

Maldives Civil Aviation Act (Act No: 00/ 2019)

SECTION I: GENERAL PROVISIONS

Article 1: Subject matter

1. The principal objective of this Act and of the Regulations made under it is to establish and maintain a high and uniform level of civil aviation safety in the Maldives.
2. This Act shall be cited as the "Maldives Civil Aviation Act."

Article 2: Supervision of matters related to aviation

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

Article 3: Certification and Oversight

1. To ensure compliance with this Act and Regulations made under it, the Authority shall:
 - (a) receive and assess the applications made to it, and, where applicable, issue or renew certificates;
 - (b) perform oversight of holders of certificates, of legal and natural persons that made declarations, and of products, parts, equipment, ATM/ANS systems and ATM/ANS constituents, flight simulation training devices and aerodromes subject to this Act and Regulations made under it;
 - (c) conduct the necessary investigations, inspections, including ramp inspections, audits and other monitoring activities to identify possible infringements by legal or natural persons subject to this Act and Regulation made under it, of the requirements set out in this Act or Regulations made under it;
 - (d) take all necessary enforcement measures, including amending, limiting, suspending or revoking certificates issued by it, grounding of aircraft and imposing penalties, in order to terminate identified infringements;
 - (e) prohibit, limit or make subject to certain conditions the aviation activities in the interest of safety;
 - (f) ensure an appropriate level of qualification of its staff involved in certification, oversight and enforcement tasks, including by providing adequate training.

Article 4: Recognition of licences and certificates or attestations issued by foreign countries

1. The Authority shall have the discretion to recognise in the Maldives and to determine the conditions for the recognition of an Air Operator Certificate or any licence, certificate or attestation issued in respect of crew, air traffic controller or engineer, by a foreign country that is a signatory to the Chicago Convention.
2. For the purpose of paragraph 1, the Authority may either issue the certificates provided for in this Act and in the Regulations made under it, on the basis of certificates issued in accordance with the laws of a foreign State, or accept certificates and other relevant documentation attesting compliance with civil aviation rules which were issued in accordance with the laws of that State.
3. In order to achieve and maintain confidence in the regulatory systems of other States, the Authority shall be authorised to conduct the necessary technical assessments and evaluations of the laws of the foreign countries and of the foreign aviation authorities. For the purpose of conducting such assessments and evaluations, the Authority may conclude working arrangements.

Article 5: Power to make Regulations

1. Without prejudice to the provisions of the Maldives Civil Aviation Authority Act 2/2012, the Chief Executive shall, for the purposes of ensuring the safety of civil aviation in the Maldives, the safety of passengers and cargo carried on board the aircraft and for the safety and security of the general public from any ill effects that may be associated with such aircraft, establish policies, procedures and standards and formulate Regulations in respect of matters relevant thereto.
2. The policies, procedures, standards and Regulations mentioned in paragraph 1 of this Article shall not fall short of or be lesser than such policies and standards found in relevant international conventions to which Maldives is a party.
3. The policies, procedures, standards and Regulations mentioned in paragraph 1 of this Article should be guided by the need to ensure the highest possible safety and environmental protection standards, by the need to encourage an effective conduct of the inquiry and of the decision making phases as well as by the need to guarantee the fairness and transparency of the procedures and the imposition of fines and periodic penalty payments.

Article 6: Authorised Persons

1. The Chief Executive may authorise a person (whether by name or by class or description), either generally or in relation to a particular case or class of cases, to perform an inspection or to carry out other surveillance measures.
2. It shall be the duty of an authorised person to perform such an inspection, to carry out such measures, or to do both, as requested or directed by the Chief Executive.

3. Where exceptional circumstances so require, the Chief Executive may temporarily suspend or revoke the authorisation mentioned in paragraph 1.

Article 7: Delegation

1. The Chief Executive may delegate to any staff of the Authority any of his powers and functions under this Act, and define the conditions under which that delegation of powers can be exercised.
2. Where exceptional circumstances so require, the Chief Executive may temporarily suspend or revoke the delegation mentioned in paragraph 1 and exercise them himself or delegate them to another staff of the Authority.

Article 8: Compliance with international conventions

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

Article 9: Applicability

1. This Act and the Regulations made under it shall apply to:

AIRCRAFT

- (a) the design, production, maintenance and operation of aircraft, as well as their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely, where the aircraft is or will be:
 - i. registered in Maldives, unless and to the extent that Maldives has transferred its responsibilities pursuant to the Chicago Convention to another State and the aircraft is operated by a foreign State's aircraft operator;
 - ii. registered in a foreign State and operated by an aircraft operator established, residing or with a principal place of business in the territory of Maldives;
 - iii. an unmanned aircraft, that is not registered either in the Maldives or in another State, but operated in the territory of the Maldives;

AERODROMES

- (b) the design, production, maintenance and operation of safety-related aerodrome equipment used or intended for use at aerodromes located in the territory of the Maldives and the provision of ground handling and other related services and AMS at those aerodromes;

- (c) the design, maintenance and operation of aerodromes, including the safety-related equipment used at those aerodromes, located in the territory of the Maldives;
- (d) without prejudice to the national law on environment and land-use planning, the safeguarding of surroundings of aerodromes located in the territory of the Maldives;

ATM/ANS

- (e) the provision of ATM/ANS in the Maldivian airspace;
- (f) the design, production, maintenance and operation of systems and constituents used in the provision of those ATM/ANS;
- (g) the design of the Maldivian airspace structure.

PERSONNEL AND ORGANISATIONS

2. This Act and Regulation made under it shall also apply to the personnel and organisations involved in the activities referred to in paragraph 1.

EXCLUSION OF MILITARY & OTHER TYPES OF STATE AIRCRAFT

3. Without prejudice to paragraph 1 of Article 36, this Act and the Regulations made under it shall not apply to:
 - (a) aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely, while involved in military, customs, police activities, and the personnel and organisations involved in the activities and services performed by those aircraft, aerodromes or parts thereof, as well as equipment, personnel and organisations, that are controlled and operated by the military, customs, police;
 - (b) ATM/ANS, including systems and constituents, personnel and organisations that are provided or made available by the military, customs, police.

