

L.N. 57 of 1991

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

The Air Navigation (Amendment) Order, 1991

In exercise of the powers conferred by section 3 of the Civil Aviation Act, the Minister for Development of Infrastructure has made the following order:—

1. This order may be cited as The Air Navigation (Amendment) Order, 1991 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) in the definition of "aerodrome", for the words "the land and departure of aircraft" there shall be substituted the words "the landing and departure of aircraft";
 - (b) in the definition of "night", for the word "deermind" there shall be substituted the word "determined";
 - (c) in the definition of "Operator", for the words "sub-section (4)" there shall be substituted the words "paragraph (4)";
 - (d) immediately after definition of "public transport aircraft" and before the definition of "record", the definition of "Runway visual range" shall be deleted.
3. In sub-paragraph (c) of paragraph (1) of Article 7 of the principal order, immediately after the word "aircraft" there shall be inserted the word "flying". Amends
Article 7 of the
principal order.
4. Article 9 of the principal order shall be amended as follows: Amends
Article 9 of the
principal order.
 - (a) in sub-paragraph (b) of paragraph (1) thereof, for the words "a "certificate maintenance review" " there shall be substituted the words "a "certificate of maintenance review" ";
 - (b) in sub-paragraph (a) (i) of paragraph (3) thereof, for the word "certifict" there shall be substituted the word "certificate";
 - (c) in paragraph (4) thereof, immediately after sub-paragraph (c), for the words "as in necessary" there shall be substituted the words "as is necessary";

(d) (i) in paragraph (8) thereof, immediately after sub-paragraph (c) for the word "2730 kg." there shall be substituted the word "2730 kg," and the words "and which is not operated by a person who is the holder of or is required by Article 6 of this Order to hold an air operator's certificate," shall be deleted; and

(ii) in the proviso thereto, for the words "of consecutive flight each" there shall be substituted the words "of consecutive flights each";

(e) in paragraph (9) thereof, for the words "paragraph (2)" there shall be substituted the words "paragraph (8)".

Amends
Article 11 of the
principal order.

5. In paragraph (6) of Article 11 of the principal order, for the word "theron" there shall be substituted for the word "thereon".

Amends
Article 12 of the
principal order.

6. Paragraph (5) of Article 12 of the principal order shall be amended as follows:

(a) for the word "tranport" there shall be substituted the word "transport"; and

(b) in sub-paragraph (b) thereof, for the words "(b) if the Director so permits in writing, exhibited in a prominent position in every passenger compartment a notice relevant to the aircraft in question containing pictorial", there shall be substituted the words:

"(b) if the Director so permits in writing, exhibited in a prominent position in every passenger compartment;

a notice relevant to the aircraft in question containing pictorial:".

Amends
Article 18 of the
principal order.

7. In sub-paragraph (b) (vi) of paragraph (1) of Article 18 of the principal order, immediately after the word "granted" there shall be inserted the words "or rendered valid".

Amends
Article 19 of the
principal order.

8. For sub-paragraph (c) of paragraph (1) of Article 19 of the principal order, there shall be substituted the following new sub-paragraph:

"(c) A licence shall, subject to the provisions of Article 59 of this Order, remain in force for the periods indicated in the licence, not exceeding those respectively specified in the said Schedule 8, and its period of validity may be renewed by the Director from time to time upon his being satisfied that the applicant is a fit person and qualified as aforesaid."

Amends
Article 21 of the
principal order.

9. Article 21 of the principal order shall be amended as follows:

(a) in paragraph (2) thereof, for the word "therafter" there shall be substituted the word "thereafter";

(b) in paragraph (3) thereof, for the word “form” there shall be substituted the word “from”.

10. For paragraph (1) of Article 30 of the principal order there shall be substituted the following new paragraph:

Amends
Article 30 of the
principal order.

“30. (1) A public transport aircraft registered in a country other than Malta shall not use any aerodrome in Malta as a destination or alternate aerodrome unless the operator thereof shall have furnished to the Director such particulars as he may from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Malta for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such aerodrome operating minima. The aircraft shall not use any aerodrome in Malta as a destination or alternate aerodrome unless the operator shall have made such amendments or additions to the aerodrome operating minima so specified and any instructions so given as the Director may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.”.

