

# **Civil Aviation Act of the Maldives 2001**

## **Introduction and title**

1. a) This Act relates to registration and operation of civil aircraft and building, registration, operation and use of civil aerodromes and other matters relating to civil aviation and safety relating to civil aviation.

b) This Act shall be cited as 'Civil Aviation Act of Maldives'.

2. Finding ways of promoting civil aviation and arranging of ways of air transport between Maldives and other countries, establishing and consolidating relationship with international civil aviation associations and organizations, making navigation arrangements and other matters relating to civil aviation in the Maldives shall be conducted by the Ministry.

## **Aerodrome**

### **3. Registration**

Building, registration and usage of civil aerodromes in Maldives shall be in accordance with this Act and regulations made under this Act.

### **4. Building of Aerodromes**

a) Any aerodrome in Maldives shall be constructed after land or space required for such purpose has been obtained, lawfully, and after submission and approval of the drawings, details and other information, which may be required by the Ministry under this Act and regulations made under this Act.

b) Every civil aerodrome in Maldives shall be operated after registering the same with the Ministry in accordance with this Act and regulations made thereunder, and after obtaining a licence to operate the aerodrome.

## **Safety Zones Surrounding the Aerodrome**

5. For the safety of any civil aerodrome, demarcation of a certain area surrounding the aerodrome and setting out guidelines to carry out of the following activities within that area and making of regulations regarding these guidelines maybe conducted by the Ministry.

- a) Construction of buildings and other structures.
- b) Planting and cultivating trees and other crops.
- c) Driving and parking of various types of vehicles .
- d) Illuminating, rearing of birds and having airborne objects and engage in other acts, which will endanger the safety of civil aviation.

### **6. Maintaining Standards at Safety Zones**

Where any of the acts mentioned in section 5 of this Act is done in the zone referred to in section 5 of this Act contrary to that section or any regulations, the Ministry has the right to make an order to make good any such breach. As such, where any such action which is contrary to those guidelines are carried out before that area has been demarcated, any expenses for altering it for making it conform to the guidelines or regulations and any damages incurred by that party must be paid by the owner of the aerodrome within the area to the other party.

## **Aircraft**

### **Registration and Operation**

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

### **Conditions for registration**

8. Any civil aircraft in Maldives shall be registered only after an application for such purpose has been made to the Ministry in accordance with rules and regulations and the following conditions have been met.

- a) The aircraft to be registered shall not be registered in any other country
- b) The party applying to register the aircraft is
  1. Government of Maldives or
  2. A citizen of Maldives or
  3. A company or association or organization registered in Maldives; or
  4. A foreigner resident in Maldives or a foreigner conducting business in Maldives; or
  5. A company, association or organization registered in a foreign country, conducting business in Maldives.

### **Certificate of Registration**

9. The Ministry shall upon registration of an aircraft in accordance with section 8 of this Act, issue a certificate of Registration in respect of the aircraft.

### **Maintaining information on ownership**

10. The Ministry shall maintain information regarding the ownership of aircrafts registered in Maldives, and the rights of mortgagees or any other rights which has been accrued to any other person in respect of any such aircraft.

### **Cancellation of Registration**

11. The Ministry shall have the right to cancel the registry of any aircraft where any of the following occurs.

- a) Particulars submitted for registration changes
- b) Aircraft is destroyed or gravely damaged
- c) Where the aircraft is leased on the expiry of the lease or on termination of the lease
- d) The registered owner of the aircraft is not any person mentioned in section 8 (b) of this Act.
- e) The owner makes an application for cancellation of the registry.

### **Air Operator's Licence**

#### **Air transport service**

12. Provision of civil aviation services by any party shall only be after obtaining of a licence issued by the Ministry.

### **Licences**

13. Air Operators Licence will only be issued if the party applying for such licence possesses the financial capability, resources, amenities, competent persons and other arrangements necessary to secure the for safe operation of aircraft.

### **Certificate of Air Worthiness**

14. a) An aircraft registered in Maldives shall only fly after obtaining airworthiness certificate for that aircraft in accordance with regulations of the Ministry.

b) Air worthiness certificate in respect of a Maldivian registered aircraft will only be issued upon inspection of the construction, engines, equipment carried in the aircraft and safety measures of the aircraft are in accordance with the regulations made under this Act and is upto the standards determined by the Ministry.

### **Crew**

#### **Licence for pilots, crew and engineers**

15. The pilots, crew and engineers of aircraft registered in Maldives shall be persons licenced by the Ministry.

## **Licensed persons**

16. License for persons to work as pilots, crew and engineers of civil aircraft shall be issued for persons who are trained and have passed the competency tests determined by the Ministry.