Section II: AERODROMES

Article 10: General provisions

Aerodromes, safety-related aerodrome equipment, the operation of aerodromes and other related services and the provision of ground handling services and apron management services shall comply with the provisions of this Act and Regulations made under it.

Article 11: Operation of aerodromes

1. Any legal or natural person operating or proposing to operate and/or organization responsible for the operation of aerodromes shall be subject to certification and shall be issued with a certificate. That certificate shall be issued upon application, when the applicant has demonstrated that it complies with the provisions of this Act and Regulations made under it.
2. The certificate shall specify the privileges granted to the legal or natural person or to the certified organisation and the scope of the certificate.

Article 12: Registration

Without prejudice to other national laws related to the use of the land, places and permits related to, aerodromes in the Maldives shall be constructed, registered and used in accordance with the provisions of this Act and Regulations made under it.

Article 13: Safety zone demarcated around aerodromes

1. The Chief Executive shall, for purposes of the safety of civil aviation, demarcate around each aerodrome a safety zone and establish guidelines to be followed within the zone in respect of the following matters but not exclusively, and shall make Regulations in respect thereof according to International standards and recommended practices:
 - (a) Construction and installation of various structures;
 - (b) Planting and nurturing of trees and cultivation of crops;
 - (c) Driving and parking of various vehicles;
 - (d) Illuminating, rearing of birds, having of airborne objects and conduct of various acts detrimental to the safety of civil aviation.
2. Furthermore, the Authority shall take the necessary measures to ensure that aerodromes located in the territory of Maldives are safeguarded against activities and developments in their surroundings which may cause unacceptable risks to aircraft using the aerodrome.
3. When there is any breach of Regulations made under this Section, the Authority, without prejudice to the provision of Article 60, has the power to order the rectification of that breach. When the breach occurs due to a matter that has been in existence prior to the demarcation of

the safety zone, all expenses incurred by the party in whose ownership the zone was prior to demarcation or the person whose act was in breach of the Regulations and any damage suffered by such person to rectify the breach or to bring the matter within the compliance of the Regulations shall be indemnified by the person in whose ownership lies the relevant aerodrome.

Article 14: Facilitation

The Chief Executive shall establish Regulations in compliance with the International standards and recommended practices, related to the movement of passengers, cargo and mail at the national airports, in order to facilitate their travel to, from and within Maldives by aircraft.

Section III: AIRCRAFT

Article 15: General provision

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

Article 16: Documents to be carried on board

1. Every aircraft engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Act and Regulations made under it:
 - (a) Its certificate of registration
 - (b) Its certificate of airworthiness
 - (c) The appropriate license, certificate or attestation for each member of the crew
 - (d) Its journey log book or equivalent valid and up-to-date
 - (e) If it is equipped with radio apparatus, the aircraft radio station license;
 - (f) If it carries passengers, a list of their names, nationalities and places of embarkation and destination;
 - (g) If it carries cargo, a manifest and detailed declarations of the cargo
2. The Chief Executive shall establish Regulations, in accordance to international standards and recommended practices, related to the form, maintenance of the journey log book or its equivalent and the mandatory information that it shall contain.

Article 17: Aircraft Registration

1. An aircraft registered under this Act and Regulations made under it, has the Maldivian nationality.
2. An aircraft shall not fly in the Maldives unless it is registered:
 - (a) under the provisions of this Act and Regulations made under it;
 - (b) in an ICAO Contracting State; or
 - (c) in another State that has an agreement with the Maldives related to the flight in the Maldives of an aircraft registered in that State.

Article 18: Conditions of Registration

1. An aircraft may be registered in the Maldives on submission of an application to the Authority for registration of such aircraft in accordance with Regulations made under this Act.
2. The aircraft in respect of which the application for registration is made is not registered in any other country.

3. The following persons shall be qualified to hold a legal interest by way of ownership, or a share, in an aircraft registered in Maldives:
 - (a) the Government of the Maldives;
 - (b) citizens of the Maldives;
 - (c) bodies incorporated in the Maldives;
 - (d) a person resident in or carrying on business in the Maldives who is not a citizen of the Maldives, or a body incorporated elsewhere than in the Maldives and carrying on business in the Maldives.
4. If an aircraft is leased to a qualified person, the Authority may (whether or not an unqualified person is the owner of the aircraft), register the aircraft in the name of the lessee if the Authority is satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Act and regulations made under it, the aircraft may remain so registered during the continuance of the lease.

Article 19: Certificate of Registration

The Authority shall issue a certificate of registration for every aircraft registered upon an application being made in accordance with Article 17 of this Act.

Article 20: Maintaining details as to the title

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

Article 21: Revocation of the Registration

The Authority shall have the discretion to revoke the registration of an aircraft registered under this Act and Regulations made under it, on the occurrence of any of the following events:

- (a) variation, incoherence or false information in any of the details submitted for registration of aircraft;
- (b) destruction of the aircraft or damage rendering it totally incapable of operation;
- (c) the expiry or earlier termination of the lease agreement concerning an aircraft registered and operated pursuant to a lease;
- (d) where the person on whose name the aircraft is registered ceases to be a person specified in paragraph 3 of Article 18 of this Act;
- (e) application for revocation being made by the person, the company or the organisation on whose name the aircraft is registered.

Article 22: Register

1. The Authority shall be the authority for registration of aircraft in Maldives and shall maintain a current register showing for each aircraft registered, the information recorded in the certificate of registration. The register of unmanned free balloons shall contain the date, time and location of release, the type of balloon and the name of the operator.
2. The register of aircraft shall be available on the official website of the Authority.

Article 23: Deregistration

1. Irrevocable de-registration and export request authorisations

- (a) A debtor must submit an irrevocable de-registration and export request authorisation to the Authority if the debtor—
 - i. is the holder of a certificate of registration for an aircraft registered in Maldives; and
 - ii. issues an irrevocable de-registration and export request authorisation substantially in the form annexed to the Aircraft Protocol.
- (b) If the Authority receives a submission under sub-paragraph (a), it must record the irrevocable de-registration and export request authorisation on the Aircraft Register.

