

MALDIVES CIVIL AVIATION ACT

1. Introduction and Title

(a) This Act makes provision in respect of the registration and operation of civil aircraft in the Maldives; construction, registration, operation and use of civil aerodromes; other matters relating to civil aircraft and aerodromes; and safety of civil aviation in the Maldives.

(b) This Act shall be cited as the "Maldives Civil Aviation Act".

2. Supervision of matters relating to aviation

Exploring means of developing civil aviation of Maldives, arranging of air transport services between the Maldives and other countries, establishing and developing relations with international civil aviation organisations and associations, arranging measures relating to aviation navigation and conduct of all matters relating to civil aviation in the Maldives shall be under the supervision of the Ministry.

Aerodrome

3. Registration

Civil aerodromes in the Maldives shall be constructed, registered and used in accordance with the provisions of this Act and regulations made under it.

4. Construction of aerodromes

(a) A civil aerodrome may be constructed in the Maldives after having acquired as may be permitted by law the requisite land or place for such aerodrome, and having obtained the permission of the Ministry after submitting to it the relevant drawings and specifications of the aerodrome to be constructed and other details required under regulations made under this Act.

(b) A civil aerodrome may be operated in the Maldives after having registered the same with the Ministry in accordance with this Act and regulations made under it and having obtained the permission from the Ministry to operate the aerodrome.

5. Safety zone demarcated around aerodromes

The Ministry shall, for purposes of the safety of civil aviation, have the discretion to demarcate around each aerodrome a safety zone and to establish guidelines to be followed within the zone in respect of the following matters and to make regulations in respect thereof;

(a) Construction and installation of various structures;

(b) Planting of trees and cultivation of crops;

(c) Driving and parking of various vehicles;

(d) Illuminating, rearing of birds, having of airborne objects and conduct of various acts detrimental to the safety of civil aviation.

6. Maintenance of standards at safety zones

Where any breach of rules or standards occurs in respect of any matters relating to zones specified in section 5 of this Act, the Ministry shall have the discretion to order rectification of such breach. Where any such breach occurs due to a matter that has been in existence prior to the demarcation of the safety zone, all expenses incurred by the party in whose ownership the zone was prior to demarcation or the person whose act was in breach of the standards or rules and any damage suffered by such person to rectify the breach or to bring the matter within the compliance of the standards and rules shall be indemnified by the person in whose ownership lies the relevant aerodrome.

7. Aircraft Registration and operation

Registration and operation of civil aircraft in the Maldives shall be in accordance with the provisions of this Act and regulations made under it.

8. Conditions of registration

A civil aircraft may be registered in the Maldives on submission of an application to the Ministry for registration of such aircraft in accordance with regulations made under this Act and on fulfillment of the following conditions:

(a) the aircraft in respect of which the application for registration is made is not registered in any other country.

(b) the person requesting for registration of aircraft is:

the Government of Maldives;

or a Maldivian national;

or a company or organisation or association registered in the Maldives;

or a foreign national, either a resident or conducting business in the Maldives;

or a company or organisation or association registered outside the Maldives and conducting business in the Maldives.

9. Certificate of Registration

The Ministry shall issue a Certificate of Registration in respect of any aircraft registered upon an application for registration being made in accordance with section 8 of this Act.

10. Maintaining details as to title

The Ministry shall maintain details as regards persons having title to aircraft registered in the Maldives; persons having security interests in respect of such aircraft and persons who may have any other interests in respect of the aircraft and details of such interest.

11. Revocation of registration

The Ministry shall have the discretion to revoke the registration of a civil aircraft registered under this Act on the occurrence of any of the following events: (a) variation in any of the details submitted for registration of aircraft (b) destruction of the aircraft or damage rendering it totally incapable of operation. (c) the expiry or earlier termination of the lease agreement concerning an aircraft registered and operated pursuant to a lease. (d) where the person on whose name the aircraft is registered ceases to be a person specified in subsection (b) of section 8 of this Act. (e) application for revocation being made by the person on whose name the aircraft is registered

Air Operators Certificate

12. Provision of air transport services

No person shall provide air transport services in the Maldives except after obtaining a certificate from the Ministry to the effect.

