L.N. 234 of 2007

CIVIL AVIATION ACT
(CAP. 232)

Civil Aviation (Rights of Disabled Persons and Persons with Reduced Mobility) Regulations, 2007

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

Title.

1. (1) The title of these regulations is the Civil Aviation (Rights of Disabled Persons and Persons with Reduced Mobility when travelling by Air) Regulations 2007.

(2) These regulations shall come into force on the 26th July, 2007.

Interpretation.

2. For the purpose of these regulations, unless the context requires otherwise -

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

"disabled person" or "person with reduced mobility" means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;

"managing body of the airport" or "managing body" means a body which notably has as its objective under national legislation the administration and management of airport infrastructures, and the coordination and control of the activities of the various operators present in an airport or airport system;

"Regulation (EC) No. 1107/2006" means Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of

5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air;

"Regulation (EC) No. 2006/2004" means Regulation (EC) No. 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities for the enforcement of consumer protection laws of the Regulation on consumer protection cooperation;

"tour operator" means, with the exception of an air carrier, an organiser or retailer within the meaning of Article 2(2) and (3) of Council Directive 90/314/EEC of 13th June 1990 on package travel, package holidays and package rules.

Designated person.

3. (1) For the purpose of Regulation (EC) No. 1107/2006 the Director of Civil Aviation is the designated person responsible for –

(a) the enforcement of the provisions of the said EC Regulation as regards flights departing from or arriving at airports situated in Malta as required under Article 14 of the said EC Regulation;

(b) the handling of complaints under Article 15 (2) of the said EC Regulation.

(2) The Director of Civil Aviation shall have the powers designated to competent authorities under Article 4 of Regulation (EC) No. 2006/2004 and no person shall obstruct or impede the Director of Civil Aviation in the exercise of any powers or directives under the said EC Regulation.

Responsibility of an air carrier, its agent, etc.

4. An air carrier or its agent, a tour operator and the managing body of an airport shall comply with the obligations pertaining to them as specified in Regulation (EC) No 1107/2006.

Penalties.

5. (1) A person who contravenes any provision of sub-regulation (2) of regulation 3 of these regulations shall be liable to a fine (*multa*) of not less than Lm100 and not exceeding Lm500.

(2) A person who contravenes any provision of regulation 4 of these regulations shall be liable to a fine (*multa*) of not less than Lm250 and not exceeding Lm1000.

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