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L.N. 176 of 1990

CIVIL AVIATION ACT
(CAP. 232)

The Air Navigation Order, 1990

IN exercise of the powers conferred by section 3 of the Civil Aviation Act, the Minister for Development of Infrastructure, with the concurrence of the Minister of Finance, hereby makes the following order:—

PART I

Preliminary

Citation and date of commencement.

1. (1) This Order may be cited as the Air Navigation Order, 1990.

(2) This Order shall come into force as follows:—

(a) this Article, Part II, Schedule 1 and Part I of Schedule 16 thereof; and Article 2, Parts III and XI, the B Conditions in Schedule 2 and Schedule 12 thereof as applicable to the previous provisions specified in this subparagraph; as from the 1st November, 1990, and

(b) all the remaining provisions, other than this Article, Part II, Schedule 1 and Part I of Schedule 16 thereof, as from the 1st May, 1991.

Interpretation.

Cap. 232.

2. (1) In this Order, unless the context otherwise requires:

"the Act" means the Civil Aviation Act;

"aerial work" means any purpose (other than public transport) for which an aircraft is flown if payment or reward is given or promised in respect of the flight or the purpose of the flight;

"aerial work aircraft" means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

"aerial work undertaking" means an undertaking whose business includes the performance of aerial work;

"aerobatic manoeuvres" includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the land and departure of aircraft has been abandoned and has not been resumed;

"aerodrome operating minima" in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual

range for take-off and the decision height, runway visual range and visual reference for landing, specified by the operator in, or ascertainable by reference to, the operations manual as being the minima for the operation of that aircraft at that aerodrome;

"aerodrome traffic zone" means:

(a) in relation to an aerodrome other than one which is an offshore installation the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome and within the distance of 1½ nautical miles of its boundary;

(b) in relation to an aerodrome which is an offshore installation the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;

"aeronautical ground light" means any light established for the purpose of aiding air navigation, other than a light displayed on an aircraft;

"aeronautical radio station" means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

"air traffic control unit" means a person appointed by the Director or by any other person maintaining an aerodrome or place to give instructions or advice or both instructions and advice by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to give information to aircraft, and "air traffic control service" shall be construed accordingly;

"air transport undertaking" means an undertaking whose business includes the carriage by air of passengers or cargo for payment or reward;

"approach to landing" means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the decision height of the relevant minimum for landing;

"appropriate aeronautical radio station" means, in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;

"appropriate air traffic control unit" means, in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;

"cargo" includes mail and animals;

"certificate of airworthiness" includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

"cloud ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficent to obscure more than one-half of the sky so visible;

"commander" in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person the person who is for the time being the pilot in command of the aircraft;

"competent authority" means, in relation to Malta, the Director of Civil Aviation, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

"congested area" in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

"Contracting State" means any State, including Malta, which is a party to the Convention on International Civil Aviation signed at Chicago on the 7th December, 1944;

"controlled airspace" means control areas and control zones;

"control area" means airspace which has been notified as such and which extends upwards from a notified altitude or flight level;

"control zone" means air space which has been notified as such and which extends upwards from the surface;

"co-pilot" in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

"crew" has the meaning assigned to it by paragraph (3) of this Article;

"decision height" in relation to the operation of an aircraft at an aerodrome means the minimum height specified by the operator in, or ascertainable by reference to the operations manual as being the minimum height to which an approach to landing can safely be made by that aircraft at that aerodrome without visual reference to the ground;

"Director" means the Director of Civil Aviation and, to the extent of the authority given, any person authorised in that behalf by the Director;

"flight" and "to fly" have the meaning respectively assigned to them by paragraph (2) of this Article;

"flight crew" in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft;

"flight level" means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each

expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

"flight recording system" means a system comprising either a flight data recorder or cockpit voice recorder or both;

"flight simulator" means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

"flight visibility" means the visibility forward from the flight deck of an aircraft in flight;

"instrument flight rules" means Instrument Flight Rules contained in the Rules of the Air and Air Traffic Control;

"instrument meteorological conditions" means weather precluding flight in compliance with the Visual Flight Rules;

"to land" in relation to aircraft includes alighting on the water;

"licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

"licence for public use" has the meaning assigned to it by Article 69 (2) of this Order;

"licenced aerodrome" means an aerodrome licenced under this Order;

"life-jacket" includes any device designed to support a person individually in or on the water;

"log book" in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by another means approved by the Director in the particular case;

"maximum total weight authorised" in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

"military aircraft" includes the naval, military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Minister that the aircraft is to be treated, for the purpose of this Order, as a military aircraft;

"Minister" means the Minister responsible for civil aviation and, to the extent of the authority given, any person authorised in that behalf by such Minister;

"nautical mile" means the International Nautical Mile, that is to say, a distance of 1,852 metres;

"navigation services" includes information, directions and other facilities furnished, issued or provided in connection with the navigation and movement of aircraft and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

"night" means the time between half an hour after sunset and half an hour before sunrise, sunset and sunrise being deermined at surface level;

"notified" means shown in any of the following publications issued in Malta whether before or after the coming into operation of this Order, that is to say, "notams (notices to airmen)", "Information Circulars", or such other official publication issued for the purpose of enabling any of the provisions of this Order to be complied with;

"Operator" has the same meaning assigned to it by subsection 4 of this Article;

"parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend;

"pilot in command" in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

"public transport" has the same meaning assigned to it by paragraph (5) of this Article;

"public transport aircraft" means an aircraft flying or intended by the operator of the aircraft to fly, for the purpose of public transport;

"Runway visual range" in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the midpoint of the runway; and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

"record" includes in addition to a record in writing —

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instruments) of being reproduced therefrom;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and

(c) any photograph;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sound or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both these paragraphs, such a transcript together with such a still reproduction;

"replacement" in relation to any part of an aircraft for its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

"Rules of the Air and Air Traffic Control" means the Rules contained in Schedule 13 of this Order;

"runway visual range" in relation to a runway or landing strip means the maximum distance in the direction of take-off or landing as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point 5 metres above its centre line; and in the case of an aerodrome in Malta the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

"scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

"seaplane" shall be construed as including a flying boat and any other aircraft designed to be used on the water;

"State aircraft" means aircraft used in the military, customs or police services of State;

"special Visual Flight Rules flight" means a flight which is a special VFR flight for the purposes of Rules of the Air and Air Traffic Control;

"Visual Flight Rules" means Visual Flight Rules contained in the Rules of the Air and Air Traffic Control;

"visual meteorological conditions" means weather permitting flight in accordance with the Visual Flight Rules.

(2) An aircraft shall be deemed to be in flight —

(a) in the case of a piloted flying machine, from the moment when after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing;

(b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it comes to rest after landing;

(c) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;

and the expressions "flight" and "to fly" shall be construed accordingly.

(3) Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

(4) References in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft:

Provided that for the purpose of the application of any provision in Part IV of this Order, when by virtue of any lease or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.

(5) (a) Subject to the provisions of this paragraph, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport —

(i) if payment or reward is given or promised for the carriage of passengers or cargo on that flight; or

(ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including in the case of a body corporate its directors), or persons authorised by the Director to make an inspection or witness any training, practice or test for any of the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or

(iii) for the purposes of Part IV of this Order, if payment or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire purchase agreement or similar agreement; and the expression "public transport of passengers" shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (a)(iii) it shall not be deemed to be flying for the purpose of the public transport of passengers unless payment or reward is given for the carriage of those passengers.

(b) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that payment or reward would be given or promised if the transaction were effected otherwise than aforesaid, payment or reward shall, for the purposes of this Order be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(6) The expressions appearing in the Table of General Classification of Aircraft set forth in Part A of Schedule I of this Order shall have the meanings thereby assigned to them.

PART II

Registration and Marking of Aircraft

Aircraft to be registered.

3. (1) Subject to the provisions of paragraph (2) of this Article, an aircraft shall not fly over Malta unless it is registered in —

(a) a Contracting State; or

(b) some other country in relation to which there is in force an agreement between the Government of Malta and the Government of that country which makes provision for the flight over Malta of aircraft registered in that country:

Provided that:

(i) any aircraft may fly unregistered on any flight which —

(a) begins and ends in Malta without passing over any other country, and

(b) is in accordance with the "B Conditions" set forth in the Second Schedule to this Order;

(ii) this paragraph shall not apply to any kite or captive balloon.

(2) If an aircraft flies over Malta in contravention of paragraph (1) of this Article in such a manner or circumstances that if the aircraft had been registered in Malta an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in Malta.

4. (1) The Minister shall be the authority for the registration of aircraft in Malta and shall cause such registration to be recorded in a register to be kept by the Director.

(2) Subject to the provisions of this Article, an aircraft shall not be registered or continue to be registered in Malta if it appears to the Minister that —

(a) the aircraft is registered outside Malta and that such registration does not cease, by operation of law, upon the aircraft being registered in Malta; or

(b) an unqualified person holds any interest by way of ownership in the aircraft or any share therein; or

(c) the aircraft could more suitably be registered elsewhere; or

(d) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Malta.

(3) The following persons and no others shall be qualified to hold any interest by way of ownership in an aircraft registered in Malta or a share therein:

(a) the Government of Malta;

(b) a Maltese citizen who is habitually resident in Malta;

(c) a body corporate established by or under the laws of Malta, having its principal place of business in Malta and in which:

(i) the Government of Malta directly or indirectly holds any shares, or

(ii) not less than two thirds of its share holding is owned directly or indirectly by Maltese citizens who are habitually resident in Malta and not less than two thirds of its directors are Maltese citizens who are habitually resident in Malta;

(d) in the case of aircraft to be used for the purpose other than public transport or aerial work, persons in favour of whom a permit of residence has been issued in accordance with the provisions contained in section 7 of the Immigration Act, and any body corporate established by or under the laws of Malta and having its principal place of business in Malta or a body corporate established under Part II of the Malta International Business Activities Act, 1988 and having a place of business in Malta.

Cap 217.

Act XXXIV of 1988.

(4) If an aircraft is chartered under a lease agreement to a person qualified as aforesaid the Minister may, whether or not an unqualified person holds any interest therein by way of ownership, register the aircraft in Malta in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Article the aircraft may remain so registered for the duration of the charter.

(5) Application for the registration of an aircraft shall be made in writing to the Director, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine

whether the aircraft may properly be registered and to issue the certificate referred to in paragraph (7) of this Article. In particular, the application shall include the proper description of the aircraft according to column 4 of the Table of General Classification of Aircraft set forth in Part A of Schedule I to this Order.

(6) Upon receiving an application for the registration of an aircraft and after being satisfied that the aircraft may be so registered, the Minister shall register the aircraft, wherever it may be, and shall include in the register referred to in paragraph (1) of this Article the following particulars:

(a) the number of the certificate;

(b) the nationality mark of the aircraft, and the registration mark assigned to it by the Director;

(c) the name of the constructor of the aircraft and its designation;

(d) the serial number of the aircraft;

(e) the name and address of every person who holds any interest by way of ownership in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter under a lease agreement, the name and address of the charterer under such a lease agreement; and in the case of aircraft registered in pursuance of paragraph (4) of this Article, an indication that it is so registered.

(7) The Minister shall furnish to the person, in whose name the aircraft is registered (hereinafter in this Article referred to as "the registered owner") a certificate of registration which shall include the foregoing particulars and the date of issue of such certificate.

(8) Subject to paragraph (4) of this Article, if at any time after an aircraft has been registered in Malta an unqualified person becomes entitled to hold any interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Minister.

(9) Any person who is the registered owner of an aircraft registered in Malta shall forthwith inform the Minister in writing of:

(a) any change in the particulars which were furnished to the Minister upon application being made for the registration of the aircraft;

(b) the destruction of the aircraft, or its permanent withdrawal from use;

(c) in the case of an aircraft registered in pursuance of paragraph (4) of this Article, the termination of the charter under a lease agreement.

(10) Any person who becomes the owner of an aircraft registered in Malta shall forthwith inform the Minister in writing to that effect.

(11) The Minister may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he deems fit, may cancel the registration of the aircraft, and shall cancel such registration if he is satisfied that there has been a change in the ownership of the aircraft.

(12) In this Article references to any interest in an aircraft do not include any references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the references in paragraph (11) of this Article to the registered owner of an aircraft includes in the case of a deceased person, his heirs at law, and in the case of a body corporate which has been dissolved, its liquidator or, until a liquidator is appointed, each of the directors at the time of the dissolution.

(13) Nothing in this Article shall require the Minister to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(14) The registration of an aircraft which is the subject of an undischarged mortgage shall not become void by virtue of paragraph (8) of this Article, nor shall the Minister cancel the registration of such an aircraft pursuant to this Article unless all mortgagees of that aircraft have consented to the cancellation.

Nationality and registration marks.

5. (1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in Malta shall comply with Part B of Schedule I to this Order.

(3) An aircraft shall not bear any marks which purport to indicate:

(a) that the aircraft is registered in a country in which it is not in fact registered; or

(b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

PART III

Fees

Fees to be charged.

6. (1) There shall be charged for the issue, validation, licence or other document (including the issue of a copy thereof) or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for any of the purposes of this Order, the fees established in Parts **I** to **III** of Schedule 16 to this Order.

(2) There shall be charged for the use of the aerodromes and for any services and facilities provided in connection with aircraft in such aerodromes the fees established in Part **IV** of Schedule **16** to this Order.

PART IV

Airworthiness and Equipment of Aircraft

Certificate of airworthiness to be in force.

7. (1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights beginning and ending in Malta without passing over any other country, of —

(a) a balloon, if it is not being used for the public transport of passengers;

(b) a kite;

(c) an aircraft in accordance with the "A Conditions" or the "B Conditions" set forth in the Schedule 2 to this Order;

(d) an aircraft flying in accordance with the conditions of a permit to fly issued by the Director in respect of that aircraft.

(2) In the case of an aircraft registered in Malta the certificate of airworthiness referred to in paragraph (1) of this Article shall be a certificate issued or rendered valid in accordance with the provisions of Article 8 of this Order.

Issue, renewal, etc., of certificates of airworthiness.

8. (1) The Director may issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to:

(a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and

(b) the results of flying trials and such other tests of the aircraft as he may require.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Director, appropriate to the aircraft in accordance with Schedule 3 to this Order and the certificate shall be issued subject to the condition that the aircraft shall be flown, only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Director may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The Director may, subject to such conditions as he deems fit, issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in repect of any aircraft under the law of any country other than Malta.

(5) Subject to the provisions of this Article and of Article 59 of this Order a certificate of airworthiness or validitation issued under this Article shall remain in force for such period as may be specified therein and may be renewed from time to time by the Director for such further period as he deems fit.

(6) A certificate of airworthiness or a certificate of validitation issued in respect of an aircraft shall cease to be in force:

(a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Director either generally or in relation to class of aircraft or to the particular aircraft; or

(b) until the completion of any inspection of the aircraft or of any such equipment as aforesaid, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and —

(i) classified as mandatory by the Director; or

(ii) required by a maintenance schedule approved by the Director in relation to that aircraft; or

(c) until the completion to the satisfaction of the Director of any modification of the aircraft or of any such equipment aforesaid, being a modification required by the Director for the purpose of ensuring that the aircraft remains airworthy.

(7) Without prejudice to any other provision of this Order, the Director may, for the purpose of this Article accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he deems fit, as qualified to furnish such reports.

Certificate of maintenance review and technical log.

9. (1) An aircraft registered in Malta in respect of which a certificate of airworthiness in any category except the special category is in force shall not fly unless:—

(a) the aircraft (including in particular its engines), together with its equipment and radio station is maintained in accordance with a maintenance schedule approved by the Director in relation to that aircraft;

(b) there is in force a certificate (in this Order referred to as a "certificate maintenance review") issued in respect of the aircraft in accordance with the provisions of this Article and such certificate shall certify the dates on which the maintenance review was carried out and the date thereafter when the next review is due.

(2) The approved maintenance schedule referred to in paragraph (1) of this Article shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance review.

(3) A certificate of maintenance review may be issued for the purpose of this Article only by:—

(a) the holder of an aircraft maintenance engineer's licence:

(i) granted under this Order being a licence which entitles him to issue that certificte, or

(ii) granted under the law of a country other than Malta and rendered valid under this Order in accordance with the privileges endorsed on the licence, or

(iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(b) a person whom the Director has authorized to issue a certificate of maintenance review in a particular case, and in accordance with that authority; or

(c) a person approved by the Director as being competent to issue such certificates, and in accordance with that approval:

Provided that in approving a maintenance schedule, the Director may direct that certificates of maintenance review relating to that schedule, or to any part thereof specified in his direction, may be issued only by the holder of such a licence as is so specified.

(4) A person referred to in paragraph (3) of this Article shall not issue a certificate of maintenance review unless he has first verified that:—

(a) maintenance has been carried out on the aircraft with the maintenance schedule approved for that aircraft; and

(b) inspections and modifications required by the Director as provided in Article 8 of this Order have been completed as certified in the relevant certificate of release to service issued in accordance with Article 10 of this Order; and

(c) defects entered in the technical log of the aircraft in accordance with paragraphs (7) to (10) of this Article have been rectified or the rectification thereof has been deferred in accordance with procedures approved by Director; and

(d) certificates of release to service have been issued in accordance with Article 10 of this Order;

and for this purpose the operator of the aircraft shall make available to that person such information as in necessary.

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when Article 56 of this Order so requires, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to the provisions of Article 58 of this Order each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

(7) A technical log shall be kept in respect of an aircraft registered in Malta being an aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force.

(8) At the end of every flight by an aircraft to which the provisions of this Article apply the commander of the aircraft shall enter:—

(a) the times when the aircraft took off and landed; and

(b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and

(c) such other particulars in respect of the airworthiness or operation of the aircraft as the Director may require,

in a technical log, or, in the case of an aircraft of which the maximum total weight authorised does not exceed 2730kg. 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, in such other record as the Director shall approve and he shall sign and date such entries:

Provided that in the case of a number of consecutive flight each of which begins and ends:—

(a) within the same period of 24 hours; and

(b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agriculture, public health or similar purposes; and

(c) with the same person as commander of the aircraft,

the commander of an aircraft may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(9) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (2) of this Article a person issuing a certificate of release to service required by Article 10 of this Order in respect of that defect shall enter the certificate in the technical log in such a position as to be readily indentifiable with the defect to which it relates.

(10) The technical log referred to in this Article shall be carried in the aircraft when Article 56 of this Order so requires and copies of the entries referred to in this Article shall be kept on the ground:

Provided that, in the case of aeroplane of which the maximum total weight authorised does not exceed 2,730kg. or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, as the case may be, in a box approved by the Director for that purpose.

Inspection overhaul, repair, replacement and modification.

10. (1) Except as provided in paragraph (2) of this Article an aircraft registered in Malta, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this order is in force shall not fly unless there is in force a certificate of release to service issued in accordance with this Article if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in Article 8 (6) (b) of this Order, as the case may be:

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable:—

(a) for the repair or replacement to be carried out in such a manner that a certificate of release to service can be issued under this Article in respect thereof; or

(b) for such certificate to be issued while the aircraft is at that place,

it may fly to a place at which such a certificate can be issued, being the nearest place:

(i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped; and

(ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Director within 10 days thereafter.

(2) Nothing in paragraph (1) of this Article shall require a certificate of release to service to be in force in respect of an aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in respect of which a certificate of airworthiness of the special category is in force, unless the Director gives a direction to the contrary in a particular case.

(3) Nothing in paragraph (1) of this Article shall prevent an aircraft in respect of which there is in force a certificate of airworthiness in the private or special categories and whose maximum total weight authorised does not exceed 2,730 kg. from flying if the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as are prescribed in paragraph 6 of Schedule 14 to this Order and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under this Order. In that event the owner or operator, as the case may be, of the aircraft, shall keep in the aircraft log book kept in respect of the aircraft pursuant to Article 14 of this Order a record which identifies the repair or replacement and shall sign and date the entries and, subject to the provisions of Article 58 of this Order, shall preserve the log book for the period specified in Article 14 of this Order. Any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Director whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither —

(a) equipment provided in compliance with Schedule 5 to this Order (except paragraph (3) thereof); nor

(b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder,

shall be installed or placed on board for use in an aircraft registered in Malta after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued in accordance with this Article.

(5) A certificate of release to service shall:—

(a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Director either generally or in relation to a class of aircraft of the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done;

(b) certify in relation to any inspection required by the Director that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Director and that any consequential repair, replacement or modification has been carried out as aforesaid.

(6) A certificate of release to service may be issued for the purpose of this Article only by:—

(a) the holder of an aircraft maintenance engineer's licence:

(i) granted under this Order, being a licence which entitles him to issue that certificate;

(ii) granted under the law of a country other than Malta and rendered valid under this Order, in accordance with the privileges endorsed on the licence; or

(iii) granted under the law of any such country as may be prescribed in accordance with the privileges endorsed on the licence and subject to any conditions which may be prescribed; or

(b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State other than Malta in which the overhaul, repair, replacement, modification or inspection has been carried out, but only in respect of aircraft of which the maximum total weight authorised does not exceed 2,730 kg. and in accordance with the privileges endorsed on the licence; or

(c) a person approved by the Director as being competent to issue such certification, and in accordance with that approval; or

(d) a person whom the Director has authorised to issue the certificate in a particular case, and in accordance with that authority; or

(e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes), or a Flight Navigator's Licence granted or rendered valid under this Order.

(7) Subject to the provisions of Article 58 of this Order, a certificate of release to service shall be preserved by the operator of the aircraft to whom it relates for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be.

(8) in this Article, the expression "repair" includes in relation to a compass the adjustment and compensation thereof and the expression "repaired" shall be construed accordingly.

Licensing of maintenance engineers.

11. (1) The Director may grant aircraft maintenance engineers' licences, subject to such conditions as he deems fit, of a category specified in Schedule 4 to this Order, upon his being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examinations and tests as the Director may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.

(2) The Director may include in a licence of any category a rating, subject to such conditions as he deems fit, specifying a type of aircraft or equipment, upon being satified as aforesaid that the applicant is qualified to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of that type, and the rating shall be deemed to form part of the licence.

(3) A licence of any category shall, subject to any conditions included in the licence, entitle the holder to issue the certificates specified in Schedule 4 in relation to that category in respect of aircraft or equipment of a type specified in rating included in the licence.

(4) A licence shall, subject to the provisions of Article 59 of this Order, remain in force for the period specified therein, not exceeding two years, but 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.

(5) The Director may issue a certificate rendering valid for the purpose of this Order any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any country other than Malta. Such certificate may be issued subject to such conditions, and for such period, as the Director thinks fit.

(6) Upon receiving a licence granted under this Article, the holder shall forthwith sign his name theron in ink with his ordinary signature.

Equipment of aircraft.

12. (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order.

(2) In the case of aircraft registered in Malta the equipment required to be provided (in addition to any other equipment required by

or under this order) shall be that specified in such parts of Schedule 5 to this Order as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph (3) of the said Schedule, shall be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner as approved.

(3) In any particular case the Director may direct that an aircraft registered in Malta shall carry such additional or special equipment or supply as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every public tranport aircraft registered in Malta there shall be —

(a) provided individually for each passenger; or

(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

(i) instructions on the brace position to be adopted in the event of an emergency landing;

(ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;

(iii) information as to where emergency exits are to be found and instructions as to how they are to be used;

(iv) information as to where the life-jackets, escape slides, life rafts and oxygen masks, if required to be provided by paragraph (2) of this Article are to be found and instructions as to how they are to be used.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this Article, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2) of this Article, all navigational equipment (other than radio apparatus) of any of the following types, namely —

(a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it, and

(b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies,

when carried in an aircraft registered in Malta (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This Article shall not apply in relation to radio apparatus except that specified in Schedule 5 to this Order.

Radio equipment of aircraft.

13. (1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which the aircraft is registered and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order.

(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.

(3) In any particular case the Director may direct that an aircraft registered in Malta shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed the radio and radio navigation equipment provided in compliance with this Article in an aircraft registered in Malta shall always be maintained in serviceable condition.

(5) All radio and radio navigation equipment installed in an aircraft registered in Malta or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order) shall be of a type approved by the Director in relation to the purpose for which it is to be used, and shall be installed in a manner approved by the Director. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Director.

Aircraft, engine and propeller log books.

14. (1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in Malta —

(a) an aircraft log book; and

(b) a separate log book in respect of each engine fitted in the aircraft; and

(c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in Schedule 7 to this Order.

(2) (a) Each entry in the log book, other than such an entry as is referred to in sub-paragraphs 2 (d) (ii) or 3 (d) (ii) of Schedule 7 to this Order shall be made as soon as is practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence.

(b) Each entry in the log book, being such an entry as is referred to in sub-paragraph 2 (d) (ii) or 3 (d) (ii) of Schedule 7 to this Order shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed, for the purposes of this Order, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this Article.

(5) Subject to the provisions of Article 58 of this Order every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule.

15. (1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing —

(a) either the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule, or such other weight as may be approved by the director in the case of that aircraft; and

(b) either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight or such other position of the centre of gravity as may be approved by the Director in the case of that aircraft.

(3) Subject to the provisions of Article 58 of this Order the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of 6 months following the next occasion on which the aircraft is weighed for the purposes of this Article.

Access and inspection for airworthiness purposes.

16. The Director may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purpose of this Part of this Order and any person authorised to do so in writing by the Director may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART V

Aircraft Crew and Licensing

Composition of crew of aircraft.

17. (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in Malta shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under this Order or, if no certificate of airworthiness is required under this Order to be in force, the certificate of airworthiness, if any, last in force under this Order, in respect of that aircraft.

(3) A flying machine registered in Malta and flying for the purpose of public transport, having a maximum total weight authorised exceeding 5,700 kg shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in Malta engaged on a flight for the purpose of public transport shall carry a flight navigator as a member of the flight crew in addition to any other person who is carried in accordance with this Article to perform other duties if on the route or any diversion therefrom, being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown, and to pass over part of an area specified in Schedule 15.

Provided that the navigator need not be carried if navigational equipment approved by the Director and used in accordance with any conditions subject to which that approval may have been given is installed on board the aircraft.

(5) An aircraft registered in Malta which is required by the provisions of Article 13 of this Order to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew. Where however radiotelegraphy apparatus

is required to be operated a flight radio operator shall be carried specifically for this purpose in addition to any other person who is carried in accordance with this Article to perform other duties.