2. De-registration requests

- (a) An authorised party (or the authorised party's certified designee) may, in accordance with the relevant irrevocable de-registration and export request authorisation recorded under sub-paragraph 1(b), submit a de-registration request in the prescribed form to the Authority.
- (b) In a request submitted under sub-paragraph (a), the authorised party must certify in writing that—
 - i. the aircraft is not subject to any registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft; or
 - ii. if the aircraft is subject to a registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft, the holder of the higher-ranking registered interest has consented to the deregistration and exportation of the aircraft.
- (c) If the Authority receives a de-registration request under sub-paragraph (a) that is accompanied by the statement specified in sub-paragraph (b), the Chief Executive must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant certificate of registration.
- (d) If the Chief Executive revokes a certificate of registration under sub-paragraph (c), the Authority must remove the registration from the Aircraft Register.

3. Removal requests

- (a) An authorised party (or the authorised party's certified designee) may, in accordance with the relevant irrevocable de-registration and export request authorisation recorded under sub-paragraph 1(b), submit a removal request in writing to the Authority.
- (b) A debtor may, in accordance with the relevant irrevocable de-registration and export request authorisation recorded under sub-paragraph 1(b), submit a removal request in writing to the Authority if the debtor—

- i. has obtained the written consent of the authorised party to do so; and
 - ii. provides a copy of the written consent to the Authority with the removal request.
- (c) If the Authority receives a removal request under sub-paragraph (a) or (b), the Chief Executive must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant irrevocable de-registration and export request authorisation.
- (d) If the Chief Executive revokes an irrevocable de-registration and export request authorisation under sub-paragraph (c), the Authority must remove the authorisation from the Aircraft Register.
4. The Chief Executive may not exercise any power that the Chief Executive may exercise under this Act in relation to a certificate of registration if the exercise of that power would interfere with, or be contrary to, any right or obligation arising under this Article.

Article 24: Provision of air transport services

No person shall provide air transport services in the Maldives except after obtaining the appropriate certificate or licence from the Authority to that effect.

Article 25: Aircraft airworthiness

1. Aircraft, and their engines, propellers, parts and non-installed equipment shall comply with the provisions of this Act and Regulations made under it.
2. As regards noise and emissions, those aircraft and their engines, propellers, parts and non-installed equipment shall comply with the environmental protection requirements contained in Annex 16 to the Chicago Convention.

Article 26: Air Operator Certificate (AOC)

1. The operation of an aircraft shall comply with the provisions of this Act and Regulations made under it.
2. The AOC to commercial air transport operators is dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training program, and maintenance arrangements consistent with the nature and extent of the operation specified.
3. The AOC may be issued to persons subject to such persons being found to be in possession of the professional ability, financial capability, facilities, conveniences, competent persons and other mechanisms necessary for the provisions of safe air transport services and to ensure the safety of operations specified in the certificate.
4. Any modification in the AOC of an air carrier shall be reflected, where appropriate, in its operating licence.

Article 27: Operating Licence (OL)

1. No undertaking established in the Maldives shall be permitted to provide air transport services unless it has been granted the appropriate operating licence.
2. The granting and validity of an operating licence shall be dependent on the possession of a valid AOC specifying the activities covered by that operating licence.
3. Without prejudice to any other applicable provisions of this Act and Regulations made under it, the following categories of air services shall not be subject to the requirement to hold a valid operating licence:
 - (a) air services performed by non-power-driven aircraft and/or ultralight power-driven aircraft; and
 - (b) local flights.

Article 28: Conditions for granting an Operating Licence

An undertaking shall be granted an OL by the Authority provided that:

- (a) its principal place of business is located in the Maldives;
- (b) it holds a valid AOC issued in accordance with the provisions of this Act and Regulations made under it;
- (c) it has one or more aircraft at its disposal through ownership or a dry lease agreement;
- (d) its main occupation is to operate air services;
- (e) its company structure allows the competent licensing authority to implement the provisions of this Section;
- (f) it meets the financial conditions specified in Article 29;
- (g) it complies with the provisions on good repute as specified in Article 30;
- (h) it complies with the insurance requirements specified in Article 31.

Article 29: Financial Conditions for granting an operating license

1. The Authority shall closely assess whether an undertaking applying for the first time for an operating licence can demonstrate that:
 - (a) it can meet at any time its actual and potential obligations established under realistic assumptions, for a period of 24 months from the start of operations; and
 - (b) it can meet its fixed and operational costs incurred by operations according to its business plan and established under realistic assumptions, for a period of three months from the start of operations, without taking into account any income from its operations.
2. For the purposes of the assessment referred to in paragraph 1, each applicant shall submit a business plan for, at least, the first three years of operation. The business plan shall also detail

the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings.

Article 30: Proof of good repute

For the purpose of issuing an operating licence, proof is required that the persons who will continuously and effectively manage the operations of the undertaking are of good repute or that they have not been declared bankrupt.

Article 31: Insurance

Air carriers referred to in Article 27 shall be insured to include acts of war, death or liability for passengers, third party damage, baggage and cargo.

Article 32: Validity of an operating licence

1. An operating licence shall be valid as long as the air carrier complies with the requirements of this Article. An air carrier shall at all times be able, on request, to demonstrate to the Authority that it meets all the requirements of this Article.
2. The Authority shall closely monitor compliance with the requirements of this Article. It shall in any case review compliance with these requirements in the following cases:
 - (a) two years after a new operating licence has been granted;
 - (b) when a potential problem has been suspected.
3. The operating licence shall be resubmitted for approval when an air carrier:
 - (a) has not started operations within six months of the granting of an operating licence;
 - (b) has ceased its operations for more than six months.
4. An air carrier shall provide to the Authority its audited accounts no later than six months following the last day of the respective financial year. The Authority may at any time assess the financial performance of an air carrier to which it has granted an operating licence by requesting the relevant information.
5. An air carrier shall notify the Authority:
 - (a) in advance of any plans for the operation of a new air service to a region not previously served, or any other substantial change in the scale of its activities, including, but not limited to, changes in the type or number of aircraft used;
 - (b) in advance of any intended mergers or acquisitions; and
 - (c) within 14 days of any change in the ownership of any single shareholding which represents 10 % or more of the total shareholding of the air carrier or of its parent or ultimate holding company.
6. If the Authority deems the changes notified under paragraph 5 to have a significant bearing on the finances of the air carrier, it shall require the submission of a revised business plan

incorporating the changes in question and covering, at least, a period of 12 months from its date of implementation.