## **Safety of Civil Aviation**

### **Making of safety regulations**

17. a) The ministry shall make guidelines and necessary regulations regarding safety of air transport and safety of passengers and goods carried by the aircraft in order to protect the public from any danger.

c) All guidelines, measures and regulations made under subsection (a) of this Section shall not be lower than those standards determined by relevant international conventions which Maldives is a party.

## **Inspection**

### **Inspection of safety measures of Aerodrome and Aircraft**

18. a) Aircraft, engine equipment and other matters of the aircraft, and aerodrome used by various parties for civil aviation shall be inspected in a manner set out by the Ministry to check the safety standards required by this Act and the regulations made under this Act are met.

b) Ministry reserves the right to inspect aircraft and building and enter and make copies of necessary documents.

Request for amendment of safety measures and suspension and termination of licence

19. a) The Ministry reserves the right to make an order for making good and suspension of use of those mentioned in section 18 of this Act for civil aviation provided the safety measures determined by the Act is not met.

b) The ministry reserves the right to suspend or terminate the license of any airworthiness certificate, pilots , crew license , engineers license or any other such licence where in the opinion of the ministry the possession of such a license by such a person will endanger air safety.

## **Investigation of Accidents**

20. a) The Ministry shall investigate, with a view to determine the causes of the accident, accidents involving civil aircraft occurring in the Maldives and accidents involving civil aircraft registered in the Maldives.

b) The Ministry shall have the right to investigate or participate in the investigation of accidents involving civil aircraft registered in the Maldives with the permission of concerned authorities of the country in which the accident occurred.

c) Accidents involving civil aircraft occurring in the areas designated in Maldives for military purposes shall be investigated by the Ministry of Defence and National Security or in accordance with rules determined by the said Ministry.

d) In investigating accidents involving civil aircraft, in order to find out whether there is any fault of any party will be conducted by the Ministry of Defence and National Security.

e) In the light of the investigations conducted under this section, the Ministry shall take measures necessary for safety of civil aviation.

## **Miscellaneous**

### **Liability for disturbance caused while**

21. An aircraft shall not be held responsible for any disturbance or nuisance caused during its normal course so long as provisions of this Act and regulations made under this Act are complied with.

## **Recognition of licence issued by foreign countries**

22. The Ministry shall have the right to set out conditions and recognize licenses for pilots, engineers and crew issued by a foreign country which is a signatory to the International Convention of Civil Aviation and passed by the ICAO on 7 December 1944.

### **Charging of fees and determining the amounts**

23. The Ministry shall have the right to charge fees and set out the amount for fees for registration of anything and place or for obtaining and renewal of license for certificates and licenses issued under this Act.

### **Penalty**

24 a) Where this Act requires obtaining of a certificate or license, a person in breach of such shall be liable to a fine between 50,000/- and 500,000/- Rufiyaa or imprisonment, banishment, or house arrest for a period between 6 months and 2 yrs.

b) Where any certificate license or other document issued under this Act has been forged, the penalty shall be a fine between 5000/- and 50,000/- Rufiyaa or imprisonment, banishment, or house arrest for a period between 6 months and 1 year.

c) Where air transport has been carried out in a way which would endanger the life of a person, the penalty shall be imprisonment, banishment, or house arrest for a period between 3 to 5 yrs.

d) Where any subsection of this section does not specify the manner to be dealt with for persons in breach of this Act a fine not exceeding 100,000/- shall be imposed.

### **Conforming to International Conventions**

25. The Ministry shall make regulations as set out in International Conventions which Maldives is a party and where it specifically requires any measures are to be taken by the Ministry.

### **Making of and Implementation of Regulations**

26. a) Regulations regarding civil aviation shall be made and enforced by the Ministry.

b) The Ministry shall have the right to impose fines and have the authority to take administrative action against parties in breach of regulation made under this Act. However a fine so imposed shall not exceed the amount specified in subsection 24(d) of this Act.

c) Where taking of a measure in contrary to what is specified in the regulation under this Act is, in that context, the most advantageous and will not endanger civil aviation, the Ministry shall have the right to permit such measures.

### **Scope of Application**

27. This Act and regulations made under this Act shall apply to all civil aircraft operating and within the territory of Maldives and aircraft registered in Maldives whether within or outside the territory of Maldives.

### **Definitions**

28. Unless the context otherwise so requires,

a) Aerodrome means any definite area intended to be used for landing and taking off including where all facilities necessary are available.

b) Aircraft means any machine intended to be driven in the air.

c) Ministry means Civil Aviation Department of Ministry of Transport and Civil Aviation.