(6) If it appears to him to be expedient to do so in the interests of safety, the Director may direct any particular operator that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Director may specify unless that aircraft carries in addition to the flight crew required to be carried therein by the foregoing provisions of this Article such additional persons as members of the flight in the direction.

(7) (a) When an aircraft registered in Malta carries 20 or more passengers on a flight for the purposes of public transport, the crew of the aircraft shall include cabin attendants carried for the purposes of performing in the interests of safety of passengers duties to be assigned by the operator or the person in command of the aircraft, but who shall not act as members of the flight crew.

(b) The Director may give a direction to the operator of any aircraft registered in Malta requiring him to include among the crew thereof whenever the aircraft is flying for the purpose of public transport at least one cabin attendant, notwithstanding that the aircraft may be carrying fewer than 20 passengers.

(c) In the case of an aircraft with total seating capacity of not more than 200 the number of cabin attendants carried on such a flight as is mentioned in sub-paragraph (a) of this Article, shall be not less than 1 cabin attendant for every 50 or fraction of 50, passengers carried.

(d) In the case of an aircraft with a total seating capacity of more than 200, the number of cabin attendants carried on such a flight as aforesaid, shall be not less than half the number of main exits in the aircraft, and in addition, when more than 200 passengers are carried, one additional cabin attendant for every 25, or fraction of 25, of such passengers:

Provided that, if the number of cabin attendants, calculated in accordance with this sub-paragraph, exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this Article if the number of cabin attendants carried is equal to the number of main exits in the aircraft.

(e) For the purposes of this paragraph a main exit means an exit in the side of the aircraft at floor level intended for the disembarkation of passengers whether normally or in an emergency.

Members of flight-crew — requirement of licences.

18. (1) Subject to the provisions of this Article, a person shall not act as a member of the flight crew of an aircraft registered in Malta unless he is the holder of an appropriate licence granted or rendered valid under this Order;

Provided that a person may within Malta without being the holder of such a licence —

(a) act as a flight radiotelephony operator if:

(i) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in Malta to perform duties as a member of the flight crew of an aircraft; and

(ii) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment; and

(iii) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft; and

(iv) messages are transmitted only on frequency exceeding 60 MHz assigned by the Director for use on flight on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (i) of this proviso; and

(v) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency; and

(vi) the operation of the transmitter required the use only of external switches; and

(vii) the stability of the frequency radiated is maintained automatically by the transmitter;

(b) subject to the provisions of Article 19 (7), act as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if —

(i) he is at least 17 years of age; and

(ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the Director; and

(iii) he complies with any conditions subject to which that medical certificate was issued; and

(iv) no other person is carried in the aircraft; and

(v) the aircraft is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying; and

(vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Order being a licence which includes a flying instructor's rating entitling him to give instructions in flying the type of aircraft being flown.

(2) Subject to the foregoing provisions of this Article, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than Malta unless —

(a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; or

(b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Director does not in the particular case give a direction to the contrary.

(3) For the purposes of this Article, a licence granted under the law of a Contracting State other than Malta purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Director in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but shall not entitle the holder to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he received remuneration for his services as a member of the flight crew.

(4) Notwithstanding the provisions of paragraph (1) of this Article, a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Malta for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the following conditions are complied with —

(a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with this Order, a person authorised by the Director to witness the aforesaid training or tests or to conduct the aforesaid tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or treated as a member of the flight crew or an aircraft; and

(b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence holds a pilot's, a flight navigator's or a flight engineer's licence granted under Article 19 of this Order and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(5) Notwithstanding the provisions of paragraph (1) of this Article, a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in Malta for the purpose of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence if he

acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(6) An "appropriate licence" for the purpose of this Article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(7) This Article shall not require a licence to be held by a person by reason of his acting as a member of the flight crew of a glider unless —

(a) he acts as a flight radio operator; or

(b) the flight is for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying in a glider owned and operated by a flying club of which the person giving and the person receiving instruction are both members.

(8) Notwithstanding anything in this Article:

(a) the holder of a licence granted or rendered valid under this Order, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in Malta in or over the territory of a Contracting State other than Malta except in accordance with permission granted by the competent authorities of the State;

(b) the holder of a licence granted or rendered valid under the law of a Contracting State other than Malta, being a licence endorsed as aforesaid shall not act as a member of the flight crew of any aircraft on or over Malta except in accordance with permission granted by the Director, whether or not the licence is or is deemed to be rendered valid under this Order.

Grant, renewal and effect of flight crew licences.

19. (1) (a) The Director may grant licences, subject to such conditions as he deems fit, of any of the classes specified in Part A of Schedule 8 to this Order authorising the holder to act as a member of the flight crew of an aircraft registered in Malta, upon his being satisfied that the applicant is a fit person to hold the licence, and is qualified by reason of his age, knowledge, experience, competence, skill, physical and mental fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Director may require of him.

(b) A licence granted under this Article shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(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 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. If no period is indicated in the licence it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(2) The Director may include in a licence a rating, subject to such conditions as he deems fit, of any of the classes specified in Part B of the said Schedule, upon his being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(3) Subject to any conditions of the licence and the provisions of this Order, a licence of any class shall entitle the holder thereof to perform the functions specified in respect of that licence in Part A of the said Schedule under the heading "privileges", and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating in Part B of the said Schedule.

(4) The holder of a Private Pilot's Licence (aeroplanes, helicopters or gyroplanes) shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless his personal flying log book required to be kept by him by Article 21 of the Order bears a valid certificate of test or a valid certificate of experience.

(5) A person, who on the last occasion when he took a test for the purposes of paragraph (4) of this Article, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(6) (a) The holder of a licence, other than a flight radiotelephony operator's licence, granted under this Article shall not be entitled to perform any of the functions to which his licence relates unless it includes a valid medical cetificate.

(b) A medical examination required under paragraph (1) of Article 19 shall be performed by a qualified person approved by the Director either generally or in a particular case who shall make a report to the Director and may issue a medical certificate subject to such conditions which he may deem fit to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates.

(c) The medical certificate shall, without prejudice to paragraph (7) of this Article, be valid for such periods as therein specified.

(7) (a) A person shall not be entitled to act as member of the flight crew of an aircraft registered in Malta if he knows or has reason to believe that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(b) Every holder of a medical certificate issued under Article 18 or 19 who:—

(i) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew; or

(ii) suffers any illness involving incapacity to undertake those functions throughout a period of 20 days or more; or

(iii) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 20 days has elapsed in the case of illness. The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the confirmation of the pregnancy or the elapse of such period of illness, and such suspension shall cease in the case of injury or illness upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume his functions as a member of the flight crew or upon the Director exempting, subject to such conditions as he deems fit, the holder from the requirement of a medical examination and, in the case of pregnancy upon the holder being medically examined, under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

(8) Nothing in this Order shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft having a maximum total weight authorised not exceeding 5,700 kg when, with the permission of the Director, he is testing any person for the purposes of paragraphs (1), (2) or (4) of this Article, notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence or that the licence or personal flying log book, as the case may be, does not include a valid certificate of test or a valid certificate of experience in respect of the type of aircraft.

(9) Where any provision of Part C of Schedule 8 or Part B of Schedule 10 to this Order permits a test to be conducted in a flight simulator approved by the Director, that approval may be granted subject to such conditions as the Director deems fit.

(10) Without prejudice to any other provision of this Order, the Director may, for the purpose of this Article, either absolutely or subject to such conditions as he deems fit —

(a) approve any course of training or instruction;

(b) authorise a person to conduct such examinations or test as he may specify;

(c) approve a person to provide any course of training or instruction; and

(d) approve a person as qualified to furnish reports to him and to accept such reports.

Validation of licences.

20. The Director may issue a certificate of validation rendering valid for the purposes of this Order any licence as a member of the flight crew of aircraft granted under the law of any country other than Malta. A certificate of validation may be issued subject to such conditions and for such periods as the Director deems fit.

Personal flying log book.

21. (1) Every member of the flight crew of an aircraft registered in Malta and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Order shall keep a personal flying log book in which the following particulars shall be recorded —

(a) the name and address of the holder of the log book;

(b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft;

(c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Order, as the case may be, shall be recorded in the log book at the end of each flight or as soon therafter as is reasonably practicable, including —

(a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity;

(b) the type and registration marks of the aircraft;

(c) the capacity in which the holder acted in flight;

(d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;

(e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this Article, a helicopter shall be deemed to be in flight form the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the log book, including —

(a) the date of the test or examination;

(b) the type of simulator;

(c) the capacity in which the holder acted;

(d) the nature of the test or examination.

Instruction in flying.

22. (1) A person shall not give any instruction in flying to which this Article applies unless:

(a) he holds a licence, granted or rendered valid under this Order, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and

(b) his licence includes a flying instructor's rating entitling the holder to give the instruction.

(2) This Article applies to instruction in flying given to any person flying or about to fly a flying machine for the purpose of becoming qualified for —

(a) the grant of a pilot's licence;

(b) the inclusion or variation of any rating in his licence:

Provided that this Article shall not apply to any instruction in flying to a person for the purpose of becoming qualified for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft or of an aircraft of any class appearing in column 4 of the Table in Part A of Schedule 1 to this Order if that person has previously been entitled under the Order to act as pilot of multi-engined aircraft, or of an aircraft of that class as the case may be.

Glider pilot — minimum age.

23. A person under the age of 16 years shall not act as pilot in command of a glider.

PART VI

Operation of Aircraft

Operations manual.

24. (1) This Article shall apply to public transport aircraft registered in Malta except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration and which are either:

(a) flights solely for training persons to perform duties in an aircraft; or

(b) flights intended to begin and end at the same aerodrome.

(2) (a) The operator of every aircraft to which this Article applies shall:

(i) make available to each member of his operating staff an operations manual, and

(ii) ensure that each copy of the operations manual is kept up to date, and

(iii) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(b) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Schedule 10 to this Order:

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(3) (a) An aircraft to which this Article applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Director a copy of the whole of the operations manual for the time being in effect in respect of the aircraft.

(b) Any amendments or additions to the operations manual shall be furnished to the Director by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Director.

(c) Without prejudice to the foregoing sub-paragraphs the operator shall make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this Article and of Schedule 10 to this Order "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in Schedule 5 hereto is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the operations manual.

Training manual.

25. (1) The operator of every aircraft registered in Malta and flying for the purpose of public transport shall:—

(a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under Article 26 (2) of this Order; and

(b) ensure that each copy of that training manual is kept up to date.

(2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice and periodical tests required under Article 26 (2) of this Order, to perform his duties as such including in particular information and instructions relating to the matters specified in Part C of Schedule 10 of this Order.

(3) (a) An aircraft to which this Article applies shall not fly unless, not less than 30 days prior to such flight the operator of the aircraft has furnished to the Director a copy of the whole of his training manual relating to the crew of that aircraft.

(b) Any amendment or additions to the training manual shall be furnished to the Director by the operator before or immediately after they come into effect:

Provided that where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of public transport until the amendment or addition has been furnished to the Director.

(c) Without prejudice to sub-paragraphs (a) and (b) the operator shall make such amendments or additions to the training man-

ual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

Public transport — operator's responsibilities.

26. (1) The operator of an aircraft registered in Malta shall not permit the aircraft to fly for the purpose of public transport without first —

(a) designating from among the flight crew a pilot to be the commander for the flight; and

(b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft; and

(c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodromes at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped (including such manning and equipment as is specified in Regulation 5 in Schedule 14 to this Order) to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in Malta shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of Schedule 10 to this Order in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the foregoing matters in accordance with Part B of the said Schedule 10.

(3) The operator of an aircraft registered in Malta shall not permit any member of the flight crew thereof, during any flight for the purpose of public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely effect the flight characteristics of the aircraft.

Loading — public transport aircraft and suspended loads.

27. (1) The operator of an aircraft registered in Malta shall not cause or permit it to be loaded for a flight for the purpose of public transport, or any load to be suspended therefrom, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that —

(a) the load may safely be carried on the flight, and

(b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the weight of the aircraft (shown in the weight schedule referred to in Article 15 of this Order) and the weight of such additional items in or on the aircraft as the operator deems fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provide that this paragraph shall not apply in relation to a flight if:

(a) the aircraft's maximum total weight authorised does not exceed 1,150 kg; or

(b) the aircraft's maximum total weight does not exceed 2,730 kg and the flight is intended not to exceed 60 minutes in duration and is either:

(i) a flight solely for training persons to perform duties in an aircraft; or

(ii) a flight intended to begin and end at the same aerodrome.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1) of this Article.

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the specified requirements as set out in Regulation 1 in Schedule 14 to this Order and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination by the commander of the aircraft who shall sign his name thereon:

Provided that the foregoing requirements of this paragraph shall not apply if:

(a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination; or

(b) paragraph (2) of this Article does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when Article 56 of this Order so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this Article shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.

Public transport operating conditions.

28. (1) An aircraft registered in Malta shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements in Regulation 2 in Schedule 14 to this Order in respect of its weight and related performance are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) of this Article shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the first information available to the commander of the aircraft.

(3) A flying machine registered in Malta and flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft:

(a) if it has one engine only, in event of the failure of that engine;

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft,

to reach a place at which it can safely land at a height sufficent to enable it to do so.

Aircraft registered in Malta — aerodrome operating minima.

29. (1) (a) The operator of every aircraft to which Article 24 of this Order applies shall establish and include in the operations manual relating to the aircraft particulars of aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished, in writing to the commander of the aircraft particulars of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with

the specified methods and the operator shall cause a copy of the said particulars to be retained at one of his offices for a minimum period of three months.

(b) The operator of every such aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the commander of the aircraft to calculate such aerodrome operating minima as are appropriate to aerodromes the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.

(2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

(3) In establishing aerodrome operating minima for the purpose of this Article the operator of the aircraft shall take into account the following matters:

(a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness; and

(b) the composition of its crew; and

(c) the physical characteristics of the relevant aerodrome and its surroundings; and

(d) the dimensions of the runways which may be selected for use; and

(e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

and shall establish in relation to each runway which may be selected for use aerodrome operating minima appropriate to each set of circumstances which can reasonably be expected.

(4) An aircraft to which Article 24 of this Order applies shall not commence a flight at a time when:

(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off; or

(b) according to the information available to the commander of the aircraft it would not be able, without contravening paragraph (5) of this Article, to commence or continue an approach to landing at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(5) An aircraft to which Article 24 of this Order applies when making a descent to an aerodrome shall not:

(a) descend below 1000 ft. above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or

(ii) descend below the relevant specified minimum descent height

unless from that height the specified visual reference for landing is established and is maintained.

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) In this Article "specified" in relation to an aircraft means specified by the operator in, or ascertainable by a reference to, the operations manual relating to that aircraft.

Aircraft not registered in Malta — aerodrome operating minima.

30. (1) A public transport aircraft registered in a country other than Malta shall not fly in or over Malta 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 fly in or over Malta 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.

(2) The aircraft shall not take off or land at an aerodrome in Malta in contravention of the aerodrome operating minima specified by the operator in relation to that aerodrome or of the instructions referred to in paragraph (1) of this Article.

(3) Without prejudice to the provision of paragraph (2) of this article, a public transport aircraft registered in a country other than Malta when making a descent to an aerodrome shall not:

(a) descend below 1000 ft. above the height of an aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing; or

(b) (i) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or

(ii) descend below the relevant specified mimimum descent height

unless from that height the specified visual reference for landing is established and is maintained.

(4) In this Article "specified" in relation to an aircraft means specified by the operator in, or ascertainable by reference to, the operations manual relating to that aircraft.

Pre-flight action by commander of aircraft.

31. The commander of an aircraft registered in Malta shall reasonably satisfy himself before the aircraft takes off:

(a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed or planned;

(b) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;

(c) that the aircraft is in every way fit for the intended flight and that where a certificate of maintenance review is required by Article 9 (1) of this Order to be in force, it is in force and will not cease to be in force during the intended flight;

(d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operating manual relating to fuel, oil and engine coolant have been complied with;

(f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;

(g) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;

(h) that the pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at controls.

32. (1) The commander of an aircraft registered in Malta being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-offs and landing. If the aircraft carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the public transport of passengers the commander shall remain at the controls during take-off and landing.

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by Article 12 of this Order to be provided.

Public transport of passengers duties of commander.

33. (1) This Article applies to flights for the purpose of the public transport of passengers by aircraft registered in Malta.

(2) In relation to every flight to which this Article applies the commander of the aircraft shall:

(a) before the aircraft takes off take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belt, safety harnesses, oxygen equipment, and life-jackets, and all other devices required by or under this Order and intended for use by passengers individually in case of an emergency occurring to the aircraft:

Provided that in relation to life-jackets this requirement may, except in the case of a seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land;

(b) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a practical demonstration of the method of use of the life-jackets required by or under this Order for the use of passengers;

(c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the preceding sub-paragraph;

(d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons carried in compliance with Article 17 (7) of this Order are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;

(e) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:

(i) take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses;

(ii) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, that such baggage is stowed in the passenger compartment storage spaces approved by the Director for the purpose;

(f) in an emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take;

(g) except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:

(i) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of Article 12 of this Order is demonstrated to all passengers;

(ii) on reaching such altitude all passengers are recommended to use oxygen;

(iii) during any continuous period exceeding 30 minutes when the aircraft is flying above flight level 100 but not above flight level 130, and whenever the aircraft is flying above flight level 130, oxygen is used by all the crew of the aircraft.

Operation of radio in aircraft.

34. (1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of

the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message recevied from an appropriate aeronautical radio station for use by that aircraft:

Provided that:

(a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits; and

(b) the watch may be kept by a device installed in the aircraft if:

(i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and

(iii) that station is notified, or in the case of a station situated in a country other than Malta, otherwise designated as transmitted a signal suitable for that purpose.

(3) Whenever an aircraft is in flight in such circumstances that is required by or under this Order to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(4) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows:

(a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the air space in which the aircraft is flying;

(b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

(c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;

(d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1) of this Article.

(5) In every aircraft registered in Malta which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made:

(a) the identification of the aircraft radio station;

(b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;

(c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress signals or distress messages sent or received;

(d) particulars of any action taken upon the receipt of a distress signal or distress message;

(e) particulars of any failure or interruption of radio communications and the cause thereof:

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(6) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

(7) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(8) In any flying machine registered in Malta which is engaged on a flight for the purpose of public transport the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpse of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.

Minimum navigation performance.

35. An aircraft registered in Malta shall not fly in airspace prescribed for the purposes of this Article unless:

(a) it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability; and

(b) the navigation systems required by paragraph (a) hereof are approved by the Director and installed and maintained in a manner approved by the Director; and

(c) the operating procedures for the navigation systems required by paragraph (a) hereof are approved by the Director; and

(d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said air space.

Use of flight data recorders and preservation of records.

36. (1) On any flight on which a flight data recorder is required by sub-paragraph 4 (4), 4 (5), 4 (6) and 4 (7) of Schedule 5 to this Order to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to the provisions of Article 58 of this Order, preserve:

(a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and

(b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing, and landing, together with a means of identifying the record with the flight to which it relates,

and shall preserve such records for such period as the Director may in a particular case direct.

Towing of gliders.

37. (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off:

(a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of flying in the manner referred to in Article 31 (g) of this Order;

(b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely;

(c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

Towing, picking up and raising of persons and articles.

38. (1) Subject to the provisions of this Article, an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(3) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(5) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal.

(6) Nothing in this Article shall —

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

(c) apply to an aircraft while it is flying in accordance with the "B" conditions set forth in Schedule 2 of this Order;

(d) be taken to permit the towing or picking up of a glider otherwise than in accordance with Article 37 of this Order.

Dropping of persons and articles.

39. (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Except under and in accordance with the terms of an aerial application certificate granted under Article 40 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Malta:

Provided that this paragraph shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances:

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;

(c) the dropping of ballast in the form of fine sand or water;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;

(e) the dropping at an aerodrome in accordance with prescribed regulations of ropes, banners, or similar articles towed by aircraft;

(f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director and in accordance with any conditions subject to which that permission may have been given.

(g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Director and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this Article dropping includes projecting and lowering.

(4) Nothing in this Article or in Article 40 shall prohibit the lowering of any person, animal or article from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Dropping of persons.

40. (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over Malta except under and in accordance with the terms of a written permission granted by the Director under this Article.

(2) For the purpose of this Article dropping includes projecting and lowering.

(3) Notwithstanding the grant of a permission under paragraph (1) of this Article, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft

is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Director under this Article.

(5) Every applicant for and every holder of a permission shall make available to the Director if requested to do so a parachuting manual and shall make amendments or additions to such manual as the Director may require. The holder of a permission shall make available to every employee or person who is or may engage in parachuting activities conducted by him the manual which shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(6) Without prejudice to any other provision to this Order the Director may, for the purpose of this Article accept reports furnished to him by a person whom he may approve, either absolutely or subject to such conditions as he thinks fit, as qualified to furnish such reports.

(7) Nothing in this Article shall apply to the descent of persons by parachute from an aircraft in an emergency.

Issue of aerial application certificates.

41. (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or for training for the dropping of articles for any of such purposes, other than under and in accordance with the terms of an aerial application certificate granted to the aircraft under paragraph (2) of this Article.

(2) The Director shall grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this Article. The certificate may be granted subject to such conditions as the Director thinks fit including without prejudice to the generality of the foregoing conditions for ensuring that the aircraft and any article dropped from it does not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of Article 59 of this Order, remain in force for the period specified in this certificate.

(3) Every applicant for and the holder of an aerial application certificate shall make available to the Director upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of, or additions to, the manual as the Director may require.

(4) For the purposes of this Article "operating staff" has the meaning ascribed to it in Article 24 (4) of this Order.

Carriage of weapons and of munitions of war.

42. (1) An aircraft shall not carry any munitions of war unless—

(a) such munition of war is carried with the written permission of the Director and in accordance with any conditions relating thereto, and

(b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board the aircraft and any conditions of the permission of the Director.

(2) Notwithstanding paragraph (1) of this Article it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or to take or cause to be taken on board an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless—

(a) the weapon or munition of war:

(i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereon, and

(ii) is carried in a part of the aircraft inaccessible to passengers, and

(iii) in case of a firearm, is unloaded, and

(b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences, and

(c) without prejudice to paragraph (1) of this Article the operator consents to the carriage of such weapon or munition of war on the aircraft.

(4) Nothing in this Article shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a country other than Malta, if the weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purpose of this Article a "munition of war" means any weapon, ammunition or article containing an explosive or any noxious liquid, gas, or other thing which is designed or made for use in warfare or against persons including parts, whether components or accessories, for such weapon, ammunition or article.

Carriage of dangerous goods

43. (1) Dangerous goods shall not be carried in an aircraft except as follows:

(a) goods carried in accordance with any regulations which the Minister may make to permit dangerous goods to be carried either in aircraft generally or in aircraft of any class specified in the regulations;

(b) goods carried with the written permission of the Director, and in accordance with any conditions to which such permission may be subject;

(c) goods carried in aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board;

(d) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between the Government of Malta and the Government of that country permitting the carriage of dangerous goods within Malta in aircraft registered in that country.

(2) Dangerous goods permitted by or under this Order to be carried in an aircraft shall not be loaded as cargo therein unless —

(a) the consignor of the goods has furnished the operator of the aircraft with particulars in writing of the nature of the goods and the danger to which they give rise; and

(b) the goods or any container in which they are packed are clearly marked so as to indicate that danger to the person loading the goods in the aircraft.

The operator of the aircraft shall before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(3) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by or under this Article.

(4) The provisions of this Article shall be additional to and not in derogation of the provisions of Article 42 of this Order.

Method of carriage of persons.

44. A person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to:

(a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein;

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings.

45. (1) This Article shall apply to every public transport aircraft registered in Malta.

(2) Whenever an aircraft to which this Article applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall be in working order, and during take-off and landing and during an emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent hinder or delay its use by passengers.

Provided that:

(a) an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Director either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers;

(b) a door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the commander of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment;

(c) nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.

(3) Every exit from the aircraft being an exit intended to be used by passengers in normal circumstances, shall be indicated with the words "EXIT" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be indicated with the words "EMERGENCY EXIT" in capital letters.

(4) (a) Every exit from the aircraft shall be marked with instructions in English and with diagrams to indicate the correct method of opening the exit.

(b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.

(5) (a) Every aircraft to which this Article applies, being an aircraft of which the maximum total weight authorised exceeds 3,600 kg, shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for the purposes of rescue in an emergency be most readily and effectively broken into by persons outside the aircraft.

(b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 10 centimetres in lenght along its outer edge and 2.5 centimetres in width.

(c) The words "CUT HERE IN EMERGENCY" shall be indicated across the centre of each break-in area in capital letters.

(6) On every flight by an aircraft to which this Article applies, being an aircraft of which the maximum total weight authorised exceeds 5,700kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.

(7) The markings required by this Article shall:

(a) be painted or affixed by other equally permanent means;

(b) be red in colour and, in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

(c) be kept at all times clean and unobscured.

(8) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this Article shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that:

(a) the number of passengers carried and the position of the seats which they occupy is in accordance with arrangements approved by the Director either in relation to the particular aircraft or to a class of aircraft; and

(b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "EXIT" or "EMERGENCY EXIT" are covered and the exit is marked by a red disc at least twenty-three centimetres in diameter with a horizontal white bar across it bearing the words "NO EXIT" in red letters.

Imperilling safety of aircraft.

46. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Imperilling safety of any person or property.

47. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft.

48. (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft.

49. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Malta so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in Malta at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft.

50. Every person in an aircraft registered in Malta shall obey all lawful commands which the commander of the aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Stowaways.

51. A person shall not secret himself so as to be carried in an aircraft without the lawful consent of either the operator or the commander thereof or of any other person entitled to give consent to that person being carried in the aircraft.

PART VII

Fatigue of Crew

Application and interpretation of Part VII.

52. (1) Articles 53 and 54 of this Order apply in relation to any aircraft registered in Malta which is either —

(a) engaged on a flight for the purpose of public transport; or

(b) operated by an air transport undertaking:

Provided that the said Articles shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(2) In this Part of this Order, unless the context otherwise requires:

(a) "flight time", in relation to person means, all time spent by that person in an aircraft whether or not registered in Malta (other than an aircraft of which the maximum total weight authorised does not exceed 1,600kg and which is not flying for the purpose of public transport or aerial work) while it is in flight and he is carried therein as a member of the crew thereof;

(b) "day" means a continuous period of 24 hours beginning at midnight Universal Coordinated Time.

