

L.N. 34 of 1992

**CIVIL AVIATION ACT
(CAP. 232)**

The Air Navigation (Amendment) Order, 1992

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

1. This order may be cited as The Air Navigation (Amendment) Order, 1992 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. Paragraph (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 of “certificate of airworthiness” there shall be inserted the following new definition:

“ “Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace”, “Class E airspace”, “Class F airspace” and “Class G airspace” mean airspace respectively notified as such;”;

(b) for the definition of “controlled airspace”, there shall be substituted the following:

“ “controlled airspace” means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;”;

(c) for the definition of “control area” there shall be substituted the following:

“ “control area” means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;”;

(d) for the definition of “control zone”, there shall be substituted the following:

“ “control zone” means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;”;

Amends article
19 of the
principal order.

3. Article 19 of the principal order shall be amended as follows:—

(a) in paragraph (4) thereof for the words “a valid certificate of experience”, there shall be substituted the words “a valid certificate of experience in accordance with Part C of the said Schedule.”;

(b) paragraphs (5) to (10) thereof shall be respectively renumbered as paragraphs (6) to (11);

(c) immediately following paragraph (4) thereof, there shall be inserted the following new paragraph:

“(5) Subject to the provisions of Article 26 (2), the holder of a Commercial Pilot’s Licence or of an Airline Transport Pilot’s Licence or of an Airline Transport Pilot’s Licence or of a Flight Engineer’s Licence, shall not be entitled to exercise the privileges of an aircraft rating contained in the licence, if he receives remuneration for a flight, not being a public transport flight, in which passengers are carried, unless his licence bears a valid certificate of test issued under Part C of Schedule 8 to this Order.”; and

(d) in paragraph (6) as renumbered thereof, for the words “for the purposes of paragraph (4) of this Article,”, there shall be substituted the words “for the purposes of paragraphs (4) and (5) of this Article.”.

Amends
marginal note to
article 39 of
the principal
order.

4. For the marginal note to Article 39 of the principal order there shall be substituted the following new marginal note:

“Dropping of articles and animals”, and the Arrangement of Sections to the principal order shall be amended accordingly.

Amends
Schedule 8 to
the principal
order.

5. Schedule 8 to the principal order shall be amended as follows:—

(i) In item 1 of Part B thereof:

(a) immediately after the paragraph commencing with the words “Instrument Rating” (Aeroplanes)” there shall be added the following:

“Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorized by the Director for that purpose, indicating that the holder has, within the previous 13 months, passed an instrument flying test.

Instrument Rating (Helicopters) shall entitle the holder of a licence to act as pilot in command or co-pilot of a helicopter flying in controlled airspace in circumstances which require compliance with the Instrument Flight Rules.

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorized by the Director for that purpose, indicating that the holder has within the previous 13 months, passed an instrument flying test.”; and

(b) immediately after the paragraph commencing with the words “Flying Instructor’s rating” there shall be added the following:

“Provided that the holder shall not be so entitled unless his licence bears a certificate, signed by a person authorized by the Director for that purpose indicating that the holder has, within the previous 25 months, passed a test of his ability to perform the functions of Flight Instructor and the test shall, where the Director so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight.”; and

(ii) In Part C thereof:

(a) the item numbers 2 to 7 shall be renumbered as 1 to 6;

(b) in item 1, as renumbered, for the words “A certificate of test required by Article 19(4) of this Order”, there shall be substituted the words “A certificate of test required by Article 19(4) or Article 19(5) of this Order”; and

(c) in item 3(a), as renumbered, for the words “A certificate of test required by Article 19(4) of this Order”, there shall be substituted the words “A certificate of test required by Article 19(4) or Article 19(5) of this Order”.

6. Schedule 13 of the principal order shall be amended as follows:

Amends
Schedule 13
to the principal
order.

(a) an item 1 thereof:—

(i) immediately after the definition of “Ground visibility” there shall be added the following:

“ “hand glider” means a glider capable of being:

(a) carried

(b) foot launched, and

(c) landed solely by the energy and use of a pilot’s legs.”; and

(ii) immediately after the definition of “Runway” there shall be added the following:—

“ “Special VFR flight” means a flight made at any time in a control zone in Instrument Meteorological Conditions or at night, in respect of which the appropriate air traffic control unit has given permission for the flight to be made in

accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules and in the course of which flight, the aircraft complies with any instructions given by that unit and remains clear of cloud and in sight of the surface.”;

(b) for items 21 and 22 thereof, there shall be substituted the following:—

“Flight in Class A airspace

21. In relation to flights in Visual Meteorological Conditions in Class A airspace, the commander of an aircraft shall comply with rules 27 and 28 as if the flights were IFR flights:

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purpose of Rule 27(3).

