



**MINISTRY OF CIVIL AVIATION AND COMMUNICATION
MALDIVES**

**NOTICE OF PROPOSED RULE MAKING
NPRM NO: 2009-09**

21 July 2009

MCAR 172 – Air Traffic Service Organizations - Certification

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Appendix 1: NPRM Submission Form

Draft copy of MCAR 172 – Air Traffic Services Organizations – Certification

1. Purpose of this NPRM

This NPRM invites consultation on the introduction of MCAR 172 which provides a regulatory safety boundary for Air Traffic Service Organizations in the republic of Maldives.

2. Background to the Proposal

MCAR 172 – Air Traffic Service Organizations Certifications, prescribes the certification and operating requirements for organisations providing an air traffic service in the Maldives and Male' Flight Information Region. Additionally MCAR 172 also spells out the operating and technical standards for the provision of an air traffic service by a certified organisation.

MCAR - 172 becomes effective on 01 January 2010

3. Key Stakeholders

The following are identified by the CAD as key stakeholders in the proposed amendments to regulations contained in this NPRM:

- MACL

4. Submissions on the NPRM

4.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule making is taken.

4.2 How to make a submission

Comments on this proposal may be forwarded (*preferably by e-mail*), using the NPRM Submission Form given in Appendix 1. The NPRM Submission Form is also available on the CAD website www.aviainfo.gov.mv.

Submissions may be sent by the following methods:

by mail: Civil Aviation Department
7th Floor, P.A Complex
Hilaalee Magu, Male' 20307
Republic of Maldives

fax: + 960 3323039

e-mail: safety@aviainfo.gov.mv

4.3 Final date for submissions

Comments must be received before 11 August 2009.

4.4 Availability of the NPRM

Any person may obtain a copy of this NPRM from:

CAD website: www.aviainfo.gov.mv/regulations/nprm.php

or from:

Civil Aviation Department
7th Floor, P.A Complex
Hilaalee Magu, Male' 20307
Republic of Maldives

4.5 Further Information

For further information contact the Regulation Project Coordinator:

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5 Proposed Rule Amendments

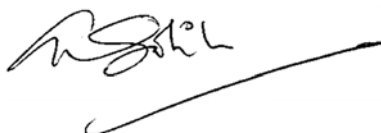
The text of the amendment is arranged to show deleted text and new text as shown below:

~~Text to be deleted is shown with a line through it.~~

New text to be inserted is highlighted with grey shading

5.1 Changes to Civil Aviation Regulations

No changes to CAR.



Aminath Solih
DIRECTOR GENERAL



CIVIL AVIATION DEPARTMENT
Republic of Maldives

MALDIVIAN
CIVIL AVIATION REGULATIONS

DRAFT

MCAR-172
Air Traffic Service Organizations - Certification

I. LIST OF AMENDMENTS

| Amendment No.: | Section and Page No.: | Issue date: | Date Inserted: | Inserted By: | Date Removed: | Removed By: |
|-----------------------|------------------------------|--------------------|-----------------------|---------------------|----------------------|--------------------|
| Initial Issue | All | 21-07-09 | 21-07-09 | CAD | | |
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EFFECTIVITY

The MCAR-172 becomes effective on 01 January 2010.

DESCRIPTION

Part 172 prescribes the certification and operating requirements for organisations providing an air traffic service in the Maldives and Male' Flight Information Region. This Part also prescribes the operating and technical standards for the provision of an air traffic service by a certificated organisation.

Air traffic service includes—

- (1) any aerodrome control service:
- (2) any area control service:
- (3) any approach control service:
- (4) any flight information service:
- (5) any aerodrome flight information service:
- (6) any alerting service:
- (7) any other air traffic service considered by the Director to be necessary or desirable for the safe and efficient operation of the civil aviation system.

Subpart A — General

172.1 Purpose

- (a) This Part prescribes rules governing—
 - (1) the certification and operation of organisations providing an air traffic service in—
 - (i) the Male' Flight Information Region; and
 - (ii) the operating and technical standards for providing an air traffic service by those organisations.
 - (2) Subparts A, B, and C apply to air traffic services specified in paragraphs (1) to (6) of the definition of *air traffic service*.
- (b) Subpart D and this rule apply to services referred to as air traffic services in paragraph (7) of the definition of *air traffic service*.

172.3 Definitions

Air traffic service includes—

- (1) any aerodrome control service:
- (2) any area control service:
- (3) any approach control service:
- (4) any flight information service:
- (5) any aerodrome flight information service:
- (6) any alerting service:
- (7) any other air traffic service considered by the Director to be necessary or desirable for the safe and efficient operation of the civil aviation system.

In this Part—

Annex 1 means Annex 1 to the Convention:

Annex 2 means Annex 2 to the Convention:

Annex 3 means Annex 3 to the Convention:

Annex 10 means Annex 10 to the Convention:

Annex 11 means Annex 11 to the Convention:

Area of responsibility means the airspace, and in the case of an aerodrome, the maneuvering area, within which a particular operating position is responsible for the provision of an air traffic service:

ATS Letter of Agreement means a document formalizing matters of operational significance between ATS units:

ATS messages means emergency messages, movement and control messages, and flight information messages as described in Part IX of Document 4444:

Document 4444 means the ICAO document titled *Procedures for Air Navigation Services – Air Traffic Management*:

Document 7030 means the ICAO document titled *Regional Supplementary Procedures* as applicable to the Middle East/Asia and Pacific regions:

Document 9432 means the ICAO document titled *Manual of Radiotelephony*:

Essential traffic means any controlled traffic that is not separated by the prescribed minima in relation to other controlled flights where separation is required:

Filed flight plan means the flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes:

Flow control means measures designed to adjust the flow of traffic into a given airspace, along a given route, or bound for a given aerodrome, to ensure the most effective utilisation of the airspace:

Operating position means the work station from which one or more air traffic controllers or flight service operators provide air traffic services within an allocated area or areas of responsibility:

Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with MOS Part 65:

Traffic avoidance advice means advice provided by an ATS unit to assist a pilot to avoid a collision:

Traffic information means information issued by an ATS unit, to alert a pilot to other known or observed air traffic which may be in proximity to the position, or intended route of flight, and to help the pilot avoid a collision.

172.5 Requirement for certificate

No person shall provide an air traffic service except under the authority of, and in accordance with the provisions of, an air traffic service certificate issued under this Part.

172.7 Application for certificate

Each applicant for the grant of an air traffic service certificate shall—

- (1) complete form **CAD 24172/01** which shall require the following information—
 - (i) the applicant's name and address for service in Maldives; and
 - (ii) the specific air traffic service or services to be provided; and
 - (iii) the aerodrome location or airspace designation at, or within which, the service will be provided; and
 - (iv) such other particulars relating to the applicant and the intended service as may be required by the Director as indicated on the form; and
- (2) submit the completed form to the Director with—

- (i) the exposition required by 172.125; and
- (ii) payment of the appropriate application fee prescribed in MCAR-187.

172.9 Issue of certificate

- (a) Subject to paragraph (b), an applicant is entitled to an air traffic service certificate if the Director is satisfied that—
 - (1) the applicant meets the requirements of Subpart B; and
 - (2) the applicant, and the applicant's senior person or persons required by 172.51, are fit and proper persons; and
 - (3) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) The Director shall ensure, in the interests of aviation safety, that only one certificate for the same air traffic service is current at any time.