11. In paragraph (a) of Article 31 of the principal order for the words “completed or planned” there shall be substituted the words “completed as planned”.

Amends
Article 31 of the
principal order.

12. In paragraph (8) of Article 34 of the principal order for the word “purpse” there shall be substituted the word “purpose”.

Amends
Article 34 of the
principal order.

13. Article 39 of the principal order shall be amended as follows:

Amends
Article 39 of the
principal order.

(a) in paragraph (2) thereof, for the words “Article 40” there shall be substituted the words “Article 41”;

(b) in paragraph (f) of the proviso of paragraph (2) thereof, for the words “may have been given.” there shall be substituted the words “may have been given;”.

14. Article 62 of the principal order shall be amended as follows:

Amends
Article 62 of the
principal order.

(a) in paragraph (2) thereof, for the words “If throughout any period of 180 days, the holder of the licence has not at any time provided at a particular place” there shall be substituted the words “If throughout any period of 120 days, the holder of the licence has not, for a minimum period of time to be specified by the Director, provided at a particular place”;

(b) for paragraph (5) thereof there shall be substituted the following new paragraph:

“(5) Subject to the provisions of Article 59 of this Order, a student air traffic controller’s licence and an air traffic controller’s licence shall remain in force for maximum periods

of two and five years respectively and their validity may be renewed by the Director from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.”.

Amends
Article 63 of the
principal order.

15. Paragraph (1) of Article 63 of the principal order shall be amended as follows:

(a) the words “or an aerodrome flight information service” shall be deleted; and

(b) in sub-paragraph (iii) thereof, for the word “tha” there shall be substituted the word “that”.

Amends
Article 65 of the
principal order.

16. Article 65 of the principal order shall be amended as follows:

(a) in paragraph (1) thereof, for the words “the Minister may make a notice in the Gazette prohibiting, restricting or imposing conditions on flight,” there shall be substituted the words “the Minister may notify the prohibition, restriction or imposition of conditions on flight.”; and

(b) in paragraph (2) thereof, for the word “areodrome” there shall be substituted the word “aerodrome”.

Amends
Article 67 of the
principal order.

17. In sub-paragraph (c) of paragraph (2) of Article 67 of the principal order for the words “sub-paragarphs” there shall be substituted the words “sub-paragraphs”.

Amends
Article 77 of the
principal order.

18. Article 77 of the principal order shall amended as follows:

(a) in paragraph (1) thereof, for the words “or, if the operator’s principal place of business or permanent residence is in Malta, or any other aircraft,” there shall be substituted the words “(or, if the operator’s principal place of business or permanent residence is in Malta, any other aircraft)”;

(b) in paragraph (3) thereof, for the words “or, if the operator’s principal place of business or permanent residence is in Malta, or any other aircraft,” there shall be substituted the words “(or, if the operator’s principal place of business or permanent residence is in Malta, any other aircraft).”.

Amends
Article 79 of the
principal order.

19. In sub-paragraph (c) of paragraph (1) of Article 79 of the principal order, for the words “maintenance or compliance” there shall be substituted the words “maintenance review or release to service”.

Amends
Schedule 1 to the
principal order.

20. In Part A of Schedule 1 to the principal order for the words “(Article 2(6) and 4 (6))” there shall be substituted the words “(Article 2(6) and 4(5))”.

Amends
Schedule 4 to the
principal order.

21. In Schedule 4 to the principal order, under the heading “*Aircraft Maintenance Engineers — Category D (Engines)*”, for the words “Certificates of release service” there shall be substituted the words “Certificates of release to service”.

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

Amends
Schedule 5 to the
principal order.

(a) for the words “(Articles 10(4) and 12 (2))” there shall be substituted the words “(Articles 10(4), 12(2) and 36(1))”; and

(b) in “*Scale O*” thereof, for the words “Provided that a flight may continue if the set becomes unserviceable:”, there shall be substituted the words “Provided that a flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter:”.