13. Person on whom certificate is issued

Air Operator's Certificate may be issued to persons subject to such persons being found to be in possession of the financial capability, facilities, conveniences, competent persons and other mechanisms necessary for the provision of safe air transport services.

Certificate of Airworthiness

14. Certificate of airworthiness

(a) No aircraft registered in the Maldives shall be operated except after obtaining a certificate of airworthiness in respect of such aircraft in accordance with the regulations made by the Ministry.

(b) Certificate of airworthiness in respect of civil aircraft registered in the Maldives shall be issued subject to the inspection of the manner of manufacture of the aircraft, engine, equipment and other safety measures on the aircraft and consideration of other matters provided in the regulations made under this Act and on confirmation that such matters are in compliance

with the standards specified by the Ministry.

Crew

15. Pilot, crew and engineers to obtain licence

The pilots, engineers, and crew on civil aircraft registered in the Maldives shall be persons licensed by the Ministry.

16. Persons to whom licence is issued

The Ministry may issue licence to persons to work as pilots, engineers, and crew on a civil aircraft subject to such persons having undergone training and obtained qualifications in accordance with the guidelines formulated by and standards acceptable to the Ministry.

Safety of Air Transport

17. Regulations on safety standards

(a) The Ministry shall for the purposes of ensuring the security of civil aviation in the Maldives, the safety of passengers and cargo carried on board the aircraft and for the safety and security of the general public from any ill effects that may be associated with such aircraft, establish procedures and standards and formulate regulations in respect of matters relevant thereto. (b) The policies, standards and regulations mentioned in subsection (a) of this section shall not fall short of or be lesser than such policies and standards found in relevant international conventions to which Maldives is a party.

Inspection

18. Inspection of safety measures of aerodromes and aircraft

(a) The Ministry shall for purposes of ascertaining whether aircraft used by various persons in civil aviation, engines, and items on board such aircraft, and other matters relating to such aircraft and aerodromes, are in accordance with the standards specified in this Act and regulations made under it and to ascertain whether they confirm to reasonable levels of safety, inspect such items and places in accordance with guidelines that shall be established by the Ministry.

(b) The Ministry shall have the discretion and the power to enter upon aircraft, aerodromes, buildings, and places for purposes of carrying out the inspection mentioned in subsection (a) of this section, and to examine records found thereon and to make duplicates of documents required by the Ministry.

19. Ordering rectification of safety measures, suspension and revocation of licenses

(a) Where it is found on inspection of an item or place mentioned in section 18 of this Act as provided in that section, that such item, place or any

matter relating thereto is in breach of this Act or regulations made under it or is reasonably unsafe, the Ministry shall have the power to order rectification of such item, place or matter and to order that such item or place shall not be used in any matter relating to civil aviation until such time the breach has been rectified (b) Where it is found by the Ministry that a person to whom an Air Operators Certificate or any airworthiness certificate, or licence to work as a pilot, crew or engineer on an aircraft or any other licence issued under this Act, is in breach of this Act, regulations made under it or a condition of the licence so issued, or the continuation of the licence issued to such persons may be detrimental to the air transport services with such person is associated, the Ministry shall have the discretion to either suspend or revoke the licence issued to such person.

Investigation of Accidents

20. Investigation of accidents

(a) The Ministry shall investigate all accidents occurring in the Maldives involving civil aircraft, or civil aircraft registered in the Maldives so as to ascertain the cause for such accidents.

(b) Where any civil aircraft registered in the Maldives is involved in an accident in a country other than the Maldives, then the Ministry shall have the discretion to investigate or participate in the investigation of such accidents with the permission of the authorities of the relevant country and in accordance with the relevant procedures.