The Authority shall take a decision on the revised business plan as to whether the air carrier can meet its existing and potential obligations during that period of 12 months.

7. The Authority shall decide whether the operating licence shall be resubmitted for approval in case of change in one or more elements affecting the legal situation of the air carrier and, in particular, in the case of a merger or takeover.

Article 33: Suspension and revocation of an operating licence

1. The Authority may at any time assess the financial performance of an air carrier which it has licensed. Based upon its assessment, the Authority shall suspend or revoke the OL if it is no longer satisfied that this air carrier can meet its actual and potential obligations for a 12-month period. Nevertheless, the Authority may grant a temporary licence, not exceeding 12 months pending financial reorganisation of an air carrier provided that safety is not at risk, that this temporary licence reflects, when appropriate, any changes to the AOC, and that there is a realistic prospect of a satisfactory financial reconstruction within that time period.
2. Whenever there are clear indications that financial problems exist or when insolvency or similar proceedings are opened against an air carrier licensed by it the Authority shall without delay make an in-depth assessment of the financial situation and on the basis of its findings review the status of the OL in compliance with this Article within a time period of three months.
3. The Authority shall suspend or revoke the OL if the air carrier knowingly or recklessly furnishes the Authority with false information on an important point.
4. The Authority may suspend or revoke the OL of an air carrier if such a carrier no longer satisfies the requirements set out in Articles 29, 30 and 31.

Article 34: Pilots, engineers, air traffic controllers and flight information service officers

1. Pilots, engineers, air traffic controllers and flight information service officers shall be required to hold a licence granted, converted or rendered valid by the Authority.
2. The Authority may issue licence to persons to work as pilots, engineers, air traffic controllers and flight information service officers subject to such persons having undergone training and obtained qualifications in accordance with the Regulations made by the Chief Executive.

Article 35: Dangerous Goods

Articles or substances, which are capable of posing a significant risk to health, safety, property or the environment, such as dangerous goods, weapons and munitions, must not be carried on any aircraft, unless permitted by the Regulations made under this Act and only if specific safety procedures and instructions published by the Authority are applied to mitigate the related risks.

SECTION IV: RULES OF THE AIR

Article 36: Use of the Airspace

1. All aircraft, in all phases of flight or on the movement area of an aerodrome, shall be operated in accordance with common general operating rules and any applicable procedure specified for the use of airspace, such as established by this Act and Regulations made under it.
2. All aircraft, shall be equipped with the required constituents and operated accordingly.
3. The Chief Executive shall establish Regulations related to the common rules of the air and operational provisions regarding services and procedures in air navigation.
4. The above mentioned Regulations shall apply in particular to airspace users and aircraft engaged in general air traffic:
 - (a) operating into, within or out of the territory of the Maldives;
 - (b) bearing the nationality and registration marks of the Maldives and operating in any airspace to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.
5. The operation of an aircraft either in flight, on the movement area of an aerodrome or at an operating site shall be in compliance with the general rules, the applicable local provisions and, in addition, when in flight, either with:
 - (a) the visual flight rules; or
 - (b) the instrument flight rules.

Article 37: Negligent or reckless operation of aircraft

An aircraft shall not be operated in a negligent or reckless manner so as to endanger life or property of others.

Article 38: Authority of pilot-in-command of an aircraft

The pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command.

Article 39: Problematic use of psychoactive substances

No person whose function is critical to the safety of aviation shall undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired. No such person shall engage in any kind of problematic use of substances.

Article 40: Prohibited areas and restricted areas

Aircraft shall not be flown in a prohibited area, or in a restricted area, the particulars of which have been duly published, except in accordance with the conditions of the restrictions or by permission of the State over whose territory the areas are established.

Article 41: Flight over the High Seas

For flight over the high seas, the rules specified in Annex 2 to the Chicago Convention shall apply without exception.

Article 42: Interference, emergency contingencies and interception

1. The Authority in accordance with the relevant international standards and recommended practices shall formulate Regulations related to emergency contingencies and interference.
2. In case of an aircraft known or believed to be in a state of emergency, including being subjected to acts of unlawful interference, ATS units shall give the aircraft maximum consideration, assistance and priority over other aircraft, as may be necessitated by the circumstances.
3. Subsequent ATC actions shall be based on the intentions of the pilot, the overall air traffic situation and the real-time dynamics of the contingency.
4. Except for intercept and escort service provided on request to an aircraft, interception of civil aircraft shall be governed by appropriate Regulations and administrative directives issued by the Authority in compliance with the Chicago Convention, and in particular Article 3(d) under which ICAO Contracting States undertake, when issuing regulations for their State aircraft, to have due regard for the safety of navigation of civil aircraft.

Article 43: Objectives of the air traffic services

The objectives of the air traffic services shall be to:

- (a) prevent collisions between aircraft;
- (b) prevent collisions between aircraft on the manoeuvring area and obstructions on that area;
- (c) expedite and maintain an orderly flow of air traffic;
- (d) provide advice and information useful for the safe and efficient conduct of flights;
- (e) notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.

Article 44: ATM/ANS providers

[NOTE: This Article enters into force 6 months from the date this Act enters into force (*refer Article 95*).]

1. The Chief Executive shall establish Regulations applicable to the provision of ATM/ANS in the Maldivian airspace.
2. Providers of ATM/ANS shall be required to hold a certificate issued by the Authority.
3. The certificate referred to in paragraph 2 shall be issued upon application, when the applicant has demonstrated that it complies with the provisions of this Act and Regulations made under it.
4. The certificate referred to in paragraph 2 shall specify the privileges granted. That certificate may be amended to add or remove privileges, in accordance with the provisions of this Act and Regulations made under it.
5. The certificate referred to in paragraph 2 may be limited, suspended or revoked when the holder no longer complies with the rules and procedures for issuing and maintaining such certificate, in accordance with the provisions of this Act and Regulations made under it.