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

Amends
Schedule 8
to the
principal
order.

(1) In Part A thereof —

(a) in item 1. *Aeroplane Pilots* —

(i) for the words from the sub-heading “Private Pilot’s licence (Aeroplanes)” immediately after the item heading, to the words “flight visibility is less than 1½ nautical miles; and” in paragraph (1) of the “Privileges” to the sub-heading “Commercial Pilot’s Licence (aeroplanes)”, there shall be substituted the following:—

“ Private Pilot’s Licence (Aeroplanes)
Minimum age — 17 years
Maximum Period of Validity — 2 years

Privileges: The holder of the licence shall be entitled to fly as pilot in command or co-pilot of an aeroplane of any of the types specified in the aircraft rating included in the licence:

Provided that:

(a) he shall not fly such an aeroplane for the purpose of public transport or aerial work and he shall not fly such an aeroplane on a special VFR flight with a flight visibility of less than three kilometres;

(b) he shall not receive any remuneration for his services as a pilot;

(c) he shall not fly as pilot in command of such an aeroplane at night unless:

(i) his licence includes a night rating (aeroplanes)
and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 6 months carried out as pilot in command not less 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

Commercial Pilot's Licence (Aeroplanes)
Minimum Age — 18 years
Maximum Period of Validity — 6 months

Privileges

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes a night rating (aeroplanes), entitled to fly as pilot in command of an aeroplane on a special VFR flight notwithstanding that the flight visibility is less than three kilometres; and"; and

(ii) for the third sub-heading "Airline Transport Pilot's (Aeroplanes)" there shall be substituted the following sub-heading "Airline Transport Pilot's Licence (Aeroplanes)";

(b) in item 2. *Helicopter and Gyroplane Pilots —*

(i) in the first sub-heading "Private Pilot's Licence (Helicopters and Gyroplanes)", in paragraph (c) of the proviso thereto, for the words "90 days" there shall be substituted the words "six months"; and immediately after paragraph (3) of the "Privileges" thereto, there shall be added the following new paragraph:—

"(4) He shall not fly a helicopter or gyroplane for the purpose of public transport on international scheduled or non scheduled operations after he has attained the age of 60 years." ; and

(ii) in the third sub-heading thereto, for the words "(Helicopter and " there shall be substituted the words "(Helicopters and", and for the word "Vlaidity" there shall be substituted the word "Validity";

(c) in item 3. *Balloon and Airship Pilots —*

(i) in the second sub-heading thereto, for the word "(Balloon)" there shall be substituted the word "(Balloons)", and for the words "Validity— 6 months*" there shall be substituted the words "Validity — 6 months", and the corresponding footnote thereto, shall be deleted; and

(ii) for the third sub-heading thereto and for the word "Privilges:" there shall be substituted the following:—

Commercial Pilot's Licence (Airships)
Minimum Age — 18 years
Maximum Period of Validity — 6 months

Privileges: "; and

(d) in item 5. *Other Flight Crew*, in the fourth sub-heading "Flight Radiotelephony Operator's Restricted Licence", for the

words “Validity — 2 years” there shall be substituted the words “Validity — 10 years”; and

(2) in Part B thereof —

(a) in item 1, in the two paragraphs commencing with the words “Night Rating (Aeroplanes)” and “Night Rating (Helicopters and Gyroplanes)” respectively, the words “in which a passenger is carried” shall be deleted; and

(b) in item 3, in the definition of “Solo flight”, for the words “means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot’s licence granted or rendered valid under this Order” there shall be substituted the following “means a flight during which a student pilot is the sole occupant of an aircraft.”

24. Schedule 9 to the principal order shall be amended as follows:

Amends
Schedule 9
to the
principal
order.

