

L.N. 17 of 2006**CIVIL AVIATION ACT
(CAP. 232)****Air Navigation (Amendment) Order, 2006**

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

1. The title of this Order is the Air Navigation (Amendment) Order, 2006, and it shall be read and construed as one with the Air Navigation Order, 1990, hereunder referred to as “the principal Order”.

Citation.
L.N. 176 of 1990.
2. In paragraph (c) of sub-article (1) of article 26 of the principal Order, for the words “(including such manning and equipment as is specified in regulation five in the Fourteenth Schedule)” there shall be substituted the words “,including such equipment as is specified in the Sixth Schedule”.

Amends article 26
of the principal
Order.
3. In sub-article (4) of article 27 of the principal Order, for the words “as set out in regulation 1 in the Fourteenth Schedule” there shall be substituted the words “contained in Sub Part J of JAR OPS 1 and JAR OPS 3”.

Amends article 27
of the principal
Order.
4. In sub-article (1) of article 28 of the principal Order, for the words “regulation 2 in the Fourteenth Schedule” there shall be substituted the words “regulation 1 in the Fourteenth Schedule”.

Amends article 28
of the principal
Order.
5. For article 81 of the principal Order there shall be substituted the following new article:

Substitutes article
81 of the principal
Order.

“Mandatory
reporting.

81. (1) Subject to the provisions of this Article and in accordance with the provisions of Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation, every person who:

- (a) is the operator or commander of a turbine-powered aircraft registered in Malta or a public transport aircraft used by the holder of an Air Operator’s Certificate issued by the Director; or

(b) carries out in Malta the business of designing, manufacturing or modifying a turbine-powered or a public transport aircraft, or any equipment or part thereof; or

(c) signs a certificate of maintenance review, or of release to service in respect of the aircraft indicated in paragraph (a) hereof; or any equipment or part thereof; or

(d) performs a function which requires him to be authorised by the Director as an air traffic controller or as a flight information officer; or

(e) is a manager of an airport covered by Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes; or

(f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are approved for use by the Director; or

(g) performs a function connected with the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport covered by Regulation (EEC) No 2408/92; shall:

(i) make a report to the Director of any occurrence of which he knows and which is of such a description as specified in Regulation 4 of the Fourteenth Schedule. The report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Director may in any particular case approve, and

(ii) make a report to the Director, within such time, by such means, and containing such information as the Director may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been

reported by him or by another person to the Director in accordance with this article.

(2) In this article:

(a) “occurrence” means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident, hereinafter referred to as “accident or serious incident”, as defined in Article 3(a) and (k) of Directive 94/56/EC of 21 November 2004 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents; and

(b) “disidentification” means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information.

(3) Subject to sub-paragraph (ii) of paragraph (g) of sub-article (1) of this article, nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director in accordance with this article.

(4) A person shall not make any report under this article if he has reason to believe that the report is false.

(5) Without prejudice to sub-article (2) of article 36 and subject to the provisions of article 59 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Director or for such longer periods as the Director may in a particular case direct:

Provided that the record may be erased if the aircraft is outside Malta and it is not reasonably practicable to preserve the record until the aircraft reaches Malta.

(6) (a) For the purposes of Article 5 (1) of Directive 2003/42/EC the Director is the designated authority to put in place a mechanism to collect, evaluate, process and store

occurrences reported in accordance with sub-article (1) of this article.

(b) Reports shall be stored by the Director in a database, which shall also include reports of accidents and serious incidents. This data-base shall be compatible with specific software developed for the purpose by the Commission of the European Union. Names or addresses shall never be recorded in this database.

(c) All safety-related information relating to incidents stored in this data-base shall be made available to the competent authorities of the other Member States and of the Commission of the European Union. The Director shall notify, whenever necessary, the reports mentioned in paragraph (b) above to the competent authority of the State where the aircraft is registered, where the aircraft is manufactured and, or where the operator is certified.

(7) Any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents within the European Community shall have access to information on occurrences collected and exchanged in accordance with Article 6 of Directive 2003/42/EC to enable it to draw the safety lessons from the reported occurrences.

(8) The Director may publish at least annually a safety review containing information on the types of occurrences collected under the mandatory occurrence-reporting system to inform the public of the level of safety in civil aviation. The Director may also publish disidentified reports.

(9) The Director shall take necessary measures as may be required by law to ensure confidentiality of the information received under Article 6 of Directive 2003/42/EC from other States and shall use the information solely for the objective of the same Directive.

(10) Without prejudice to the applicable rules of criminal law and to rules related to access to information by judicial authorities, there shall be no proceedings in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the Director only because they have been reported under the mandatory occurrence-reporting scheme, except in cases of gross negligence. Employees who

report incidents of which they may have knowledge shall not be subjected to any prejudice by their employer.”

6. For the Sixth Schedule to the principal Order, there shall be substituted the following:

Substitutes the Sixth Schedule to the principal Order.

“Sixth Schedule

(Article 13)

Radio Equipment to be carried in Aircraft

1. With the exception of those aircraft operated for public transport for which the requirements set out in JAR OPS 1 and JAR OPS 3 apply, aircraft shall be provided, when flying in the circumstances specified in paragraph 2 of this Schedule, with the scales of equipment indicated.

2. (a) All aircraft flying within Malta when flying:

(i) Under IFR

scale A, B, C, and D

(ii) Under VFR

scale A and D

(b) Maltese registered aircraft wherever they may be shall comply with the laws of the country in which the aircraft is being operated.