SECTION V: ENVIRONMENTAL PROTECTION

Article 45: General Provision

1. Without prejudice to other national laws, the Chief Executive shall formulate Regulations in order to ensure a high and uniform level of environmental protection through measures ensuring that any legal or natural persons involved in civil aviation activity in the Maldives comply with the relevant national laws and with international standards and recommended practices.
2. The Chief Executive shall formulate Regulations concerning environmental compatibility in the design of aeronautical products, where necessary, both aircraft noise and emissions to protect the environment and human health from harmful effects of those products.
3. The Regulations related to paragraphs 1 and 2 should correspond to the requirements which have been established in this regard at international level, as laid down in the Chicago Convention. In order to ensure full consistency, it is appropriate to refer in its Regulations to the relevant provisions of the Chicago Convention.

SECTION VI: AVIATION SAFETY MANAGEMENT

Article 46: Maldives Aviation Safety Programme

1. The Authority shall, in consultation with relevant stakeholders, establish and maintain a State safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (the 'Maldives Aviation Safety Programme'). That programme shall be commensurate with the size and the complexity of those activities.
2. The Maldives Aviation Safety Programme shall include at least the elements related to State safety management responsibilities described in the international standards and recommended practices.

Article 47: Maldives Plan for Aviation Safety

1. Maldives Aviation Safety Programme shall include or be accompanied by a Maldives Plan for Aviation Safety. Based on the assessment of relevant safety information, the Authority, in consultation with relevant stakeholders, shall identify in that plan the main safety risks affecting national civil aviation safety system and shall set out the necessary actions to mitigate those risks.
2. The Maldives Plan for Aviation Safety shall include the risks and actions identified in the ICAO Global Aviation Safety Plan that are relevant for the Maldives.
3. The Maldives Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, the level of safety performance to be achieved at national level. The Authority and the stakeholders shall jointly aim to achieve that level of safety performance.

Article 48: Mandatory reporting of occurrences

1. The objective of this Article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.
2. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.
3. This Article applies to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person, equipment or installation affecting aircraft operations, and the reporting of other relevant safety-related information in that context.
4. Without prejudice to the generality of paragraph 3, the Authority may from time to time, prescribe a list of examples of these occurrences.
5. Reports of occurrences must be made within such time, by such persons and by such means and containing such information as may be prescribed by the Authority in the Regulations made under this Act.

6. A person must not make any report under this Article if the person knows or has reason to believe that the report is false in any particular.
7. The Authority must put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraph 5.
8. The Authority must ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Article 49: Protection of sources of information

1. Without prejudice to the rules of criminal law, the State shall refrain from instituting proceedings in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported pursuant to this Act or Regulations made under this Act.
2. Except where paragraph 4 applies, employees and contracted personnel who report or are mentioned in occurrence reports collected in accordance with Article 48 shall not be subject to any prejudice by their employer or by the organisation for which the services are provided on the basis of the information supplied by the reporter.
3. The provisions in paragraph 1 apply without prejudice to the right of access to information by judicial authorities.
4. Paragraph 1 shall not apply in cases of wilful misconduct or in cases where there has been a manifest, severe and serious disregard of an obvious risk and profound failure of professional responsibility to take such care as is evidently required in the circumstances, causing foreseeable damage to a person or property, or which seriously compromises the level of civil aviation safety.
5. This Article shall not prevent the Authority from taking any action necessary for maintaining or improving civil aviation safety.

Section VII: PROHIBITED BEHAVIOUR

Article 50: Endangering safety of an aircraft

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

Article 51: Endangering safety of any person or property

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

Article 52: Drunkenness in aircraft

1. A person must not enter any aircraft when drunk, or get drunk in any aircraft.
2. A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

Article 53: Smoking in aircraft

1. Smoking shall not be permitted on any commercial flights undertaken in the Maldives or on any international flight undertaken by a Maldivian AOC holder.
2. Notices indicating smoking is prohibited must be exhibited and be visible from each passenger seat.
3. Announcements shall be made, both in Dhivehi and English, at the commencement of each flight, informing all passengers that smoking is prohibited.
4. A person must not smoke in any compartment of an aircraft registered in the Maldives at a time when smoking is prohibited in that compartment by notice to that effect exhibited by or on behalf of the commander of the aircraft.

Article 54: Authority of commander of an aircraft

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

Article 55: Acting in a disruptive manner

A person must not while in an aircraft:

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft or the crew member's duties.

Article 56: Stowaways

A person must not secrete himself or herself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to being carried in the aircraft.

SECTION VIII: INSPECTIONS AND POWERS

Article 57: General power of entry

1. For the purpose of carrying out his or her functions, duties, or powers under this Act or regulations or rules made under this Act or Act 2/2012, every person duly authorised by the Chief Executive in accordance with Article 6, shall have right of access at any reasonable time to the following:
 - (a) any aircraft, aerodrome, building, or place;
 - (b) any document or record concerning any aircraft, aeronautical product, or aviation related service.
2. Without limiting the power conferred by paragraph 1, every person duly authorised by the Chief Executive who has reasonable grounds to believe that—
 - (a) any breach of this Act or of Regulations or rules made under this Act or Act 2/2012 is being or about to be committed; or
 - (b) a condition imposed under any civil aviation document issued by the Authority is not being complied with; or
 - (c) a situation exists within the civil aviation system or is about to exist that constitutes a danger to persons or property—may at any reasonable time enter any aircraft, aerodrome, building, or place, and carry out an inspection to determine whether or not a matter referred to in sub-paragraphs (a) to (c) exists.
3. Every person who is authorised to have access to or to enter any aircraft, aerodrome, building, or place under paragraph 1 or paragraph 2—
 - (a) may require any person who is in possession of an aviation document, or of any certificate, book, manual, record, list, notice, or other document that is required to be kept under this Act or Act 2/2012, to produce or surrender it; and
 - (b) must, if a document is surrendered under sub-paragraph (a), orally inform the relevant aviation document holders as soon as practicable, and in writing that the document has been surrendered.
4. Nothing in paragraph 1 or paragraph 2 shall confer on any person the power to enter any dwellinghouse unless the entry is authorised by a warrant issued by a Court, which must not be granted unless the Court is satisfied that the entry is essential to enable the inspection to be carried out.
5. Every person exercising the power of entry conferred by paragraph 1 or paragraph 2 shall carry an authorisation issued by the Chief Executive specifying—
 - (a) the name and the office or offices held by the person; and
 - (b) that the person is authorised by the Chief Executive to exercise the power conferred by paragraph 1 and paragraph 2 to enter aircraft, aerodromes, buildings, and places, and to carry out such inspection.
6. Every person exercising the power of entry conferred by paragraph 1 and paragraph 2 shall produce the authorisation and evidence of identity—

- (a) if practicable on first entering the aircraft, aerodrome, building, or place; and
- (b) whenever subsequently reasonably required to do so.