172.11 Privileges of certificate

- (a) An air traffic service certificate specifies which of the following air traffic services, and which training and assessment for such services, the certificate holder is authorised to provide:
 - (1) area control service:
 - (2) approach control service:
 - (3) aerodrome control service:
 - (4) flight information service:
 - (5) aerodrome flight information service:
 - (6) alerting service:
 - (7) any other service provided in accordance with Subpart D.
- (b) An air traffic service certificate—
 - (1) states the aerodrome or airspace at, or within which, the service is provided; and
 - (2) may include such conditions as the Director considers appropriate.

172.13 Duration of certificate

- (a) An air traffic service certificate may be granted or renewed for a period of up to 5 years.
- (b) An air traffic service certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an air traffic service certificate that expires or is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of an air traffic service certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

172.15 Renewal of certificate

- (a) An application for the renewal of an air traffic service certificate shall be made on form CAD 24172/01.
- (b) The application shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

Subpart B — Certification Requirements

172.51 Personnel requirements

- (a) Each applicant for the grant of an air traffic service certificate shall engage, employ, or contract—
- (1) a senior person identified as the Accountable Manager who has the authority within the applicant's organisation to ensure that each air traffic service listed in its exposition—
 - (i) can be financed; and
 - (ii) is provided in accordance with the requirements prescribed by this Part; and
 - (2) a senior person or persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Accountable Manager; and
 - (3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's exposition.
- (b) The applicant shall establish procedures to—
- (1) ensure the competence of those personnel who are authorised by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's exposition; and
 - (2) provide those authorised personnel with written evidence of the scope of their authorisation; and
 - (3) ensure that those authorised personnel hold appropriate current licences and ratings issued under MCAR Part 65.
 - (4) ensure, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information; and
 - (5) facilitate, for rated air traffic service licence holders, compliance with the recent experience requirements of MCAR Part 65
 - (6) ensure, where practicable, that an air traffic controller shall not exercise the privileges of their rating or ratings—
 - (i) unless they comply with any endorsements on their medical certificate; and

- (ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

172.53 ATS training

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures and programmes for the training and assessment of the following personnel:
 - (1) air traffic controllers;
 - (2) personnel directly involved in the provision of an HF aeronautical telecommunication service;
 - (3) personnel directly involved in activities supporting rated air traffic controllers;
- (b) The applicant shall establish procedures to ensure that personnel giving instruction in an operational environment hold an appropriate current ATS instructor rating issued under MOS Part 65.
- (c) The applicant shall establish procedures to ensure that personnel carrying out assessment for the issue of licences, or the issue or validation of ratings, hold an appropriate ATS instructor or examiner rating issued under MOS Part 65.

172.55 Prevention of fatigue

An applicant for the grant of an air traffic service certificate must establish suitable procedures to mitigate the effects of fatigue on ATS operational staff.

172.57 Facility requirements

- (a) An applicant for the grant of an air traffic service certificate must establish the following facilities that are appropriate to the air traffic services listed in the applicant's exposition:
 - (1) aerodrome control towers;
 - (2) approach control offices;
 - (3) area control centres;
 - (4) aerodrome flight information offices;
 - (5) flight information centres;
 - (6) dedicated training and assessment facilities.
- (b) Except as provided in paragraph (h), an applicant for an aerodrome control service, or an aerodrome flight information service, must establish procedures to

ensure that any aerodrome control tower or aerodrome flight information office, including any temporary tower or office, listed in the applicant's exposition, is—

- (1) constructed and situated to provide—
 - (i) the maximum practicable visibility of aerodrome traffic; and
 - (ii) protection from glare and reflection; and
 - (iii) protection from noise; and
- (2) safeguarded from any development that would affect the requirements of paragraph (b)(1); and
- (3) at remote locations, provided with—
 - (i) toilet facilities that ensure the minimum possible interruption to, or degradation of, air traffic services; and
 - (ii) storage and preparation facilities for food and drink in the sub level of the Control Tower building; and
- (4) provided with equipment for two-way voice communication with—
 - (i) any aircraft, in or adjacent to airspace for which the applicant has responsibility; and
 - (ii) any aircraft, vehicle, and person, on, or adjacent to, the manoeuvring area; and
- (5) provided with the following minimum equipment:
 - (i) a display system or systems designed to show the disposition of current and pending aerodrome traffic together with ancillary information for individual aircraft:
 - (ii) a power supply:
 - (iii) appropriate and current maps and charts:
 - (iv) binoculars:
 - (v) clocks:
 - (vi) log keeping system:
 - (vii) outside temperature indicator:
 - (viii) QNH display:

- (ix) signal lamp with green, red, and white functions:
 - (x) telephone communications:
 - (xi) status monitors for approach and landing aids and any road signalling equipment affecting the use of a runway:
 - (xii) visibility checkpoints:
 - (xiii) voice and, if applicable, data recording equipment:
 - (xiv) wind direction and wind speed display:
 - (xv) an audible emergency alerting system:
 - (xvi) an AFTN terminal or, if provided for in an ATS letter of agreement, an alternative means of reception and transmission of information normally conveyed by AFTN:
 - (xvii) if applicable, airfield lighting controls panel; and
- (6) provided with 2 independent sources of the current altimeter setting, at least 1 of which must be an aneroid barometer or barometric altimeter situated in the visual control room.
- (c) The applicant must establish procedures to ensure that an area control centre, a flight information centre, and an approach control office is—
- (1) provided with equipment enabling—
 - (i) to the fullest extent practical, two-way voice communication; and
 - (ii) if applicable, data communication—with any aircraft in, or adjacent to, airspace for which the applicant has responsibility; and
 - (2) provided with the following minimum equipment:
 - (i) a display system or systems designed to show the disposition of current and pending flights together with ancillary information for individual aircraft:
 - (ii) a power supply:
 - (iii) appropriate and current maps and charts:
 - (iv) clocks:
 - (v) log keeping system:

- (vi) status monitors as appropriate for navigation, approach, and landing aids:
 - (vii) telephone communications:
 - (viii) voice recording equipment and, if applicable, data recording equipment:
 - (ix) an AFTN terminal:
 - (x) for an approach control operating position, an ILS and VOR/DME status monitor at the approach control or approach control radar operating position for the aerodrome concerned:
 - (xi) for an approach control operating position responsible for aircraft on final approach, or aircraft landing or taking off, a wind direction and wind speed display fed from the same source as the corresponding equipment in the aerodrome control tower.
- (d) The applicant must establish procedures to ensure that the aeronautical telecommunications equipment required by paragraphs (b) and (c) are operated in accordance with the national requirements.
- (e) The applicant must establish procedures to ensure that any visual display unit used by an air traffic service is positioned with due regard to the relative importance of the information displayed and ease of use by the staff concerned.
- (f) The equipment required by paragraphs (b)(4) and (5), and (c)(1) and (2), must have a level of reliability, availability, and redundancy, that minimises the possibility of failure, non-availability, or significant degradation of performance.
- (g) The applicant must establish procedures to ensure that the status monitors required by paragraph (b)(5)(xi) and paragraphs (c)(2)(vi) and (x) are fitted with—
- (1) an aural signal to indicate a change of status; and
 - (2) a visual indication of the current status.
- (h) A temporary aerodrome control tower and a temporary aerodrome flight information office are not required to be provided with the equipment required under paragraphs (b)(5)(xi), (xvi) and (xvii) if it is impracticable to do so and other appropriate measures are taken, as the case may be, to—
- (1) provide the person providing the air traffic service from the temporary tower or office with the information that would be available from the equipment required under paragraphs (b)(5)(xi) and (xvi); and
 - (2) control the airfield lighting if applicable.

