



FEDERAL SUBSIDIARY LEGISLATION

CIVIL AVIATION ACT 1969 [ACT 3]

P.U.(A) 139/96

CIVIL AVIATION REGULATIONS 1996

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P.U.(A) 139/96
CIVIL AVIATION REGULATIONS 1996

Preamble

IN exercise of the powers conferred by section 3 of the Civil Aviation Act 1969 [Act 3], the Minister makes the following regulations:

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P.U.(A) 139/96
CIVIL AVIATION REGULATIONS 1996
PART I - PRELIMINARY

Regulation 1. Short title and commencement.

These regulations may be cited as the **Civil Aviation Regulations 1996** and shall come into force on 1 April 1996.

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P.U.(A) 139/96
CIVIL AVIATION REGULATIONS 1996
PART I - PRELIMINARY

Regulation 2. Interpretation.

(1) In these Regulations, unless the context otherwise requires-

"aerial work" means an aircraft operation in which an aircraft is used to provide services, other than public transport services, such as in agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, and in other similar activities;

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

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

"aerodrome" means-

(a) in regulation 105 to 114, any civil aerodrome established by the Government as specified in the Schedule to the licence issued to a licensed company and includes any road or open space which is within the limits of the aerodrome but does not include any road or open area to which the public have access; and

(b) in any other provisions in these Regulations, shall have the meaning assigned to it under the Act;

"aerodrome flight information unit" means a person appointed by the Director General or by any other person maintaining an aerodrome to give information by means of radio signals to an aircraft flying or intending to fly within the aerodrome traffic zone of that aerodrome and "aerodrome flight information service" shall be construed accordingly;

"aerodrome operating minima" means, in relation to the operation of an aircraft at an aerodrome, the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, being the minimum for the operation of that aircraft at that aerodrome;

"aerodrome traffic zone" means, in relation to any aerodrome, the airspace extending from the aerodrome to a height of 600 metres above its level and within a distance of 1.5 nautical miles of its boundaries except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which, for the purposes of these Regulations, is notified as being the controlling aerodrome;

"aeronautical beacon" means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

"aeronautical ground light" means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

"aeronautical radio station" means a radio station, on the ground, which transmits or receives any signal for the purpose of assisting an aircraft;

"aeroplane" means a power-driven, heavier-than-air aircraft, deriving its lift in flight mainly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

"Aeronautical Information Circulars ("AIC")" means those circulars pertaining to civil aviation issued periodically by the competent authority and containing administrative, operative, safety information and amendments to Malaysian airspace restriction charts;

"Aeronautical Information Publication ("AIP")" means a publication issued and amended from time to time by the competent authority and containing aeronautical information of a lasting character essential to air navigation;

"aircraft" means a machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the surface of the earth, and includes any non-power-driven object such as a free balloon, captive balloon, glider or kite and any power-driven flying machine such as an airship, aeroplane, whether a landplane, seaplane, amphibian or a self-launching motor glider, rotocraft, whether a helicopter or gyroplane, and a microlight aeroplane;

"Aircraft Register" means the register of aircrafts maintained by the Director General in pursuance of regulation 5;

"airship" means an aircraft using gas lighter than air as a means of support, and having means of propulsion, and means of directional control;

"air side" means the movement area of an airport, adjacent terrain and any building or any part thereof, access to which is controlled;

"air traffic control unit" means a unit comprising of one or more air traffic controllers established in an aerodrome or any other place for the purpose of providing air traffic control service;

"air traffic services airspaces" means airspaces of defined dimension, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

Note - ATS airspaces are classified as Class A to G

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

"Airworthiness Notices ("AN")" means those notices pertaining to airworthiness of an aircraft issued by the competent authority;

"Annex", which is followed by a number, means-

- (a) the relevant international standards specified in the Annex to the Chicago Convention; and
- (b) such recommended practices as are notified,

relating to international standards and recommended practices, being part of the Annexes adopted in accordance with the Chicago Convention as amended from time to time;

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

"approved" means approved in writing by the Minister or the Director General, as the case may be;

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

"authorised person" means-

(a) in Part XI,-

- (i) an officer of the Department of Civil Aviation;
- (ii) a police officer within the meaning of the Police Act 1967 [Act 344]; or
- (iii) an auxiliary police officer appointed under section 47 of the Police Act 1967 and who is duly authorised by the Director General to act on his behalf;

(b) in Part XII, any person authorised by the Director General either generally or specifically to have access to any aircraft involved in an accident and includes any police officer or any officer of the Royal Customs and Excise; and

(c) in any other Parts in these Regulations, any person authorised by the Director General either generally or in relation to a particular case or class of cases, and any reference to an authorised person shall include a reference to the holder, for the time being, of any offence designated by the Director General;

"beneficial interests" means interests arising under any contract and other equitable interests;

"cabin attendant" means, in relation to an aircraft, a person on a flight for the purpose of public

transport carried for the purpose of performing, in the interests of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

