall be amended as follows:

(a) following sub-paragraph (c) (ii) to the proviso under the Sub-title Private Pilot's Licence (Aeroplanes) under the Title 1. Aeroplane Pilots in Part A - LICENCES thereof, there shall be added the following new sub-paragraph (d):

“(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.”;

(b) in paragraph (2) proviso (b) under the sub-title Commercial Pilot's Licence (Aeroplanes) under the Title 1. Aeroplane Pilots in part A - LICENCES thereof, after the words “as pilot in command” there shall be inserted the words “on an aeroplane of the same class or type, or in a flight simulator approved for the purpose,”;

(c) paragraph (2) proviso (d) following the above-mentioned paragraph (2) proviso (b) shall be substituted by the following new paragraph (2) proviso (d):

“(d) he shall not fly such an aeroplane on a flight for the purpose of public transport unless it is certificated for single pilot operation”;

(d) immediately after paragraph (2) proviso (d), there shall be inserted the following new provisos (e) and (f):

“(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;” and

(e) paragraph (4) following the above-mentioned paragraph (2) shall be substituted by the following new paragraph (4):

“(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.”.

11. Schedule 12 to the principal Order shall be amended as follows: Amends Schedule 12 to the principal Order.

(a) in Part A thereof,

(i) for the words “63 (except (4)) Requirement for licensing of air traffic controllers and aerodrome flight information service officers” there shall be substituted the words “ 63 Requirement for licensing of air traffic controllers”;

(ii) immediately after the words “63 Requirement for licensing of air traffic controllers”, there shall be added the words “63A Requirement for licensing of apron controllers”; and

(b) in Part B thereof, immediately after the words “47 Endangering safety of any person or property”, there shall be added the words “47A Acting in a disruptive manner”.

12. In sub-paragraph 1 (c) of paragraph 5 of Section II of Schedule 13 to the principal Order for the words “below a height of 1,500 feet below the highest fixed object within 2,000 feet of the helicopter”, there shall be substituted the words “below a height of 1,500 feet above the highest fixed object within 2,000 feet of the helicopter”. Amends Schedule 13 to the principal Order.