

L.N. 202 of 1998

CIVIL AVIATION ACT (CAP. 232)

Air Navigation (Amendment) Order, 1998

IN exercise of the powers conferred by section 3 of the Civil Aviation Act, the Minister for Transport and Ports, has made the following order:—

1. (1) This order may be cited as the Air Navigation (Amendment) Order, 1998 and shall be read and construed as one with the Air Navigation Order, 1990, hereinafter referred to as "the principal Order", and shall, except for Article 7 hereof which will come into immediate effect, come into force on the 1st January, 1999.

Citation and
commencement.

L.N. 176 of 1990.

2. In paragraph (1) of Article 2 of the principal Order, immediately after the definition of "instrument meteorological conditions" there shall be inserted the following definitions:

Amends Articles 2
of the principal
Order.

"JAA" or "Joint Aviation Authorities" means the associated body of the European Civil Aviation Conference constituted by a number of European States to develop and implement common safety regulatory standards and procedures, and who have signed the document entitled "Arrangements concerning the Development, the Acceptance and the Implementation of Joint Aviation Requirements (JAR)" concluded in Cyprus on 11 September, 1990;

"JAR" means the current technical requirements and procedures in the field of Civil Aviation Safety published by the JAA."

3. Immediately after paragraph (10) in Article 9 of the principal Order, there shall be inserted the following new paragraph:—

Amends Article 9 of
the principal Order.

"(11) Subject to the provisions of Article 58 of this Order, a technical log or such other approved record required by this Article shall be presumed by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Director may permit in a particular case."

4. For paragraph (4)(a) of Article 10 of the principal Order, there shall be substituted the following:

Amends Article 10
of the principal
Order.

"equipment provided in compliance with Schedule 5 to this Order (except paragraph (4) thereof); nor".

Amends Article 12 of the principal Order.

5. In paragraph (2) of Article 12 of the principal Order, for the words "paragraph (3)" there shall be substituted the words "paragraph (4)".

Amends Article 13 of the principal Order.

6. For paragraph (2) of Article 13 of the principal Order, there shall be substituted the following:

"(2) Without prejudice to paragraph (1) of this Article the aircraft shall be equipped with radio and radio navigation equipment in accordance with Schedule 6 to this Order unless the aircraft is being operated for public transport, in which case it has to comply with the radio and radio navigation equipment requirements set out in JAR OPS 1 and JAR OPS 3."

Amends Article 88 of the principal Order.

7. For paragraph (c) of Article 88 of the principal Order, there shall be substituted the following:—

"(c) any other aircraft weighing not more than 20kg without its fuel, provided that an aircraft weighing more than 7kg without its fuel shall be flown not above 400 feet above the surface and in accordance with the permission and any conditions set out by the Director."

Substitutes Schedule 5 to the principal Order.

8. For Schedule 5 to the principal Order, there shall be substituted the following:—

"Schedule 5

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

Aircraft Equipment

1. (1) Aircraft operated for public transport purposes whose maximum take off weight exceeds 10 tonnes or which have, a maximum approved passenger seating configuration of 20, or with mixed fleets of aeroplanes above and below this discriminant and registered in Malta shall be equipped in accordance with the requirements set forth in JAR OPS 1 Commercial Transportation (Aeroplanes) Sub Part K and JAR OPS 3 Commercial Air Transportation (Helicopters) Sub Part K.

(2) Aircraft operated for Public Transport purposes other than those in sub-paragraph (1) above and registered in Malta shall meet the requirements set out in paragraph 5.

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 circumstance 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 Scales G, H and J;
- (v) Whistles, referred to in Scale H;
- (vi) Sea anchors, referred to in Scales I and J;
- (vii) Rocket signals, referred to in Scale I;
- (viii) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I;
- (ix) Paddles referred to in Scale J;
- (x) Food and water, referred to in Scale J;
- (xi) First Aid equipment, referred to in Scale J;

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 – Scales C and G;
- (b) when carrying out aerobatic manoeuvres – Scale M.
- (3) Aeroplanes and Helicopters – Scale A, and
 - (a) when flying by night – Scales C and D;
 - (b) when flying under Instrument Flight Rules;