(3) For the purpose of this Part of the Order, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew — operator's responsabilities.

53. (1) The operator of an aircraft to which this Article applies shall not cause or permit that aircraft to make a flight unless —

(a) he has established a scheme for regulation of flight times for every person flying in that aircraft as a member of its crew; and

(b) the scheme is approved by the Director subject to such conditions as he thinks fit; and

(c) (i) *either* the scheme is incorporated in the operations manual required by Article 24 of this Order;

(ii) *or* in a case where an operations manual is not required by the Article, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

(d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly therein as a member if its crew if he knows or has reason to believe that that person is suffering from, or,having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing:

(a) all his flight times; and

(b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) The record referred to in paragraph (3) of this Article shall, subject to the provisions of Article 58 be preserved by the operator of the aircraft until a date 12 months after the flight referred to in that paragraph.

Fatigue of crew — responsibilities of crew.

54. (1) A person shall not act as a member of the crew of an aircraft to which this Article applies if he knows or has reason to believe

that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person shall not act as a member of the flight crew of an aircraft to which this Article applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times — responsibilities of flight crew.

55. A person shall not act as a member of the flight crew of an aircraft registered in Malta if at the beginning of the flight the aggregate of all his previous flight times:

(a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or

(b) during the period of 12 months expiring at the end of the previous month exceeds 900 hours:

Provided that this Article shall not apply to a flight made —

(i) in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of public transport or aerial work; or

(ii) in an aircraft not flying for the purpose of public transport nor operated by an air transport undertaking if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found fit by a person approved by the Director for the purpose of Article 19 (7) does not exceed 25 hours.

PART VIII

Documents and Records

Documents to be carried and records to be kept.

56. (1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Malta shall, when in flight, carry documents in accordance with Schedule 11 to this Order:

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than Malta, the documents may be kept at the aerodrome instead of being carried in the aircraft.

(3) The operator of a public transport aircraft registered in Malta shall in respect of any flight by that aircraft during which it may fly at an altitude of more than 49,000 feet, keep a record in a manner prescribed of the total dose of cosmic radiation to which the aircraft is exposed during the flight together with the names of the members of the crew of the aircraft during the flight.

57. (1) The commander of an aircraft shall when so requested and within a reasonable time so specified by the Director, cause to be produced to the Director: Production of documents and records.

(a) the certificates of registration and airworthiness in force in respect of the aircraft;

(b) the licences of its flight crew;

(c) such other documents as the aircraft is required by Article 56 of this order to carry when in flight.

(2) The operator of an aircraft registered in Malta shall, when so requested and within a reasonable time specified by the Director cause to be produced to the Director such of the following documents or records as may have been requested by him being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available namely:

(a) the documents referred to in Schedule 11 to this Order as Documents A, B and G;

(b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;

(c) the weight schedule, if any, required to be preserved under Article 15 of this Order;

(d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in Schedule 11 to this Order as Documents D, E, F, H and J;

(e) any records of flight times, duty period and rest period which he is required by Article 53 (4) of this Order to preserve, and such other documents and information in the possession of control of the operator, as the Director may require for the purpose of determining whether those records are complete and accurate;

(f) any such operations manuals as are required to be made available under Article 24 (2) (a) (i) of this order;

(g) the record made by any flight data recorder required to be carried by or under this order;

(h) the record made from any cosmic radiation detection equipment together with the record of the names of the members of the crew of the aircraft which are required to be kept under paragraph (3) of Article 56 of this Order.

(3) (a) The holder of a licence granted or rendered valid under this Order shall, when so requested and within a reasonable time specified by the Director, cause to be produced to the Director his licence, including any certificate of validation.

(b) The foregoing provisions of this paragraph shall apply to a medical certificate issued pursuant to Article 18 (1) (b) (ii) as they apply to a licence granted or rendered valid under this Order.

(4) Every person required by Article 21 of this order to keep a personal flying log book shall when so requested and within a reasonable time specified by the Director cause it to be produced to the Director within two years after the date of the last entry therein.

Preservation of documents, etc.

58. A person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he has not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his heirs:

Provided that if:

(a) another person becomes the operator of the aircraft and it remains registered in Malta he or his heirs shall deliver to that other person upon demand the certificates of maintenance, release and compliance, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with Article 36(2) of this Order which are in force or required to be preserved in respect of that aircraft;

(b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in Malta he or his heirs shall deliver to that other person upon demand the log book relating to that engine or propeller;

(c) any person in respect of whom a record has been kept by him in accordance with Article 53 (4) of this Order becomes a member of the flight crew of a public transport aircraft registered in Malta and operated by another person he or his heirs shall deliver those records to that other person upon demand,

and it shall be the duty of that other person to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents.

59. (1) The appropriate authority may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case. The appropriate authority may, on sufficient grounds being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the appropriate authority forthwith after being required to do so by that authority.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued, or which has effect under this Order, shall, in the absence of provisions to the contrary in the document render the document invalid during the continuance of the breach.

(4) In this Article the "appropriate authority" means in relation to a licence granted under Article 69 and in relation to a permission granted under Article 78 of this Order, the Minister and in relation to any other document, the Director.

(5) Notwithstanding paragraph (1) of this Article, a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient grounds being shown to the satisfaction of the Director, whether or not after due inquiry.

Offences in relation to documents and records.

60. (1) No person shall with intent to deceive:

(a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled; or

(b) lend any certificate, licence, approval, permission, exemption or other document issued, or having effect, or required by or under this Order to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document,

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) of this Article shall be made in ink or indelible pencil.

(4) A person shall not wilfully or negligently make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART IX

Control of Air Traffic

Rules of the Air and Air Traffic Control.

61. (1) Every person and every aircraft shall comply with such of the Rules of Air and Air Traffic Control contained in Schedule 13 to this Order as may be applicable to that person or aircraft in the circumstances of the case.

(2) Subject to the provisions of paragraph (3) of this Article, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary:

(a) for avoiding immediate danger; or

(b) for complying with the law of any country other than Malta within which the aircraft then is; or

(c) for complying with Flying Orders for Military Aircraft in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of the Armed Forces of Malta.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Director.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Licensing of air traffic controllers and student air traffic controllers.

62. (1) The Director shall grant a licence, subject to such conditions as he thinks fit, to any person to act as an air traffic controller, or as a student air traffic controller, if he is satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including medical examinations) as the Director may require:

Provided that the Director shall not grant:

(a) a student air traffic controller's licence to a person under the age of 20 years; or

(b) an air traffic controller's licence to a person under the age of 21 years.

(2) Every licence to act as an air traffic controller shall include (a) ratings of one or more of the classes set forth in Schedule 9 to this Order specifying the type of air traffic control service which the holder of the licence is competent to provide, (b) a list of the places at which, and (c) the type of radar equipment if any, with the aid of which, he may provide the service. If throughout any period of 180 days, the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Director's powers under Article 59 of this Order, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Director to that effect and shall forward the licence to the Director to enable him to endorse it accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller and valid at the place in question.

(4) A licence to act as an air traffic controller or as a student air traffic controller shall not be valid unless it bears the signature of the holder.

(5) Subject to the provisions of Article 59 of this Order, a licence to act as an air traffic controller or as a student air traffic controller shall remain in force for the period indicated in the licence and 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. If no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.

(6) Every applicant and holder of an air traffic controller's licence or a student air traffic controller's licence shall upon such occasions as the Director may require:

(a) submit himself to medical examination by a person approved by the Director either generally or in a particular case who shall make a report to the Director in such form as the Director may require; and

(b) submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill as the Director may require, and such examinations and tests may be conducted by the Director or by a person approved by the Director.

(7) On the basis of the medical examination referred to in paragraph (6) of this Article, the Director or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as the Director or the person approved by him thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to Article 64 of this Order, be valid for such period as is therein specified, and shall be deemed to form part of the licence.

(8) The holder of air traffic controller's licence or student air traffic controller's licence shall not provide any type of air traffic control service at any such aerodrome or place as is referred to in Article 63 (1) of this Order unless his licence includes a medical certificate issued and in force under paragraph (7) of this Article.

Prohibition of unlicensed and student air traffic controllers.

63. (1) A person shall not provide at any place any type of air traffic control service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide any type of air traffic control service or an aerodrome flight information service unless he is the holder, and complies with the terms of:

(i) a valid student air traffic controller's licence granted under this Order and he is supervised in accordance with Article 62 (3) of this Order; or

(ii) a valid air traffic controller's licence so granted authorising him to provide that type of service at that place; or

(iii) a valid air traffic controller's licence so granted which does not authorise him to provide tha type of service at that place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that place the type of air traffic control service which is being provided.

(2) The holder of a licence shall not be entitled to perform any of the functions specified in Schedule 9 to this Order in respect of a rating at any place referred to in paragraph (1) of this Article unless:

(a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which, the functions are performed; or

(b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under this Order which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided.

(3) Nothing in this Article shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

Incapacity of air traffic controllers.

64. (1) Every holder of an air traffic controller's licence granted under Article 62 of this Order who —

(a) suffers any personal injury or illness involving incapacity to undertake any of the functions to which his licence relates throughout a period of 30 consecutive days; or

(b) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director in writing of such injury, illness or pregnancy as soon a possible.

(2) An air traffic controller's licence shall be deemed to be suspended upon the lapse of such period of injury or illness as is referred to in paragraph (1) (a) of this Article. The suspension of the licence shall cease:

(a) upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume his functions under the licence; or

(b) upon the Director exempting the holder from the requirement of a medical examination subject to such conditions as the Director may think fit.

(3) Upon the pregnancy of the holder of an air traffic controller's licence being confirmed, the licence shall be deemed to be suspended and shall remain suspended until she has been medically examined under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions under the licence.

Power to prohibit or restrict flying.

65. (1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying over an area of Malta or along any route therein by reason of:

(a) the intended gathering or movement of a large number of persons;

(b) the intended holding of an aircraft race or contest or of an exhibition of flying; or

(c) national defence or any other reason affecting the public interest,

the Minister may make a notice in the Gazette prohibiting, restricting or imposing conditions on flight, either generally or in relation to any class of aircraft, over any such area or along any such route, and an aircraft shall not fly in contravention of such notice.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any such notice which has been made for any of the reasons referred to in paragraph (1) (c) of this Article he shall forthwith cause a signal of distress to be made by radio or by one of the prescribed visual signals, and shall (unless otherwise instructed by the appropriate air traffic control unit), cause the aircraft to land at the areodrome, being an aerodrome suitable for that purpose, which it can reach by flying to the least possible extent over the area to which the notice relates. The aircraft shall not begin to descend while over such area.

Balloons, kites and airships.

66. (1) Within Malta:

(a) a captive balloon or kite shall not be flown at a height of more than 60 metres above the ground level or within 60 metres of any vessel, vehicle or structure;

(b) a captive balloon shall not be flown within 5 kilometres of an aerodrome;

(c) a balloon exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;

(d) a kite shall not be flown within 5 kilometres of an aerodrome;

(e) an airship shall not be moored;

(f) a parascending parachute shall not be launched by towing to a height of more than 60 metres above the surface,

without the permission in writing of the Director and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

PART X

Aerodromes, Aeronautical Lights and Dangerous Lights

Aerodromes: public transport of passengers and instruction in flying.

67. (1) An aircraft to which this paragraph applies shall not take off or land at a place in Malta other than:—

(a) an aerodrome licenced under this Order for take-off or landing of such aircraft; or

(b) a Government aerodrome notified as available for take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be,

and in accordance with any conditions subject to which the aerodrome may have been so licenced or notified, or subject to which such permission may have been given.

(2) Paragraph (1) of this Article applies to:

(a) aeroplanes of which the maximum total weight authorised exceeds 2,730 kg and which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying;

(b) aeroplanes of which the maximum total weight authorised does not exceed 2,730 kg engaged on either:

(i) scheduled journeys for the purpose of the public transport of passengers; or

(ii) flights for the purpose of the public transport of passengers beginning and ending at the same aerodrome; or

(iii) flights for the purpose of instruction in flying; or

(iv) flights for the purpose of the public transport of passengers at night;

(c) helicopters and gyroplanes engaged on such flights as are specified in sub-paragarphs (i), (ii) and (iii) of paragraph (b) above;

(d) gliders (other than gliders being flown under arrangements made by a flying club and carrying no person other than a member of the club) which are flying for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) (a) The person responsible for the area used for the take-off or landing of helicopters at night in a place other than such a place as is specified in paragraph (1) of this Article shall cause to be in operation, whenever a helicopter flying for the purpose of public

transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter:

(i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing;

(ii) in the case of taking off, to make a safe take-off.

(b) A helicopter flying for the purpose of public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) of this paragraph applies unless there is in operation such lighting.

Use of Government aerodromes.

68. The Minister may cause to be notified subject to such conditions as he thinks fit any Government aerodrome as an aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.

Licensing of aerodromes.

69. (1) The Minister may licence any aerodrome in Malta subject to such conditions as he thinks fit, for the take-off and landing of aircraft engaged in flights for the purpose of the public transport of passengers, or for the purpose of instruction in flying, or of any classes of such aircraft.

(2) Without prejudice to the generality of paragraph (1) of this Article, the Minister may grant a licence (in this Order referred to as "a licence for public use"), which shall be subject to the condition that the aerodrome shall at all times when it is available for take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The licence of an aerodrome in respect of which a licence for public use is in force shall display in a prominent place at the aerodrome a copy of the licence and shall furnish to any person on request information concerning the terms of the licence.

(4) The holder of an aerodrome licence granted under this Order shall not cause or permit any condition of the licence to be contravened, in relation to an aircraft engaged on a flight for the public transport of passengers or for instruction in flying, but the licence shall not cease to be valid by reason only of such a contravention.

(5) A licence granted by the Minister in respect of an aerodrome shall subject to the provisions of Article 59 of this Order, remain in force for such period as may be specified in the licence.

Radio equipment at aerodromes.

70. (1) A person shall not cause or permit any aeronautical radio station to be established or used unless its purpose has been approved by the Director and the equipment thereof is of a type the specification of which is approved by the Director in relation to the purpose for which it is to be used.

(2) The person in charge of an aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall not cause or permit that aeronautical radio station to provide such navigational aid unless all aeronautical radio stations operated by that person at that aerodrome are:

(a) installed, modified and maintained in a manner approved by the Director, and

(b) flight checked by the Director or by a person approved by the Director for that purpose on such occasions as the Director may require:

Provided that the provisions of this paragraph shall not apply to any aeronautical radio station which is used solely for the purpose of enabling communications to be made by or on behalf of the operator of an aircraft and the commander thereof.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and hours of operation of any service which is available for use by an aircraft, and in approving the purpose for which an aeronautical radio station is to be used at any other aerodrome the Director may if he thinks fit require the person in charge of the aeronautical radio station to cause such information as aforesaid to be notified.

(4) The provisions of this Article shall not apply in respect of any aeronautical radio station of which the person in charge is the Director.

Records at aerodromes.

71. (1) The person in charge of any aeronautical radio station the purpose of which is to provide navigational aid by radio or radar to an aircraft making an approach to land or landing at an aerodrome shall in respect of all aeronautical radio stations operated by him at that aerodrome:

(a) keep a written record of functional tests, flight checks and particulars of any overhaul, repair, replacement or modification thereof; and

(b) preserve the written record for a period of one year or such longer period as the Director may in a particular case direct and shall within a reasonable time after being requested to do so by an authorised person produce such record to that person.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide apparatus which is capable of recording the terms or content of any radio message or signal transmitted to any aircraft or in common with other aircraft or received from any aircraft by the air traffic control unit.

(3) The apparatus provided in compliance with paragraph (2) of this Article shall be:

(a) of a type the specifications of which is approved by the Director in relation to the particular aeronautical radio station; and

(b) installed, modified and maintained in a manner approved by the Director; and

(c) in operation at all times when the aeronautical radio station is in operation for providing an air traffic control service.

(4) The person in charge of an aeronautical radio station shall ensure that each record made by the apparatus provided in compliance with paragraph (2) of this Article includes:

(a) the identification of the aeronautical radio station; and

(b) the date or dates on which the record was made; and

(c) a means of determining the time at which each message or signal was transmitted; and

(d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and

(e) the time at which the record started and finished.

(5) If at any time the apparatus provided in compliance with paragraph (2) of this Article ceases to be capable of recording the matters required by this Article to be included in the record the person in charge of the aeronautical station shall ensure that a written record is kept in which the particulars specified in paragraph (4) of this Article are recorded together with a summary of communications exchanged between the aeronautical radio station and aircraft.

(6) The person in charge of the aeronautical radio station shall preserve any record made in compliance with paragraphs (2) and (5) of this Article for a period of 30 days from the date on which the message or signal was recorded or for such longer period as the Director may in a particular case direct, and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(7) A person required by this Article to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such person, continue to preserve the record as if he had not ceased to be such person, and in the event of his death the duty to preserve the record shall fall upon his heirs:

Provided that if another person becomes the person in charge of the aeronautical radio station the previous person in charge or his heirs shall deliver the record to that other person on demand, and it

shall be the duty of that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this Article shall not apply in respect of any aeronautical radio station of which the person in charge is the Director.

Use of aerodromes by aircraft of Contracting States.

72. (1) The person in charge of any aerodrome in Malta which is open to public use by aircraft registered in Malta shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in another Contracting State on the same terms and conditions as for use by aircraft registered in Malta.

(2) The Minister may, in relation to any aerodrome open to public use, prescribe the charges or maximum charges which may be made for the use of the aerodrome and for any services performed at the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to these charges and the performance of these services.

(3) The charges to be made for the use of an aerodrome for services thereat mentioned in paragraph (2) above shall be published or exhibited in such a place and manner as to be readily available for the information of any person affected thereby.

Noise and vibration caused by aircraft on aerodromes.

73. The conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as specified in Regulation 3 of Schedule 14 to this Order and section 13 (2) of the Act shall apply to any such aerodromes.

Aeronautical lights.

74. (1) A person shall not establish or maintain an aeronautical ground light within Malta except with the permission of the Director and in accordance with any conditions which may be prescribed, or subject to which the permission may be granted.

(2) A person shall not alter the character of an aeronautical ground light within Malta except with the permission of the Director and in accordance with any conditions subject to which the permission may be granted.

(3) In the case of an aeronautical ground light, being a beacon, which is or may be visible from any waters within an area of a lighthouse authority, the Director shall not give his permission for the purpose of this Article except with the consent of that authority.

(4) A person shall not intentionally or negligently damage or interfere with any aeronautical light established and maintained by or with the permission of the Director.

Dangerous lights.

75. (1) A person shall not exhibit in Malta any light which:

(a) by reason of its glare is liable to endanger aircraft taking off from or landing in an aerodrome; or

(b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the Director to be such a light as aforesaid, is exhibited, the Director may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or having charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Director under this Article shall not be exercised except with the consent of that authority.

Customs airports.

76. (1) The Minister may, in consultation with the Minister responsible for Customs and subject to such conditions as they may think fit, by order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactment for the time being in force relating to Customs.

(2) The Minister may by order revoke any designation so made.

PART XI
General

Flights over any foreign country.

77. (1) The operator or commander ot an aircraft registered in Malta or, if the operator's principal place of business or permanent residence is in Malta, or any other aircraft, which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) of this article if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator or commander of an aircraft registered in Malta or, if the operator's principal place of business or permanent residencc is in Malta, or any other aircraft, which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever —

(a) the flight has not been duly authorised; or

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public

order or public health of, or to the safety of air navigation in relation to, that country:

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) of this article if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) of this article is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Restriction with respect to aerial survey from aircraft.

78. An aircraft shall not fly over Malta for the purpose of aerial survey except with the permission of the Minister granted to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

Mandatory reporting.

79. (1) Subject to the provisions of this Article, every person who:

(a) is the operator or the commander of a public transport aircraft which is registered in Malta and has a maximum total weight authorised of more than 2,300kg; or

(b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or

(c) signs a certificate of maintenance or compliance in respect of such an aircraft, part or equipment; or

(d) performs a function for which he requires an air traffic controller's licence; or

(e) is the licensee of an aerodrome, shall:

(i) make a report to the Director of any reportable occurrence of which he knows and which is of such a description as specified in Regulation 7 of Schedule 14 to this Order. The report shall be made within such time, by such means, and shall contain such information as is so specified and it shall be presented in such form as the Director may in any particular case approve, and

(ii) make a report to the Director, within such time, by such means, and containing such information as the Director may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Director in accordance with this Article.

(2) In the Article "reportable occurrence" means:

(a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person.

(b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunction endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Minister in pursuance of regulations made under section 4 of the Act shall not constitute reportable occurrence for the purposes of this Article.

(3) Subject to paragraph (1) (ii) of this Article, nothing in this Article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director in accordance with this Article.

(4) A person shall not make any report under this Article if he has reason to believe that the report is false.

(5) Without prejudice to Article 36 (2) and subject to the provisions of Article 58 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Article, preserve any data from a flight data recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Director or for such longer periods as the Director may in a particular case direct:

Provided that the record may be erased if the aircraft is outside Malta and it is not reasonably practicable to preserve the record until the aircraft reaches Malta.

Power to prevent aircraft flying.

80. (1) If it appears to the Director that any aircraft is intended or likely to be flown:

(a) in such circumstances that any provision of Articles 3, 5, 7, 17, 18, 27, 36, 42 or 43 of this Order would be contravened in relation to the flights; or

(b) in such circumstances that the flight would be in contravention of any other provision of this Order or of any Schedule thereto or of any directions made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or

(c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any schedule thereto,

the Director may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director, and the Director may take such steps as are necessary to detain the aircraft.

(2) For the purpose of paragraph (1) of this Article, the Director may enter upon and inspect any aircraft.

Right of access to aerodromes and other places.

81. The Director shall, at all reasonable times, have the right to enter and inspect any aircraft, aerodrome or other landing place to ensure compliance with any of the provisions of this Order.

Obstruction of persons.

82. No person shall obstruct or impede any person acting in the the exercise of his powers or the performance of his duties under this Order

Enforcement of directions.

83. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or of any schedule thereto shall be deemed for the purposes of this Order to have contravened that provision.

Penalties.

84. (1) If any provision of this Order or of any schedule thereto is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any schedule thereto, was due to any cause not avoidable by the exercise of reasonable care by that person, that act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or of any schedule thereto by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work, the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) If a person contravenes a provision of this Order, or of any schedule thereto, not being a provision referred to in paragraphs (5) or (6) of this Article, he shall be liable on conviction to a fine (multa) not exceeding one hundred liri; and in the case of a second or subsequent offence to a fine (multa) not exceeding two hundred liri.

(5) If a person contravenes any provision specified in Part A of Schedule 12 to this Order he shall be liable on conviction to a fine (multa) not exceeding two hundred liri; and in the case of a second or subsequent offence to a fine (multa) not exceeding five hundred liri, or to imprisonment for a term not exceeding 6 months or to both fine and imprisonment.

(6) If a person contravenes any provision specified in Part B of Schedule 12 to this Order he shall be liable on conviction to a fine (multa) not exceeding one thousand liri or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Extra-territorial effect of the Order.

85. Except where the context otherwise requires, the provisions of this Order,

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Malta, shall apply to such aircraft wherever they may be;

(b) in so far as they apply (whether by express reference or otherwise) to other aircraft shall apply to such other aircraft when they are within Malta;

(c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in Malta, shall apply to such persons and crew, wherever they may be;

(d) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything in relation to any aircraft registered in Malta by other persons shall, where such persons are citizens of Malta, apply to them wherever they may be and the courts of Malta shall have jurisdiction accordingly.

Application of Order to Maltese controlled aircraft not registered in Malta.

86. The Director may direct that such of the provisions of this Order or of any Schedule thereto or of any directions made thereunder, as may be specified in the direction, shall have effect as if reference in those provisions to Maltese aircraft registered in Malta included reference to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold any interest by way of ownership in an aircraft registered in Malta.

Application of Order to military aircraft.

87. (1) Save as otherwise provided by paragraph (2) of this Article, Article 61 (1) and Article 73 of this Order, nothing in this Order shall apply to or in relation to any military aircraft.

(2) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of the armed forces of the Government of Malta, the following provisions of this Order shall apply on the occasion of that flight, that is to say, Articles 46, 47, 48, 61, (so far as applicable) 65 and 77 shall apply.

Non-applicability to small aircraft.

88. The provisions of this Order, other than Articles 47 and 66 thereof, shall not apply to or in relation to:

(a) any balloon which at any stage of its flight is not more than 2 metres in any linear dimension including any basket or other equipment attached to the balloon;

(b) any kite weighing not more than 2 kg;

(c) any other aircraft weighing not more than 5 kg without its fuel.

Exemption from Order.

89. The Minster may by order exempt from any of the provisions of this Order or any schedule thereto, any aircraft or persons, either absolutely or subject to such conditions as may be specified in the Order.

Right of Appeal.

90. An appeal shall lie to the Minister from any decision of the Director that a person is not a fit person to hold a licence to act as aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller or student air traffic controller, and if the Minister is satisfied on the evidence submitted, that the decision should be reversed, the Minister may reverse such decision:

Provided that an appeal shall not lie from a decision of the Director that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

Saving.

91. (1) Subject to the provisions of Articles 69 and 72 of this Order, nothing in this Order or any schedule thereto shall confer any right to land in any place without the consent of the owner thereof.

(2) Nothing in this Order shall oblige the Director to accept an application from the holder of any current certificate, licence, approval, permission, exemption, or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

92. (1) The following order and regulations shall cease to have effect to form part of the laws of Malta to the extent and as from the respective dates specified hereunder: Revocations.

(a) as from the 1st November, 1990 —

(i) L.N. 10 of 1963: The Colonial Air Navigation Order, 1961:

PART I

Part B of FIRST SCHEDULE: and

(ii) L.N. 7 of 1964: The Colonial Air Navigation Order (Substitution of Fees) Regulations, 1964: paragraph 1; and

(b) as from the 1st May, 1991 —

(i) G.N. 607 of 1950: the Air Navigation (General) Regulations, 1950;

(ii) G.N. 6 of 1952: the Air Navigation (Radio) Regulations, 1952;

(iii) the remaining provisions, other than those mentioned in paragraph (a)(i) above, of L.N. 10 of 1963: the Colonial Air Navigation Order, 1961; and

(iv) the remaining provisions, other than those mentioned in paragraph 1 of L.N. 7 of 1964: The Colonial Air Navigation Order (Substitution of Fees) Regulations, 1964.