(c) Accidents occurring within territories demarcated within the Maldives as military zones and involving civil aircraft shall be investigated by the Ministry of Defence and National Security or in such manner as maybe prescribed by that Ministry.

(d) While conducting investigation of accidents involving civil aircraft under this section, investigations as to the existence of any offence committed by any person in causing such accident, shall be carried out by the Ministry of Defence and National Security.

(e) All measures required to be adopted for the safety and security of civil aviation in the light of investigations carried out under this section shall be adopted by the Ministry.

Miscellaneous Provisions

21. Absence of liability for nuisance caused during lawful flight.

No liability shall lie in respect of any nuisance or inconvenience that may be caused to any person or persons, due to flight of an aircraft in the ordinary course of events, and in full accord with this Act and the regulations made under it.

22. Recognition of licence issued by foreign countries

The Ministry shall have the discretion to recognise in the Maldives and to determine the conditions for the recognition of an Air Operator's Certificate or any licence issued in respect of pilot, crew, or engineer on an aircraft, by a country that is a signatory to the Convention on International Civil Aviation, adopted on 7 December 1944 by the members of the International Civil Aviation Organisation.

23. Prescription and determination of fees

The Ministry shall have the discretion and power to prescribe fees for registration of places and items that require registration under this Act and for issuance and renewal of licenses and certificates and to determine the amounts for fees to be levied thereon.

24. Penalty

(a) Where a certificate or licence is required under this Act for the commission of certain act, the penalty in respect of any person who commits the said act without obtaining the relevant certificate or licence shall be, the imposition of a fine between MRF 50,000/- and MRF 500,000/- or imprisonment or banishment or house arrest for a period between 6 months and 2 years.

(b) The penalty in respect of any person who by his own deed alters a certificate or licence or any other document issued under this Act shall be the imposition of a fine between MRF 5,000/- and MRF 50,000/- or imprisonment or banishment or house arrest for a period between 6 months and 1 year.

(c) The penalty in respect of any person who causes a civil aircraft to be engaged in flight in a manner that may endanger the life or body of a person, shall be imprisonment or banishment for a period between 3 years and 5 years.

(d) Where the subsections of this section are silent as to the manner in which a person committing an act in breach of this Act, a fine not exceeding MRF 100,000/- shall be imposed upon such person.

25. Compliance with international conventions

The Ministry shall make regulations that are required to be made under international conventions relating to civil aviation and safety of civil aviation to which Maldives is a party. The Ministry shall also carry out all such matters that need to be so carried out directly by the Ministry in pursuance of such international conventions. All other measures to be carried out in pursuance of such conventions shall be carried out by authorities as may be determined by the President.

26. Making and enforcing of regulations

(a) All regulations required to be made in respect of civil aviation in addition to regulations mentioned in various provisions of this Act, shall be made and enforced by the Ministry.

(b) The Ministry shall have the discretion and power to prescribe the fine that may be imposed upon or administrative measures that can be taken against any person who commits a default under the regulations made under this Act and to deal with such person under the said regulations.

(c) Where it is found that acting in a certain manner as opposed to the manner provided in the regulations made under this Act, is most advantageous under the circumstances in question, and the allowance of the commission of the act in such manner will not cause any detriment to civil aviation, the Ministry shall have the discretion to allow such act for that time under those circumstances.

27. Scope of application of this Act

The provisions of this Act and regulations made under it shall be applicable in respect of all civil aircraft operated or situated within the territory of the Maldives and all such aircraft registered in the Maldives notwithstanding that they may be situated outside the Maldives.

28. Interpretation

In this Act, unless the context so requires otherwise:—

"Aerodrome" shall mean any place that has been determined for the landing and taking off of aircraft and where the relevant facilities are established for that purpose.

"Aircraft" shall mean any thing intended to be driven in the air.

"Ministry" shall mean the Ministry of Transport and Civil Aviation and the Civil Aviation Department of that Ministry.