172.59 Establishment and transfer of service

- (a) Each applicant for the grant of an air traffic service certificate shall include with its application—
- (1) for each aerodrome and airspace, a schedule of the proposed hours of service for the first 12 months of operation; and
 - (2) in respect of an aerodrome, or airspace, not currently provided with an air traffic service, a summary of safety factors considered before seeking certification.
- (b) Each applicant for the grant of an air traffic service certificate intending to assume responsibility for providing any air traffic service from an existing certificate holder, shall include with its application, full details of transitional arrangements endorsed by the accountable managers of both organisations.

172.61 Shift administration

Each applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that the working hours of the ATS operational staff is in accordance with the Scheme of Working Hours of Air Traffic Controllers.

172.63 Documentation

- (a) Each applicant for the grant of an air traffic service certificate shall hold copies of the relevant technical manuals, and all other documents, necessary for the provision and operation of the services listed in its exposition.
- (b) The applicant shall establish a procedure to control all the documentation required by paragraph (a). The procedure shall ensure that—
- (1) all incoming documentation is reviewed, and actioned as required, by authorised personnel; and
 - (2) all documentation is reviewed and authorised before issue; and
 - (3) current issues of all relevant documentation are available to personnel at all locations where they need access to such documentation for the provision and operation of air traffic services; and
 - (4) all obsolete documentation is promptly removed from all points of issue or use; and
 - (5) any obsolete documents retained as archives are suitably identified as obsolete; and
 - (6) changes to documentation are reviewed and approved by authorised personnel who shall have access to pertinent background information upon which to base their review and approval; and

- (7) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

172.65 Contingency plan

- (a) Each applicant for the grant of an air traffic service certificate shall establish a contingency plan providing for the safe and orderly flow of traffic in the event of a disruption, interruption, or temporary withdrawal of an air traffic service or related supporting service.
- (b) In addition to the requirement in paragraph (a), each applicant for the grant of an air traffic service certificate to provide services in the Male' FIR shall detail in its plan provisions for the continuation of the safe and orderly flow of international traffic not landing in Maldives.

172.67 Co-ordination requirements

- (a) An applicant for the grant of an air traffic service certificate must establish systems and procedures for ensuring, if applicable, co-ordination between each ATS unit listed in the applicant's exposition and the following agencies—
 - (1) Communication Authority of Maldives; and
 - (2) National Meteorological Centre; and
 - (4) aeronautical information services; and
 - (5) aircraft operators; and
 - (6) the Maldives National Defence Force; and
 - (7) search and rescue authorities; and
 - (8) if the listed ATS unit is an aerodrome control or aerodrome flight information unit—
 - (i) the aerodrome operator; and
 - (ii) the apron management service, if the service is not provided by the aerodrome control unit.
- (b) An applicant must establish procedures for ensuring that an ATS letter of agreement is in place between each ATS unit listed in the applicant's exposition and—
 - (1) each ATS unit responsible for adjoining airspace, and
 - (2) any other ATS unit with which regular operational co-ordination is required.

- (c) An applicant must establish procedures for ensuring that each ATS letter of agreement—
 - (1) details matters that are necessary for effective co-ordination between the units party to the agreement; and
 - (2) is kept current; and
 - (3) is signed by senior representatives of the participating units; and
 - (4) is part of the applicant’s operations manual.
- (d) An applicant must provide systems and procedures for facilitating communications between those ATS units that have an operational requirement to communicate with each other.
- (e) An applicant must provide systems and procedures for ensuring that ATS units, aircraft operators, and aviation meteorological service providers, if they require the information, are provided, through the exchange of ATS messages, with details of —
 - (1) the intended movement of each aircraft for which a flight plan has been filed, and any amendments to the flight plan; and
 - (2) current information on the actual progress of the flight.
- (f) An applicant must establish procedures for ensuring that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in Document 4444 (Part IX – Air Traffic Services Messages), except that the term *CAVOK* must not be used.

172.69 Notification of facility status

- (a) An applicant for the grant of an air traffic service certificate must establish procedures to notify the users of its air traffic services of relevant operational information and of any changes in the operational status of each facility or service listed in the applicant's exposition.
- (b) The applicant must ensure that procedures established under paragraph (a) require—
 - (1) operational information for each of the applicant's air traffic services to be forwarded to the holder of the aeronautical information service certificate for the AIP service; and
 - (2) the users of the applicant’s air traffic services to be notified without delay of any change in operational status of a facility or service that may affect the safety of air navigation, and, except if the change is temporary in nature, information concerning any change in operational status is forwarded to the

holder of the aeronautical information service certificate for the NOTAM service.

172.71 General information requirements

- (a) The applicant shall establish systems and procedures to ensure that each ATS unit, as appropriate to the applicant's intended area of responsibility, is kept informed of the operational status of—
- (1) non-visual navigation aids; and
 - (2) visual aids essential for take-off, departure, approach, and landing procedures; and
 - (3) visual and non-visual aids essential for surface movement.
- (b) Each applicant for the grant of an air traffic service certificate for an—
- (1) aerodrome control unit; or
 - (2) approach control unit; or
 - (3) aerodrome flight information service unit—

shall establish procedures to ensure the unit is kept informed of operationally significant conditions on the movement area. The information shall include the existence of temporary hazards and the operational status of any associated facilities at the aerodrome.

172.73 Meteorological information and reporting

- (a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that all meteorological information provided as part of any flight information service is supplied by the Department of Meteorology.
- (b) The applicant shall establish systems and procedures to ensure that ATS units are supplied with the meteorological information necessary for the performance of their respective functions, in a form that requires a minimum of interpretation by ATS personnel.
- (c) The applicant shall establish procedures to ensure that equipment used in the compilation of *basic weather reports*—
- (1) supplies data representative of the area for which the measurements are required; and
 - (2) where that equipment consists of multiple wind direction and speed indicators, identifies the runway, or section of the runway, monitored by each instrument.

- (d) The applicant shall establish a procedure to ensure that the information contained in a meteorological bulletin remains unchanged through onward transmission.

172.75 Area and approach control services

- (a) An applicant for the grant of an air traffic service certificate in respect of an area or approach control service must establish systems and procedures to—
- (1) determine from information received, the positions of known aircraft relative to each other; and
 - (2) provide for the issue of ATC clearances, instructions, and information in accordance with the airspace classification and type of flight for the purpose of preventing collisions between aircraft under the control of the unit, and for expediting and maintaining a safe and efficient flow of traffic; and
 - (3) co-ordinate clearances with other ATC units as necessary; and
 - (4) display information on aircraft movements together with a record of clearances issued, in a manner that permits ready analysis of such information.
- (b) Except as provided in paragraph (d) and rule 172.91, the procedures required by paragraph (a)(2) must specify that vertical or horizontal or composite separation in accordance with paragraph (c) must be provided between—
- (1) all flights in classes A and B airspace; and
 - (2) IFR flights in classes C, D, and E airspace; and
 - (3) IFR flights and VFR flights in class C airspace; and
 - (4) IFR flights and Special VFR flights in classes B, C, and D airspace; and
 - (5) Special VFR flights in classes B, C, and D airspace when the flight visibility is reported to be less than 5 km.
- (c) The separation required by paragraph (b) must be in accordance with the applicable criteria and minima prescribed by—
- (1) Subpart E; or
 - (2) Annex 11; or
 - (3) Document 4444; or
 - (4) Document 7030.

