

L.N. 162 of 2001**CIVIL AVIATION ACT
(CAP. 232)****Air Navigation (Noise Certification and Operation of Aircraft)
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 (Noise Certification and Operation of Aircraft) Order, 2001, and shall come into force on the 1st April, 2002. Citation and date of commencement.

2. (1) In this order- Interpretation.

“an International Standard Atmosphere at sea level” has the meaning specified in the Manual of the ICAO Standard Atmosphere (Doc 7488) published by the International Civil Aviation Organization;

“Annex 16” means Annex 16 to the Convention;

“by-pass ratio” means the ratio of the air mass flow through the by-pass ducts of a gas turbine engine to the air mass flow through the combustion chambers calculated at maximum thrust when the engine is stationary in an International Standard Atmosphere at sea level;

“the Convention” means the Convention on International Civil Aviation signed at Chicago on 7 December, 1944;

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

“noise certificate” means a document issued or validated by a State or by a competent authority of a State attesting noise certification in respect of an aeroplane either by way of a separate certificate or a statement contained in another document approved by the State of Registry of the aircraft and required by that State to be carried in the aircraft;

“prescribed” means prescribed by regulations made by the Minister.

(2) Expressions used in this order shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1990.

(3) Regulations made in connection with and related to this Order shall include the power to make different provisions with respect to different classes of aircraft and with respect to different circumstances and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of this Order.

Application of Order.

3. This Order shall apply to all subsonic jet or propeller driven aircraft which fall within one of the categories set out in Volume 1 of Annex 16 to the Convention.

Requirement of noise Certificate.

4. (1) Subject to subarticle (2) hereof and to article 16 an aircraft to which this Order applies shall not land or take-off in Malta unless-

(a) in respect of an aeroplane specified in article 3 of this Order there is in force in respect of that aircraft a noise certificate-

(i) issued by the Director under article 5 of this Order; or

(ii) issued or validated in pursuance of the Convention by the competent authority of the State in which the aircraft is registered, and

(b) any conditions subject to which the certificate was issued are complied with.

(2) The prohibition in subarticle (1) hereof shall not apply to-

(a) an aircraft flying in accordance with the “A Conditions” or the “B Conditions” set forth in Schedule 2 to the Air Navigation Order 1990;

(b) an aircraft landing or taking-off at a prescribed place.

Issue and validity of noise certificate.

5. (1) The Director shall issue a noise certificate in respect of any aircraft to which this Order applies and which is registered in Malta if he is satisfied that the aircraft complies with the applicable standards specified in this article in relation to the noise made by the aircraft, and

for that purpose the applicant for a certificate shall furnish such evidence and submit the aircraft to such flying trials and other tests as the Director may require.

(2) The noise certification standards applicable to an aircraft shall be those set out in Annex 16.

(3) The Director shall issue every noise certificate subject to a condition as to the maximum total mass at which the aircraft may land or take-off and may issue such a certificate subject to such other conditions relating to noise certification standards as he thinks fit.

(4) Subject to subarticle (5) hereof and article 9 of this Order, a noise certificate issued under this article shall remain in force unless it is suspended or revoked.

(5) A noise certificate issued under this article in respect of an aircraft registered in Malta shall cease to be sufficient for the purposes of article 4 of this Order-

(a) at such time as the aircraft or any part of it is modified, in any way which affects the ability of the aircraft to comply with the noise standards required by this Order, otherwise than in a manner and with material of a type approved by the Director either generally or in relation to a class of aircraft or to a particular aircraft;

(b) until the completion of any inspection or test of the aircraft required by the Director to be made which shows that the aircraft complies with the noise standards required by this Order.

(6) The Director may, for the purposes of this article, accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(7) A noise certificate shall contain the following information:-

- (a) State of Registration and Registration Marks;
- (b) Manufacturer's serial number;
- (c) Manufacture's type and model designation;

(d) Statement of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;

(e) The maximum mass at which compliance with the applicable noise certification standard has been demonstrated.

Noise Certificate to be carried.

6. (1) An aircraft shall not land or take off in Malta unless it carries any noise certificate which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Malta shall, when in flight, whether within Malta or elsewhere, carry any noise certificate which is required by this Order to be in force in respect of that aircraft:

Provided that if the flight is intended to begin and end at the same aerodrome, the certificate may be kept at that aerodrome instead of being carried in the aircraft.

Operation of aircraft.

7. (1) Subject to subarticle (2) hereof and to article 16 below, no person shall operate at any aerodrome situated in Malta:

(a) a subsonic jet aeroplane which has a take off mass of 34,000 kgs or more and a maximum internal accommodation of more than 19 passenger seats, unless there is in force in respect of that aircraft a noise certificate which it is required to carry under the law of the country in which it is registered and which is issued to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16, or

(b) a propeller driven aircraft with a take off mass of less than 5700 kgs unless there is in force a certificate in respect of that aircraft that it is certified in accordance with requirements which are at least equal to the applicable standards specified in Part II of Chapter 6 of Volume 1 of Annex 16 when being newly registered in Malta;

and such certificate is either carried on board the aircraft or, if a flight is intended to begin and end at the same aerodrome, is kept at that aerodrome during the flight.