Article 58: Authority's power to prevent aircraft flying

1. If it appears to the Chief Executive or a person duly authorised by the Chief Executive that any aircraft is intended or likely to be flown in any of the circumstances specified in paragraph 2, the Chief Executive or that authorised person may direct in accordance with paragraph 3.
2. The circumstances referred to in paragraph 1 are—
 - (a) where any provision of Article 17, 25, 26, 34, 35, or paragraph 2 of Article 52 would be contravened in relation to the flight;
 - (b) where the flight would be in contravention of any other provision of this Act, of any regulations made under this Act or Act 2/2012 and be a cause of danger to any person or property whether or not in the aircraft; or
 - (c) where the aircraft is in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this this Act, of any regulations made under this Act or Act 2/2012.
3. If paragraph 1 applies, the Chief Executive or that authorised person may direct the operator or the pilot in command of the aircraft not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Chief Executive or by an authorised person.
4. If the Chief Executive or an authorised person has directed under paragraph 3, the Chief Executive or an authorised person may take such steps as are necessary to detain the aircraft.

Article 59: Criteria for Inspections and Authorisation of the Inspectors

1. Authorised persons shall apply the principles of independence, integrity, ethical conduct, due diligence, fair presentation and confidentiality when carrying out an inspection under this Act or any Regulation made under this Act or Act 2/2012.
2. The Chief Executive shall establish the qualification criteria for persons who carry out inspections under this Act or any Regulation made under this Act or Act 2/2012.

Section IX: ENFORCEMENT

Article 60: Findings and enforcement measures

1. When there is any breach of the Regulations made under this Act, the Authority, without prejudice to the provisions of this Article, has the power to order the rectification of that breach.
2. If, during an inspection, oversight or by any other means, evidence is found by the Authority that shows a non-compliance with the applicable requirements by a legal or natural person holding a licence, certificate, rating, approval, attestation or other document issued or having effect under this Act or Regulations made under it, the Authority shall raise a finding, record it and communicate it in writing to that document holder.
3. The Authority may provisionally limit or suspend a licence, certificate, rating, approval, attestation or other document issued or having effect under this Act or Regulations made under it, pending result of the investigation in paragraph 4.
4. When a finding is raised as per paragraph 2, the Authority shall carry out an investigation. If the finding is confirmed, it shall:
 - (a) limit, suspend or revoke the licence, certificate, rating, attestation or other document as applicable, when a safety issue has been identified; and
 - (b) take any further enforcement measures necessary to prevent the continuation of the non-compliance.
5. If, during oversight or by any other means, evidence is found showing a non-compliance with the applicable requirements by a person subject to the requirements laid down in the Act and its implementing Regulations and not holding a licence, certificate, rating, attestation or other document issued or having effect under this Act or Regulations made under it, the Authority shall take any enforcement measures necessary to prevent the continuation of that non-compliance.

Article 61: Principles applicable to the Enforcement Measures taken by the Authority

The measures taken under this Act and Regulations made under it shall correspond and be proportionate to the nature and risk of each particular activity to which they relate. In preparing and enacting such measures, the Authority shall take into account, as appropriate for the activity concerned:

- (a) whether persons other than flight crew are carried on board, and in particular whether the operation is open to members of the public;
- (b) to what extent third parties or property on the ground could be endangered by the activity;
- (c) the complexity, performance and operational characteristics of the aircraft involved;
- (d) the purpose of the flight, the type of aircraft and type of airspace used;

- (e) the type, scale, and complexity of the operation or activity, including, where relevant, the size and type of the traffic handled by the responsible organisation or person;
- (f) the extent to which the persons affected by the risks involved in the operation are able to assess and exercise control over those risks;
- (g) the results of past certification and oversight activities.

SECTION X: PENALTIES

Article 62: General Provisions

1. The fines or periodic penalty payments imposed should be effective, proportionate and dissuasive, having regard to the circumstances of the specific case.
2. Fines and periodic penalty payments shall be of an administrative nature.
3. The decision imposing fines and periodic penalty payments shall be enforceable.
4. For each, the Authority shall take into consideration, where relevant, the following circumstances:
 - (a) the seriousness and the effects of the breach and in particular, the implications and effects for safety and for the environment of such breach;
 - (b) the degree of diligence and cooperation shown by the certificate/ licence /attestation holder in the detection of the breach and the application of the corrective action, or during the course of the procedure or, any obstruction by the certificate/licence/ attestation holder of the detection of a breach and the conduct of a procedure, or any noncompliance by the certificate/licence/attestation holder with requests made by the Authority.
 - (c) the good faith of the certificate holder in the interpretation and fulfilment of its obligations in accordance with the provisions of this Act and Regulations made under it or any evidence of wilful deceit on the part of the certificate holder;
 - (d) the turnover involved in the case and the economic capacity of the certificate holder concerned;
 - (e) the need to adopt provisional or urgent measures;
 - (f) the repetition, frequency or duration of the breach by the certificate/ licence/attestation holder;
 - (g) prior sanctions, including financial penalties, imposed on the same certificate holder.
5. In determining the amount of the fine and the periodic penalty payment, the Authority shall take into account any enforcement measures previously already taken regarding the certificate holder by the Authority and based on the same legal grounds and the same facts.

Article 63: Penalties for persons

1. Where a certificate or licence is required under this Act for the commission of certain act, the penalty in respect of any person who commits the said act without obtaining the relevant certificate or licence shall be, the imposition of a fine between MVR 50,000/- and MVR 500,000/- or imprisonment or banishment or house arrest for a period between 6 months and 2 years.
2. The penalty in respect of any person who by his own deed alters a certificate or licence or any other document issued under this Act or Regulations made under it shall be the imposition of a fine between MVR 5,000/- and MVR 50,000/- or imprisonment or banishment or house arrest for a period between 6 months and 1 year.