- (d) In Class D or E airspace, the ATC separation required by paragraph (b)(2) does not apply to an IFR flight if the pilot has been cleared to maintain own separation from other IFR flights. The clearance must not be issued unless—
- (1) the clearance is in response to a specific request from the pilot of the aircraft; and
 - (2) the flight is during the day and visual meteorological conditions exist; and
 - (3) a radar control service is not available; and
 - (4) the clearance is for a specific portion of the flight; and
 - (5) the pilots of all flights that will be essential traffic agree with the application of the procedure; and
 - (6) essential traffic information is passed to the pilots of all affected flights; and
 - (7) the flights concerned are on the same ATC frequency.

172.77 Aerodrome control service

- (a) Each applicant for the grant of an air traffic service certificate in respect of an aerodrome control service shall establish systems and procedures to—
- (1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and
 - (2) provide for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between—
 - (i) aircraft flying in the vicinity of an aerodrome; and
 - (ii) aircraft landing and taking off; and
 - (iii) aircraft operating on the manoeuvring area; and
 - (iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and
 - (v) aircraft on the manoeuvring area and obstructions on that area; and
 - (3) provide for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and
 - (4) except as provided in 172.91, provide runway and wake turbulence separation in accordance with criteria and minima prescribed by—
 - (i) Annex 11; or

- (ii) Document 4444; or
 - (iii) Document 7030; or
 - (iv) Subpart E; and
 - (5) ensure that emergency vehicles responding to an aircraft emergency are given priority over all other surface movement traffic; and
 - (6) provide for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and
 - (7) co-ordinate as necessary with other ATS units; and
 - (8) display, at operating positions, continuously updated information on aircraft movements.
- (b) The applicant shall establish a procedure to ensure that, when radio communication is not available, basic clearances, instructions, and information required by paragraph (a)(2) can be conveyed by the use of the light signals described in Annex 2.
- (c) The applicant shall establish procedures to ensure that when required by either the weather, or category of approach, or both—
- (1) aircraft on an ILS approach are informed of ILS critical area incursions, or the imminent possibility of an incursion; or
 - (2) the applicable ILS critical areas are protected from incursion when an aircraft is on an ILS approach, or has reached a point on the approach from which protection from incursion is necessary.
- (d) The applicant shall establish a procedure to ensure that, except as provided in 172.91, and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between—
- (1) IFR flights and Special VFR flights; and
 - (2) Special VFR flights when the flight visibility is reported to be less than 5 km.
- (e) The applicant shall establish a procedure to ensure that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.
- (f) The separation required by paragraphs (d) and (e) shall be obtained by the use of vertical or horizontal or composite separation, in accordance with criteria and minima prescribed by—

- (1) Annex 11; or
- (2) Document 4444; or
- (3) Document 7030; or
- (4) Subpart E.

172.81 Responsibility for control

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that any controlled flight is under the control of only one ATC operating position at any given time.
- (b) The applicant shall establish procedures to ensure that responsibility for the control of all aircraft operating within a given block of airspace is vested in a single operating position. Control of an aircraft or groups of aircraft may be delegated to other operating positions provided that coordination between all affected operating positions is assured.
- (c) The applicant shall establish procedures for the transfer of responsibility for the control of an aircraft.
- (d) The procedures required by paragraph (c) shall ensure that—
 - (1) transfer arrangements are—
 - (i) agreed between ATC units responsible for adjacent airspaces and published in ATS letters of agreement; and
 - (ii) in place for separate operating positions within an ATC unit and promulgated in the holder's operations manual; and
 - (2) responsibility for control of an aircraft is not transferred from one ATC unit to another without—
 - (i) communication of appropriate parts of the current flight plan; and
 - (ii) any relevant control information; and
 - (iii) the consent of the accepting unit.

172.83 Priorities

- (a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service must establish procedures to ensure that, providing safety is not jeopardised, ATC units apply the following priorities:
 - (1) an aircraft known or believed to be in a state of emergency or impaired operation has priority over other aircraft:

- (2) an aircraft landing, or in the final stages of an approach to land, has priority over a departing aircraft:
 - (3) an aircraft landing or taking off has priority over a taxiing aircraft.
- (b) The applicant must establish procedures to ensure that, where practical, following a request from a pilot, an aircraft involved in, or positioning for, the following activities is granted priority:
- (1) ambulance or mercy mission:
 - (2) search and rescue:
 - (3) civil defence or police emergency:
 - (4) carriage of head-of-State, head-of-government, or equivalent dignitary.
- (c) The applicant must establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level, except that—
- (1) an aircraft may be given priority for a cruising level in accordance with procedures published in Document 7030, or an ATS letter of agreement; and
 - (2) an aircraft occupying a cruising level may be reassigned another level to maintain separation.
- (d) An applicant for an air traffic service certificate in respect of an area control service may establish procedures regarding priorities to be applied in airspace designated as RNP airspace.
- (e) Subject to the requirements of paragraphs (a) and (b), an applicant may put in place schemes for the determination of priorities for arriving and departing flights, provided that consultation with interested parties is undertaken prior to implementing the scheme.
- (f) The applicant must establish procedures to ensure that, if priorities are established under paragraphs (d) or (e), relevant information including details regarding the handling of complaints, is published in the AIP.
- (g) The applicant must establish procedures to ensure that, providing safety is not jeopardised, due regard is given to those priorities determined in conjunction with the aerodrome operator for—
- (1) aircraft arriving and departing the aerodrome; and
 - (2) other operations in a control zone associated with the aerodrome.

- (h) The applicant must establish procedures to ensure that, except when applying priority in accordance with other provisions of this rule, priority for arriving and departing flights is allocated on a first-come first-served basis.
- (i) The applicant must establish procedures to ensure that the provision of an ATC service takes precedence—
 - (1) over the provision of a flight information service whenever the situation so requires; and
 - (2) over the performance of any other non-ATS tasks.

172.85 Flow control

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish flow control procedures where, due to limitations in ATS system capacity or aerodrome capacity, the applicant considers the procedures necessary.
- (b) The procedures shall take account of—
 - (1) the requirements of affected aerodrome operators including their traffic handling priorities; and
 - (2) the needs of aircraft operators, and other ATS providers, who will be affected by the procedures; and
 - (3) the requirements of the aeronautical information service, including advance notice, and information on the method of activation and de-activation.