(2) The order and regulations specified in paragraph (1) of this Article shall cease to have effect to form part of the laws of Malta without prejudice however to anything done or omitted to be done thereunder; and any regulation, direction, instrument, rule or other requirement and any notice, certificate, licence, approval, permission, exemption, log book, record or other document issued, made, served or granted thereunder, in so far as they are consistent with this Order shall be deemed to have been issued, made, served or granted under this Order and this Order shall apply thereto accordingly.

SCHEDULE 1

PART A

(Articles 2 (6) and 4 (6))

Table of General Classification of Aircraft

Col. 1	Col. 2	Col. 3	Col. 4
Aircraft	Lighter than air aircraft	Non-mechanically driven	Free Balloon Captive Bolloon
		Mechanically driven	Airship
	Heavier than air aircraft	Non-mechanically driven	Glider Kite
		Mechanically driven (flying machines)	Aeroplane (Landplane) Aeroplane (Seaplane) Aeroplane (Amphibian) Aeroplane (Self-launching motor glider) Gyroplane Helicopter

PART B

(Article 5 (2))

Nationality and Registration Marks of Aircraft Registered in Malta

1. The nationality marks of the aircraft shall be the number 9 followed by the capital letter "H" in Roman character and the registration mark shall be a group of three capital letters in Roman character assigned by the Director on the registration of the aircraft. The letters shall be without ornamentation and the hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration mark shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner:

I. Position of Marks

(a) Flying machines and Gliders

(i) Wings: Except on aircraft having no fixed wing surface, the marks shall appear on the lower surface of the wing structure, and shall be on the left half of the lower surface of the wing structure unless they extend across the whole surface of both wings. So far as possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surface: The marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When on a single vertical tail surface they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer tails.

(b) Airships and Balloons

(i) Airships: The marks shall be on each side of the airship and also on the upper surface on the line of symmetry. They shall be placed lengthwise near the maximum cross-section of the airship.

(ii) Spherical Balloons: The marks shall be in two places diametrically opposite. They shall be placed near the maximum horizontal circumference of the balloon.

(iii) Non-Spherical Balloons: The marks shall be on each side. They shall be placed near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and balloons the side marks shall be so placed as to be visible both from the sides and from the ground.

II. Size of Marks

(a) Flying Machines and Gliders

(i) Wings: The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 50 centimetres.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surfaces: The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 30 centimetres:

Provided that where owing to the structure of the aircraft a height of 30 centimetres is not reasonably practicable, the height shall be the greatest height reasonably practicable in the circumstances, but not less than 15 centimetres.

(b) Airships and Balloons

The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 75 centimetres.

III. Width and Spacing of Marks

(a) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(b) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting with the background on which they appear. The thickness of the lines shall be one-sixth of the height of a letter.

(c) Each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

3. The nationality and registration marks shall be displayed to the best advantage taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

4. In addition to the foregoing requirements of this Schedule the nationality and registration marks shall also be inscribed, together with the name and address of the registered owner of the aircraft, on a fireproof metal plate affixed in a prominent position to the fuselage or car or basket, as the case may be, and near the main entrance to the aircraft.

SCHEDULE 2

(Articles 3 (1), 7 (1) and 38 (6))

A and B Conditions

The A Conditions and B Conditions referred to in Article 3 (1), 7 (1) and 38 (6) of this Order are as follows:

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under this Order, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to:

(a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be; or

(b) proceed to or from a place at which any inspection, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub paragraph (a), after such an application has been made, or at which the installation of furnishings in, or the taking off, the aircraft is to be undertaken; or

(c) proceed to or from a place at which the aircraft is to be or has been stored.

(3) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles him to issue that certificate or by a person approved by the Director for the purpose of issuing certificates under this condition, and in accordance with the approval.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under this Order in respect of the aircraft or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2) of these Conditions.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome, or a licensed aerodrome in accordance with normal aviation practice.

(7) Without prejudice to the provisions of Article 17 (2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Director for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in Malta or under the law of any country referred to in Article 3 of this Order, the aircraft shall be marked in a manner approved by the Director for the purposes of these Conditions, and the provisions of Articles 13, 14, 18, 31, 34, 56 and 57 of this Order shall be complied with in relation to the aircraft as if it was registered in Malta so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of —

(a) experimenting with or testing the aircraft (including in particular its engines) and its equipment; or

(b) enabling it to qualify for the issue of a certificate of airworthiness or the validation thereof, or the approval of a modification of the aircraft; or

(c) proceeding to or from a place at which any experiment, inspection, approval, test or weighing of; or the installation of equipment in, the aircraft is to take place for a purpose referred to in sub-paragraph (a) or (b), or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or

(d) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft.

(4) Without prejudice to the provisions of Article 17 (2) of this Order, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following:

(a) persons employed by the operator who carry out during the flight duties in connection with the purposes specified in paragraph (3) of these Conditions;

(b) persons employed by manufacturers of component parts of the aircraft (including its engines) who carry out during the flight duties in connection with the purposes so specified;

(c) persons approved by the Director under Article 8 (7) of this Order as qualified to furnish reports for the purposes of that Article;

(d) persons, other than those carried under the preceding provisions of this paragraph, who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation.

(6) The aircraft shall not fly, except in accordance with procedures which have been approved by the Director in relation to that flight, over any congested area of a city, town or settlement.

SCHEDULE 3

(Article 8)

1. **Categories of Aircraft:**

Transport Category (Passenger).
Transport Category (Cargo).
Aerial Work Category.
Private Category.
Special Category.

2. **Purposes for which aircraft may fly:**

Transport Category (Passenger): Any purpose.
Transport Category (Cargo): Any purpose, other than the public transport of passengers.
Aerial Work Category: Aerial Work Only.
Private Category: Any purpose other than public transport or aerial work.
Special Category: Any purpose, other than public transport, specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 4

(Article 11)

Maintenance Engineers: Privileges of Licences and Period of Validity

An aircraft maintenance engineer may, subject to the conditions of his licence, issue certificates as follows:

Aircraft Maintenance Engineers — Category A (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence —

(a) certificates of maintenance review in accordance with the maintenance schedules approved under this Order;

(b) certificates of release to service in respect of inspections, repairs, replacements and modifications so approved;

(c) certificates of fitness of aircraft for flight under the 'A Conditions'.

Aircraft Maintenance Engineers — Category B (Aircraft)

In relation to aircraft (not including engines) of a description specified in his licence, being aircraft in respect of which a type rating has been included in his licence —

Certificates of release to service in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers — Category C (Engines)

In relation to engines of a description specified in his licence being engines in respect of which a type rating has been included in his licence —

(a) certificates of maintenance review in accordance with the maintenance schedules approved under this Order;

(b) certificates of release to service in respect of inspections, repairs, replacements and modifications so approved;

(c) certificates of fitness of aircraft engines for flight under the 'A Conditions'.

Aircraft Maintenance Engineers — Category D (Engines)

In relation to engines of a description specified in his licence being engines in respect of which a type rating has been included in his licence.

Certificates of release service in respect of inspections, overhauls, repairs, replacements and modifications approved under this Order.

Aircraft Maintenance Engineers — Category X

Compass
Instruments
Electrical Equipment
Automatic Pilots.

In relation respective to compasses, instruments, electrical equipment or automatic pilots of a description specified in his licence being compasses, instruments, electrical equipment or automatic pilots in respect of which a type rating has been included in his licence —

(a) certificates of maintenance review in accordance with the maintenance schedules approved under this Order;

(b) certificate of release to service in respect of inspections, repairs, replacements, and modifications so approved.

Aircraft Maintenance Engineers — Category R (Radio)

In relation to aircraft radio station of a description specified in his licence being radio stations in respect of which a type rating has been included in his licence —

(a) certificates of maintenance review in accordance with the maintenance schedules approved under this Order;

(b) certificates of release to service in respect of inspections, repairs, replacements, and modifications so approved.

The privileges of the licence shall also include the issue of certificates of release to service in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under this Order, if the licence bears an endorsement to that effect.

SCHEDULE 5

(Articles 10 (4) and 12 (2))

Aircraft Equipment

1. Every aircraft of a description specified in the first column of the Table set forth in paragraph 4 of this Schedule and which is registered in Malta shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression "adequate equipment" shall mean 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.

2. 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.

3. 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 Scales J, U and V;

(xi) First Aid Equipment, referred to in Scales J, U and V;

(xii) Stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V;

(xiii) Megaphones, referred to in Scale X.

4. Table

Description of Aircraft	*Circumstances of flight*	*Scale of equipment required*
(1) Gliders	(a) Flying for purposes other than public transport or aerial work flying by night	A (ii)
	(b) flying for the purpose of public transport or aerial work; and	A, B, D and F (i)
	(i) when flying by night	C and G
	(ii) when carrying out aerobatic manoeuvres	M
(2) Aeroplanes	(a) flying for purposes other than public transport; and	A
	(i) when flying by night	C and D
	(ii) when flying under Instrument Flight Rules	
	(aa) outside controlled airspace	D
	(bb) within controlled airspace	E and E (iv) duplicated and F
	(iii) when carrying out aerobatic manoeuvres	M
	(b) flying for the purpose of public transport; and	A, B, D and F (i)
	(i) when flying under Instrument Flight Rules except flights outside controlled airspace by flying machines having a maximum total weight authorised not exceeding 1,150 kg.	E and E (iv) duplicated and F

Description of Aircraft	*Circumstances of flight*	*Scale of equipment required*
	(ii) when flying by night; and in the case of flying machines of which the maximum total weight authorised exceeds 1,150 kg.	C and G E with E (iv) duplicated and F
	(iii) when flying over water beyond gliding distance from land	H
	(aa) in the case of an aeroplane	
	— When either more than 400 nautical miles or more than 90 minutes flying time* from the nearest aerodrome at which an emergency landing can be made	H and J
	(v) on all flights which involve manoeuvres on water	H, I and J
	(vi) when flying at a height of 10,000 feet or more above sea level	K
	(vii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met	L
	(viii) when carrying out aerobatic manoeuvres	M
	(ix) on all flights on which the aircraft carries a flight crew of more than one person	N
	(x) on all flights for the purpose of the public transport of passengers	Q an X

* For the purposes of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant Certificate of Airworthiness as the speed for compliance with regulations governing flights over water.

Description of Aircraft	*Circumstances of flight*	*Scale of equipment required*
	(xi) on all flights by a pressurised aircraft	R
	(xii) when flying over substantially uninhabited land areas, where, in the event of an emergency landing, tropical conditions are likely to be met	U
	(xiii) when flying over substantially uninhabited land areas, where in the event of an emergency landing, polar conditions are likely to be met	V
	(xiv) when flying at altitude exceeding 49,000 feet	Y
(3) Turbine jet aeroplanes having a maximum total weight authorised exceeding 5,700 kg, or pressurised aircraft having a maximum total weight authorised exceeding 11,400 kg	When flying for the purpose of public transport	O
(4) All turbines engined aeroplanes with a maximum total weight authorised of over 5,700 kg that are issued with a certificate of airworthiness after 1st January 1987; provided that this does not apply to those aeroplanes whose maximum total weight authorised exceeds 27,000 kg and were first issued with a type of certificate by the State of Manufacture after 30th September 1969.	On any flight	P, T

Description of Aircraft	*Circumstances of flight*	*Scale of equipment required*
(5) All turbine engined aeroplanes with a maximum total weight authorised exceeding 27,000 kg and were first issued with a type certificate by the State of Manufacture after 30th September 1969.	on any flight	S, T
(6) All turbine engined aeroplanes whose maximum total weight authorised exceeds 27,000 kg and were issued with a type of certificate by the State of Manufacture before 30th September 1969.	on any flight	P, T
(7) All other turbine engined aeroplanes whose maximum total weight authorised exceeds 5,700 kg but not 27,000 kg and issued with a certificate of airworthiness before 1st January 1987.	on any flight	P
(8) All turbine engined aeroplanes with a maximum authorised total weight exceeding 15,000 kg or which is authorised to carry more than thirty passengers under the certificate of airworthiness in force in respect thereof.	on flights for public transport	W

5. The Scales of Equipment indicated in the foregoing Table 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 per cent, 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 reasonably be 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 2,730 kg),

(ii) a safety harness (where the maximum take-off weight exceeds 2,730 kg);

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 practicable to fit a safety belt with one diagonal shoulder strap, or a 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;

Haemostatic bandages or tourniquets, scissors;

Antiseptic, analgesic, and stimulant drugs;

Splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700kg;

A handbook of First Aid.

(ii) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency,

(a) is more than 1.82 metres from the ground when the under carriage of the machine is in the normal position for taxying, or

(b) would be more than 1.82 metres from the ground the undercarriage or any part thereof should collapse, break or fail to function,

apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

(iii) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are requested to be carried under this Order, a safety harness.

(iv) 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 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 direction 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:

Provided that any aircraft may, at the option of the operator, be equipped 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 timepiece with a sweep second hand;

(ii) A means of indicating whether the power supply to the gyroscopic instruments is adequate;

(iii) A rate of climb and descent indicator;

(iv) If the maximum total weight authorised of the aircraft exceeds 5,700 kg a means of indicating the outside air temperature;

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

Scale G

(i) Landing lights consisting of two single filament lamps, or one 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 airworthines, 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 faliure of the lighting systems 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 5,700 kg, means of observing the existence and build up of ice on the aircraft.

Scale H

For each person on board, a life-jacket equipped with a whistle and a waterproof torch:

Provided that life jackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

(i) Additional flotation equipment capable of supporting one-fifth of the number of persons on board and provided in a place of stowage accessible from outside the flying machine;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrothechnical signal of distress specified in the Rules of the Air and Air Traffic Control;

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvering the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale J

(i) Life rafts sufficient to accommodate all persons on board the flying machine with the following equipment:

(a) means for maintaining bouyancy;

(b) a sea anchor;

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

(d) paddles or other means of propulsion;

(e) means of protecting the occupants from the elements;

(f) a waterproof torch;

(g) marine type pyrotechnical 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:

100grammes of glucose toffee tablets;
½ litre of fresh water in durable containers:

Provided that in any case in which it is not reasonably practicable 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 ½ 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.

(ii) The number of a survival beacon radio apparatus carried 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:

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

PART I

(i) In every flying machine which is provided with means for maintaining a pressure greater than 700 hectopascals through the flight in the flight crew compartment and in the compartments in whch passengers are carried:—

(a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in column 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and

(b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers but in any case not less than one oxygen bottle for each cabin attendant carried,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(ii) In any other flying machine —

(a) a supply of oxygen sufficient for continuous use by all the crew, and if passengers are carried, by 10 per cent of the number of passengers for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130; and

(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,

together with suitable and sufficient apparatus to enable such person to use the oxygen.

(iii) The quantity of oxygen requred for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (VI) of Part A of Schedule 10 to this Order.

PART II

Column 1 Vertical displacement of the flying machine in relation to flight levels	Column 2 Capability of flying machine to descend (where relevant)	Column 3 Period of supply of oxygen	Column 4 Persons for whom oxygen is to be provided
Above flight level 100		30 minutes or the period specified at A hereunder whichever is the greater	In addition to any passenger for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X herunder	30 minutes or the period specified at A hereunder whichever is the greater	10 per cent of number of passengers
		10 minutes or the period specified at B hereunder whichever is the greater	All passengers
		and in addition	
	Flying machine is flying above flight level 150 and is not so capable	30 minutes or the period specified at C hereunder whichever is the greater	10 per cent of number of passengers

PART II

Column 1 Vertical displacement of the flying machine in relation to flight levels	Column 2 Capability of flying machine to descend (where relevant)	Column 3 Period of supply of oxygen		Column 4 Persons for whom oxygen is to be provided
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater		15 per cent of number of passengers
	Flying machine is not so capable	10 minutes or the period specified at B hereunder whichever is the greater		All passengers
		30 minutes or the period specified at C hereunder whichever is the greater	and in addition	15 per cent of number of passengers
Above flight level 350	—	10 minutes or the period specified at B hereunder whichever is the greater		All passengers
		30 minutes or the period specified at C hereunder whichever is the greater	and in addition	15 per cent of number of passengers

A. The whole period during which, after a failure to maintain a pressure greater than 700 hectopascals in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B. The whole period during which, after failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitude for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Y. The flying machine is capable, at the time when a failure to maintain such pressure occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitude for flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L

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 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 that aircraft.

Scale N

An intercommunication 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 O

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 continue if the set becomes unserviceable:

(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.

Scale P

A flight data recorder which is capable of recording, by reference to a time scale, the following data:

(a) indicated airspeed;

(b) indicated altitude;

(c) vertical accelaration;

(d) magnetic heading;

(e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;

(f) engine power, if the equipment provided on the aeroplane is of such a nature as to enable this item to be recorded;

(g) flap position;

(h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane whose maximum total weight authorised does not exceed 11,400 kg may be provided with either a flight data recorder capable of recording items (a) to (h) above, or a four channel cockpit voice recorder;

In additon all turbine engined aeroplanes having a maximum total weight authorised exceeding 27,000 kg shall be equipped with a four channel cockpit voice recorder:

Provided that an aeroplane 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;

The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

Scale Q

If the maximum total weight authorised of the flying machine exceeds 5,700 kg 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 R

(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 of 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 S

A flight recording system comprising in respect of aeroplanes having a maximum total weight authorised exceeding 27,000 kg, a four channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale data from which the following information can be established: the flight path of the aeroplane; the attitude of the aeroplane; the basic lift, thrust and drag forces acting upon the aeroplane; the selection of high lift devices (if any) and air brakes (if any); the position of primary flying control and pitch trim surfaces; cockpit warnings relating to engine fire and engine shutdown, cabin pressurisation, presence of smoke and hydraulic/ pneumatic power supply; outside air temperature; instrument landing system deviation; use made of automatic flight control systems, radio altitude (if any); and the level of essential AC electricity supply.

The cockpit voice recorder or flight data recorder, as the case may be shall, be so constructed that the record would be likely to be preserved in the event of an accident:

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 T

An underwater sonar location device.

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, ½ litre fresh water in durable containers;

(e) first aid equipment.

Scale V

(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, ½ 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 W

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water: provided that if the equipment becomes unservicable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale X

(i) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

(ii) If the aircraft has a total seating capacity exceeding 149 passengers two portable battery-powered megaphone together capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.

Scale Y

Cosmic radiation detection equipment calibrated millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

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 it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

SCHEDULE 6

(Article 13)

Radio Equipment to be carried in Aircraft

1. 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.

2. TABLE

AIRCRAFT AND CIRCUMSTANCES OF FLIGHT	SCALE OF EQUIPMENT REQUIRED						
	A	B	C	D	E	F	G
(1) All aircraft within Malta when flying:							
(i) Under IFR	A	B			E		
(ii) Under VFR	A						
(iii) above a height/level notified by ATC							G*
(2) All aircraft registered in Malta							
(a) when flying for the purpose of public transport under Instrument Flight Rules:							
(i) while making an approach to landing	A	B	C	D		F	
(ii) on all other occasions . . .	A	B	C				
(b) exceeding 2,300 kg, maximum total weight authorised when flying for the purpose of public transport under Visual Flight Rules	A	B					
(c) not exceeding 2,300 kg, maximum total weight authorised when flying for the purpose of public transport under Visual Flight Rules:							
(i) over a route on which navigation is not effected solely by visual reference to landmarks	A	B					
(ii) over water, beyond gliding distance from any land	A						

* Unless the appropriate air Traffic Control Unit otherwise permits in relation to a particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

(3) The scales of radio equipment indicated in the foregoing Table shall be as follows:

Scale A

Radio equipment capable of maintaining two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Sacle D

Radio equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E

Radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations.

Scale F

Radio equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale G

Secondary surveillance radar equipment.

SCHEDULE 7

(Article 14)

Aircraft, Engine and Propeller Log Books

1. Aircraft Log Books

The following entries shall be included in the aircraft log book:

(a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;

(b) the nationality and registration marks of the aircraft;

(c) the name and address of the operator of the aircraft;

(d) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take offs and landings on that day;

(e) particulars of all maintenance work carried out on the aircraft or its equipment;

(f) particulars of any defects occuring in the aircraft or in any equipment required to be carried therin by or under this Order, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by Article 9 (7) of this Order;

(g) particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under sub-paragraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

2. *Engine Log Book*

The following entries shall be included in the engine log book:

(a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;

(b) the nationality and registration marks of each aircraft in which the engine is fitted;

(c) the name and address of the operator of each such aircraft;

(d) either —

(i) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made that day, the number of flights and the total duration of the period between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification, or inspection was undertaken on the engine;

(e) particulars of all maintenance work done on the engine;

(f) particulars of any defects occuring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Article 9 (7) of this Order;

(g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. *Variable Pitch Propeller Log Book*

The following entries shall be included in the variable pitch propeller log book:

(a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;

(b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;

(c) the name and address of the operator of each such aircraft;

(d) either —

(i) the date of each flight and the duration of the period between take off and landing, or, if more than one flight was made on that day the number of flights and the total duration of the periods between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification, or inspection was undertaken on the propeller;

(e) particulars of all maintenance work done on the propeller;

(f) particulars of any defects occuring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Article 9 (7) of this Order;

(g) particulars of any overhaul, repairs, replacements and modifications relating to the propeller.

SCHEDULE 8

(Article 19)

Flight Crew of Aircraft: Licences and Ratings

PART A — LICENCES

Minimum Age, Period of Validity, Privileges

1. Aeroplane Pilots

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 nor fly such an aeroplane for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction as is specified in paragraph (a) of this proviso;

(c) he shall not fly as pilot in command of such an aeroplane at night on a flight on which any passenger is carried unless:

(i) his licence includes a night rating (aeroplane): and

(ii) his licence includes an instrument rating (aeroplane) or he has within the immediately preceding 6 months carried out as pilot in command not less than 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 excercise the privileges of a Private Pilot's Licence (Aeroplanes) which includes a night rating (aeroplanes), entitled to fly as pilots in command of an aeroplane on a special VFR flight notwithstanding that the flight visibility is less than 1½ nautical miles; and

(2) He shall be entitled to fly as pilot in command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that:

(a) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;

(b) he shall not fly such an aeroplane at night on which any passenger is carried unless his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12^0 below the horizon;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes) fly any such aeroplane of which the maximum total weight authorised exceeds 2,300 kg. on any flight for the purpose of public transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;

(d) he shall not fly such an aeroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 5,700 kg; and

(3) he shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(4) He shall not fly an aeroplane for the purpose of public transport on international scheduled or non scheduled operations after he has attained the age of 60 years.

Airline Transport Pilot's (Aeroplanes).
Minimum Age — 21 years
Maximum of validity — 6 months

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that proviso (d) to paragraph (2) of those privileges shall not apply.

2. *Helicopter and Gyroplane Pilots*

Private Pilot's Licence (Helicopters and Gyroplanes).
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 a helicopter or gyroplane of any type specified in the aircraft rating included in the licence:

Provided that:

(a) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are both members;

(b) he shall not receive any remuneration for his services on a flight other than remuneration for the giving of such instruction as is specified in paragraph (a) of this proviso;

(c) he shall not fly as pilot in command of such a helicopter or gyroplane at night on a flight on which any passenger is carried unless his licence includes a night rating (helicopters and gyroplanes) and he has within the immediately preceding 90 days carried out as pilot in command not less than 5 flights, each consisting of a take off, a transition from hover to forward flight (in case of a helicopter only), a climb to at least 500 feet, and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.

Commercial Pilot's Licence (Helicopters and Gyroplanes)
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 (Helicopter and Gyroplane) which includes a night rating (helicopter and gyroplanes);

(2) He shall be entitled to fly as pilot in command of any helicopter or gyroplane specified in Part 1 of the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that:

(a) he shall not fly such a helicopter or gyroplane at night on a flight on which any passenger is carried unless he has within the immediately preceding 90 days carried out as pilot in command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight (in case of a helicopter only), a climb to at least 500 feet, and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.

(b) He shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport if its maximum total weight authorised exceeds 5, 700 kg.

(3) He shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.

Airline Transport Pilot's Licence (Helicopter and Gyroplanes)
Minimum Age — 21 years
Maximum Period of Vlaidity — 6 months

Privileges: The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that proviso (b) to paragraph (2) shall not apply.

3. *Balloon and Airship Pilots*

Private Pilot's Licence (Balloons and Airships)
Mimimum Age — 17 years
Maximum Period of Validity — 2 years

Privileges: The holder of the licence shall be entitled to fly as pilot in command of any type of balloon or airship specified in Part 1 of the aircraft included in the licence and co-pilot of any type of balloon or airship specified in such aircraft rating:

Provided that:

(a) he shall not fly such balloon or airship for the purpose of public transport or aerial work which consists of the giving of instruction in flying in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving and the person receiving the instruction are both members;

(b) he shall not receive any remuneration for his service as a pilot other than remuneration for the giving of such instruction as is specified in paragraph (a) of the proviso.

Commercial Pilot's Licence (Balloon)
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 (Balloons and Airships); and

(2) He shall be entitled to fly , when the balloon is flying for any purpose whatsoever as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

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

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* In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

Privilges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships); and

(2) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot in command of any type of airship specified in Part 1 of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

4. Glider Pilots

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

Privileges: The holder of the licence shall be entitled to fly for any purpose as pilot in command or co-pilot of —

(a) any glider of which the maximum total weight authorised does not exceed 680 kg;

(b) any glider of which the maximum total weight authorised exceeds 680 kg and which is of a type specified in the rating included in the licence.

5. Other Flight Crew

Flight Navigator's Licence
Minimum Age — 21 years
Maximum Period of Validity — 6 months

Privileges: The holder of the licence shall be entitled to act as flight navigator in any aircraft.

Flight Engineer's Licence
Minimum Age — 21 years
Maximum Period of Validity — 6 months

Privileges: The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radiotelephony Operator's General Licence
Minimum Age — 18 years
Maximum period of Validity — 2 years

Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.

Flight Radiotelephony Operator's Restricted Licence
Minimum Age — 17 years
Maximum period of Validity — 2 years

Privileges: The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automaticaly but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Flight Radiotelegraphy Operator's Licence
Minimum age — 20 years
Maximum Period of Validity — 2years

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

Flight Radiotelegraphy Operator's Temporary Licence
Minimum Age — 18 years
Maximum Period of Validity — 2years

Privileges: The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator's licence.