- (i) outside controlled airspace – Scale D;
- (ii) within controlled airspace – Scales E and E(iv) duplicated and F.
- (c) when carrying out aerobatic manoeuvres – Scale M.
- (4) Aeroplanes when flying for public transport – Scales A, B, D, F(i) and R, and
 - (i) when flying under Instrument Flight Rules – Scales E and E (iv) duplicated and F;
 - (ii) when flying by night – Scales C, G, E with E(iv) duplicated and F;
 - (iii) when flying over water beyond gliding distance – Scale H;
 - (iv) when flying over water, in the case of multi-engine aircraft which can continue to fly and carry out a satisfactory landing in the event of an engine failure (twin-engine aircraft) or two engine failure (3 or more engined aircraft) when either more than 400 nautical miles or more than 90 minutes flying time at cruising speed from the nearest aerodrome at which an emergency landing can be made – Scales H and J;
 - (v) on all flights involving manoeuvres over water – Scales H, I and J;
 - (vi) when flying at a height of 10,000 feet or more above sea level – Scale K;
 - (vii) on flights when the weather reports and forecast available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met – Scale P;
 - (viii) when carrying out aerobatic manoeuvres – Scale M;
 - (ix) on all flights on which the aircraft carries a flight crew of more than one person – Scale Q;
 - (x) on all flights by pressurised aircraft when flying

over substantially uninhabited land areas, where, in the event of emergency landing, tropical conditions are likely to be met – Scale T;

(xi) when flying over substantially uninhabited land areas, where in the event of an emergency landing, polar conditions are likely to be met – Scale U;

(xii) turbine jet aeroplanes having a maximum total weight authorised exceeding 5700 kg – Scale V.

(5) All turbine engine aeroplanes and helicopters with a certificated maximum take off weight authorised exceeding 5700 kg, or authorised to carry more than nine passengers on or after 1 January 1999 – Scale O.

(6) All turbine engine aeroplanes with a certificated maximum take off weight exceeding 27,000 kg issued with an individual certificate of airworthiness on or after 1 January 1989 – Scale L.

(7) All turbine engine aeroplanes with a certificated maximum take off weight exceeding 27,000 kg and issued with an individual certificate of airworthiness on or after 1 January 1987 – Scale N.

(8) All aeroplanes operating over water at a distance from land of more than 100 nm in the case of single engine aeroplanes and 200 nm in the case of multi-engine aeroplanes – Scales J and H.

(9) All aeroplanes and helicopters operating over water at a distance of more than 50 nm away from land – Scale H.

(10) All helicopters operating over water at more than 100 nm from land – Scales J and H.

(11) All aeroplanes and helicopters operating at high altitudes – Scale K.

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

percent 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:—

(i) a safety belt with one diagonal shoulder strap or a safety harness (where the maximum take off weight does not exceed 2300kg);

(ii) a safety harness (where the maximum take off weight exceeds 2300kg);

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;

Homeostatic bandages or tourniquets, scissors;

Antiseptic, analgesic, and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5700kg;

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.

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.

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 5,700kg, a means of indicating the outside air temperature;

(v) If the maximum total weight authorised of the aircraft exceeds 5,700kg, two airspeed indicators.

Scale G

(i) Landing lights consisting of two single filament lamps, or dual filament with separately energised filaments;

(ii) An electric lighting system to provide illumination in every passenger compartment;

(iii) (a) If the aircraft, in accordance with its certificate of airworthiness, may carry more than nineteen persons over three years of age, two electrical torches and an emergency lighting system to provide illumination in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting system specified in sub-paragraph (ii);

(b) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft;

(c) 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 ice on the aircraft.

Scale H

For each person on board, a life jacket.

Scale I

(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) means for maintaining buoyancy;

(b) a sea anchor;

(c) life lines, and a means of attaching one life raft to another;

(d) paddles or other means of propulsion;

(e) means of protecting occupants from the weather;

(f) a water proof torch;

(g) marine type pyrotechnic distress signals;

(h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);

(i) for each 4 or proportion of 4 persons the life raft is designed to carry:

100 grammes of glucose toffee tablets;

1/2 litre of fresh water in durable containers:

Provided that in any case in which it is not reasonably practical to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub paragraph (b) to provide 1/2 litre of water for each 4 or proportion of 4 persons the life raft is designed to carry;

(j) first aid equipment:

Items (f) to (j) inclusive shall be contained in a pack.

(k) The number of survival beacon radio apparatus (Emergency Locator Transmitters) when the aircraft is carrying the number of life rafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with Column 2 hereof:

Table

Column 1	Column 2
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts	1 additional survival beacon radio apparatus.