172.87 ATC clearances

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures for the provision of ATC clearances.
- (b) The procedures shall ensure that—
 - (1) no person knowingly issues an ATC clearance or instruction that requires or invites a pilot to violate the provisions of any other rule; and
 - (2) clearances and instructions contain positive and concise data and are, where practicable, phrased in a standard manner; and
 - (3) if a pilot advises that a clearance or instruction is unsuitable, an amended clearance or instruction is, if practicable, issued; and
 - (4) an ATC clearance for an en-route flight consists of—

- (i) the aircraft identification as shown in the flight plan or, where similarity with another flight might cause confusion, an alternative identification provided by ATC; and
 - (ii) the clearance limit; and
 - (iii) the route of flight; and
 - (iv) the level(s) of flight for the entire route, or part thereof, and changes of level if required; and
 - (v) any necessary instructions or information on other matters such as approach or departure manoeuvres, communications, and the time of validity or expiry of the clearance; and
- (5) an ATC clearance for a local flight, a flight operating in defined areas, or a flight operating in a random manner, includes those elements detailed in paragraph (4) that are appropriate; and
- (6) an ATC clearance for a transonic flight—
- (i) extends at least to the end of the transonic acceleration phase; and
 - (ii) provides for uninterrupted descent during deceleration from supersonic cruise to subsonic flight.

172.89 Cruising levels

- (a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the Male' FIR are selected in accordance with Annex 2.

172.91 Deviation from an ATC clearance

- (a) Subject to paragraph (b), an applicant for the grant of an air traffic service certificate in respect of an air traffic control service must establish procedures to ensure that instructions issued by ATC to restore a loss of separation do not hinder the responses of a pilot to—
- (1) an TCAS resolution advisory; or
 - (2) a GPWS or TAWS alert; or
 - (3) a weather, or other emergency situation that necessitates a deviation from an ATC clearance.
- (b) The procedures required by paragraph (a) must specify that if any separation has been lost it is restored once the emergency situation has been resolved.

172.93 Flight information service

General

- (a) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that a flight information service is provided to the following:
- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
 - (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
 - (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
 - (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
 - (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.
- (b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant—
- (1) SIGMET information; and
 - (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes; and
 - (3) information on changes in the serviceability of navigation aids; and
 - (4) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by water; and
 - (5) information on unmanned free balloons; and
 - (6) other information likely to affect safety.
- (c) An applicant for the grant of an air traffic service certificate for an aerodrome control service or aerodrome flight information service must establish procedures to ensure that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available using one of the following terms:
- (1) DAMP – the surface shows a change of colour due to moisture:
 - (2) WET – the surface is soaked but there is no standing water:

- (3) WATER PATCHES – significant patches of standing water are visible:
- (4) FLOODED – extensive standing water is visible.
- (d) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service must establish procedures to ensure that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

Traffic Information

- (e) An applicant for the grant of an air traffic service certificate for an air traffic control service must establish procedures to ensure that essential traffic information is passed to all affected traffic.
- (f) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows:
 - (1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:
 - (2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request:
 - (3) if practical, in class E airspace, between IFR and VFR flights, and between VFR flights on request:
 - (4) in class G airspace, between IFR flights, and, if practical, between other flights on request.

172.95 Aerodrome flight information service

- (a) Each applicant for the grant of an air traffic service certificate in respect of an aerodrome flight information service shall establish systems and procedures to—
 - (1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and
 - (2) provide for the issue of advice and information, including the designation of a preferred runway, for the purpose of the safe and efficient operation of—
 - (i) aircraft flying in the vicinity of an aerodrome; and
 - (ii) aircraft operating on the manoeuvring area; and

- (iii) aircraft landing and taking off; and
 - (iv) aircraft, vehicles, and persons, on the manoeuvring area; and
 - (v) aircraft on the manoeuvring area and obstructions on that area.
- (b) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation.

172.97 Alerting service

- (a) In this Rule—

ALERFA means the Alert phase:

DETRESFA means the Distress phase:

INCERFA means the Uncertainty phase:

RCC means the rescue co-ordination centre.

- (b) An applicant for the grant of an air traffic service certificate must establish systems and procedures to ensure the provision of an alerting service within its areas of responsibility—
- (1) for all aerodrome traffic when an aerodrome control service or aerodrome flight information service is being provided; and
 - (2) for all aircraft—
 - (i) operating under a flight plan, or
 - (ii) otherwise known by any air traffic service to be in need of assistance; or
 - (iii) known or believed to be the subject of unlawful interference.
- (c) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, in the event of a state of emergency described in paragraph (f)—
- (1) immediate declaration of an INCERFA, ALERFA, or DETRESFA is made, in accordance with paragraph (f); and
 - (2) the declaration is notified to the ACC or FIC responsible, except where the emergency can be dealt with by local emergency organisations.
- (d) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service must establish procedures to ensure that, in the event of a state of emergency, an ACC or FIC—

- (1) serves as the central point within the FIR concerned for collecting all information relevant to the state of emergency; and
 - (2) except as prescribed in paragraph (1)(1), forwards such information without delay to the RCC.
- (e) Notwithstanding paragraph (c), an applicant for an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service, must establish procedures to ensure that whenever the urgency of the situation so requires, those services must first alert appropriate local emergency organisations.
- (f) The declaration required by paragraph (c) must be made in the following circumstances, and in any other circumstances that warrant such a declaration—
- (1) *INCERFA* when—
 - (i) no communication has been received from an IFR or controlled VFR aircraft within a period of 15 minutes after the time a communication should have been received, or from the time an unsuccessful attempt to establish communication with the aircraft was first made, whichever is the earlier; or
 - (ii) a pilot fails to terminate the flight plan or amend the nominated SARTIME and immediate checks have failed to locate the aircraft; or
 - (iii) a VFR aircraft on a VFR flight plan for which a SARTIME has not been provided fails to arrive within 30 minutes of the estimated time of arrival—

except when no doubt exists as to the safety of the aircraft and its occupants;
or
 - (2) *ALERFA* when—
 - (i) an aircraft is known or believed to be subject to unlawful interference; or
 - (ii) following the uncertainty phase, subsequent attempts to establish communication with the aircraft or inquiries to other relevant sources have failed to reveal any news of the aircraft; or
 - (iii) an aircraft has been cleared to land, and fails to land within five minutes of the estimated time of landing, and communication has not been re-established with the aircraft; or
 - (iv) information has been received that indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely—

except, in the case of subparagraphs (ii), (iii), and (iv), when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants; or

(3) *DETRESFA* when—

- (i) following the alert phase further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress; or
- (ii) the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety; or
- (iii) information is received that indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely; or
- (iv) information has been received that, or it is reasonably certain that, the aircraft is about to make or has made a forced landing—

except when there is reasonable certainty that the aircraft and its occupants are not threatened by grave and imminent danger and do not require immediate assistance.

(g) An applicant for the grant of an air traffic service certificate must establish procedures to ensure the notification of an emergency situation required by paragraph (c)(2) includes such of the following information as is available, in the order listed:

- (1) INCERFA, ALERFA, or *DETRESFA* as appropriate to the phase of the emergency:
- (2) agency and person calling:
- (3) nature of the emergency:
- (4) significant information from the flight plan:
- (5) unit that made last contact, time, and radio frequency used:
- (6) last position report and how determined:
- (7) colour and distinctive marks of aircraft:
- (8) any action taken by the reporting office.