(a) for the words “(Article 62 (2))” there shall be substituted the words “(Articles 62(2) and 63(2))” ;

(b) for paragraph (3) of item 2 thereof, there shall be substituted the following:

“(3) Approach Radar Control Rating shall in addition to the privileges of the Approach Control Rating entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for any aircraft which is flying within 50 nautical miles of the aerodrome traffic zone whether or not it is flying by visual reference to the surface. ” ; and

(c) in paragraph (4) of item 2 thereof, the words “within control areas” shall be deleted;

25. In Schedule 10 to the principal order, immediately after the heading “**Part C — Training Manual**” thereof, there shall be inserted the words “(Article 25(2))”.

Amends
Schedule 10
to the
principal
order.

26. In Schedule 11 to the principal order, for the words “(Articles 53 and 54)” there shall be substituted the words “(Articles 56 and 57)”.

Amends
Schedule 11
to the
principal
order.

27. Schedule 13 to the principal order shall be amended as follows:

Amends
Schedule 13
to the
principal
order.

(a) immediately after the heading thereof, for the words “(Article 61)” there shall be substituted the words “(Article 61 (1))”;

(b) immediately after paragraph (c) of item (6) thereof, for the word “form” there shall be substituted the word “from”;

(c) for paragraph (c) of item 17 thereof, there shall be substituted the following new sub-paragraph:

“(c) An aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so and, when flying within controlled air space have agreed with the appropriate Air Traffic Control Unit the arrangement for the conduct of the flights.”;

(d) paragraph (1) of item 20 thereof shall be deleted, and paragraph (2) thereof shall be renumbered as item 20;

(e) in sub-paragraph (ii) of paragraph (a) of item 23 thereof, for the words “one and a half kilometres” there shall be substituted the words “five kilometres”; and in sub-paragraph (i) of paragraph (b) of the same item, for the words “eight kilometres” there shall be substituted the words “five kilometres”;

(f) for sub-paragraph (a) of paragraph 3 of item 32 thereof, there shall be substituted the following new sub-paragraph:

“(a) Flying machines and vehicles shall give way to aircraft which are taking off or landing”;

and in sub-paragraph (a) of paragraph (4) of the same item, for the word “flight” there shall be substituted the word “right”;

(g) in paragraph (9) of item 39 thereof, for the words “Rule 42 (2)” there shall be substituted the words “Rule 37 (2)”;

(h) for paragraph (4) of item 40 thereof, there shall be substituted the following new paragraph:

“(4) Black arabic numerals in two figure groups and, where parallel runways are provided the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use”.

Amends
Schedule 14
to the
principal
order.

28. Schedule 14 to the principal order shall be amended as follows:

(a) for Table 1 in paragraph (2) of item 1 thereof, there shall be substituted the following new table:

“Table 1

Adult passengers over 12 years	75Kg*
Children (between 2 and 12 years)	35Kg*

Infants under 2 years 10Kg

*Inclusive of cabin baggage.”;

(b) For Table 2 in the proviso to sub-paragraph (a) of paragraph (3) of item 1 thereof, there shall be substituted the following new table:—

“Table 2

Journey made by the aeroplane	Hold baggage per piece
European	12 Kg
Intercontinental	14 Kg

(c) sub-paragraph (b) of paragraph (3) of item 1 thereof, shall be deleted; and

(d) sub-paragraph (c) of paragraph (3) of item 1 thereof, shall be renumbered as sub-paragraph (b) thereof and for sub-item (i) of sub-paragraph (b) of paragraph (3) as renumbered, there shall be substituted the following new sub-item:—

“(i) A journey made by an aeroplane shall be treated as European if it is confined within an area joining successively the following points:

66° 30' N	30° 00' W	66° 30' N	39° 00' E
30° 00' N	39° 00' E	30° 00' N	11° 00' W
24° 00' N	11° 00' W	24° 00' N	30° 00' W
66° 30' N	30° 00' W		

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

Amends
Schedule 16
to the
principal
order.

(a) in item 5 thereof, for the word “on” there shall be substituted the word “or”;

(b) in item 9 thereof, the words “or for the issue of a Student Pilot medical certificate”, shall be deleted; and

(c) in item 10 thereof, the words “or Student Pilot Certificate” shall be deleted.