Choice of VFR or IFR

22. Subject to the provisions of Rule 21 an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that in Malta an aircraft flying at night in a control zone shall be flown in accordance with the Instrument Flight Rules unless it is flying on a Special VFR flight.”;

(c) immediately after item 22 thereof, as amended, there shall be inserted the following new item:

“22A. (1) Subject to paragraph (2), an aircraft shall not fly below flight level 100 at a speed which according to its airspeed indicator is more than 250 knots unless it is flying in accordance with the terms of a written permission by the Director.

(2) Paragraph (1) shall not apply to:

- (a) flights in Class A and Class B airspace;
- (b) IFR flights in Class C airspace.”;

(d) for item 23 thereof there shall be substituted the following:

“23. The Visual Flight Rules shall be as follows:

- (a) Outside Controlled airspace

An aircraft flying within Class F and Class G airspace shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in flight visibility of at least 8 kilometers if at or above flight level 100 or in a flight visibility of at least 5 kilometers if below flight level 100.

An aircraft flying at or below 3000 feet above mean sea level;

(i) shall remain clear of cloud and in sight of the ground or water and in a flight visibility of at least 5 kilometres;

(ii) if the aircraft, other than a helicopter, is flying at a speed which according to its airspeed indicator is 140 knots or less shall remain clear of cloud and in sight of the surface and in a flight visibility of at least 1500 meters; or

(iii) in the case of a helicopter, shall remain clear of cloud and in sight of the surface and in a flight visibility which gives it adequate time to observe other traffic or obstacles and to manoeuvre in order to avoid collision.

(b) Within Controlled airspace

(i) An aircraft flying within Class B airspace shall remain clear of clouds and in a flight visibility of at least 8 kilometres if at or above flight level 100 or in a flight visibility of at least 5 kilometers if below flight level 100.

(ii) An aircraft flying within Class C, Class D, or Class E airspace shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 kilometers if at or above flight level 100 and in a flight visibility of at least 5 kilometers if below flight level 100.”; and

(e) immediately after item 23 thereof, as amended, there shall be inserted the following new item:

“VFR flight plan and air traffic control clearance

23A. (1) Unless otherwise authorised by the appropriate air traffic control unit before an aircraft flies within Class B, Class C or Class D airspace, the commander of the aircraft shall file a flight plan and shall obtain an air traffic control clearance to fly within the said airspace.

(2) The flight plan shall contain such particulars of the flight as may be necessary to enable the air traffic control unit to issue a clearance and for search and rescue purposes.

(3) The commander of the aircraft shall maintain a continuous watch on the notified radio frequency and comply with any instructions which the appropriate air traffic control unit may give.”.

Substitutes
Schedule 15 to
the principal
order.

7. For Schedule 15 of the principal order there shall be substituted the following new schedule:

“SCHEDULE 15

(Article 17(4))

*Areas specified in connection with the Carriage of Flight Navigators
as members of the Flight Crews or Approved Navigational
Equipment on Public Transport Aircraft*

The following areas are hereby specified for the purposes of
article 17(4) of this Order:

Area A — Arctic

All the area north of latitude 68° north, but excluding any part
thereof within the area enclosed by rhumb lines joining
successively the following points:

68° north latitude 00° east/west longitude
73° north latitude 15° east longitude
73° north latitude 30° east longitude
68° north latitude 45° east longitude
68° north latitude 00° east/west longitude

Area B — Antarctic

All that area south of latitude 55° south.