(h) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, following the notification of an emergency situation, the RCC is provided, without delay, with—

- (1) any useful additional information; and
 - (2) notification when the emergency situation no longer exists.
- (i) An applicant for the grant of an air traffic service certificate must establish procedures to ensure, as necessary, the use of all available means to establish and maintain communication with, and surveillance of, an aircraft in a state of emergency.
 - (j) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, when a state of emergency is considered to exist, the last known position of any aircraft involved is established and recorded.
 - (k) An applicant for the grant of an air traffic service certificate for the provision of an area control service or flight information service within the Male' FIR must establish procedures to ensure that, when a state of emergency is considered to exist, the position and track of other aircraft known to be operating in the vicinity are established to determine those most suitable to provide assistance.
 - (l) An applicant for the grant of an air traffic service certificate in respect of an area control service or flight information service must establish procedures to ensure that —
 - (1) when an ACC or FIC declares an INCERFA or ALERFA it must, where practical, advise the aircraft operator prior to notifying the RCC; and
 - (2) all information notified to the RCC by an ACC or FIC must, where practical, also be communicated without delay to the aircraft operator.

172.99 Flight plans

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures for the acceptance and actioning of flight plans.
- (b) Each applicant shall ensure that the acceptance procedures required by paragraph (a) include, for the first ATS unit receiving a filed flight plan—
 - (1) a check for compliance with any prescribed flight plan format and data conventions; and
 - (2) a check for completeness, and to the extent practical, for accuracy; and
 - (3) provision for any action necessary to make the plan acceptable to ATS.
- (c) Any applicant intending to provide air traffic services from more than one location may nominate a single ATS unit within the applicant's organisation to accept filed flight plans on behalf of any or every unit.

- (d) Each applicant for the grant of an air traffic service certificate intending to operate a centralised flight planning office shall ensure the office is equipped with—
- (1) AFTN, facsimile, and computer data-link connection facilities, for the acceptance of flight plans from aircraft operators and any other ATS unit; and
 - (2) facilities for the advance filing, retention, and activation of standard or repetitive elements of flight plan information.

172.101 Time

- (a) Each applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that ATS unit clocks and other time recording devices—
- (1) use Co-ordinated Universal Time and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and
 - (2) are correct to within 5 seconds of UTC as determined by reference to a standard time station or GPS time standard.
- (b) The applicant shall establish a procedure to ensure that the correct time, to the nearest half minute, is provided—
- (1) in respect of any aerodrome control service or aerodrome flight information service, to IFR aircraft prior to taxiing for take-off unless arrangements have been made for the pilot to obtain it from other sources; and
 - (2) to any aircraft on request.

172.103 Altimeter setting procedures

An applicant for the grant of an air traffic service certificate must establish a procedure to ensure that—

- (1) QNH altimeter settings are in hectopascals rounded down to the nearest whole hectopascal; and
- (2) the appropriate aerodrome QNH altimeter setting or area QNH zone altimeter setting is provided to all aircraft on initial radio contact, including aircraft that advise having received the current applicable ATIS broadcast, except when it is known the aircraft has already received the information; and
- (3) ATS units provide to an aircraft on request, the current applicable aerodrome QNH altimeter setting or area QNH zone altimeter setting.

172.105 Radio and telephone procedures

- (a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that—
- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
 - (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
 - (3) communications procedures are in accordance with the applicable communication procedures prescribed in Annex 10 Volume II.
- (b) The applicant shall establish procedures to ensure that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—
- (1) Annex 10; or
 - (2) Document 4444; or
 - (3) Document 9432.
- (c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology shall be selected according to the order of precedence of the documents as listed.

172.107 Radar services

Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, where radar is used to support the provision of an air traffic service—

- (1) all radar services are provided in accordance with procedures published in—
 - (i) Document 4444; or
 - (ii) Document 7030 (as applicable to the Middle East/Asia Region); and
- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that conforms to the applicable principles contained in Document 4444.
- (4) full information is made available to pilots and aircraft operators on—
 - (i) the nature and extent of the radar services provided; and

- (ii) any significant limitations regarding such radar services; and
- (5) the information displayed at individual radar operating positions is that required for the air traffic services to be provided.

172.109 Aircraft emergencies and irregular operation

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure maximum assistance and priority is given to an aircraft known, or believed to be, in a state of emergency.
- (b) Each applicant shall, where appropriate, establish procedures to assist strayed aircraft, unidentified aircraft, and aircraft subject to military interception.

172.111 Action after serious incident or accident

Each applicant for the grant of an air traffic service certificate shall establish procedures regarding a serious incident or accident to—

- (1) determine if any air navigation facilities have contributed to the event; and
- (2) ensure immediate action is taken to—
 - (i) warn other aircraft that may be using or intending to use the facilities; and
 - (ii) advise the operator of the facility of the occurrence, and that the facility may be implicated; and
- (3) assist the operator of the facility with the prompt promulgation of any decision to withdraw the equipment from service; and
- (4) ensure that any facility identified in paragraph (1) is not used in the provision of separation to IFR aircraft until cleared for use by a qualified Engineer.

172.113 Incidents

Each applicant for the grant of an air traffic service certificate shall establish procedures for the notification, investigation, and reporting of incidents in accordance with *ސަލްޝަވާނު* and

172.115 Records

- (a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to identify, collect, index, file, store, secure, maintain, access, and dispose of, records necessary for—
 - (1) the operational provision of air traffic services; and
 - (2) the purpose of assisting with any accident or incident investigation.

- (b) The records shall include—
- (1) telephone communications; and
 - (2) radio broadcasts and communications; and
 - (3) air-ground digital data exchanges; and
 - (4) radar information; and
 - (5) filed flight plans including standard and repetitive plans; and
 - (6) flight progress strips; and
 - (7) staff duty rosters; and
 - (8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS organisation; and
 - (9) a record of each internal quality assurance review carried out under the procedures required by 172.123. The record shall detail the activities reviewed and any necessary follow-up corrective and preventive actions.
- (c) The applicant shall establish systems and procedures to ensure the electronic recording of—
- (1) all ATS radio and telephone communications; and
 - (2) all high-frequency air-ground communications; and
 - (3) all relevant data from primary and secondary radar equipment, or obtained through automatic dependent surveillance (ADS), used in providing or supporting an ATC service; and
 - (4) for any equipment coming into service after the date this Part comes into force, any transfer and acceptance of control process not conducted by telephone.
- (d) The applicant shall establish systems and procedures to ensure that electronic records required by paragraph (c)—
- (1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and
 - (2) either—
 - (i) replicate the voice communications, and, if applicable, the radar picture, applying at the particular operating position; or

- (ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording in accordance with subparagraph (i).
- (e) For the purposes of paragraph (d)(2) the term radar picture includes any visual presentation of aircraft position, however derived.
- (f) The option provided by paragraph (d)(2)(ii) shall apply only to equipment in service on the date this Part comes into force.
- (g) The applicant shall establish systems and procedures to ensure that all records, except where replication is required by paragraph (d)(2)(i), are of sufficient clarity to convey the required information.
- (h) The applicant shall establish procedures to ensure that the records referred to in paragraph (b) are retained for 31 days from the date of entry, except for—
 - (1) staff duty rosters; and
 - (2) written records associated with the requirements of 172.121(a)(2) and (3)— which shall be retained for 2 years.