PART B — RATINGS

1. The following ratings may be included in a pilot's licence granted under Part V of this Order, and, subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

Aircraft Rating. The licence shall entitle the holder to act as pilot only of aircraft of the type specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

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

Night Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to act as pilot in command at night of an aeroplane in which a passenger is carried.

Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot's licence (helicopter and gyroplanes) to act as pilot in command at night of a helicopter or gyroplane in which a passenger is carried.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of public transport or aerial work.

Flying Instructor's rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose.

2. An aircraft rating included in a flight engineer's licence shall entitle the holder of the licence to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purpose of this Schedule:

"Solo flight" 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.

"Cross-country Flight" means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure.

PART C — CERTIFICATE OF TEST OR EXPERIENCE

Certificate of Test

2. A certificate of test required by Article 19 (4) of this Order shall be signed by a person authorised by the Director to sign certificates of this kind and shall certify the following particulars:

(a) the functions to which the certificate relates;

(b) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying logbook of which the certificate test of his ability to perform the functions to which the certificate relates;

(c) the type of aircraft or flight simulator in or by means of which the test was conducted;

(d) the date on which it was signed.

Nature of Test

3. The appropriate test referred to in paragraph 2 of this part of this Schedule shall be a test which entitles the holder of the licence of which the certificate forms part to act as pilot in command and/or co-pilot of aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot in command and/or co-pilot and shall where the Director so specifies in respect of the whole or part of a test be conducted in an aircraft in flight or by means of a flight simulator approved by the Director.

Period of Validity of Certificate of Test

4. (a) A certificate of test required by Article 19 (4) of this Order shall not be valid in relation to a flight made more than 13 months after the date of the test which it certifies.

Certificate of Experience

5. A certificate of experience required by Article 19 (4) of this Order shall be signed by a person authorised by the Director to sign such a certificate and shall certify the following particulars:

(a) the functions to which the certificate relates;

(b) that on the date on which the certificate was signed the holder of the licence or personal flying logbook of which it forms part, as the case may be, produced his personal flying logbook to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6 of this Part of this Schedule;

(c) the type or types of aircraft in which the experience was gained;

(d) the date on which it was signed.

Period of Experience

6. A certificate of experience shall not be valid unless the experience certified was gained within the period of 13 months preceding the signing of the certificate.

Period of Validity of Certificate of Experience

7. A certificate of experience shall not be valid more than 13 months after it was signed.

SCHEDULE 9

(Article 62 (2))

Air Traffic Controllers: Ratings

1. The holder of a licence which includes ratings of two or more of the classes specified in paragraph 2 of this Schedule shall not at any one time perform the functions specified in respect of more than one of those ratings:

Provided that the functions of any one of the following groups of ratings may be exercised at the same time:

(a) The Aerodrome Control Rating and the Approach Control Rating;

(b) The Approach Control Rating and the Approach Radar Control Rating; except that the functions of the Approach Control Rating shall not be exercised at the same time as the functions of the Approach Radar Control Rating if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway;

(c) The Area Control Rating and the Area Radar Control Rating.

2. Ratings of the following classes may be included in an air traffic controller's licence (other than a student air traffic controller's licence) granted under Article 62 of the Order and subject to the provisions of this Order and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

(1) Aerodrome Control Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft on the manoeuvring area or apron of that aerodrome or which is flying in the vicinity of the aerodrome traffic zone by visual reference to the surface or which is continuously visible from the aerodrome control position.

(2) Approach Control Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service (but not with any type of radar equipment for which a radar control rating is required under this paragraph) for any aircraft which is flying in the vicinity of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(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 it is flying within 40 nautical miles of the aerodrome traffic zone whether or not it is flying by visual reference to the surface.

(4) Area Control Rating shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service within control areas without the aid of any surveillance radar equipment.

(5) Area Radar Control Rating shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service within control areas with the aid of any type of surveillance radar equipment for which the rating is valid.

SCHEDULE 10

(Article 24)

Public Transport — Operational Requirements

Part A — Operations Manual

Information and instructions relating to the following matters shall be included in the operations manual referred to in Article 24 (2) of this Order:

(i) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew;

(ii) the respective duties of each member of the crew and the other members of the operating staff;

(iii) the scheme referred to in Article 53 (1) (c) (i) of this Order;

(iv) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;

(v) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;

(vi) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Schedule 5 to this Order is to be computed;

(vii) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with;

(viii) the circumstances in which a radio watch is to be maintained;

(ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers;

(x) communications, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight operations; the information referred to in this paragraph shall be contained in a route guide, which may be in the form of a separate volume;

(xi) the reporting in flight to the notified authorities of meteorological observations;

(xii) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of Malta or of the countries whose territory is to be flown over;

(xiii) the particulars referred to in Article 29 of this Order;

(xiv) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance;

Provided that in relation to any flight which is not one of a series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with paragraphs (x) and (xii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

Part B — Crew Training and Tests

(Article 26)

1. The training, experience, practice and periodical tests required under Article 26 (2) of this Order in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows:

(1) The Crew

Every member of the crew shall:

(a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried with aircraft on the flight; and

(b) have practised within the relevant period under the supervision of the operator or of a person appointed by him for the purpose, the carrying out of the duties required of him in case of an emergency occuring to the aircraft, either of an aircraft of the type to be used in the flight or in apparatus approved by the Director for the purpose and controlled by persons so approved.

(2) Pilots

(a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator —

(i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used in the flight, including the use of the instruments and equipment provided in the aircraft;

(ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Director for the purpose by means of a flight simulator approved by the Director under Article 19 (9) of this Order. The tests specified in sub-paragraph (2) (a) (ii) of this paragraph when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or simulated by means approved by the Director.

(b) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relative period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight

(i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures, and

(ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures.

(3) Flight Engineers

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator:

(a) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight;

(b) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in aircraft in flight.

The other tests required by this sub-paragraph may be conducted either in an aircraft in flight, or under supervision of a person approved by the Director for the purpose by means of a flight simulator approved by the Director.

(4) Flight Navigators and Flight Radio Operators

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under Article 17 (4) and (5) respectively of this Order shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight:

(a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for the purposes of navigation;

(b) in the case of a flight radio operator using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of this ability to carry out emergency procedures.

(5) Aircraft Commanders

(a) The pilot designated as commander of the aircraft for the flight shall within the relevant period —

(i) have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing and any alternate aerodromes, including in particular his knowledge of:

the terrain,
the seasonal meteorological conditions,
the meteorological, communications, and air traffic facilities, services and procedures,
the search and rescue procedures, and
the navigational facilities,

relevant to the route;

(ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Director or under the supervision of a person approved by the Director for the purpose by means of a flight simulator approved by the Director under Article 19 (9) of this Order;

(iii) have carried out as pilot in command not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(b) In determining whether a pilot's knowledge of the matters referred to in sub-paragraph (a) (i) is sufficient to render him competent to perform the duties of aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following —

(i) the experience of other members of the intended flight crew;

(ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;

(iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot is familiar;

(iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight;

(v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;

(vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;

(vii) the nature of air traffic control procedures and familiarity of the pilot with such procedures;

(viii) the influence of terrain on route conditions and the extent of the assistance obtainable en route from navigational aids and air-to-ground communication facilities;

(ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) Co-pilots

Any co-pilot who acts as pilot of the aircraft during take-off or landing shall within the relevant period:

(a) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such tests being carried out either in flight in instrument

flight conditions simulated by means approved by the Director or under the supervision of a person approved by the Director for the purpose by means of a flight simulator approved by the Director;

(b) have carried out either as pilot in command or as co-pilot not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(7) For the purposes of this paragraph:

"instrument flight conditions" means weather conditions such that the pilot is unable to fly by visual reference to objects outside the aircraft;

"relevant period" means a period which immediately precedes the commencement of the flight, being a period —

(a) in the case of sub-paragraphs (5) (a) (iii) and (6) (b) of this paragraph, of 3 months;

(b) in the case of sub-paragraphs (2) (a) (ii), (2) (b) (ii), (3) (b), (5) (a) (ii) and (6) (a) of this paragraph, of 6 months;

(c) in the case of sub-paragraphs (1), (2) (a) (i), (2) (b) (i), (3) (a), (4) and (5) (a) (i) of this paragraph, of 13 months;

Provided that:

(i) any pilot of the aircraft to whom the provisions of sub-paragraphs (2) (a) (ii), (2) (b) (ii), (5) (a) (ii) or (6) (a) any flight engineer of the aircraft to whom the provisions of sub-paragraph (3) (b) of this paragraph apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions within the period of 13 months immediately preceding the flight, such occasions being separated by an interval of not less than 4 months;

(ii) the requirements of sub-paragraph (5) (a) (i) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so as to act on flights between the same places over the same route more than 13 months before commencement of the flight, he has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2. (i) The records required to be maintained by an operator under Article 26 (2) of this Order shall be accurate and up-to-date records so kept as to show, on any date in relation to each person who has during the period of two years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator:

(a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner;

(b) the date upon which that person last practised the carrying out of duties referred to in paragraph 1 (1) (b) of this Schedule;

(c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties;

(d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1 (5) (a) (i) of this Schedule including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books, certificates, papers and other documents, whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

Part C — Training Manual

The following information and instructions in relation to the training experience, practice and periodical tests required under Article 26 (2) of this Order shall be included in the training manual referred to in Article 25 (2) of this Order:

(i) the manner in which the training, practice and periodical tests required under Article 26 (2) and specified in Part B of this Schedule are to be carried out;

(ii) (a) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the said training, practice and periodical tests; and

(b) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and

(c) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;

(iii) the minimum qualifications and experience required of each member of the crew undergoing the said training, practice and periodical tests;

(iv) the syllabus for, and specimen forms for recording, the said training, practice and periodical tests;

(v) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;

(vi) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;

(vii) the use to be made in the said training and testing of apparatus approved for the purpose by the Director.

SCHEDULE 11

(Articles 53 and 54)

Documents to be carried by Aircraft Registered in Malta

On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is international air navigation: Document G.

On a flight for the purpose of the public transport of passengers:

Document J.

On a flight for the purpose of aerial work:

Documents A, B, C, D, E, F, and, if the flight is international air navigation: Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work:

Documents A, B, C and G.

For the purpose of this Schedule:

"A" means the licence in force in respect of the aircraft radio station installed in the aircraft, and the current telecommunication log book required by this Order;

"B" means the certificate of airworthiness in force in respect of the aircraft;

"C" means the licences of the members of the flight crew of the aircraft;

"D" means one copy of the load sheet, if any, required by Article 27 of this Order in respect of the flight;

"E" means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

"F" means the technical log, if any, in which entries are required to be made under Article 9, of this Order;

"G" means the certificate of registration in force in respect of the aircraft;

"H" means the operations manual, if any, required by Article 24 (2) (a) (iii) of this Order to be carried on the flight;

"J" means one copy of the certificate of release, if any, in force in respect of the aircraft;

For the purpose of this Schedule:

"International air navigation" means any flight which includes passage over the territory of any country other than Malta.

SCHEDULE 12

Penalties

Part A — Provisions referred to in Article 84 (5)

Article of Order	*Subject*
3	Aircraft flying unregistered
5	Aircraft flying with false or incorrect markings
7	Flight without a certificate of airworthiness
9 (1)	Flight without appropriate maintenance
9 (1) (b)	Flight without certificate of maintenance review
9 (7)	Failure to enter flight times and defects in technical log
10	Flight without certificate of release to service
12	Flight without required equipment
13	Flight without required radio equipment
14	Failure to keep log book
15	Requirement to weigh aircraft and keep weight schedule
17	Crew requirement
18	Requirement for appropriate licence
19 (4)	Requirement for appropriate certificates
19 (5)	Prohibition of flight after failure of test
19 (6) (a)	Flight without valid medical certificate
19 (7)	Flight in unfit condition
22	Instruction in flying without appropriate licence and rating
24	Operations manual requirement
25	Training manual requirement
26	Operator's responsibilities in connection with crew
27	Requirements for loading aircraft
28	Operational restrictions on aircraft
29	Aerodrome operating minima — Malta registered aircraft
30	Aerodrome operating minima — foreign registered aircraft
31	Pre-flight action by commander of aircraft
32	Requirement for pilot to remain at controls
33	Duties of commander on flight for public transport of passengers
34	Requirement for radio station in aircraft to be licensed and for operation of same
35	Requirement for minimum navigation performance system
36	Use of flight recorders and preservation of records
37	Towing of gliders
38	Towing, picking-up and raising of persons and articles by aircraft
39	Dropping of persons and articles from aircraft
41	Requirement for aerial application certificate
44	Carriage of persons in or on any part of an aircraft not designed for that purpose
45	Requirement for exits and break-in markings
49	Prohibition of smoking in aircraft
50	Requirement to obey lawful commands of aircraft commander

Article of Order	*Subject Matter*
51	Prohibition of stowaways
53 (3)	Operator's obligation to obtain flight time records of flight crew
54 (2)	Flight crew member's obligation to inform operator of flight times
55	Flight time limitations
61 (2)	Breach of Rules of the Air and Air Traffic Control
63 (except (4))	Requirement for licensing of air traffic controllers and aerodrome flight information service officers
65	Flight in contravention of restriction of flying regulations
66	Flight by balloons, kites and airships
67	Requirement for licensed aerodromes
69 (4)	Contravention of conditions of aerodrome licences
70	Use of radio equipment at aerodromes
71	Requirement to keep records at aerodromes
74	Use of aeronautical lights
75 (1)	Prohibition of dangerous lights
75 (2)	Failure to extinguish or screen dangerous lights
78	Restriction of flights for aerial survey by non-Maltese registered aircraft
79 (except(4))	Requirement to report occurrences
82	Obstruction of persons performing duties under Order.

Part B — Provisions Referred to in Article 84 (6)

Article of Order	*Subject Matter*
42	Prohibition of carriage of weapons and munitions of war
43	Prohibition of carriage of dangerous goods
46	Endangering safety of aircraft
47	Endangering safety of persons or property
48	Prohibition of drunkenness in aircraft
53 (1)	Operator's obligation to regulate flight times of flight crew
53 (2)	Operator's obligation not allow flight by crew in dangerous state of fatigue
54 (1)	Crew's obligation not to fly in dangerous state of fatigue
60 (except(3))	Use of false or unauthorised documents and records
79 (4)	Making false reports
80	Flight in contravention of direction not to fly.

SCHEDULE 13

(Article 61)

Rules of the Air and Air Traffic Control

SECTION I

Interpretation

1. In these Rules, unless the context otherwise requires —

"Air traffic control clearance" means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit.

"Anti-collision light" means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft.

"Apron" means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, the loading and unloading of cargo and for parking.

"Ground visibility" means the horizontal visibility at ground level.

"IFR flight" means a flight conducted in accordance with the Instrument Flight Rules in Section VI of these Rules.

"Manoeuvring area" means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft.

"Runway" means an area, whether or not paved, which is provided for the take-off or landing run of aircraft.

"VFR flight" means a flight conducted in accordance with the Visual Flight Rules in Section V of these Rules.

SECTION II

General

Application of Rules to aircraft

2. These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of Rule 29 of these Rules, apply in relation to:—

(a) all aircraft within Malta; and

(b) all aircraft registered in Malta, wherever they may be.

Misuse of Signals and Markings

3. (1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules.

Reporting hazardous conditions

4. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Low flying

5. (1) Subject to the provisions of paragraphs (2) and (3) of this Rule:

(a) an aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below —

(i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or

(ii) a height of 1,500 feet above the highest fixed object within 2,000 feet of the aircraft, whichever is the higher.

(b) A helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit.

(c) Except with the permission in writing of the Director and in accordance with any conditions therein specified a helicopter shall not fly over a congested area of a city, town or settlement below a height of 1,500 feet below the highest fixed object within 2,000 feet of the helicopter.

(d) An aircraft shall not fly —

(i) over, or within 3,000 feet of, any assembly in the open air of more than 1,000 person assembled for the purpose of witnessing or participating in any organised event, except with the permission in writing of the Director and in accordance with any conditions therein specified and with the consent in writing of the organisers of the event; or

(ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit:

Provided that where a person is charged with an offence under this Order by reason of a contravention of this sub-paragraph, it shall be a good defence to prove that the flight of the aircraft over, or within 3,000 feet of, the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly.

(e) An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.

(2) (a) The provisions of paragraphs (1) (a) (ii) and (1) (c) of this Rule shall not apply to an aircraft flying on a special VFR flight as defined in Rule 23 of these Rules in accordance with instructions given for the purposes of that Rule by the appropriate air traffic control unit.

(b) Paragraphs (1) (c) (d) and (e) of this Rule shall not apply to an aircraft which is being used for police purposes.

(c) Paragraphs (1) (d) and (e) of this Rule shall not apply to the flight of an aircraft over or within 3,000 feet of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race or contest or an exhibition of flying, if the aircraft is taking part in such a race, contest or exhibition or is engaged on a flight arranged by, or made with the consent in writing of, the organisers of the event.

(d) Paragraph 1 (e) of this Rule shall not apply to —

(i) any aircraft while it is landing or taking off in accordance with normal aviation practice;

(ii) any glider while it is hill-soaring;

(iii) any aircraft while it is flying in accordance with proviso (f) of Article 39 (2) of this Order.

(3) Nothing in this Rule shall prohibit an aircraft from flying in such a manner as is necessary for the purpose of saving life.

(4) Nothing in this Rule shall prohibit any aircraft from flying in accordance with normal aviation practice, for the purpose of taking off from, landing at or practising approaches to, landing at, or checking navigational aids or procedures at, a Government aerodrome or a licensed aerodrome in Malta or at any aerodrome in any other country:

Provided that the practising of approaches to landing shall be confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(5) Nothing in this Rule shall apply to any captive balloon or kite.

Simulated instrument flight

6. An aircraft shall not be flown in simulated instrument flight conditions unless

(a) the aircraft is fitted with dual controls which are functioning properly;

(b) an additional pilot (in this Rule called "a safety pilot") is carried in a second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft; and

(c) if the safety pilot's field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a

position in the aircraft which from his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

For the purpose of this Rule the expression "simulated instrument flight" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility form the cockpit of the aircraft.

Practice Instrument Approaches

7. Within Malta an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless —

(a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and

(b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION III

Lights and other signals to be shown or made by aircraft

General

8. (1) For the purposes of this Section of these Rules the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft where in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Section of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all direction, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of Lights by Aircraft

9. (1) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights:

Provided that nothing in this paragraph shall prevent display of an anti-collision light.

(2) A flying machine on a land aerodrome in Malta at which aircraft normally land or take off at night shall, unless it is stationary on the apron or a part of the aerodrome provided for the maintenance of aircraft, display by night either the lights which it would be required to display if it were flying, or the lights specified in Rule 11 (1) of these Rules.

Failure of Navigation Lights

10. In Malta, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

Flying Machines

11. (1) A flying machine when flying at night shall display lights as follows:

(a) an unobstructed red light of at least five candela projected above and below the horizontal plane from dead ahead to 110 degrees to left (port);

(b) an unobstructed green light of at least five candela projected above and below the horizontal plane through an angle from dead ahead to 110 degrees right (starboard);

(c) an unobstructed white light of at least three candela projected above and below the horizontal plane rearward through an angle of 140 degrees equally distributed on the left (port) and right (starboard) sides.

These lights also called navigation lights may be displayed either as steady lights or flashing lights.

(2) When the lights described in paragraph (1) of this Rule are displayed as flashing lights: either one or both of the following additional lights shall be displayed:

(a) a flashing red rear light of at least 20 candela showing through angles of 70 degrees from dead astern to each side in the horizontal plane which alternates with the flashing white rear light described in paragrpah (1)(c) of this Rule;

(b) a flashing white light of at least 20 candela visible in all directions which alternates with the lights described in paragraphs (1)(a), (1)(b) and (1)(c) of this Rule.

(3) When the lights described in paragraph 1 of this Rule are displayed as steady lights, an additional flashing light or lights called anti-collision light/s visible as far as is practicable in all directions within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane shall be displayed.

(4) In addition, wing tip clearance lights comprising steady lights of the colour described for the navigation lights in paragraph (1)(a) and (1)(b) of this Rule, shall be provided if there are no navigation lights within 1.80 metres of the wing tips.

Gliders

12. A glider while flying at night shall display either a steady red light of at least five candela, showing in all directions or lights in accordance with Rule 11 of these Rules.

Free Balloons

13. A free balloon while flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket or if there is no basket, below the lowest part of the balloon.

Captive Balloons and Kites

14. (1) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows:

(a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;

(b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in sub-paragraph (a) of this paragraph, groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and

(c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length, and marked with alternate bands of red and white 50 centimetres wide.

(3) A kite flown in the circumstances referred to in paragraph (2) of this Rule shall have attached to its mooring cable either:

(a) tubular streamers as specified in paragraph (2) of this Rule, or

(b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide.

Airships

15. (1) Except as provided in paragraph (2) of this Rule, an airship while flying at night shall display the following steady lights:

(a) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;

(b) a green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(c) a red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and

(d) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship while flying at night shall display, if it is not under command, nor has voluntarily stopped its engines, or is being towed, the following steady lights:

(a) the white lights referred to in paragraph (1)(a) and (d) of this Rule;

(b) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and

(c) if the airship is making way but not otherwise, the green and red light referred to in paragraph (1) (b) and (c) of this Rule:

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1) of this Rule.

(3) An airship, while moored within Malta by night, shall display the following lights:

(a) when moored to a mooring mast, at or near the rear, a white light of at least five candela showing in all directions;

(b) when moored otherwise than to a mooring mast:

(i) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;

(ii) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this Rule:

(a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;

(b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

SECTION IV

General Flight Rules

Weather reports and forecasts

16. (1) Immediately before an aircraft flies the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether Instrument Meteorological Conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by a radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than five nautical miles or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

Rules for avoiding aerial collisions

17. (1) General

(a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(b) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(c) An aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so.

(d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(e) An aircraft which has the right of way under this Rule shall maintain its course and speed.

(f) For the purposes of this Rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) Converging

(a) Subject to the provisions of paragraphs (3) and (4) of this Rule, an aircraft in the air shall give way to another converging aircraft as follows:

(i) flying machines shall give way to airships, gliders and balloons;

(ii) airships shall give way to gliders and balloons;

(iii) gliders shall give way to balloons.

(b) Subject to the provisions of sub-paragraph (a) of this paragraph, when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way:

Provided that mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) Approaching Head-on

When two aircraft are approaching head-on or approximately so in the air and there is danger of collision each shall alter its course to the right.

(4) Overtaking

An aircraft which is being overtaken in the air shall have the right of way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Malta may alter its course to the right or to the left.

(5) Landing

An aircraft while landing or on final approach to land shall have the right of way over other aircraft in flight or on the ground or water.

(6) Two or more aircraft landing

In the case of two or more flying machines or gliders approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft:

Provided that:

(a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order, and

(b) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

Aerobatic Manoeuvres

18. An aircraft shall not carry out any aerobatic manoeuvres —

(a) over the congested area of any city, town or settlement; or

(b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand Traffic Rule

19. An aircraft which is flying within Malta in sight of the ground and following a road, coastline, or any other line of landmarks, shall keep such line or landmarks on its left.

Notification of Arrival

20. (1) The commander of an aircraft entering or leaving Malta on any flight for which a flight plan has been submitted shall take all reasonable steps to ensure upon landing that the notice of the arrival of the aircraft is given to the aerodrome of departure.

(2) The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

Flight in Notified Airspace

21. In relation to flights in Visual Meteorological Conditions in controlled airspace notified for the purpose of this Rule the commander of an aircraft shall comply with Rules 27 and 28 of these Rules 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 purposes of Rule 27 (3) of these Rules.

Choice of VFR or IFR

22. 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 controlled zone shall be flown in accordance with the Instrument Flight Rules or the provisions of the proviso to Rule 23 (b) of these Rules.

SECTION V

Visual Flight Rules

23. The Visual Flight Rules shall be as follows:

(a) Outside controlled airspace

(i) an aircraft flying outside controlled airspace about 3,000 feet above mean sea level shall remain at least on nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least eight kilometres when at or above 10,000 feet above mean sea level or at least five kilometres when below 10,000 feet above mean sea level.

(ii) an aircraft flying outside controlled airspace at or below 3,000 feet above mean sea level shall remain clear of clouds and in sight of the ground or water and in a flight visibility of at least one and a half kilometres.

(iii) VFR flights shall not be carried out above FL 200 and at more than 250 knots IAS below 10,000 feet above mean sea level.

(b) Within controlled airspace

(i) An aircraft flying within controlled airspace shall remain at least one and a half kilometres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least eight kilometres when at or above 10,000 feet above mean sea level or of at least eight kilometres when below 10,000 feet above mean sea level.

(ii) an aircraft flying within controlled airspace under the visual flight rules shall comply with instructions issued by the appropriate air traffic control unit.

(iii) VFR flights shall not be carried out above notified flight levels or altitudes and at more than 250 knots IAS below 10,000 feet above mean sea level.

(iv) "special VFR flight" means a flight made in Instrument Meteorological Conditions or at night in a control zone, 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.

SECTION VI

Instrument Flight Rules

24. The Instrument Flight Rules shall be as follows:

(a) Outside controlled airspace

In relation to flights outside controlled airspace Rules 25 and 26 of these Rules shall apply.

(b) Within controlled airspace

In relation to flights within controlled airspace Rules 25, 27 and 28 of these Rules shall apply.

Minimum Height

25. Without prejudice to the provisions of Rule 5 of these Rules, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of five nautical miles of the aircraft unless:

(a) it is necessary for the aircraft to do so in order to take off or land; or

(b) the aircraft has been otherwise authorised by the competent authority.