(c) All aeroplanes registered in Malta, wherever they may be, and all aeroplanes wherever registered when flying in Malta, powered by one or more turbine jet or turbine propeller engines and either having a maximum take-off weight exceeding 15000 kg or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers - Scale E.

3. The scales of radio equipment indicated in the foregoing shall be as follows:

Scale A

Radio equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including VHF omni-range equipment, Automatic Direction Finding equipment and Distance Measuring Equipment.

Scale C

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale D

Secondary surveillance radar equipment.

Scale E

Airborne collision avoidance system.

4. In this Schedule:

(1) “Automatic Direction Finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

(2) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges;

(3) “Distance Measuring Equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;

(4) “Secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of (a) replying to an interrogation from secondary surveillance radar units on the surface and (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;

(5) “Airborne collision avoidance system” means an aeroplane system which conforms to requirement set out in Volume 4 Chapter 4 of Annex 10 (first Edition) in the Chicago Convention; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity.”.

7. For the Fourteenth Schedule to the principal Order, there shall be substituted the following:–

Substitutes the Fourteenth Schedule to the principal Order.

“Fourteenth Schedule

(Articles 10(3), 26(1), 28(1), 75 and 81(1))

Air Navigation (General) Regulations

1. Weight and Performance

Where the provisions of JAR OPS 1 and JAR OPS 3 are not applicable, the operator of an aircraft registered in Malta shall for the purpose of assessing the weight and related performance of the aircraft, use the performance regulations of the State of Manufacture if the Director so approves.

2. Noise and Vibration caused by aircraft on aerodromes

With reference to article 75, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows:

- (a) the aircraft is taking off or landing, or
- (b) the aircraft is moving on the ground or water, or
- (c) the engines are being operated in the aircraft –
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of a flight; or

(iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

3. Pilot Maintenance – specified repairs or replacements

With reference to article 10(3) the following repairs or replacements are hereby specified:

(1) Replacement of landing gear tyres, landing skids or skid shoes.

(2) Replacement of elastic shock absorber cord units on landing gear where special tools are not required.

(3) Replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems.

(4) Patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control services, if the repairs do not cover up structural damage and do not include repairs to rotor blades.

(5) Repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or effect the structure of the aircraft.

(6) Repairs, not requiring welding, to fairings, non-structural cover plates and cowlings.

(7) Replacements of side windows where that work does not interfere with the structure or with any operating system.

(8) Replacement of safety belts or safety harness.

(9) Replacement of seats or seat parts not involving dismantling of any structure or of any operating system.

(10) Replacement of bulbs, reflectors, glasses, lenses or lights.

(11) Replacement of any cowlings not requiring removal of the propeller, rotors or disconnection of engine or flight controls.

(12) Replacement of unserviceable sparking plugs.

(13) Replacement of batteries.

(14) Replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight.

(15) Replacement of main rotor blades that are designed for removal where special tools are not required.

(16) Replacement of generator and fan belts designed for removal where special tools are not required.

4. Mandatory Reporting- specified occurrences time and manner of reporting and information to be reported.

With reference to article 81(1), the following occurrences are specified, that is to say those:

(a) involving damage to an aircraft;

(b) involving injury to a person;

(c) involving the impairment during a flight of the capacity of a number of the flight crew of an aircraft to undertake the functions to which his licence relates;

(d) involving the use in flight-of any procedures taken for the purpose of overcoming an emergency;

(e) involving the failure of an aircraft system or of any equipment of an aircraft;

(f) arising from the control of an aircraft in flight by its flight crew;

(g) arising from failure or inadequacy of facilities or service on the ground used or intended to be used for the purposes of or in connection with the operation of aircraft;

(h) arising from the loading or the carriage of passengers, cargo (including mail) or fuel, and those that are not referred to in paragraphs (a) to (h) but which, in the opinion of a person referred to in article 81 (1)(a) to (g), constitute an occurrence endangering,

or which if not corrected would endanger the safety of an aircraft, its occupants or any other person.

(2) For the purposes of this regulation an aircraft system includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and other system of the aircraft.

(3) With reference to article 81(1), a report containing the information referred to in sub-article (4) shall be dispatched in writing and by the quickest available means to the Director within 96 hours of the reportable occurrence coming to the knowledge of the person making the report:

Provided that if at that time any of the said information is not in the possession of that person, he shall despatch that information to the Director in writing and by the quickest available means within 96 hours of its coming in his possession.

(4) With reference to article 81(1) a report shall, as far as possible, contain the following information:

(a) the type, series and registration marks of the aircraft concerned;

(b) the name of the operator of the aircraft;

(c) the date of the reportable occurrence;

(d) if the person making the report has instituted an investigation into reportable occurrences, whether or not this has been completed;

(e) a description of the reportable occurrence, including its effects and any other relevant information;

(f) in the case of a reportable occurrence which occurs during flight –

(i) the Universal Coordinated Time of the occurrence;

(ii) the last point of departure and the next point of intended landing of the aircraft at that time;

(iii) the geographical position of the aircraft at that time;

(g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;

(h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for the employer;

(i) in the case of a report made by the commander of an aircraft where a person referred to in article 81(1)(c) or (d) the address or telephone number at which communications should be made to him if different from that of his place of employment.”.

