

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,841, 9 ta' Diċembru, 2011

Taqsimha B

L. N. 480 of 2011

**AUTHORITY FOR TRANSPORT
IN MALTA ACT
(CAP. 499)**

Air Navigation (Amendment) Order, 2011

IN exercise of the powers conferred by article 43 of the Authority for Transport in Malta Act, the Minister for Infrastructure, Transport and Communications has, after consultation with the Authority for Transport in Malta, made the following Order:-

1. The title of the Order is the Air Navigation (Amendment) Order, 2011, and shall be read and construed as one with the Air Navigation Order, 1990, hereinafter referred to as “the principal Order”.

Citation

L. N. 176 of 1990

2. Sub-article (1) of article 2 of the principal Order shall be amended as follows:

Amends article 2 of the principal Order.

(a) immediately after the definition “certificate of airworthiness”, there shall be added the following new definition:

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

(b) the definition “Contracting State” shall be substituted by the following new definition:

“ “Contracting State” means any State, including Malta, which is a party to the Chicago Convention;”;
and

(c) immediately after the definition “Directive 2006/23/EC”, there shall be inserted the following new definition:

“ “Directive 2008/49/EC” is the Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports;”.

Adds new article 24A to the principal Order.

3. Immediately after article 24 of the principal Order, there shall be added the following new article:

“Agreements under Article 83 bis.

24 A. Notwithstanding any provision to the contrary in this Order, in case of an aircraft under an Agreement for Transfer of Functions and Duties in accordance with Article 83 bis of the Chicago Convention:

(a) this Order applies to a foreign-registered aircraft operated by a Maltese operator and to persons performing any functions or duties in respect of the aircraft if the requirements set out in this Order are specifically included under the terms of an agreement in force between Malta and another Contracting State in accordance with Article 83 bis of the Chicago Convention;

(b) this Order does not apply to a Maltese aircraft operated by a foreign operator or to persons performing any functions or duties in respect of the aircraft if the requirements set out in this Order are specifically excluded under the terms of an agreement in force between Malta and another Contracting State in accordance with Article 83 bis of the Chicago Convention;

(c) if the responsibility set out in Article 31 of the Chicago Convention to issue or to render valid a certificate of airworthiness for a Maltese aircraft is transferred to another Contracting State in accordance with Article 83 bis of the Chicago Convention, the certificate of airworthiness for that aircraft shall cease to have effect upon commencement of the transfer;

(d) the registered owner of the aircraft shall surrender the certificate of airworthiness to the

Director General, when notified by the Director General that an agreement in accordance with Article 83 bis of the Chicago Convention has been entered into, within seven days after the coming-into-force date of the agreement;

(e) upon termination of a transfer to another Contracting State in accordance with Article 83 bis of the Chicago Convention, of the responsibility to issue or to render valid a certificate of airworthiness for a Maltese aircraft as set out in Article 31 of the Chicago Convention, the Director General shall reinstate the certificate of airworthiness if the registered owner of the aircraft complies with the requirements on airworthiness of this Order;

(f) if an agreement for the lease, charter or interchange of an aircraft or any similar arrangement, subject to an agreement in accordance with Article 83 bis of the Chicago Convention, is terminated on a date earlier than the date of the expiration set out in the agreement or arrangement, the Maltese operator of the aircraft if it is a foreign registered aircraft or the registered owner of the aircraft if it is a Maltese aircraft shall inform the Director General in writing of the actual date of termination within seven days of its occurrence.”.

4. In paragraph (d) of sub-article (1) of article 82 of the principal Order, immediately after the words “in accordance with Directive 2004/36/EC” there shall be added the words “as amended by Directive 2008/49/EC”.

Amends article 82 of the principal Order.

5. In article 83 of the principal Order, immediately after the words “other landing place”, there shall be added the words “ as well as any other civil aviation facilities which are located outside the aerodrome area”.

Amends article 83 of the principal Order.

6. The Eleventh Schedule to the principal Order shall be amended as follows:

Amends the Eleventh Schedule to the principal Order.

(a) immediately after the words “On a flight for the purpose of public transport of passengers”, the words “Document J” shall be substituted by the words “Documents J and K”.

(b) immediately after the words “On a flight, being international air navigation, for a purpose other than public transport or aerial work”, the words “Documents A, B, C and G.” shall be substituted by the words “Documents A, B, C, G and L.”;

(c) immediately after the words “ “J” means one copy of the certificate of release, if any, in force in respect of the aircraft”, there shall be added the following definitions:

“ “K” means the air operator’s certificate;

“L” means the passenger and cargo manifests.”.