26. In order to comply with the Instrument Flight Rules an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in this Rule. The level of flight shall be measured by an altimeter set according to the system notified, or in the case of flight over a country other than Malta, otherwise published by the competent authority, in relation to the area in which the aircraft is flying:

Provided that an aircraft may be flown at a level other than the level required by this Rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

Table I — *Flights at Levels Below 29,000 Feet*

Magnetic Track	Cruising Level
From 000° to 179°	Odd thousands of feet
From 180° to 359°	Even thousands of feet

Table II — *Flights at Levels Above 29,000 Feet*

Magnetic Track	Cruising Level
From 000° to 179°	29,000 feet or higher levels at intervals of 4,000 feet
From 180° to 359°	31,000 feet or higher levels at intervals of 4,000 feet

Flight Plan and Air Traffic Control Clearance

27. (1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

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

(3) The commander of the aircraft shall fly in conformity with:

(a) the air traffic control clearance issued for the flight, as amended by any further instructions given by an air traffic control unit; and

(b) the holding and instrument approach procedure notified in relation to the aerodrome of destination, unless he is otherwise authorised by the air traffic control unit there:

Provided that he shall not be required to comply with the provisions of sub-para (b) of this paragraph if:

(i) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace, and

(ii) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan.

(4) If for the purpose of avoiding immediate danger any departure is made from the provisions of paragraph (3) of this Rule (as is permitted by Article 61(3) of the

Order) the commander of the aircraft shall in addition to causing particulars to be given in accordance with Article 61(4) of the Order, as soon as possible inform the appropriate air traffic control unit of the deviation.

(5) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

Position Reports

28. In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight who flies in or is intended to enter controlled airspace shall report to the appropriate air control unit the time, and the position and altitude of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

SECTION VII

Aerodrome Traffic Rules

Application of Aerodrome Traffic Rules

29. The Rules in this Section of these Rules which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

Visual Signals

30. The commander of a flying machine on, or in the traffic zone of, an aerodrome shall observe such visual signals as may be displayed at or directed to him from the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals:

Provided that he shall not be required to obey the signals referred to in Rule 43 of these Rules (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

Access and movement on the Manoeuvring Area and other parts of the aerodrome used by aircraft

31. (1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle or person shall not go or move on the manoevring area of an aerodrome having an air traffic control unit without the permission of that unit, and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purposes of this Rule may be granted either in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of persons or vehicles.

Right of Way on the Ground

32. (1) This Rule shall apply to —

(a) flying machines; and

(b) vehicles,

on any part of land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying machines and vehicles shall give way aircraft which are taking off or landing.

(b) Vehicles, and flying machines which are not taking off or landing, shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of paragraph (3) of this Rule and of Rule 34 (3)(b) of these Rules, in case of danger of collision between two flying machines:

(a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the flight;

(b) when two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

(c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of paragraph (3) (b) of this Rule a vehicle shall:

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Dropping of Tow Ropes, etc.

33. Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and:

(a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit with the person in charge of the aerodrome or

(b) in the area designated by the marking described in Rule 39 (7) of these Rules, and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

Aerodromes not having Air Traffic Control Units

34. (1) (a) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where no air traffic control unit is for the time being notified as being on watch, except for the purpose of taking off or landing at that aerodrome or observing the signals in the signals area with a view to landing there, unless he has the permission of the person in charge of the aerodrome.

(b) An aircraft flying within such a zone for the purposes of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall:

(a) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed;

(b) make all turns to the left unless ground signals otherwise indicate; and

(c) take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) A flying machine or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take-offs and landings are not confined to a runway —

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take off; if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take off.

(4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so.

Aerodrome having Air Traffic Control Units

35. (1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, except for the purpose of observing any signals at that aerodrome with a view to landing there, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch or moving on such an aerodrome shall:

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;

(b) not taxi on the apron or manoeuvring area or take off or land anywhere in the zone except with the permission of the air traffic control unit;

(c) comply with the provisions of Rule 34 (1) (b), (2), (3) and (4) of these Rules as if the aerodrome did not have an air traffic control unit, unless he has the permission of the air traffic control unit at the aerodrome, or has been instructed by that unit, to do otherwise.

(3) Without prejudice to the provisions of Rules 20 and 27 of these Rules, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within Malta having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he has just made or which he is about to undertake.

SECTION VIII

Aerodrome Signals and Markings: Visual and Aural Signals

General

36. (1) Whenever any signal specified in this Section of these Rules is given or displayed, or whenever any marking so specified is displayed, by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, it shall, when given or displayed in Malta, have the meaning assigned to it in this Section.

(2) All dimensions specified in this Section of these rules shall be subject to a tolerance of 10 per cent, plus or minus.

Signals and Signals Area

37. (1) When any signal specified in the following paragraphs of this Rule is displayed it shall be placed in a signals area, which shall be a square visible in all directions bordered by a white strip 30 centimetres wide the internal sides measuring 12 metres.

(2) A white landing T, as illustrated in this paragraph,

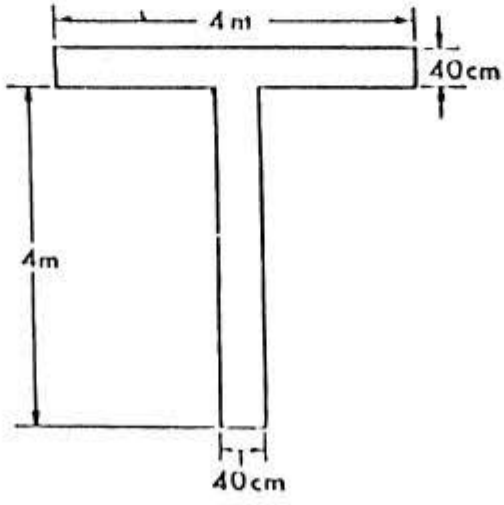


Fig. I

signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

(3) A white disc 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,

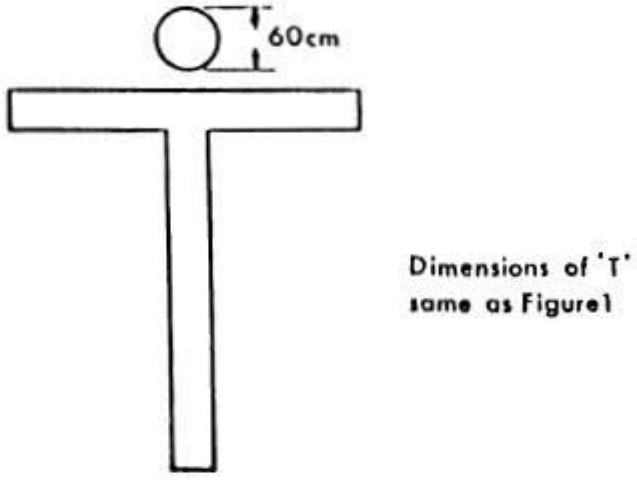


Fig. 2

signifies that the direction of landing and take-off do not necessarily coincide.

(4) A white dumb-bell, as illustrated in this paragraph,

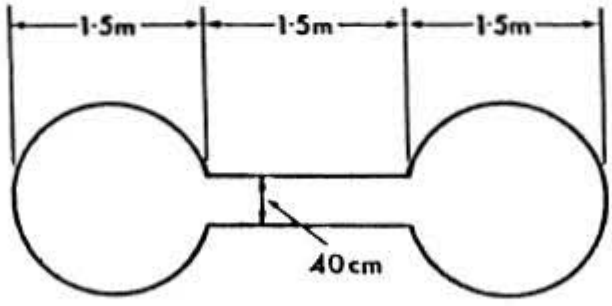


Fig. 3

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metalled or similar surfaces.

(5) A white dumb-bell as described in (4) above but with a black strip 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

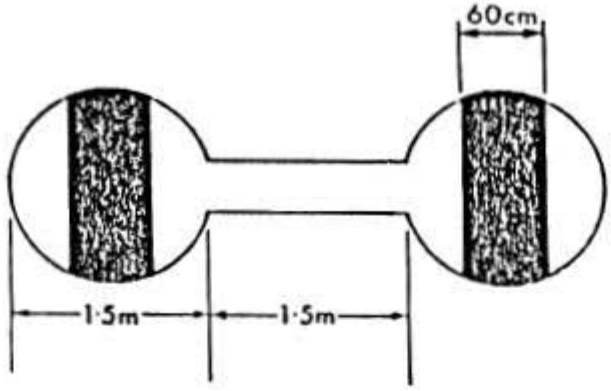


Fig. 4

signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

(6) A red yellow striped arrow, as illustrated in this paragraph,

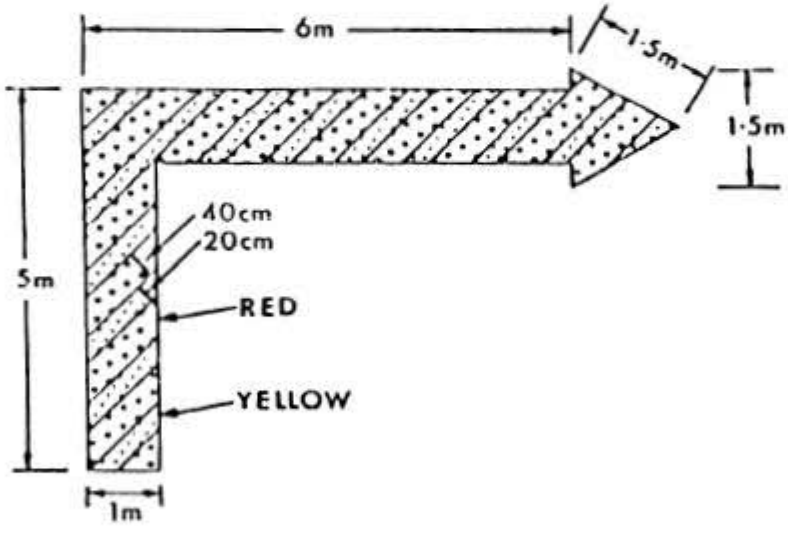


Fig. 5

the shaft of which is at least one metre wide placed along the whole or not less than a total of 11 metres to two adjacent sides of the signals area and pointing in a clock wise direction signifies that a right-hand circuit is in force.

(7) A red panel 3 metres square with a yellow strip along one diagonal at least 50 centimetres wide, as illustrated in this paragraph,

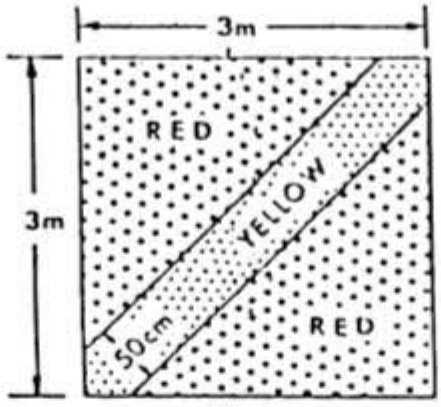


Fig. 6

signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.

(8) A red panel 3 metres square with a yellow strip, at least 50 centimetres wide, along each diagonal, as illustrated in this paragraph,

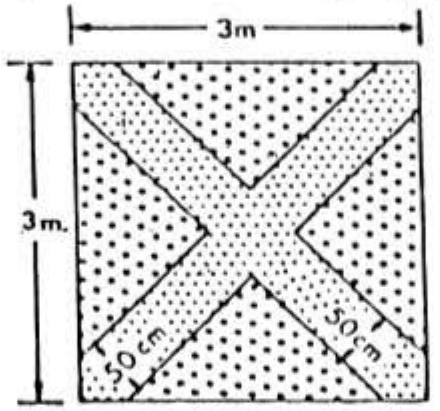


Fig. 7

signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

(9) A white letter H, as illustrated in this paragraph,

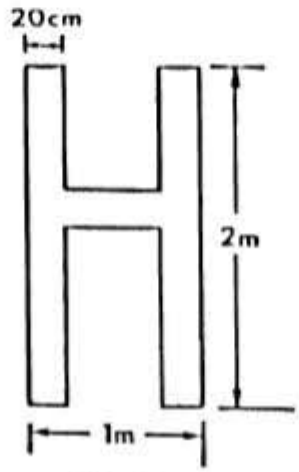


Fig. 8

signifies that helicopters shall take off and and land only within the area designated by the marking specified in Rule 44(5) of these Rules.

(10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5) of this Rule, as illustrated in this paragraph,

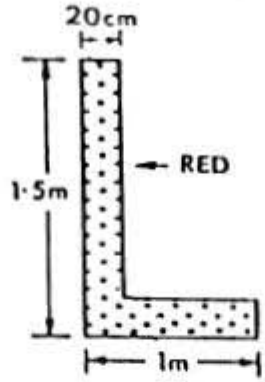


Fig. 9

signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking specified in Rule 44(6) of these Rules.

(11) A white double cross, as illustrated in this paragraph,

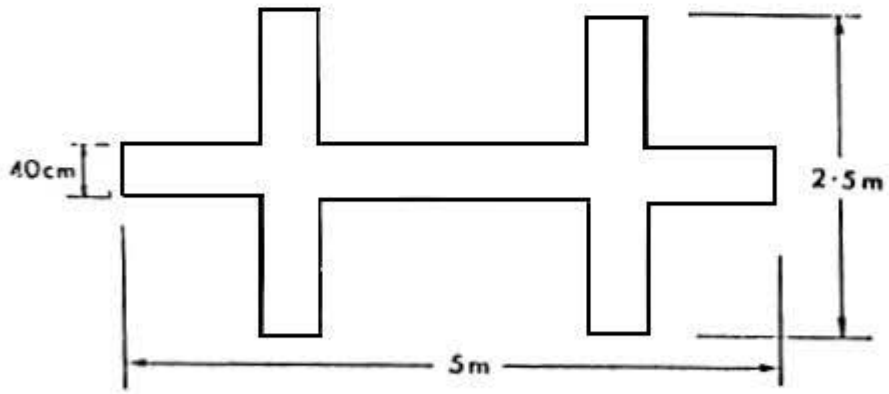


Fig. 10

signifies that glider flying is in progress.

Markings for Paved Runways and Taxiways

38. (1) Two or more white crosses, as illustrated in this paragraph,

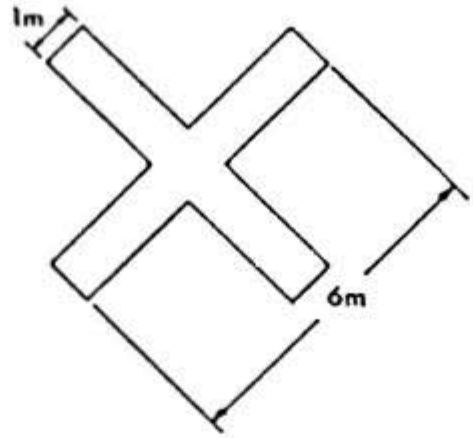


Fig. 11

displayed on a runway or taxiway, with the arms of the crosses at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) A white broken line and and a continuous line, as illustrated in this paragraph,

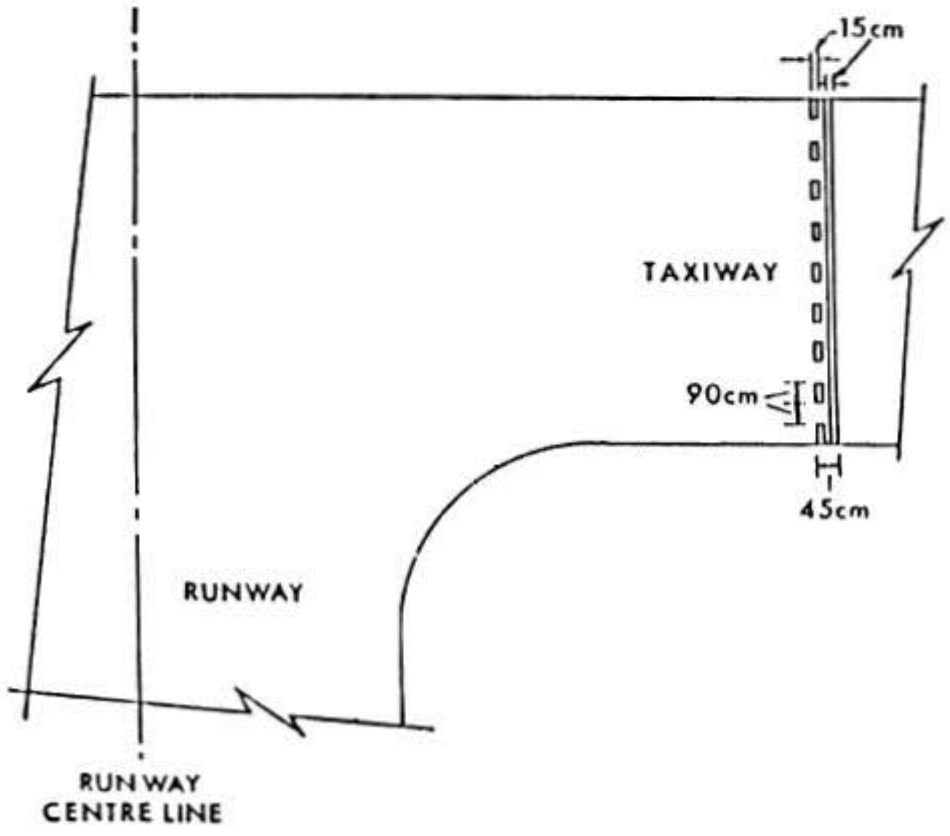


Fig. 12

signify a holding position beyond which no part of an aircraft or vehicle shall project in the direction of the runway without permission from an air traffic control unit.

(3) Orange and white markers, as illustrated in this paragraph,

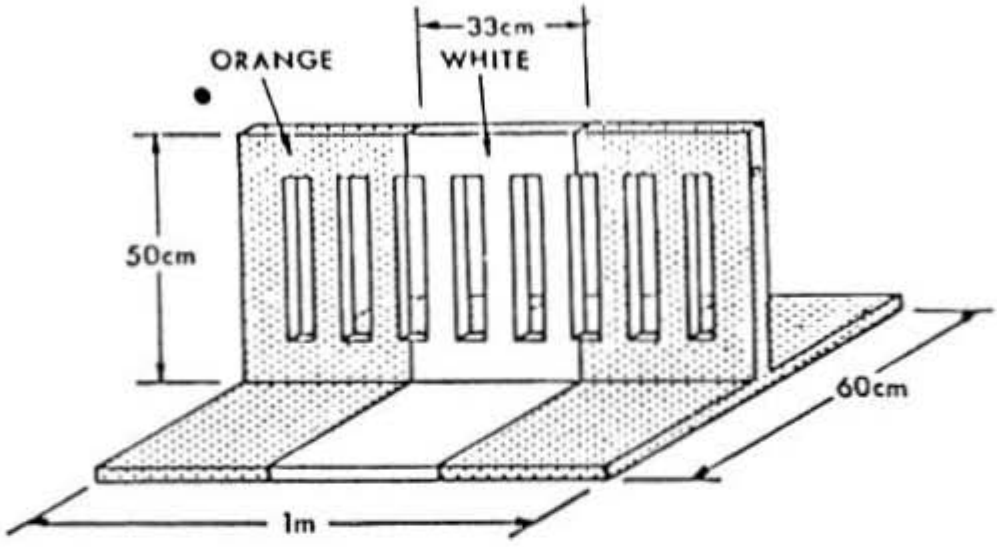


Fig. 13

spaced not more than 15 metres apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

Markings on unpaved manoeuvring areas

39. (1) Markers with orange and white stripes of an equal width of not less than 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

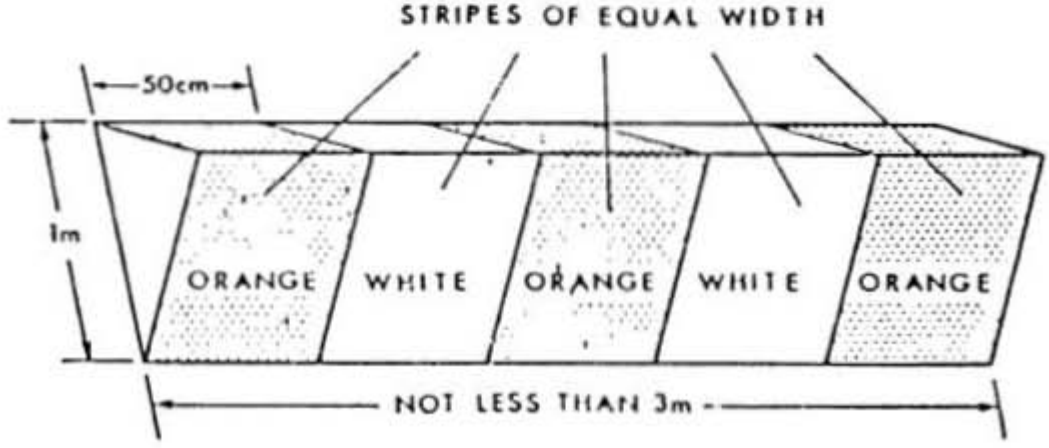


Fig. 14

alternating with flags not less than 60 centimetres square showing equal orange and white triangular areas, indicate the boundary or an area unfit for the movement of aircraft and one or more white crosses as speciied in Rule 43(1) of these Rules indicate the said area. The distance between any two succesive orange and white flags shall not exceed 90 metres.

(2) Striped markers, as specified in paragraph (1) of this Rule, spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of not less than 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

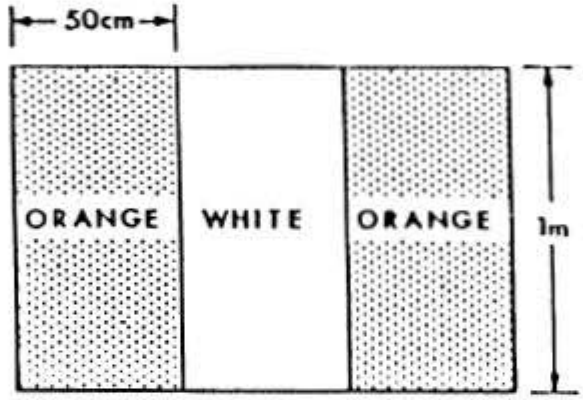


Fig. 15

spaced not more than 45 meters apart, indicate the boundary of an aerodrome. the pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

(4) White flat rectangular markers 3 metres long and 1 metre wide at intervals not exceeding 90 metres, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary on an unpaved runway or of a stopway.

(5) A white letter H, as illustrated in this paragraph,

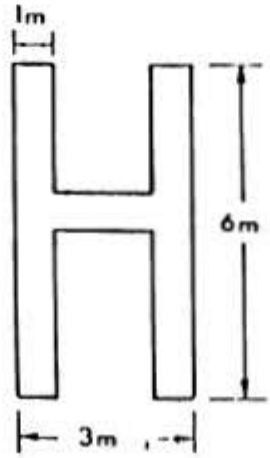


Fig. 16

indicates an area which shall be used only for the taking off and landing of helicopters.

(6) A white letter L as illustrated in this paragraph,

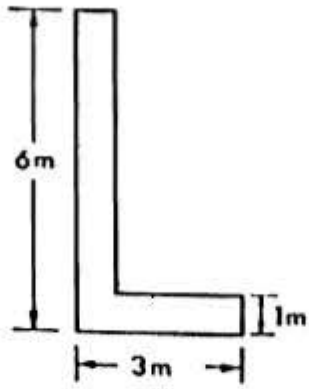


Fig. 17

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(7) A yellow cross with two arms 6 metres long by 1 metre wide at right angles, indicates that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed.

(8) A white double cross as illustrated in this paragraph,

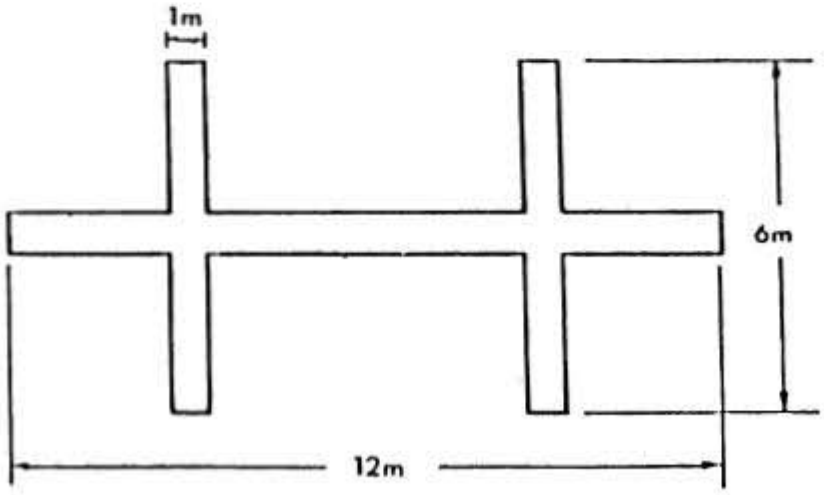


Fig. 18

indicated an area which shall be used only for the taking off and landing of gliders.

(9) A white landing T as specified in Rule 42(2) of these Rules placed at the left hand side of the runway when viewed from the direction of landing indicates the runway to be used, and at an aerodrome with no runway it indicates the direction for take-off and landing.

Signals visible from the ground

40. (1) A black ball 60 centimetres in diameter suspended from a mast signifies that the directions of take-off and landing are not necessarily the same.

(2) A checkered flag or board, 1·2 metres by 90 centimetres containing twelve equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls 60 centimetres in diameter, disposed vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black arabic numerals in two-figure groups and, where parallel runways are provided the letter or letter L (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.

(5) A black letter C against a yellow background, as illustrated in this paragraph,

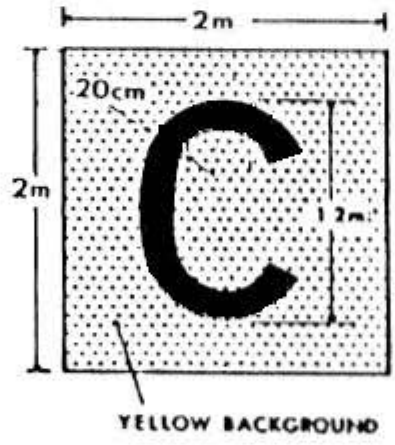


Fig. 19

indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(6) A rectangular green flag of not less than 60 centimetres square flown from a mast indicated that a right hand circuit is in force.