172.117 Logbooks and position logs

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a logbook, with sequentially numbered pages, is kept at each ATS unit, and, where a unit has physically separate operations areas, at each such location within the unit.
- (b) The procedure shall ensure that—
 - (1) the logbook is maintained by the senior person on duty, or the person on watch at a nominated operating position; and
 - (2) the logbook is maintained throughout the hours of watch of the unit or operations room; and
 - (3) all entries include the time of entry; and
 - (4) the person responsible for maintaining a logbook signs *On Watch*, and effects transfer of responsibility by successive *On Watch* entries; and
 - (5) logbook entries are—
 - (i) in chronological sequence and in ink; and
 - (ii) without erasure, defacement, or obliteration; and
 - (iii) corrected by drawing a single line through the erroneous information and initialling the correction; and

- (6) actual times of opening and closing watch are recorded in the logbook, together with the reason for every variation from published hours of service; and
- (7) logbooks are retained for a period of 3 years from the date of final entry.
- (c) Each applicant shall establish a procedure to ensure the keeping of an operating position log, when such information is not available in the logbook required by paragraph (a).
- (d) The procedure shall ensure that the operating position log—
 - (1) contains sufficient information to identify—
 - (i) when that position was in operation; and
 - (ii) the services being provided from that position; and
 - (iii) the identity of the individual providing the service; and
 - (2) is retained for a period of 31 days from the date of filing.

172.119 Security

- (a) Each applicant for the grant of an air traffic service certificate shall prepare an ATS security programme.
- (b) Each ATS security programme shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to, or interference with the operation of, any ATS unit operated by the applicant where such destruction, damage, or interference is likely to endanger the safety of aircraft.
- (c) Without limiting the generality of paragraph (b), the security programme shall specify such physical security requirements, practices, and procedures as may be necessary—
 - (1) to ensure that entrances to permanent ATS facilities operated by the applicant are subject to positive access control at all times, so as to prevent unauthorised entry; and
 - (2) to protect personnel on duty; and
 - (3) to be followed in the event of a bomb threat or other threat of violence against an ATS unit; and
 - (4) to monitor unattended ATS unit buildings to ensure that any intrusion or interference is detected.

172.121 Service disruptions

- (a) Each applicant for the grant of an air traffic service certificate shall establish procedures, to—
 - (1) advise the Director of any planned disruption to the provision of air traffic services that could have an impact on safety; and
 - (2) investigate any unplanned disruption to the provision air traffic services; and
 - (3) report to the Director, within 48 hours of the occurrence, the circumstances surrounding any unplanned disruption to air traffic services when the disruption affected, or could have affected, the safety of air traffic.
- (b) Disruptions reportable under paragraph (a) shall include, but are not limited to, any—
 - (1) failure to open watch within 15 minutes of the promulgated opening time; and
 - (2) any interruption, of greater than 10 minutes, to the normal provision of an air traffic service; and
 - (3) curtailment of watch, by greater than 30 minutes, from the promulgated off watch time.

172.123 Safety Management System

- (a) Each applicant for the grant of an air traffic service certificate shall develop and establish a systematic means of managing quality and safety to ensure compliance with, and the adequacy of the procedures required by this Part.
- (b) The safety management system shall include—
 - (1) a safety policy and safety policy procedures; and
 - (2) a procedure to ensure safety indicators, including samples of radio and telephone records, defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
 - (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
 - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
 - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

- (6) management review procedures to ensure the continuing suitability and effectiveness of the safety management system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—
 - (1) to correct an existing problem; and
 - (2) to follow up a corrective action to ensure the action is effective; and
 - (3) to amend any procedure required by this Part as a result of a corrective action; and
 - (4) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
 - (1) to correct a potential problem; and
 - (2) to follow-up a preventive action to ensure the action is effective; and
 - (3) to amend any procedure required by this Part as a result of a preventive action; and
 - (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
 - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
 - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—

- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the responsible manager who shall review the quality assurance system; and
 - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Accountable Manager on matters affecting the safe provision of any air traffic service listed in the exposition.

172.125 Organisation exposition

- (a) An applicant for the grant of an air traffic service certificate must provide the Director with an exposition containing—
- (1) a statement signed by the Accountable Manager on behalf of the applicant's organisation confirming that the exposition and the appropriate Manuals of Air Traffic Services—
 - (i) define the organisation and demonstrate its means and methods for ensuring safe air traffic services are provided to aircraft and continuing compliance with this and any other applicable Part; and
 - (ii) are required to be complied with by its personnel at all times; and
 - (2) the titles and names of the senior person or persons required by rule 172.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and
 - (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2), and extending to each location listed under paragraph (a)(5)(i); and
 - (5) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—
 - (i) locations of ATS units; and
 - (ii) the aerodrome or airspace being serviced; and
 - (iii) the services provided; and
 - (6) details of the applicant's staffing structure for each ATS unit; and

- (7) details of procedures required by rule 172.51(b) regarding the, competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
- (8) details of procedures required by rule 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
- (9) details of systems, procedures and programmes required by paragraph 172.123 regarding the safety management system; and
- (10) a description of the display systems to be used in meeting the requirements of rules 172.57(b)(5)(i) and 172.57(c)(2)(i); and
- (11) the information required by rule 172.59 regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and
- (12) procedures regarding shift administration required by rule 172.61; and
- (13) details of the procedures required by rule 172.63 regarding the control of documentation; and
- (14) the contingency plan required by rule 172.65; and
- (15) details of the systems and procedures required by rule 172.67 regarding co-ordination requirements; and
- (16) details of the procedures required by rule 172.69 regarding the notification of facility status; and
- (17) details of the systems and procedures required by rule 172.71 regarding general information requirements; and
- (18) details of the systems and procedures required by rule 172.73 regarding meteorological information and reporting; and
- (19) details of systems and procedures required by rule 172.75 regarding the provision of area control and approach control services; and
- (20) details of systems and procedures required by rule 172.77 regarding the provision of aerodrome control service; and
- (21) details of systems and procedures required by rule 172.79 regarding the separation of controlled flights and active special use airspace; and
- (22) details of the procedures required by rule 172.81 regarding responsibility for control; and
- (23) details of the procedures required by rule 172.83 regarding the application of priorities; and

- (24) details of the procedures required by rule 172.85 regarding flow control; and
- (25) details of the procedures required by rule 172.87 regarding ATC clearances; and
- (26) details of the procedures required by rule 172.89 regarding the allocation of cruising levels; and
- (27) details of the procedures required by rule 172.91 regarding deviations from an ATC clearance; and
- (28) details of systems and procedures required by rule 172.93 regarding the provision of flight information service; and
- (29) details of systems and procedures required by rule 172.95 regarding the provision of aerodrome flight information service; and
- (30) details of systems and procedures required by rule 172.97 regarding the provision of alerting service; and
- (31) details of the procedures required by rule 172.99 regarding the processing of flight plans; and
- (32) details of the procedures required by rule 172.101 regarding time; and
- (33) details of altimeter setting procedures required by rule 172.103; and
- (34) details of the radio and telephone procedures required by rule 172.105; and
- (35) details of the procedures required by rule 172.107 regarding the provision of radar services; and
- (36) details of the procedures required by rule 172.109 regarding aircraft emergencies and irregular operation; and
- (37) details required by rule 172.111 regarding procedures following a serious incident or accident; and
- (38) details of the procedures required by rule 172.113 regarding incidents; and
- (39) details of systems and procedures required by rule 172.115 regarding the gathering and management of records; and
- (40) details of the procedures required by rule 172.117 regarding the keeping of logbooks and position logs; and
- (41) details of the programme required by rule 172.119 regarding security arrangements; and

- (42) details of the procedures required by rule 172.121 regarding disruptions to service; and
 - (43) details of the systems, procedures, and programmes required by rule 172.123 regarding SMS; and
 - (44) procedures to control, amend and distribute the exposition.
- (b) The applicant’s exposition must be acceptable to the Director.