(2) A subsonic jet aircraft which has a take off mass of less than 34,000 kgs and a passenger seating capacity of less than 19 and registered in Malta may be used in Malta if it is certified to meet the standards of at least Chapter 2 of Annex 16.

8. The commander of an aircraft or the person who operates an aircraft shall, within a reasonable time after being requested to do so by the Director, cause to be produced to the Director the noise certificate in force in respect of that aircraft .

Production of noise certificate.

9. (1) The Director may, if he thinks fit, provisionally suspend any noise certificate, approval, exemption or other document issued under this Order pending inquiry into or consideration of the case. The Director may, after sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, approval, exemption or other document.

Revocation, suspension and variation of noise certificates.

(2) The holder or any person having the possession or custody of any noise certificate, approval, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Director within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any noise certificate, approval, exemption or other document has been issued under this Order shall render the certificate invalid during the continuance of the breach.

10. (1) A person shall not with intent to deceive-

Offences in relation to noise certificates.

(a) use any noise certificate issued or required under this Order which has been revoked or suspended, or to which he is not entitled; or

(b) lend any such certificate to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for himself or any other person the issue, renewal or variation of any such certificate.

(2) A person shall not purport to issue any noise certificate under this Order unless he has been authorised to do so.

11. (1) If it appears to the Director that any aircraft is intended or likely to be flown in such circumstances that article 4 of this Order would be contravened in relation to the flight, the Director may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director and, if the aircraft is in Malta, the Director may take such steps as are necessary to detain the aircraft .

Power to prevent aircraft flying.

(2) If the operator or the commander of an aircraft fails without reasonable excuse to comply with a direction given to him pursuant to subarticle (1) hereof, he shall be guilty of an offence.

(3) For the purposes of subarticle (1) hereof, the Director may enter upon and inspect any aircraft .

Right of access to
aerodromes and
other places.

12. The Director shall have for the purpose of ascertaining whether the provisions of this Order are being complied with, the right of access at all reasonable times-

(a) to any aerodrome in Malta for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under this Order, and for the purpose of detaining any aircraft under this Order; and

(b) to any place in Malta where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under this Order and for the purpose of detaining the aircraft under this Order.

Obstruction of
persons.

13. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Penalties.

14. (1) If any provision of this Order is contravened in relation to an aircraft the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following subarticle hereof to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes any provisions of this Order, not being a provision referred to in subarticle (4) hereof, he shall be liable on summary conviction to a fine not exceeding one thousand liri.

(4) If any person contravenes any of articles 4, 10, 11 or 13 of this Order he shall be liable on summary conviction to a fine not exceeding two thousand liri.

15. Nothing in this Order shall apply to any military aircraft. Military aircraft.

16. (1) The aircraft used by operators from developing nations and which are listed in the Schedule to this Order shall be exempt from the provisions of Article 4. Exemptions for aircraft from developing nations.

(2) The Director may grant a temporary exemption which shall not be effective beyond a date to be prescribed to an aircraft not registered in Malta and which does not comply with the provisions of Article 3 if the operator furnishes proof of the economic or technical impossibility of serving aerodromes in Malta by means of aeroplanes which comply with the standard referred to in Article 3. Exemption where an airline's operation is adversely affected to an unreasonable extent.

(3) The Director may grant an exemption from article 7 above in relation to any aircraft of historical interest. Exemption for aircraft of historical interest.

(4) (a) Subject to subarticle (2) hereof, the Director may grant an exemption from Article 7 above to permit the temporary use at any aerodrome situated in Malta of any aircraft which could not otherwise lawfully be operated on the basis of the other provisions of this Order. Exemption for the temporary use of an aircraft in Malta.

(b) The Director shall not grant such an exemption under sub-paragraph (a) above unless -

(i) the operations of the aircraft are of such an exceptional nature that it would be unreasonable to withhold such an exemption; or

(ii) the aircraft is being operated on a non-revenue flight for the purposes of alterations, repair or maintenance;

Provided that the Director in consultation with the Minister may exempt from any of the provisions of this Order or any related regulations or connected thereto any aircraft or persons or classes of aircraft, either absolutely or subject to such conditions as he thinks fit.

17. Except where the context otherwise requires, the provisions of this Order,

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Malta, shall apply to such aircraft wherever they may be;

(b) in so far as they apply (whether by express reference or otherwise) to other aircraft shall apply to such other aircraft when they are within Malta;

Extra-territorial
effect of the Order.

(c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by a person in, or by any of the crew of, any aircraft registered in Malta, shall apply to such person and crew, wherever they may be.