Area C — Sahara

All that area enclosed by rhumb lines joining successively the
following points:

30° north latitude 05° west longitude
24° north latitude 11° west longitude
14° north latitude 11° west longitude
14° north latitude 28° east longitude
24° north latitude 28° east longitude
28° north latitude 23° east longitude
30° north latitude 15° east longitude
30° north latitude 05° west longitude

Area D — South America

All that area enclosed by rhumb lines joining successively the following points:

04° north latitude 72° west longitude
 04° north latitude 60° west longitude
 08° south latitude 42° west longitude
 18° south latitude 54° west longitude
 18° south latitude 60° west longitude
 14° south latitude 72° west longitude
 05° south latitude 76° west longitude
 04° north latitude 72° west longitude

Area E — Pacific Ocean

All that area enclosed by rhumb lines joining successively the following points:

60° north latitude 180° east/west longitude
 20° north latitude 128° east longitude
 04° north latitude 128° east longitude
 04° north latitude 180° east/west longitude
 55° south latitude 180° east/west longitude
 55° south latitude 82° west longitude
 25° south latitude 82° west longitude
 60° north latitude 155° west longitude
 60° north latitude 180° east/west longitude

Area F — Australia

All that area enclosed by rhumb lines joining successively the following points:

18° south latitude 123° east longitude
 30° south latitude 118° east longitude
 30° south latitude 135° east longitude
 18° south latitude 123° east longitude

Area G — Indian Ocean

All that area enclosed by rhumb lines joining successively the following points:

35° south latitude 110° east longitude
 55° south latitude 180° east/west longitude
 55° south latitude 10° east longitude
 40° south latitude 10° east longitude
 25° south latitude 60° east longitude
 20° south latitude 60° east longitude
 05° south latitude 43° east longitude
 10° north latitude 55° east longitude
 10° north latitude 73° east longitude

04° north latitude 77° east longitude
 04° north latitude 92° east longitude
 10° south latitude 100° east longitude
 10° south latitude 110° east longitude
 35° south latitude 110° east longitude

Area H — North Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

55° north latitude 15° west longitude
 68° north latitude 28° west longitude
 68° north latitude 60° west longitude
 45° north latitude 45° west longitude
 40° north latitude 60° west longitude
 40° north latitude 19° west longitude
 55° north latitude 15° west longitude

Area I — South Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points:

40° north latitude 60° west longitude
 18° north latitude 60° west longitude
 05° south latitude 30° west longitude
 55° south latitude 55° west longitude
 55° south latitude 10° east longitude
 40° south latitude 10° east longitude
 02° north latitude 05° east longitude
 02° north latitude 10° west longitude
 15° north latitude 25° west longitude
 40° north latitude 19° west longitude
 40° north latitude 60° west longitude

Area J — Northern Canada

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 130° west longitude
 55° north latitude 115° west longitude
 55° north latitude 70° west longitude
 68° north latitude 60° west longitude
 68° north latitude 130° west longitude

Area K — Northern Asia

All that area enclosed by rhumb lines joining successively the following points:

68° north latitude 56° east longitude
 68° north latitude 160° east longitude
 50° north latitude 125° east longitude
 50° north latitude 56° east longitude
 68° north latitude 56° east longitude

Area L — Southern Asia

All that area enclosed by rhumb lines joining successively the following points:

50° north latitude 56° east longitude
 50° north latitude 125° east longitude
 40° north latitude 110° east longitude
 30° north latitude 110° east longitude
 30° north latitude 80° east longitude
 35° north latitude 80° east longitude
 35° north latitude 56° east longitude
 50° north latitude 56° east longitude.”.

8. Part III of Schedule 16 to the principal order shall be amended as follows:—

Amends
Schedule 16
to the
principal
order.

(a) for paragraph (g) of item 1 thereof there shall be substituted the following:

“(g) for the grant or renewal of a Flight Radio Telephony Operator’s Restricted Licence (except where the applicant is either the holder of a licence to act as Pilot, Flight Navigator or Flight Engineer) a charge of Lm5;”;

(b) for paragraph (h) of item 1 thereof, there shall be substituted the following:

“(h) for the grant or renewal of a Flight Radio Telephony Operator’s General Licence or a Flight Radio Telephony Operator’s Licence or a Flight Radiotelegraphy Operator’s Temporary Licence, a charge of Lm10.”; and

(c) for item 11 thereof, there shall be substituted the following:

“11. Upon making an application for the issue or renewal of a certificate of validation of a flight crew licence, the applicant shall pay a charge of Lm10:

Provided that the applicant shall pay in respect of the following examination and tests (if required) to be conducted by the Department:

- | | | |
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| — for a medical examination,
— for a technical test
— for a flying test | } | in each case the charge is specified and appropriate to the grant of a licence equivalent to that for which the validation is sought; |
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Provided further that if the applicant is the holder of a medical certificate issued by the Department, the fee for the medical examination shall be Lm15.”.