Subpart C — Operating Requirements

172.151 Continued compliance

Each holder of an air traffic service certificate shall—

- (1) hold at least one complete and current copy of its exposition at each ATS unit listed in its exposition, except that manuals relating solely to a particular location need only be held at principal locations and the unit concerned ; and
- (2) comply with all procedures and standards detailed in its exposition; and
- (3) make each applicable part of its exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (5) promptly notify the Director of any change of address for service, telephone number, facsimile number, or email address required by form CAD 24172/01.

172.153 Manual of Air Traffic Services

- (a) Each holder of an air traffic service certificate shall provide, for compliance by its personnel, a Manual of Air Traffic Services for the services listed in its exposition.
- (b) A holder certificated to provide more than one air traffic service, or an air traffic service or services from more than one location, may publish a core manual together with manual supplements specific to each service or location.

172.155 Trials

- (a) The Director may, upon application in writing from the holder of an air traffic service certificate, approve, subject to such conditions on that approval as the Director considers necessary in the interests of aviation safety, the conduct of trials regarding—
 - (1) separation minima; or
 - (2) standard phraseology; or
 - (3) radar procedures.
- (b) A trial may be approved by the Director for a single period of no longer than 3 months, and upon further application in writing by the certificate holder, be extended by the Director for a single period of no longer than 3 months.
- (c) A trial approved under this rule may be terminated by the Director at any time.

172.157 Denial of ATC clearance

- (a) The holder of an air traffic service certificate in respect of an aerodrome control service shall not deny the pilot of an aircraft an ATC clearance on the basis of non-payment of charges owed to the certificate holder unless—
- (1) the aircraft is on the ground; and
 - (2) that clearance is for entry onto the manoeuvring area.
- (b) The certificate holder shall continue to provide normal ATC service for any aircraft entering the manoeuvring area without an ATC clearance.

172.159 Suspension of VFR operations

Each holder of an air traffic service certificate for an approach control service or aerodrome control service may, when appropriate for safety reasons, suspend any or all controlled VFR operations within a control zone.

172.161 Changes to certificate holder's organisation

- (a) A holder of an air traffic service certificate must ensure that the holder's exposition is amended so as to remain a current description of the holder's organisation and services.
- (b) The holder of an air traffic service certificate must ensure that any amendment made to the holder's exposition—
- (1) meets the applicable requirements of this Part; and
 - (2) complies with the amendment procedures contained in the holder's exposition.
- (c) The holder of an air traffic service certificate must provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition, except that, for the holder's operational manual or manuals, the holder must forward to the Director—
- (1) a copy of each amendment, at least 15 working days in advance of the effective date; and
 - (2) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective.
- (d) If the holder of an air traffic service certificate proposes to make a change to any of the following, prior notification to and acceptance by the Director is required—
- (1) the Accountable Manager; or
 - (2) the listed senior persons; or

- (3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace.
- (e) The Director may specify conditions under which the holder of an air traffic service certificate may operate during or following any of the changes specified in paragraph (d).
- (f) The holder of an air traffic service certificate must comply with any condition specified under paragraph (e).
- (g) If any of the changes referred to in this rule require an amendment to the certificate, the holder of the air traffic service certificate must forward the certificate to the Director as soon as practicable.
- (h) The holder of an air traffic service certificate must make amendments to the holder's exposition as the Director considers necessary in the interests of aviation safety.

172.163 Withdrawal or transfer of service

- (a) Each holder of an air traffic service certificate who wishes to permanently withdraw an air traffic service shall give the Director at least 90 days notice of the proposal and include in that notice a summary of factors considered in arriving at the decision to withdraw the service.
- (b) Each holder of an air traffic service certificate who intends to permanently reduce the hours of operation of an air traffic service shall provide to the Director advance notice of, and the reasons for, the proposed reduction.
- (c) Each holder of an air traffic service certificate who is the outgoing provider of an air traffic service shall not hinder the preparation and execution of the transitional arrangements required by 172.59(b).

Subpart D — Other Air Traffic Services

172.201 General

- (a) A person may request the Director to determine whether an aviation related service is an air traffic service under paragraph (7) of the definition of the term in Subpart A by application in writing, including a definition, and details of, the proposed service.
- (b) The Director may, in consultation with such persons as the Director considers necessary, determine whether any aviation related service is an air traffic service under paragraph (7) of the definition of the term.

172.203 Requirement

No person shall provide a service that the Director determines to be an air traffic service in accordance with 172.201 except under the authority of, and in accordance with, the provisions of an air traffic service certificate issued under this Subpart.

172.205 Application

- (a) Each applicant for an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term shall complete form CAD 24172/01 and submit the completed form to the Director together with—
 - (1) such other details regarding the applicant’s organisation and the air traffic service as the Director may require; and
 - (2) a payment of the appropriate application fee prescribed by regulations made under the Act.

172.207 Issue of certificate

- (a) An applicant is entitled to an air traffic service certificate for an air traffic service under paragraph (7) of the definition of the term if the Director is satisfied that the—
 - (1) applicant is a fit and proper person; and
 - (2) granting of the certificate is not contrary to the interests of aviation safety.
- (b) The Director may attach such conditions to the certificate as the Director thinks necessary in the interests of safety.

172.209 Operating conditions

Each holder of a certificate issued under this Subpart shall provide the air traffic service in accordance with the conditions attached to the certificate.

Subpart E — Operational Standards

172.251 ATS Procedures and Standards

- (a) Unless otherwise provided for in this Part or approved by the Director, air traffic services shall be provided and operated in accordance with Document 4444, modified or amplified by Document 7030 as applicable.
- (b) Detailed procedures to be employed by the ATS unit concerned, with any applicable limitations, shall be set out in the unit's Manual of Air Traffic Services.

172.253 Separation Standards

- (a) Except as permitted by paragraph (b) the standard departure, vertical, lateral, longitudinal and radar separation set out in Document 4444, subject to any modifications in Doc 7030, shall be used as appropriate by ATS units between aircraft.
- (b) Where Document 4444 permits a reduction in the standard separation in specified circumstances, the Director may approve such reduced separation standards subject to any additional conditions he thinks fit.
- (c) The holder of an air traffic service certificate who wishes the Director to approve reduced separation standards in paragraph (b) shall:
 - (1) carry out a safety assessment to determine whether an acceptable level of safety will be maintained; and
 - (2) consult users about the proposed reduction, as may be required by the Governor; and
 - (3) provide the Director with the results of the assessment and consultation and with any other information he may consider relevant.
- (d) The safety assessment in paragraph (c)(1) shall take account of:
 - (1) the availability, reliability, accuracy and performance of ground-based or aircraft equipment which may permit such reduced separation; and
 - (2) the reliability and performance of communications systems upon which the equipment in paragraph (d)(1) or the flight crew or ATS personnel rely; and
 - (3) the effects of wake vortex; and
 - (4) the provisions of any applicable regional air navigation agreement including any conditions and limitations specified in it; and
 - (5) in the case of reduced separation which relies on visual methods, any actual or potential environmental factors which may limit the procedure.

- (e) Any approved reduction in separation standards with any limitations on its use shall be incorporated into the Manual of Air Traffic Services.

For the Civil Aviation Department
Aminath Solih
DIRECTOR GENERAL