3. The penalty in respect of any person who causes a civil aircraft to be engaged in flight in a manner that may endanger the life or body of a person, shall be imprisonment or banishment for a period between 3 years and 5 years.
4. When the Authority finds that a person has
 - (a) knowingly or recklessly supplies false, incorrect or misleading information to the Authority with regard to any matter under the purview of this Act or Regulations made under it, or
 - (b) intentionally or negligently breached any provision of this Act or the Regulations made under it or any other national and international rule related to the safety of aviationit may adopt a decision imposing a fine not exceeding MVR 100,000/.

Article 64: Penalties for undertakings / organisations

When the Authority finds that a certificate/ licence/ attestation holder has intentionally or negligently breached the provisions of this Act and the Regulations made under it and all other national and international rules related to the safety of aviation, it may adopt a decision imposing a fine not exceeding 4% of the annual income or turnover of the certificate/licence/ attestation holder in the preceding business year.

Article 65: Periodic penalties

1. The Authority may by decision impose on a natural or legal person a periodic penalty payment per day not exceeding 0.5% of the average daily income or turnover of the certificate holders in the preceding business year where, intentionally or negligently:
 - (a) they do not comply with a measure of investigation decided by the Authority;
 - (b) they do not comply with a request for information from the Authority.
2. Periodic penalty payments may be imposed for a period running from the date of notification of that decision until the non-cooperation has ceased.

SECTION XI: INVESTIGATION OF ACCIDENTS AND INCIDENTS

SECTION XII: MISCELLANEOUS PROVISIONS

Article 88: Assistance to the victims of air accidents and their relatives

1. A civil aviation accident emergency plan shall be established at national level. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives.
2. All airlines established in the Maldives shall have a plan for the assistance to the victims of civil aviation accidents and their relatives. Those plans must take particular account of psychological support for victims of civil aviation accidents and their relatives and allow the airline to react to a major accident. The Authority shall audit the assistance plans of the airlines established in the territory of the Maldives.
3. In conformity with the provisions of the Annex 13, when an accident occurs, the State in charge of the investigation, the State in which the airline, the aircraft of which was involved in the accident is established, or the State which had a large number of its nationals on board the aircraft involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.
4. A State, which, by virtue of fatalities or serious injuries to its citizens, has a special interest in an accident which has occurred in the territory of the Maldives shall be entitled to appoint an expert who shall have the right to:
 - (a) visit the scene of the accident;
 - (b) have access to the relevant factual information, which is approved for public release by the safety investigation authority in charge, and information on the progress of the investigation;
 - (c) receive a copy of the final report;
 - (d) assist, with the agreement of the relevant accident investigation body, the Authority and the judicial authorities involved and subject to the applicable Maldivian legislation, in the identification of the victims and attend meetings with the survivors of its State.
5. Airlines established, registered or operating in the Maldives shall be insured as regards their aviation-specific liability in respect of passengers, baggage, cargo and third parties. This insured risks shall include acts of war, terrorism, hijacking, acts of sabotage, unlawful seizure of aircraft and civil commotion.

Article 89: Absence of liability for nuisance caused during lawful flight

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

Article 90: Article 83 bis of Chicago Convention Agreements

1. According to the principles laid down in the Chicago Convention, the relevant Annexes and Documents, the Authority may enter and sign Article 83 bis Technical and Operational Agreements with other States aviation safety authorities.
2. When Maldives is the State of Registry, the Authority can transfer its duties, functions and responsibilities under the Chicago Convention, related to Article 12, paragraphs a) and b) of Article 30, paragraph a) of Article 32, Article 31 and the Annexes related to this Article, of the Convention.
3. When Maldives is the State of the Operator, the Authority can accept a transfer from another State – which is the State of Registry – the duties, functions and responsibilities under the Chicago Convention related to Article 12, paragraphs a) and b) of Article 30, paragraph a) of Article 32, Article 31 and the Annexes related to this Article, of the Convention.
4. This transfer can be made only through a bilateral agreement between the two civil aviation authorities and after a safety assessment respectively of the State of Operator and/or State of Registry oversight capabilities and regulations.
5. The Agreement shall be registered with the Council of ICAO in accordance with Article 83 of the Chicago Convention and the ICAO Documents related.
6. A true copy of the agreement summary has to be carried on board the aircraft.

Article 91: Safeguard Provisions

This Act and Regulation made under it shall not prevent the Authority from reacting immediately to a problem relating to civil aviation safety, where all of the following conditions have been met:

- (a) the problem involves a serious risk to aviation safety and immediate action by the Authority is required to address it;
- (b) it is not possible for the Authority to adequately address the problem in compliance with this Act and Regulations adopted on the basis thereof ;
- (c) the action taken is proportionate to the severity of the problem.

Article 92: Exemptions

1. The Chief Executive may, in the event of urgent unforeseeable circumstances affecting those persons or urgent operational needs of those persons, where all the following conditions have been met, grant an exemption to any legal or natural person from any specified requirement in any Regulation made under this Act or Act 2/2012:
 - (a) it is not possible to adequately address those circumstances or needs in compliance with the applicable requirements;
 - (b) safety, environmental protection and compliance with the applicable requirements are ensured, where necessary through the application of mitigation measures;
 - (c) the Authority has mitigated any possible distortion of market conditions as a consequence of the granting of the exemption as far as possible; and

- (d) the exemption is limited in scope and duration to the extent strictly necessary and it is applied in a non-discriminatory manner.
- 2. The number and nature of exemptions granted under paragraph 1 shall be published by the Authority.

Article 93: Modification of the Maldives Civil Aviation Authority Act 2012/2

In the Maldives Civil Aviation Authority Act 2/2012, Article 30 is replaced by the following Article:

"Of the fee levied under any national Act regarding airport service charge or passengers tax on passengers departing from or arriving to a Maldivian airport, 2 (two) American dollars shall be for the Civil Aviation Fund. "

Article 94: Transitional Provisions

- 1. The Maldives Civil Aviation Act 2/2001 is repealed upon this Act coming into force.
- 2. Notwithstanding paragraph 1, Article 20 of Act 2/2001 shall continue to be in force until the formation of the accident investigation body under Article 68 of this Act.
- 3. Once this Act comes into force, permits, licences and certificates issued under the provisions of Act 2/2001 shall continue to be valid and shall be deemed to be issued, made and recognized under the relevant provisions of this Act.
- 4. All Regulations, Circulars, Decisions, Technical and operational standards made under the provisions of Act 2/2001 shall be deemed valid under the relevant provisions of this Act.