Lights and pyrotechnic signals for control of aerodrome traffic

41. Each signal described in the first column of Table A, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal.

Table A

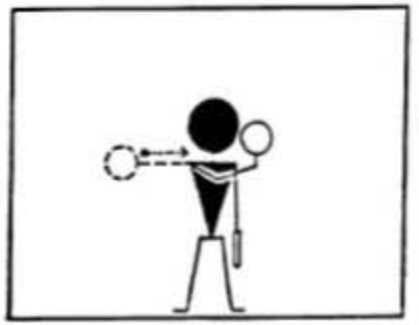
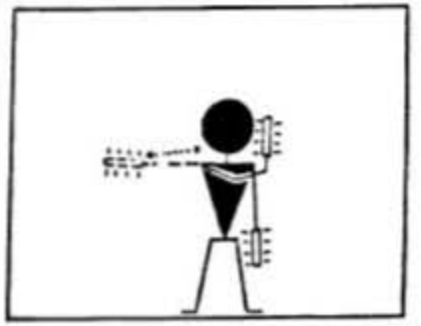
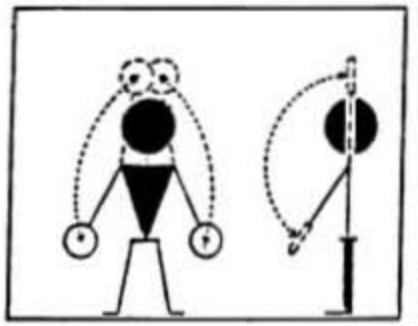
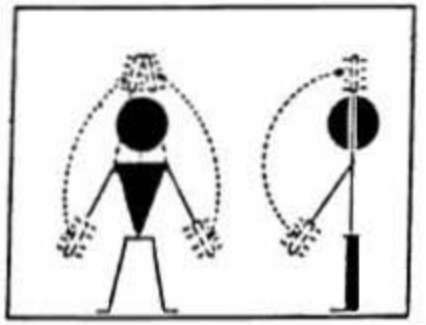
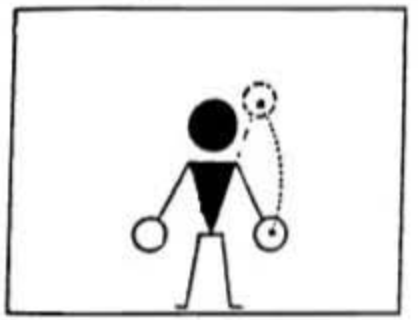
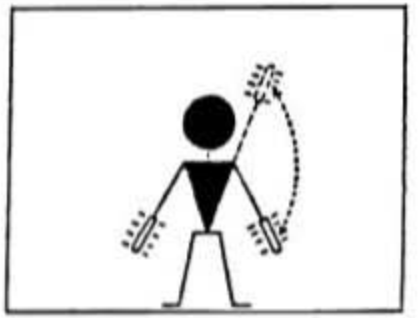
Meaning of Lights and Pyrotechnic Signals

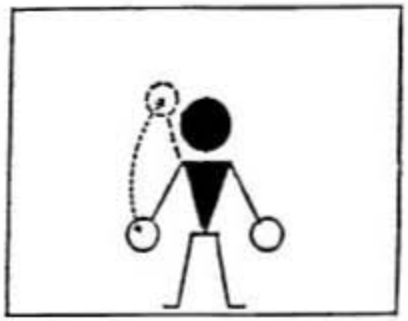
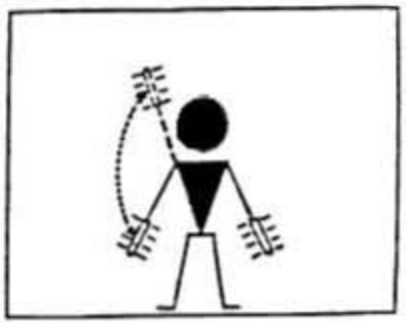
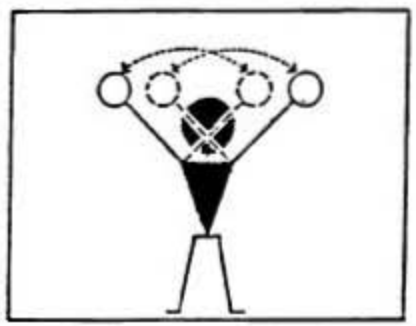
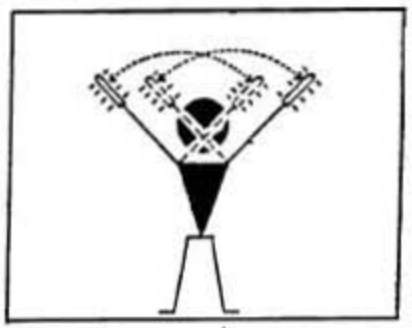
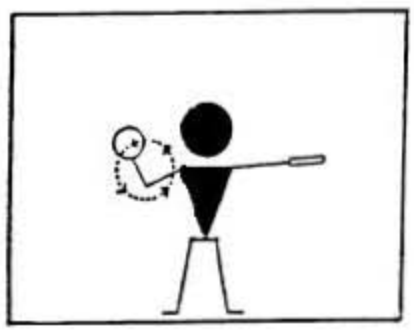
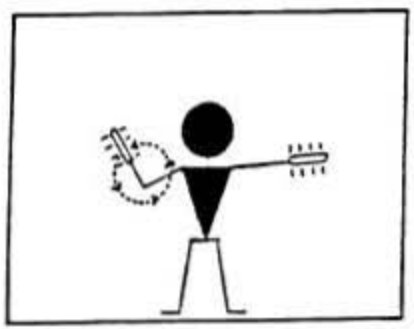
Characteristic and colour of light beam or pyrotechinic	From an aerodrome		From an aircraft in flight to an aerodrome
	to an aircraft in flight	to an aircraft or vehicle on the aerodrome	
(a) Continuous red light	Give way to other aircraft and continue circling.	Stop	—
(b) Red pyrotechnic light, or red flare	Do not land; wait for permission.	—	Immediate assistance is requested.
(c) Red flashes	Do not land; aerodrome not available for landing.	Move clear of landing area.	—
(d) Green flashes	Return to aerodrome; wait for permission to land.	To an aircraft: You may move on the manoeuvring area and apron; To a vehicle: You may move on the manoeuvring area.	—
(e) Continuous green light	You may land.	You may take off (not applicable to a vehicle).	—
(f) Continuous green light, or Green flashes, or Green pyrotechnic light	—	—	By night: May I land? By day: May I land in direction different from that indicated by landing T?
(g) White flashes	Land at this aerodrome after receiving continuous green light, and then, after receiving green flashes, proceed to the apron.	Return to starting point on the aerodrome.	I am compelled to land.
(h) White pyrotechnic lights Switching on and off the navigation lights Switching on and off the landing lights	—	—	I am compelled to land

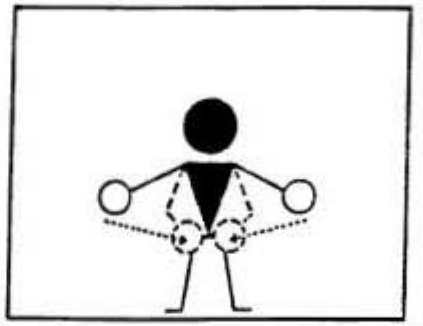
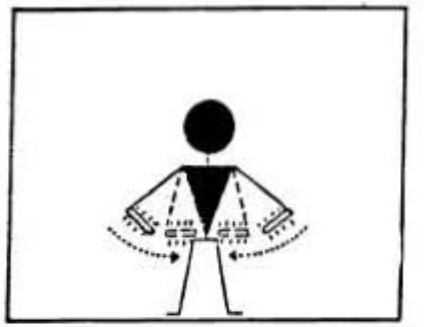
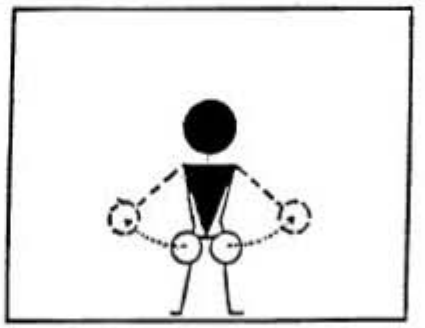
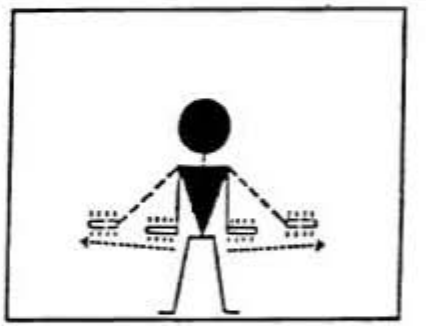
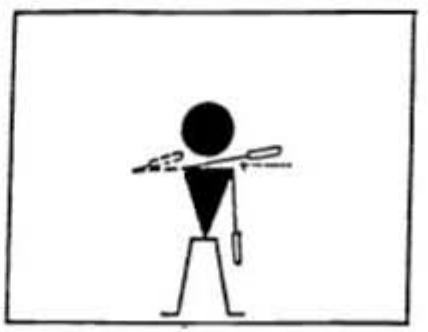
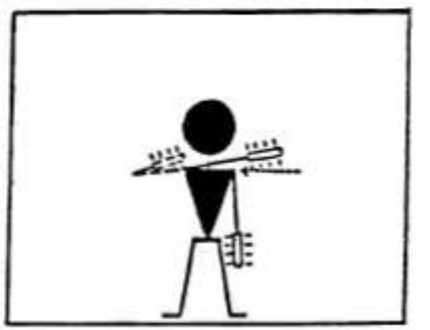
Marshalling signals (from a marshaller to an aircraft)

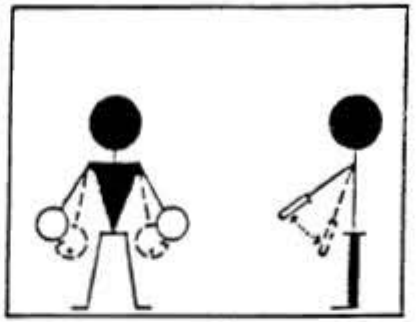
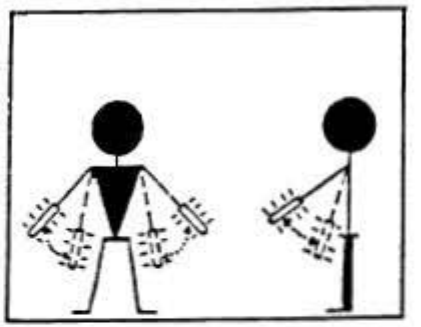
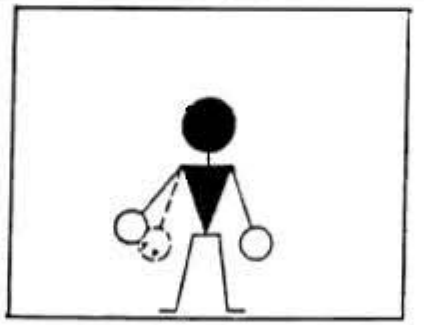
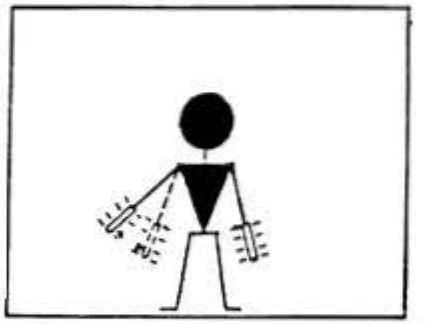
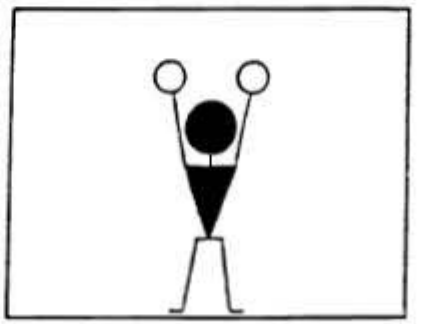
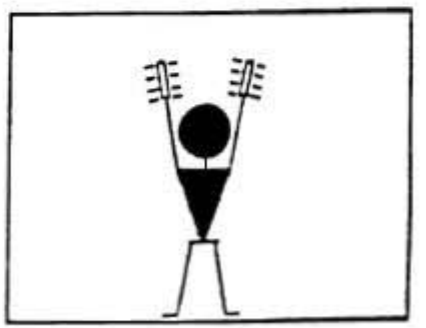
42. Each of the signals for the guidance of aircraft manoeuvring on or off the ground, described in the first column of Table B, paragraphs (a) to (x) shall, in Malta, have the meanings set forth in the second column of that Table opposite the description of the signal. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands.

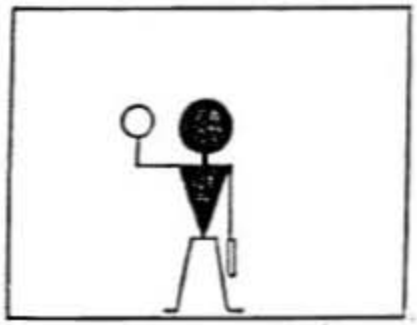
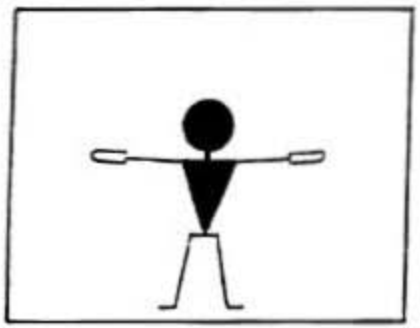
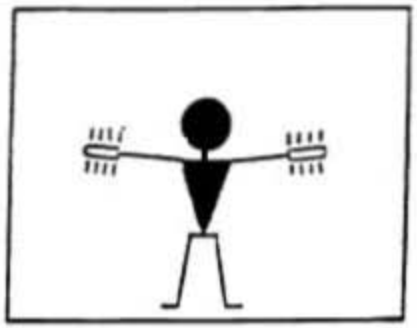
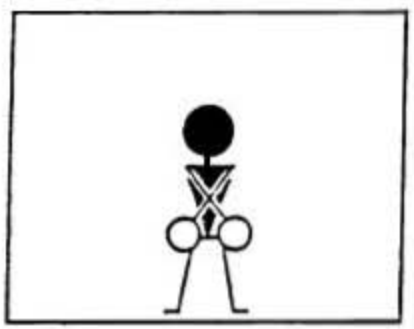
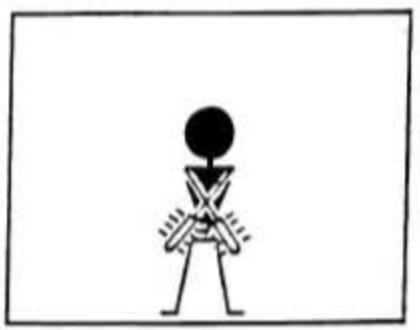
Table B — Meaning of Marshalling Signals (Rule 42)

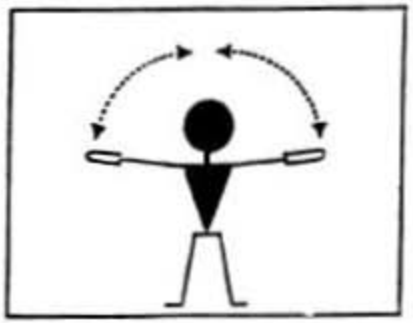
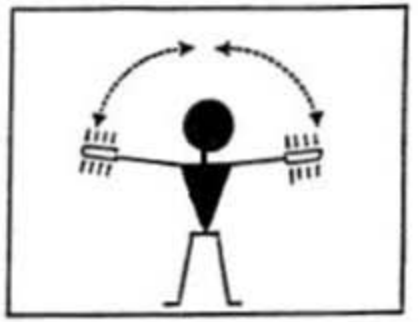
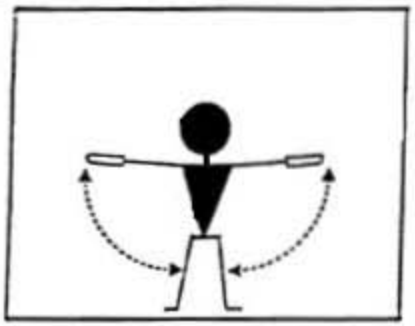
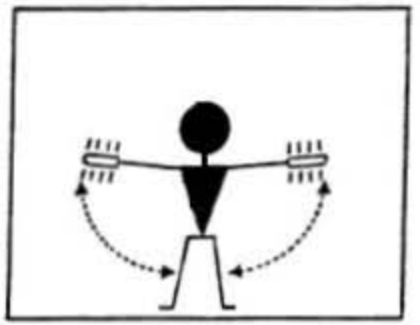
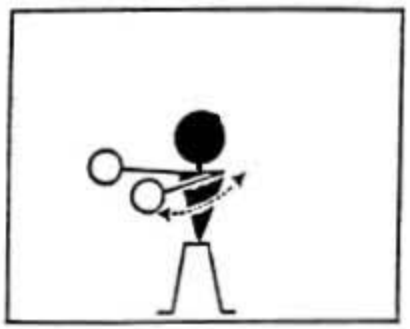
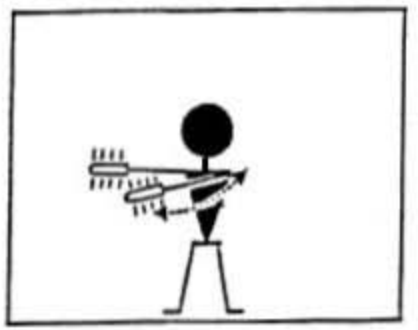
Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(a) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.	Proceed under guidance of another marshaller.		
(b) Arms repeatedly moved upward and backward, beckoning onward.	Move ahead.		
(c) Right arm, left arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up starboard engine or turn to port.		

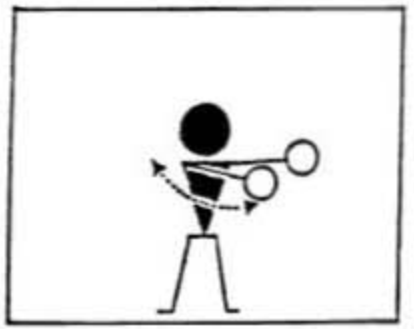
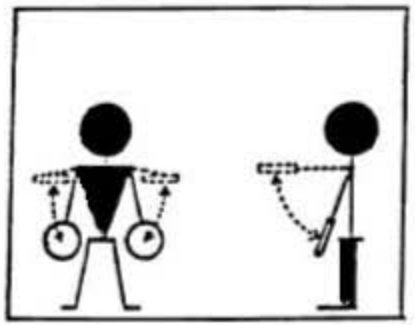
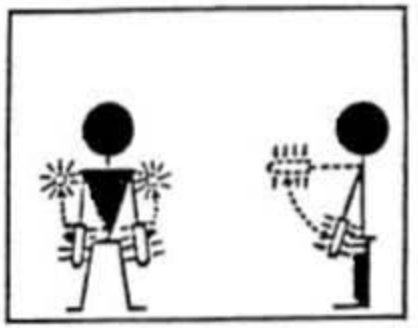
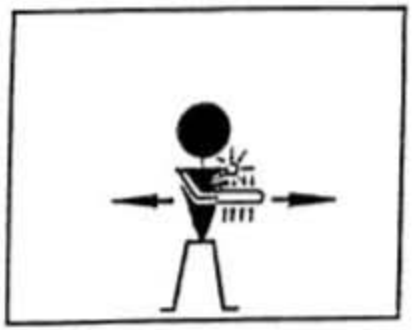
Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(d) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up port engine or turn to starboard.		
(e) Arms repeatedly crossed above the head. The speed of arm movement indicates the urgency of the stop.	Stop.		
(f) A circular motion of the right hand at head level, with the left arm pointing to the appropriate engine.	Start engines.		

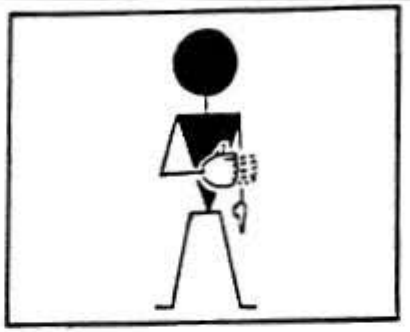
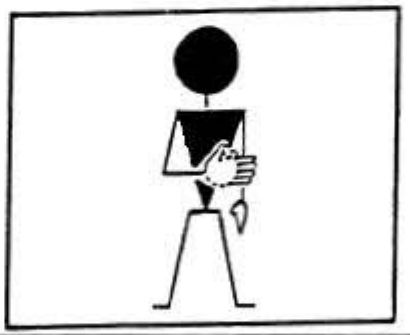
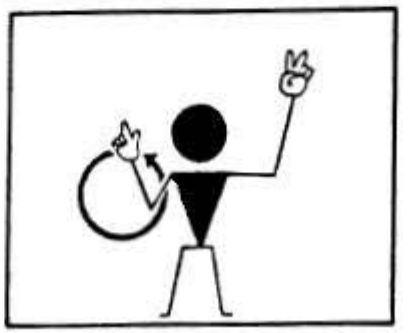
Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(g) Arms extended, the palms facing inwards, then swung from the extended position inwards.	Chocks inserted.		
(h) Arms down, the palms facing outwards, then swung outwards.	Chocks away.		
(j) Either arm and hand placed level with the chest, then moved laterally with the palm downwards.	Cut engines.		

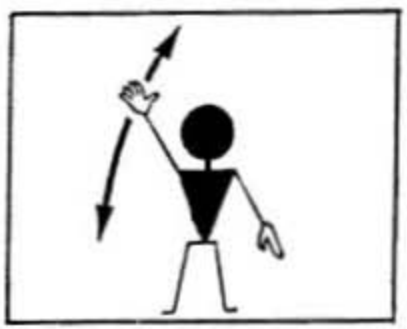
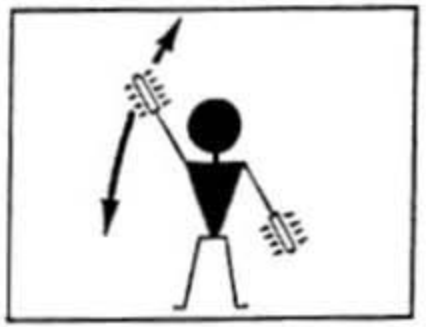
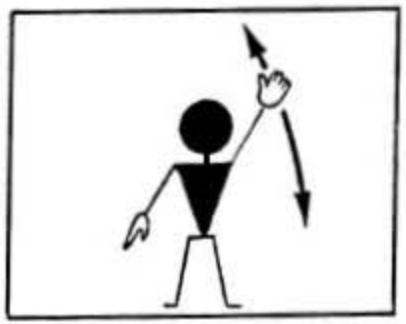
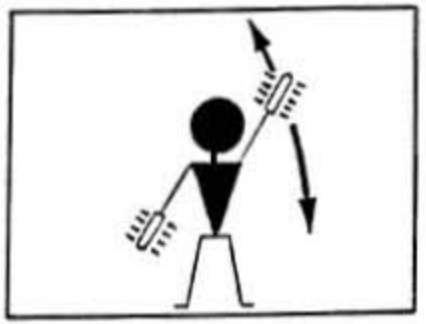
Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(k) Arms placed down, with the palms towards the ground, then moved up and down several times.	Slow down.		
(l) Arms placed down, with the palms towards the ground, then either the right or left arm moved, up and down indicating that the motors on the left or right side, as the case may be, should be slowed down.	Slow down engines on indicated side.		
(m) Arms placed above the head in a vertical position.	This bay.		

Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(n) The right arm raised at the elbow, with the arm facing forward.	All clear: Marshalling finished.		
(o) Arms placed horizontally sideways.	Hover.		
(p) Arms placed down and crossed in front of the body.	Land.		

Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(q) Arms placed horizontally sideways with the palms up beckoning upwards. The speed of arm movement indicates the rate of ascent.	Move upwards.		
(r) Arms placed horizontally sideways with the palms towards the ground beckoning downwards. The speed of arm movement indicates the rate of descent.	Move downwards.		
(s) Either arm placed horizontally sideways, then the other arm moved in front of the body to that side, in the direction of the movement, indicating that the helicopter should move horizontally to the left or right side, as the case may be; repeated several times.	Move horizontally.		

Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
			
(t) Arms placed down, the palms facing forward, then repeatedly swept up and down to shoulder level.	Move back.		
(u) Left arm extended horizontally forward, then right arm making a horizontal sliding movement below left arm.	Release load.		

Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(v) Raise arm, with fist clenched, horizontally in fron of body, then extend fingers.	Release brakes.		
Raise arm and hand, with fingers extended, horizontally in from of body, then clench fist.	Engage brakes.		
(w) Left hand overhead with the number of fingers extended, to indicate the number of the engine to be started, and circular motion of right hand at head level.	Start engine(s),		

Description of Signal	*Meaning of Signal*	*In Daylight*	*By Night*
(x) Point left arm down, move right arm down from overhead, vertical position to horizontal forward position, repeating right arm movement.	Back aircraft tail to starboard.		
Point right arm down, move left arm down from overhead, vertical position to horizontal forward position, repeating left arm movement.	Back aircraft's tail to port.		

Distress, Urgency and Safety Signals

44. (1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance:

(a) by radiotelephony:

the spoken word "MAYDAY";

(b) visual signalling:

(i) the signal SOS (... — — — ...);

(ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;

(iii) a parachute flare showing a red light;

(c) by sound signalling other than radiotelephony:

(i) the signal SOS (... — — — ...);

(ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the commander of an aircraft wishes to give notice of difficulties which compel it to land but that he does not require immediate assistance:

(a) the repeated switching on and off of the aircraft landing lights;

(b) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in Rule 11 of these Rules.

(3) The following signals, given either together or separately, indicate that the commander of the aircraft has an urgent message to transmit the safety of a ship, aircraft vehicle or other property or of a person on board or within sight of the aircraft from which the signal is given:

(a) by radiotelephony:

the spoken word "PAN";

(b) by visual signalling:

the signal XXX (— .. — — .. — — .. —);

(c) by sound signalling other than radiotelephony:

the signal XXX (— .. — — .. — — .. —);

Visual signals used to warn an unauthorised aircraft flying in or about to enter a restricted, prohibited or danger area

45. By day or by night, a series of projectiles discharged from the ground at intervals of 10 seconds each showing on bursting, red and green lights or stars will indicate to an unauthorised aircraft that it is flying in or about to enter a restricted, prohibited or danger area, and that the aircraft is to take such remedial action as may be necessary.

SECTION IX

Air Traffic Control

Provisions of Air Traffic Control Services

46. (1) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and is either situated in a control zone or is an aerodrome in respect of which the Director, has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service to be provided there, the person in charge of the aerodrome shall cause air traffic control service to be provided at all times when the aerodrome is open for the take-off and landing of aircraft.