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 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 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 passengers compartment.

Scale L

A Type I 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 the 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).

Scale P

Equipment to prevent the impairment through ice formation of the functioning of controls, means of propulsion, lifting services, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale Q

An intercommunications system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale R

If the maximum total weight authorised of the aeroplane exceeds 5,700kg and it was first registered, whether in Malta or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which the passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale S

(i) Equipment sufficient to protect the eyes, nose and mouth of the pilot in command of the aircraft from the effects of smoke and noxious gases for a period of not less than 15 minutes; and

(ii) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects for smoke and noxious gases for a period of not less than 8 minutes; and

(iii) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

Scale T

- (a) one survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each four or proportion of four persons on board, 100 grammes of glucose toffee tablets;
- (d) for each four or proportion of four persons on board, 1/2 litre fresh water in durable containers;
- (e) First Aid equipment.

Scale U

- (a) one survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each four or proportion of four persons on board, 100 grammes of glucose toffee tablets;
- (d) for each four or proportion of four persons on board, 1/2 litre fresh water in durable containers;
- (e) First Aid equipment.
- (f) for every 75 or proportion of 75 persons on board, one stove suitable for use with aircraft fuel;
- (g) one cooking utensil, in which snow ice can be melted;
- (h) two snow shovels;
- (i) two ice saws;
- (j) single or multiple sleeping bags, sufficient for the use of one third of all persons on board;
- (k) one Arctic suit for each member of the crew of the aircraft.

Scale V

A radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions:

Provided that a flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter;

- (a) so as to give the warning only to one pilot so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
- (b) when the weather report or forecast available to the commander of the aircraft

indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions which can be detected by the set when in working order are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.”.

9. Schedule 6 to the principal Order shall be amended as follows:—

Amends Schedule 6
to the principal
Order.

(a) for paragraph 1 thereof, there shall be substituted the following:—

“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, every aircraft shall be provided, when flying in the circumstances specified in the first column of the table set forth in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in that table:

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.”;

(b) in the Table of paragraph 2 thereof, in the column entitled “AIRCRAFT AND CIRCUMSTANCES OF FLIGHT”, for subparagraph (b) there shall be substituted the following:—

“with a public transport certificate of airworthiness, when flying under Visual Flight Rules over routes on which navigation cannot be effected solely by reference to landmarks.....”; and the letters A and B in adjacent columns A and B shall remain unchanged; and

(c) In the Table of paragraph 2 thereof, in the column entitled “AIRCRAFT AND CIRCUMSTANCES OF FLIGHT”, for subparagraph (c) (ii) there shall be substituted the following:—

“when flying for any purpose over water beyond gliding distance from land...”; and the letter A in adjacent column A shall remain unchanged.

10. In paragraph 2 (i) of Part B of Schedule 10 to the principal Order, for the words “two years” there shall be substituted the words “three years”.

Amends Schedule
10 to the principal
Order.

11. Schedule 14 to the principal Order shall be amended as follows:—

(a) for the proviso to paragraph (2) of Regulation 1 thereof, there shall be substituted the following:—

“Provided that in the case of aeroplanes whose maximum take off weight exceeds 10 tonnes, or with a maximum approved passenger seating configuration of twenty or more, or with mixed fleets of aeroplanes above and below this discriminant, and in the case of helicopters, the requirements of JAR-OPS 1 and JAR-OPS 3 may be applied.”;

(b) for the proviso to paragraph (3) of Regulation 1 thereof, there shall be substituted the following:—

“Provided that in the case of aeroplanes whose maximum take off weights exceed 10 tonnes, or with a maximum approved passenger seating configuration of twenty or more, or with mixed fleets of aeroplanes above and below this discriminant, and in the case of helicopters, the requirements of JAR-OPS 1 and JAR-OPS 3 may be applied.”;

(c) for paragraph (4) (a) of Regulation 1 thereof, there shall be substituted the following:—

“(4)(a) Notwithstanding the provisions of paragraphs (2) and (3) of this Regulation, the person supervising the loading of an aircraft shall if he considers it necessary in the interests of the safety of the aircraft, or if the Director has so directed in the particular case, require any person or baggage to be weighed for the purpose of the entry to be made in the load sheet.”; and

(d) for Regulation 2 thereof, there shall be substituted the following:—

“Where the provisions 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.”.