SCHEDULE

LIST OF AEROPLANES EXEMPTED IN ACCORDANCE WITH ARTICLE 16 (1)

ALGERIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
21053	B727-2D6	7T-VEI	Air Algerie
21210	B727-2D6	7T-VEM	Air Algerie
21284	B727-2D6	7T-VEP	Air Algerie
20884	B737-2D6	7T-VEG	Air Algerie
21063	B737-2D6	7T-VEJ	Air Algerie
21064	B737-2D6	7T-VEK	Air Algerie
21065	B737-2D6	7T-VEL	Air Algerie
21211	B737-2D6	7T-VEN	Air Algerie
21212	B737-2D6	7T-VEO	Air Algerie
20650	B737-2D6	7T-VED	Air Algerie
21285	B737-2D6	7T-VEQ	Air Algerie
21286	B737-2D6	7T-VER	Air Algerie

CONGO, DEMOCRATIC REPUBLIC OF

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20200	B707-329C	9Q-CBW	Scibe Airlift

DOMINICAN REPUBLIC

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19767	B707-399C	HI-442CT	Dominicana de Aviacion

EGYPT

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19843	B707-336C	SU-PBA	Air Memphis
19916	B707-328C	SU-PBB	Air Memphis
21194	B737-266	SU-AYK	Egypt Air

IRAQ

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20889	B707-370C	YI-AGE	Iraqi Airways
20892	B737-270C	YI-AGH	Iraqi Airways
20893	B737-270C	YI-AGI	Iraqi Airways

LEBANON

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20259	B707-3B4C	OD-AFD	MEA
20260	B707-3B4C	OD-AFE	MEA
19967	B707-347C	OD-AGV	MEA
19589	B707-323C	OD-AHC	MEA
19515	B707-323C	OD-AHD	MEA
20170	B707-323B	OD-AHF	MEA
19516	B707-323C	OD-AHE	MEA
19104	B707-327C	OD-AGX	TMA
19105	B707-327C	OD-AGY	TMA
18939	B707-323C	OD-AGD	TMA
19214	B707-331C	OD-AGS	TMA
19269	B707-321C	OD-AGO	TMA
19274	B707-321C	OD-AGP	TMA

LIBERIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
45683	DC8F-55	EL-AJO	Liberia World Airlines
45686	DC8F-55	EL-AJQ	Liberia World Airlines

LIBYA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20245	B727-224	5A-DAI	Libyan Arab Airlines
21051	B727-2L5	5A-DIB	Libyan Arab Airlines
21052	B727-2L5	5A-DIC	Libyan Arab Airlines
21229	B727-2L5	5A-DID	Libyan Arab Airlines
21230	B727-2L5	5A-DIE	Libyan Arab Airlines

MAURITANIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
11093	F28-4000	5T-CLG	Air Mauritanie

MOROCCO

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20471	B727-2B6	CN-CCG	Royal Air Maroc
21214	B737-2B6	CN-RMI	Royal Air Maroc
21215	B737-2B6	CN-RMJ	Royal Air Maroc
21216	B737-2B6	CN-RMK	Royal Air Maroc

NIGERIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
18809	B707-338C	5N-ARQ	DAS Air Cargo
19664	B707-355C	5N-VRG	Air Tours

PAKISTAN

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20488	B707-340C	AP-AXG	PIA

SAUDI ARABIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
20574	B737-268C	HZ-AGA	Saudia
20575	B737-268C	HZ-AGB	Saudia
20576	B737-268	HZ-AGC	Saudia
20577	B737-268	HZ-AGD	Saudia
20578	B737-268	HZ-AGE	Saudia
20882	B737-268	HZ-AGF	Saudia
20883	B737-268	HZ-AGG	Saudia
21275	B737-268	HZ-AGH	Saudia
21276	B737-268	HZ-AGI	Saudia
21277	B737-268	HZ-AGJ	Saudia
21280	B737-268	HZ-AGK	Saudia
212281	B737-268	HZ-AGL	Saudia
212283	B737-268	HZ-AGN	Saudia
21360	B737-268	HZ-AGO	Saudia

SWAZILAND

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
45802	DC8F-54	3D-AFR	African International Airways
46012	DC8F-54	3D-ADV	African International Airways

SYRIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
21203	B727-294	YK-AGA	Syrianair
21204	B727-294	YK-AGB	Syrianair
21205	B727-294	YK-AGC	Syrianair

TUNISIA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
21179	B727-2H3	TS-JHR	Tunis Air
21235	B727-2H3	TS-JHT	Tunis Air

YEMEN

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
21296	B737-2N8	70-ACU	Yemen Airways

UGANDA

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
19821	B707-379C	5X-GLA	Air Alexander

ZIMBABWE

<i>Serial Number</i>	<i>Type</i>	<i>Registration</i>	<i>Operator</i>
18930	B707-330B	Z-WKU	Air Zimbabwe
45821	DC8F-55	Z-WMJ	Affretair