(2) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and with equipment for providing holding aid, let-down aid or approach aid by radio or radar the person in charge of the aerodrome shall inform the Director in advance of any period during which any of the said equipment will be in operation for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to paragraph (1) of this Rule, cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.

SCHEDULE 14

Articles 10 (3), 26 (1), 27 (4), 28 (1), 73 and 79 (1)

Air Navigation (General) Regulations

Load Sheets

1. (1) Every load sheet required by Article 27(4) shall contain the following particulars:

(a) the nationality mark of the aircraft to which the load sheet relates, and the registration marks assigned to that aircraft by the Director;

(b) particulars of the flight to which the load sheet relates;

(c) the total weight of the aircraft as loaded for that flight;

(d) the weights of the several items from which the total weight of the aircraft as so loaded has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the crew (unless included in the weight of the aircraft prepared for service), passengers, baggage and cargo intended to be carried on the flight;

(e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate, signed by the person referred to in Article 27 (1) of this Order as responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to the said Article 27.

(2) For the purpose of calculating the total weight of the aircraft the respective total weights of the passengers and crew entered in the load sheet shall be computed from the actual weight of each person and for that purpose each person shall be separately weighed:

Provided that, in the case of an aircraft of which the maximum total weight authorised exceeds 5,700 kg or which has a total seating capacity of 12 or more persons, the total weights of the passengers and crew may, subject to the provisions of paragraph (4) of this Regulation, be calculated at not less than the weights shown in Table 1 and the load sheet shall bear a notation to that effect:

Table 1

Males over 12 years of age	75 kg
Females over 12 years of age	75 kg
Children aged 12 years or more, but not over 12 years of age	35 kg
Infants under 12 years of age	10 kg

(3) (a) For the purpose of calculating the total weight of the aircraft the respective total weights of the baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and for that purpose each piece or container shall be separately weighed:

Provided that in the case of an aeroplane of which the maximum total weight authorised exceeds 5,700 kg or which has a total seating capacity of 12 or more persons, the total weights of the baggage may, subject to the provisions of paragraph (4) of this Regulation, be calculated at not less than the weights shown in Table 2 and the load sheet shall bear a notation to that effect:

Table 2

1 Journey made by the aeroplane	2 Cabin baggage per passenger *	3 Hold baggage per piece	
		Scheduled Journey	Holiday Journey
European	3 kg	12 kg	13 kg
Intercontinenal	3 kg	14 kg	16 kg

* Not infants under 2 years of age.

(b) If Table 2 has been used, subject to the provisions of paragraph (4) for determining the weight of hold baggage, it shall also be used, subject as aforesaid, for determining the weight of the cabin baggage.

(c) For the purpose of this Regulations:

(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′N	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°00′N	30°00′W		

(ii) A journey made by an aeroplane shall be treated as intercontinental if it is not European.

(iii) A journey made by an aeroplane shall be treated as a holiday journey and not as a scheduled journey if it is made for the carriage of passengers each of whom is carried pursuant to an agreement which provides for carriage by air to a place outside Malta, and back from that place or from another place to Malta (whether or not on the same aeroplane) and for accommodation at a place outside Malta.

(4)(a) If it appears to the person supervising the loading of the aircraft that any passenger or baggage to be carried exceeds the weight set out in Table 1 or Table 2 of this Regulation he 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 such person or baggage to be weighed for the purpose of the entry to be made in the load sheet.

(b) If any person or baggage has been weighed pursuant to sub-paragaraph (a) of this paragraph, the weights entered in the load sheet shall take account of the actual weight of that person or baggage, or of the weight determined in accordance with the respective proviso to paragraph (2) or (3) whichever weight shall be the greater.

Weight and Performance

2. 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 of the aircraft if the Director approves the use of the Flight Manual approved by that State.

Noise and Vibration caused by aircraft on aerodromes

3. With reference to Article 73, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows, that is to say, that, whether in the course of the manufacture of the aircraft or otherwise:

(a) the aircraft is taking off or landing, or

(b) the aircraft is moving on the ground or water, or

(c) the engines are being operated in the aircraft

(i) for the purpose of ensuring their satisfactory performance,

(ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end, or a flight, or

(iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

Radio Navigational Equipment to be carried in aircraft

4. (1) This Regulation shall apply to all aircraft of over 2,300 kg. maximum total weight authorised when flying for the purpose of public transport.

(2) (a) For the purpose of Scale B in paragraph 3 of Schedule 6 radio navigational equipment shall be provided, subject to the provisions of sub-paragraph (b) of this paragraph, in all aircraft to which this regulation applies in accordance with the following Table. The numbered areas in column 1 of that Table are more particularly described in paragraph (3) of this Regulation, and the letter in column 2 have the meaning assigned to them by paragraph (4) of this Regulation:

TABLE

Column 1 Area in which the aircraft is flying	Column 2 Combination of Equipment to be carried
Area 1	B
Area 2	A
All other areas	B

(b) Where not more than one item of equipment carried in an aircraft pursuant to this Regulation is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if —

(i) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight; and

(ii) the aircraft has not made more than one complete flight since the item was last serviceable; and

(iii) the commander of the aircraft has satisfied himself that taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion), and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of air traffic control.

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Director within 10 days thereafter.

(3) The areas 1 and 2 referred to in Column 1 of the Table in the preceding paragraph are as follows:

(a) Area 1

The area enclosed by rhumb lines joining successively the following points:

61°45′N	15°00′E	61°45′N	12°30′E	63°30′N	12°30′E
63°30′N	18°00′E	65°00′N	14°45′E	66°30′N	16°45′E
66°30′N	27°00′E	65°30′N	28°30′E	61°45′N	25°00′E
61°45′N	15°00′E				

(b) Area 2

The area enclosed by rhumb lines joining successively the following points:

62°00′N	10°00′W	63°00′N	08°00′W	63°00′N	03°00′W
62°00′N	00°45′W	62°00′N	04°00′E	65°00′N	10°00′E
68°30′N	13°00′E	68°30′N	23°00′E	66°30′N	23°00′E
66°30′N	16°45′E	65°00′N	14°45′E	63°30′N	18°00′E
63°30′N	12°30′E	61°45′N	12°30′E	61°45′N	26°00′E
58°20′N	24°00′E	50°30′N	17°30′E	41°30′N	23°15′E
41°30′N	30°00′E	40°00′N	37°00′E	30°00′N	37°00′E
30°00′N	10°00′W	62°00′N	10°00′W		

(4) Each of the letters in Column 2 of the Table in paragraph (2) (a) of this Regulation shall signify the combination of equipment which is specified opposite that letter in columns 2 and 3 of the following table.

TABLE

Column 1 Reference letter of combination of Equipment	Column 2 Single or dublicate Equipment	Column 3 Items of Equipment in the combination
A	Single	ADF
	Duplicate	VOR
	Single	75 MHz Mkr
B	Duplicate	ADF
	Single	VOR
	Single	75 MHz Mkr

(5) The items of equipment in column 3 of the Table in the preceding paragraph signify the following:

ADF — automatic direction finding equipment which indicates to the pilot at the controls of the aircraft the bearing of any radio station transmitting signals in the low and medium frequency bands received by such equipment;

VOR — equipment capable of giving to the pilot at the controls of the aircraft visual indications of bearing of the aircraft by means of signals received from very high frequency omni-directional radio ranges;

75 MHz Mkr — a VHF receiver capable of receiving signals from a 75 Mhz marker beacon.

Aeroplanes flying for the purpose of public transport of passengers — Aerodrome facilities for approach to landing.

5. (1) This regulation shall apply to every aeroplane registered in Malta engaging on a flight for the purpose of public transport of passengers on a scheduled journey and to every aeroplane so registered whose maximum total weight authorised exceeds 5,700 kg. engaging on such a flight otherwise than on a scheduled juorney.

(2) For the purpose of Article 26 (i) (c), the following manning and equipment are specified in relation to aerodromes intended to be used for landing or an alternate aerodrome by aircraft to which this Regulation applies:

(a) air traffic control service, including the reporting to aircraft of the current meterological conditions at the aerodromes;

(b) very high frequency radiotelephony;

(c) at least one of the following radio navigational aids, either at the aerodrome or elsewhere, and in either case fro the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there:

(i) radio direction finding equipment utilising emissions in the very high frequency bands;

(ii) a non directional radio beacon transmitting signals in the low or medium frequency bands;

(iii) very high frequency omni-directional radio range;
(iv) radar equipment.

It shall be sufficient if the equipment specified in sub-paragraph (c) is provided, even if for the time being it is not in operation.

(3) An aircraft to which this Regulation applies shall not land or make an approach to landing at any aerodrome unless services and equipment according with paragraph (2) of this Regulation are provided and are in operation at that aerodrome, and can be made use of by that aircraft, and, in the case of the navingation aids specified in sub-paragraph (c), items (i) to (iv), instructions and procedures for the use of the aid are included in the operations manual. A person shall be deemed not to have contravened the provisions of this paragraph if he proves that —

(a) for the time being use could not be made of the radio navigation aids provided under paragrapn (2) (c) whether by reason of those aids not being in operation or of the unserviceability of equipment in the aircraft itself, and

(b) the approach to landing was made in accordance with instructions and procedures appropriate to those circumstances and included in the operations manual.

(4) An aircraft to which this regulation applies shall, without prejudice to the requirements of regulation 4, be equipped with the equipment necessary to enable use to be made of at least one of the navigation aids specified in paragraph 2(c) of this Regulation and in use for landing at the aerodrome.
Nothing in this paragraph shall require the duplication of any equipment carried in pursuance of any other provision of this Order or of any regulation made thereunder.

Pilot Maintenance — specified repairs or replacements

6. With reference to Article 10 (3) the following repairs or replacements are hereby specified:

(1) Replacement of landing gear tyres, landing skids or skid shoes.

(2) Replacement of elastic shock absorber cord units on landing gear where special tools are not required.

(3) Replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems.

(4) Patch-repairs to fabric not requireing rub stitching or the removal of structural parts or control services, if the repairs do not cover up structural damage and do not include repairs do not cover up structural damage and do not include repairs to rotor blades.

(5) Repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or effect the structure of the aircraft.

(6) Repairs, not requiring welding, to fairings, non-structural cover plates and cowlings.

(7) Replacements of side windows where that work does not interfere with the structure or with any operating system.

(8) Replacement of safety belts or safety harness.

(9) Replacement of seats or seat parts not involving dismantling of any structure or of any operating system.

(10) Replacement of bulbs, reflectors, glasses, lenses or lights.

(11) Replacement of any cowlings not requiring removal of the propeller, rotors or disconnection of engine or flight controls.

(12) Replacement of unserviceable sparking plugs.

(13) Replacement of batteries.

(14) Replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before such flight and dismantling after each flight.

(15) Replacement of main rotor blades that are designed for removal where special tools are not required.

(16) Replacement of generator and fan belts designed for removal where special tools are not required.

Mandatory Reporting — specified reportable occurrences, time and manner of reporting and information to be reported

7. (1) With reference to Article 79 (1) of this Order, the following reportable occurrences are specified, that is to say those:

(a) involving damage to an aircraft;

(b) involving injury to a person;

(c) involving the impairment during a flight of the capacity of a number of the flight crew of an aircraft to undertake the functions to which his licence relates;

(d) involving the use in flight of any procedures taken for the purpose of overcoming an emergency;

(e) involving the failure of an aircraft system or of any equipment of an aircraft;

(f) arising from the control of an aircraft in flight by its flight crew;

(g) arising from failure or inadequacy of facilities or service on the ground used or intended to be used for the purposes of or in connection with the operation of aircraft;

(h) arising from the loading or the carriage of passengers, cargo (including mail) or fuel,

and those are not referred to in sub-paragraph (a) to (h) of this paragraph of this Regulation but which, in the opinion of a person referred to in sub-paragrphs (a) to (e) of Article 79 (1) of this Order, constitute an occurrence endangering, or which if not corrected would endanger the safety of an aircraft, its occupants or any other person.

(2) For the purposes of this Regulation an aircraft system includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and other system of the aircraft.

(3) With reference to Article 79 (1) of this Order, a report containing the information referred to in paragraph (4) of this Regulation shall be dispatched in writing and by the quickest available means to the Director withn 96 hours of the reportable occurrence coming to the knowledge of the person making the report:

Provided that if at that time any of the said information is not in the possession of that person, he shall despatch that information to the Director in writing and by the quickest available means within 96 hours of its coming into his possession.

(4) With reference to Article 79 (1) of this Order a report shall, as far as possible, contain the following information:

(a) The type, series and registration marks of the aircraft concerned;

(b) The name of the operator of the aircraft;

(c) The date of the reportable occurrence;

(d) If the person making the report has instituted an investigation into reportable occurences, whether or not this has been completed;

(e) A description of the reportable occurrence, including its effects and any other relevant information;

(f) In the case of a reportable occurrence which occurs during flight —

(i) The Universal Coordinated Time of the occurrence;

(ii) The last point of departure and the next point of intended landing of the aircraft at that time;

(iii) The geographical position of the aircraft at that time;

(g) In the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;

(h) The signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for the employer;

(i) In the case of a report made by the commander of an aircraft where a person referred to in sub-paragraph (c) or (d) of Article 79 (1) of this Order the address or telephone number at which communications should be made to him if different from that of his place of employment.

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 that area north of latitude 67° north, but excluding any part thereof lying within 300 nautical miles of Norway.

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 —

32°	north	latitude	03°	west	longitude
24°	"	"	14°	"	"
14°	"	"	14°	"	"
18°	"	"	28°	east	"
24°	"	"	28°	"	"
28°	"	"	23°	"	"
32°	"	"	03°	west	"

Area D — Arabian Desert

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

22°	north	latitude	42°	east	longitude
16°	"	"	46°	"	"
20°	"	"	55°	"	"
24°	"	"	48°	"	"
22°	"	"	42°	"	"

Area E — South America (Central)

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

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

Area F — Pacific Ocean

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

55°	south	latitude	75°	west	longitude
20°	"	"	73°	"	"
05°	"	"	85°	"	"
05°	north	"	80°	"	"
15°	"	"	105°	"	"
30°	"	"	125°	"	"
55°	"	"	140°	"	"
67°	"	"	180°	"	"
60°	"	"	180°	"	"
20°	"	"	128°	east	"
04°	"	"	128°	"	"
00°	"	"	165°	west	"
55°	south	"	180°	"	"
55°	"	"	75°	"	"

Area G — Australia

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

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

Area H — Indian Ocean

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

35°	south	latitude	110°	east	longitude
20°	"	"	110°	"	"
13°	"	"	120°	"	"
10°	"	"	100°	"	"
13°	north	"	91°	"	"
13°	"	"	86°	"	"
00°	"	"	80°	"	"
20°	"	"	67°	"	"
20°	"	"	62°	"	"
05°	south	"	43°	"	"
20°	"	"	60°	"	"
25°	"	"	60°	"	"
40°	"	"	10°	"	"
55°	"	"	10°	"	"
55°	"	"	180°	"	"
35°	"	"	110°	"	"

Area I —

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

55°	north	latitude	15°	west	longitude
67°	"	"	40°	"	"
67°	"	"	60°	"	"
45°	"	"	45°	"	"
40°	"	"	63°	"	"
40°	"	"	19°	"	"
55°	"	"	15°	"	"

Area J — South Atlantic Ocean

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

40°	north	latitude	63°	west	longitude
19°	"	"	63°	"	"
05°	south	"	30°	"	"
55°	"	"	55°	"	"
55°	"	"	10°	east	"
05°	"	"	10°	"	"
02°	north	"	05°	"	"

02°	"	"	10°	west	"
15°	"	"	25°	"	"
40°	"	"	19°	"	"
40°	"	"	63°	"	"

Area K — Northern Canada

All that area enclosed by rhumb lines joining successively the following parts —

67°	north	latitude	130°	west	longitude
55°	"	"	115°	"	"
55°	"	"	70°	"	"
67°	"	"	60°	"	"
67°	"	"	130°	"	"

SCHEDULE 16

(Article 6)

Fees.

PART I

Aircraft Registration

The following charges are payable to the Director by an applicant for the issue of a Certificate of Registration in respect of an aircraft:—

Aircraft in respect of which application is made:	*Charge Payable*
Aeroplanes having an empty weight not exceeding 150 kg, a wing area of not less than 10 square metres, and a wing loading not exceeding 10 kg per square meter at empty weight and which are designed to carry not more than 2 persons	Lm 10
Any other aircraft whose maximum weight authorised:	
does not exceed 750 kg	Lm 10
exceeds750 kg but not 2730 kg	Lm 20
exceeds 730 kg but not 5700 kg	Lm 30
exceeds 5700 kg but not 15 tonnes	Lm 40
exceeds 15 tonnes but not 50 tonnes	Lm 60
exceeds 50 tonnes	Lm100

PART II

Charges for Airworthiness Certification and Aircraft Maintenance Engineers' Licences

1. *Certification of Airworthiness — Issue*

Upon making an application for the first issue of a Certificate of Airworthiness valid for one year or part thereof in respect of an aircraft which has already been type certified by the State of Manufacture, the applicant shall pay:

(i) in respect of aeroplanes and gliders whose maximum take-off weight authorised does not exceed 2730 kg, a charge of Lm20 for each 500 kg or part thereof;

(ii) in respect of all other aeroplanes and gliders a charge of Lm60 and Lm10 for each 500 kg or part thereof of the aircraft's maximum take off weight authorised;

(iii) in respect of a helicopter or gyroplane where maximum take-off weight authorised does not exceed 2730 kg a charge of Lm30 for each 500 kg or part thereof;

(iv) in respect of any other helicopter or gyroplanes, a charge of Lm120 plus Lm10 for each 500 kg or part thereof of the aircraft's maximum take-off weight authorised.

2. *Certificate of Airworthiness — Renewal*

Upon making an application for the renewal of a Certificate of Airworthiness valid for one year or part thereof the applicant shall pay:

(a) in respect of aeroplanes and gliders whose maximum take-off weight authorised does not exceed 2730 kg, a charge of Lm10 for each 500 kg or part thereof;

(b) in respect of all other aeroplanes and gliders, charge of Lm50 plus Lm8 for each 500 kg or part thereof of the aircraft's maximum take-off weight authorised;

(c) in respect of a helicopter or gyroplane whose maximum take-off weight authorised does not exceed 2730 kg, a charge of Lm30 for each 500 kg or part thereof;

(d) in respect of any other helicopter or gyroplanes, a charge of Lm10 for each 500 kg or part thereof of the aircraft's maximum take-off weight authorised.

3. *Permit to Fly*

(1) In respect of an application for the grant of a permit to fly valid for one year or part thereof in respect of an aircraft without there being in force a Certificate of Airworthiness, the applicant shall pay:

(a) in the case of an aircraft whose maximum take-off weight authorised does not exceed 2730 kg, the sum of Lm20 for each 500 kg or part thereof, or if the

total cost of the investigations exceed that amount, a charge of such amount may be decided by the Director;

(b) in the case of any other aircraft, the sum of Lm70 plus Lm8 for each 500 kg or part thereof, or if the total cost of the investigations exceed the amount, a charge of such amount as may be decided by the Director.

(2) In respect of an application for the renewal of a permit to fly valid for one year or part thereof of a aircraft in respect of which there is not in force a Certificate of Airworthiness, the applicant shall pay the sum of Lm10 for each 500 kg or part thereof.

4. *Airworthiness Statement*

In respect of an application for the issue of an Airworthiness Statement in respect of an aircraft, the applicant shall pay an amount equal to the charge that would be applicable for the renewal of a certificate of airworthiness in respect of that aircraft.

5. *Licences for Aircraft Maintenance Engineers*

Upon making an application for the grant, renewal, variation or validation of a licence to act as an aircraft maintenance engineer or for the inclusion of a type rating in such a licence, the applicant shall pay:

(a) for the grant of a licence in any Category or subdivision of a Category, a charge of Lm10 per category or subdivision thereof;

(b) for the inclusion of type rating a charge of Lm5;

(c) for the variation of a licence to include an additional category or subdivision thereof a charge of Lm5;

(d) for the renewal of a licence a charge of Lm5;

(e) for the grant of a certificate of validation of a licence Lm5.

6. *Copies of Documents*

Upon application being made for the issue of a copy or replacement document issued under Part II of this Schedule, the applicant shall pay, in the case of a Permit to Fly, a Certificate of Airworthiness, a Certificate of Approval of a Radio Installation, or an Aircraft Maintenance Engineers' Licence, a charge of Lm5.

7. *Additional Charges for functions performed abroad*

When an application is made for the Director to perform a function in respect of which a charge is specified above, as a result of which the Director deems it necessary for a member, employee or servant of his Department to travel outside the country in which he is normally stationed, the applicant shall pay in addition to the appropriate charge specified above, a charge of such amount as may be decided by the Director having regard to the expense incurred having that function performed by that member or employee outside the country which he is normally stationed.

PART III

Flight Crew Licences

1. Upon making an application for the grant or renewal of a licence to act as flight crew member, the applicant shall pay:

(a) for the grant of an Airline Transport Pilot Licence, Commercial Pilot Licence, Flight Navigator's Licence or a Flight Engineer's Licence a charge of Lm20;

(b) for the renewal of an Airline Transport Pilot Licence, Commercial Pilot Licence, Flight Navigator's Licence or Flight Engineer's Licence, a charge of Lm10;

(c) for the grant of Private Pilot Licence Lm10;

(d) for the renewal of a Private Pilot Licence Lm5;

(e) for the grant of a Private Pilot Licence restricted to aeroplanes having an empty weight not exceeding 150 kg, a wing area of not less than 10 square metres and a wing loading not exceeding 10 kg per square metre at empty weight and which are designed to carry not more than 2 persons, a charge of Lm10;

(f) for the removal of the restriction referred to in paragraph (e) above, a charge of Lm5;

(g) for the grant or renewal of a Flight Radio Telephony Operator's Licence (except when the applicant is either the holder of a licence to act as Pilot Flight Navigator or Flight Engineer) a charge of Lm5;

(h) for the grant or renewal of a Flight Radio Telephony Operator's Licence, a charge of Lm10.

2. Upon making an application for the inclusion of a rating in a professional pilot's licence or in a Flight Engineer's Licence, the applicant shall pay for the inclusion of a second or subsequent types of aircraft in the aircraft rating after passing the appropriate examinations and tests, a charge of Lm10.

3. Upon making an application for the inclusion of a Flight Instructor's Rating or an Instrument Rating in a pilot licence, the applicant shall pay a charge of Lm5.

4. Upon making an application for the grant or extension of a licence to act as flight crew member or for the inclusion of a rating therein, the applicant shall pay in respect of such of the following examinations as may be required, the charge specified in Column 2 of the following to be appropriate to that examination:

Column 1	*Column 2*
a) for technical examination (type)	Lm10 (Private Pilot Licence) Lm20 (other)
b) for each examination on aviation law flight rules and procedures taken for a professional pilot or Flight Navigator's Licence	Lm10
c) for a Private Pilot Licence examination on aviation law flight rule and procedure, navigation and meteorology	Lm5
d) for a Private Pilot Licence (aeroplane) technical examination. Part 1 (general), technical examination Part 2 (type)	Lm5

Tests

5. Upon making an application for a flying test in order to be granted a professional flight crew licence or an authorisation to act as a simulator on flight test examiner, the applicant shall pay the sum of Lm20.

6. Upon making an application for a flight test in order to be granted a Private Pilot Licence, the applicant shall pay the sum of Lm10.

Medical Examinations for Flight Crew Licences

7. Upon making an application for a medical examination to be conducted by the Director for the grant of a professional pilot's licence, a Flight Engineer's Licence, or Flight Navigator's Licence, where the applicant has not previously held such a licence, the applicant shall pay a charge of Lm30.

8. Upon making an application for a medical examination by the Department which is required for the renewal of the medical certificate included in such licence as is referred to in para (7) above, the applicant shall pay a charge of Lm15.

9. Upon making an application for a medical examination by the Director which is required for the issue of the medical certificate included in Private Pilot Licence or for the issue of a Student Pilot medical certificate the applicant shall pay the charge of Lm15.

10. Upon making an application for a medical examination by the Director which is required for the renewal of a medical certificate of a Private Pilot Licence or Student Pilot Certificate, the applicant shall pay a charge of Lm10.

Validation of Flight Crew Licences

11. (a) Upon making an application for the issue of a certificate of validation of a licence, the applicant shall pay:

(i) in respect of the following examination and tests (if required) to be conducted by the Department:

— 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.

(b) upon application for the renewal of a certificate of validation the applicants shall pay a charge of Lm10.

Approval of Simulators

12. Upon making an application for the approval of an aircraft flight simulator, the applicant shall pay the sum of Lm500.

Additional Charge where functions are performed abroad

13. When an application is made for the Director to perform a function in respect of which the Director normally charges a fee as a result of which the Director deems it necessary for a member, employee or servant of his Department to travel outside the country in which he is normally stationed, the applicant shall pay in addition to the appropriate charge, a charge equal to the additional cost thereby incurred but not exceeding Lm200 per working day that such member or employee is absent from the country in which he is usually stationed.

Copies of Document

14. Upon making application for the issue by the Director of a copy or replacement of a document issued under Part III of this Schedule, the applicant shall pay a charge of Lm5.

PART IV

Charges for use at Aerodromes

Landing Charges

1. (i) The landing charges are assessed on the basis of the maximum total weight authorised by the Certificate of Airworthiness as follows:

Aircraft maximum total weight authorised not exceeding 12,000 kgs ...	55 cents per 500 kg or part thereof;
Aircraft maximum total weight authorised exceeding 12,000 kgs	Lm12.65 plus 76 cents per 500 kg or part thereof in excess of 12,000 kgs;
Helicopters	50 per cent of the standard charge fixed for any aircraft of similar weight.

(ii) In the case of landings and take-offs at night the charges are increased by 25 per cent (night is defined as the period 2000 to 0500 hours local time from 1st April to 31st October and between 1900 to 0600 hours local time from 1st November to 31st March.

(iii) A special rebate of 75 per cent of the standard landing fee may be applied for to the Director in the case of a flight or flights carried out solely for the sole purpose of training or testing of flying personnel and/or special equipment in the aeroplane.

Parking Charges

2. The fees for the parking of aircraft will be assessed on the basis of space occupied. The standard charge for each 24 hour period or part thereof exceeding 6 hours is calculated at 4 cents per 10 square metres of space occupied in case of aircraft whose maximum total weight authorised exceeds 2500 kgs and 30 cents for all other aircraft.

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