Article 95: Entry into force

- 1. This Act shall enter into force on the twentieth day following that of its publication in the Official Gazette.
- 2. Notwithstanding above paragraph, the provisions of Article 44 shall enter into force twelve months from the date this Act is published in the Official Gazette.

Article 96: Definitions

In this Act, unless the context so requires otherwise:

- 1. **Accident** has the same meaning as assigned to it in Annex 13;
- 2. **Act 2/2012** means the Maldives Civil Aviation Authority Act;

3. **Acts of unlawful interference** means acts or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to:
 - unlawful seizure of aircraft,
 - destruction of an aircraft in service,
 - hostage-taking on board aircraft or on aerodromes,
 - forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility,
 - introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes,
 - use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment,
 - communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;
4. **Aerodrome** means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
5. **Aircraft** means any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth's surface;
6. **Aircraft operator** means any legal or natural person operating or proposing to operate one or more aircraft;
7. **Aircraft protocol** means the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment done at Cape Town on 16 November 2001;
8. **Air operator certificate (AOC)** means a certificate delivered to an undertaking confirming that the operator has the professional ability and organisation to ensure the safety of operations specified in the certificate, as provided in the relevant provisions of this Act and Regulations as applicable;
9. **Air transport service** means a flight or a series of flights carrying passengers, cargo and/or mail;
10. **Annex 13** means Annex 13 to the Chicago Convention as amended by the Council of the International Civil Aviation Organisation;
11. **Apron** means a defined area of an aerodrome intended to accommodate aircraft for purposes of loading or unloading passengers, baggage, mail or cargo, fuelling, parking or maintenance;
12. **Apron management service (AMS)** means a service provided to regulate the activities and the movement of aircraft and vehicles on an apron;
13. **'ATM/ANS'** means air traffic management and air navigation services and covers all of the following: air traffic management functions and services; air navigation services, including the network management functions and services, as well as services which augment signals emitted by satellites of core constellations of GNSS for the purpose of air navigation; flight procedures design; and services consisting in the origination and processing of data and the formatting and delivering of data to general air traffic for the purpose of air navigation;

"Air traffic management functions and services" means the aggregation of the airborne and ground-based functions (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations;

"Air traffic services" means the various flight information services, alerting services, air traffic advisory services and ATC services (area, approach and aerodrome control services);

"Airspace management" means a planning function with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;

"Air traffic flow management" means a function established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;

"Air navigation services" means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services;

14. **Authority** means the Maldives Civil Aviation Authority as established under the Civil Aviation Authority Act 2/2012;
15. **Certificate** means any certificate, approval, licence, authorisation, attestation or other document issued as the result of a certification attesting compliance with the applicable requirements;
16. **Certification** means any form of recognition in accordance with this Act, based on an appropriate assessment, that a legal or natural person, product, part, non-installed equipment, equipment to control unmanned aircraft remotely, aerodrome, safety-related aerodrome equipment, ATM/ANS system, ATM/ANS constituent or flight simulation training device complies with the applicable requirements of this Act and of the Regulation adopted on the basis thereof, through the issuance of a certificate attesting such compliance;
17. **Chicago Convention** means the Convention on International Civil Aviation and the Annexes thereto, signed in Chicago on 7 December 1944;
18. **Chief Executive** means the Chief Executive of the Authority, a person designated by the President of the Republic of Maldives, in compliance with the provisions of the Civil Aviation Authority Act 2/2012;
19. **Commercial air transport (CAT) operation** means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration;
20. **Dangerous goods** means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the technical instructions or which are classified according to those instructions established by the Authority;
21. **Dry lease agreement** means an agreement between undertakings pursuant to which the aircraft is operated under the Air operator certificate (AOC) of the lessee;
22. **Grounding** means the formal prohibition of an aircraft to take-off and the taking of such steps as are necessary to detain it;

23. **ICAO** means the International Civil Aviation Organisation;
24. **Incident** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
25. **International standards and recommended practices** mean the international standards and recommended practices adopted by ICAO in accordance with Article 37 of the Chicago Convention;
26. **Local flight** means a flight not involving carriage of passengers, mail and/or cargo between different airports or other authorised landing points;
27. **Operating licence (OL)** means an authorisation granted by the Authority to an undertaking, permitting it to provide air services as stated in the operating licence;
28. **Operating site** means a site, other than an aerodrome, selected by the operator or pilot-in-command or commander for landing, take-off and/or external load operations;
29. **Oversight** means the verification, by or on behalf of the Authority on a continuous basis that the requirements of this Act and Regulation and implementing acts adopted on the basis thereof, on the basis of which a certificate has been issued or in respect of which a declaration has been made, continue to be complied with;
30. **Part** means any element of a product, as defined by that product's type design;
31. **Product** means an aircraft, an engine or a propeller;
32. **Ramp inspections** means the inspection of aircraft, of flight and cabin crew qualifications and of flight documentation in order to verify the compliance with the applicable requirements;
33. **Regulations** means technical and operational requirements, but not only, made by the Chief Executive in order to implement the provisions of this Act, the provisions of Act 2/2012 and all other necessary safety requirements related to the civil aviation;
34. **Relatives** means the immediate family and/or next of kin and/or other person closely connected with the victim of an accident, as defined under the national law of the victim;
35. **Safety-related aerodrome equipment** means any instrument, equipment, mechanism, apparatus, appurtenance, software or accessory that is used or intended to be used to contribute to the safe operation of aircraft at an aerodrome;
36. **Serious incident** has the same meaning as assigned to it in Annex 13;
37. **State of the Operator** means the State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residency;
38. **State of Registry** means the State on whose register the aircraft is entered;
39. **Undertaking** means any natural or legal person, whether profitmaking or not, or any official body whether having its own legal personality or not.

[NOTE: Section XI contains additional definitions, relevant only to that Section.]