L.N. 377 of 2005

CIVIL AVIATION ACT
(CAP. 232)

Civil Aviation (Insurance Requirements for Air Carriers and Aircraft Operators) Order, 2005

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

Citation and commencement.

1. (1) The title of this order is the Civil Aviation (Insurance Requirements for Air Carriers and Aircraft Operators) Order, 2005.

(2) This order shall come into force on the 30th April, 2005.

Interpretation.

2. In this Order, unless the context otherwise requires:-

"air carrier" means an air transport undertaking with a valid operating licence;

"aircraft operator" means the person or entity, not being an air carrier, who has continual effective disposal of the use or operation of the aircraft; the natural or legal person in whose name the aircraft is registered shall be presumed to be the operator, unless that person can prove that another person is the operator;

"commander" in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

"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;

"the Regulation" means Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April, 2004 on insurance requirements for air carriers and aircraft operators;

"SDR" means a Special Drawing Right as defined by the International Monetary Fund.

Insurance cover.

3. (1) No aircraft shall be flown in Malta without having insurance cover which meets the requirements of the Regulation or those of sub-articles (2) and (3) of this article as applicable.

(2) Aircraft, including gliders, with a maximum take-off mass of less than 500kg, and microlights which are used for non-commercial purposes, or are used for local flight instruction which does not entail the crossing of international borders, shall, in respect of liability for third parties, have a minimum insurance cover per accident of 0.75 million SDR.

(3) For the purposes of paragraph 1 of article 6 of the Regulation, the minimum insurance cover required for non-commercial operation of aircraft with a maximum take-off mass of less than 2700kg shall be 100,000 SDR per passenger.

Power for request of evidence.

4. For the purposes of this order, the Director may request from any air carrier or aircraft operator evidence of compliance with the insurance requirements laid down in this order. In the event that such evidence is not produced on demand, the Director may refuse permission for the aircraft concerned to land in Malta.

Power for detention.

5. If it appears to the Director that any aircraft is intended or likely to be flown in such circumstances that the flight would be in contravention of sub-article (1) of article 3 of this order, the Director shall take such steps as are necessary to detain the aircraft and he shall direct the commander of the aircraft that he is not to permit the aircraft to take off until the direction has been revoked by the Director upon his being satisfied that there is the applicable insurance cover in accordance with article 3 of this order.

Penalties.

6. A person who commits an offence in contravention to sub-article (1) of article 3 of this order shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand liri, or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

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