"captive balloon" means a balloon which, when in flight, is attached by a restraining device to the surface of the ground;

"cargo" shall have the meaning assigned to it under the Act;

"ceiling" means the height of the lowest layer of cloud below 6,000 metres, or 2,000 feet from the ground surface or water, covering more than one-half of the sky;

"certificate of airworthiness" means a certificate of airworthiness in force under regulation 27;

"certificate of maintenance review" shall have the meaning assigned to it under regulation 28;

"certificate of registration" means,-

(a) in relation to a Malaysian aircraft, the certificate of registration of the aircraft issued by the Director General pursuant to regulation 5;

(b) in relation to any other aircraft, the certificate of registration of the aircraft issued by the registering authority of the State in which it is registered;

"certificate of release to service" shall have the meaning assigned to it under regulation 30;

"certificated for single pilot operation" means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following:

(a) the certificate of airworthiness being duly issued or rendered valid under the law of the State in which the aircraft is registered;

(b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft;

(c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft;
or

(d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Director General, that permit to fly;

"Chicago Convention" shall have the meaning assigned to it under the Act;

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace", "Class E airspace", "Class F airspace" and "Class G airspace" mean airspace respectively notified as such;

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

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

"common mark" means a mark assigned by the ICAO to the common mark registering authority registering the aircraft of an international operating agency on a basis other than a national basis;

"competent authority" means, in relation to Malaysia, the Director General and, in relation to any other State, the authority responsible under the law of that State for promoting the safety of civil aviation;

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

"Contracting State" means any State, including Malaysia, which is a party to the Chicago Convention;

"control area" means a controlled airspace extending upwards from a specified limit above the surface of the earth;

"control zone" means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

"controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification;

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

"customs airport" shall have the meaning assigned to it in subsection 2(1) of the Customs Act 1967 [Act 235];

"customs officer" shall have the meaning assigned to the term "proper officer of customs" in subsection 2(1) of the Customs Act 1967;

"danger area" means an airspace within which activities dangerous to the flight of an aircraft may take place or exist at such times as may be notified;

"day" means the time from twenty minutes before sunrise until twenty minutes after sunset, excluding both the times, determined at surface level;

"decision height" means, in relation to the operation of an aircraft at an aerodrome, the height in a precision approach at which a missed approach must be initiated if the required visual reference to

continue that approach has not been established;

"Department of Civil Aviation" means the Department of Civil Aviation, Malaysia;

"flight" and "to fly" have the meanings respectively assigned to them by subregulation (2);

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

"flight level" means one of a series of levels of equal atmospheric pressure, separated by notified intervals, and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the standard in the International Standard Atmosphere and set to 1013.2 millibars;

"flight manual" means, in relation to an aircraft, the flight manual for the aircraft containing, *inter alia*, information and instructions relating to-

- (a) the identification of the aircraft;
- (b) the operating procedure and limitations of the aircraft; and
- (c) the performance and loading of the aircraft;

"flight plan" means notified information, provided to an air traffic control unit, relative to the intended flight of an aircraft;

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

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

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

"flying machine" means an aircraft heavier than air and having the means of mechanical propulsion;

"free balloon" means a balloon which, when in flight, is not attached by any form of restraining device to the surface of the ground;

"glider" means a non-power-driven, heavier-than-air aircraft, deriving its lift in flight mainly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

"health officer" has the meaning assigned to it under the Local Government Act 1972 [*Act 171*];

"helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on a substantially vertical axis;

"hire" includes a hire-purchase agreement and lease;

"hire-purchase agreement" means, in relation to an aircraft, an agreement for the letting of the aircraft with an option to purchase and includes an agreement for the purchase of the aircraft by instalments, whether the agreement describes the instalments as rent or otherwise, but does not include an agreement for the purchase of the aircraft under which-

(a) property in the aircraft passes absolutely at the time of the agreement to the person who agrees to purchase the aircraft; or

(b) the purchaser is a person who is engaged in the trade or business of selling aircraft;

"IATA" means the International Air Transport Association;

"ICAO" means the International Civil Aviation Organization;

"immigration officer" means any person appointed to act as an immigration officer under the Immigration Act 1959/1963 [*Act 155*];

"Instrument Flight Rules" means the Instrument Flight Rules contained in Part VI of the Eleventh Schedule;

"Instrument Meteorological Conditions" means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling, which are less than the minima specified for visual meteorological conditions in accordance with the Visual Flight Rules contained in Part V of the Eleventh Schedule;

"journey" is deemed to commence when a traveller enters a Malaysian aircraft for the purpose of the journey and to continue until that traveller alights on completion of the journey, notwithstanding any intermediate stop or break in the journey;

"kilometre" means a distance of 3,280 feet;

"kite" means a non-mechanically driven aircraft, heavier than air, moored to or towed from the ground or water;

"to land" includes, in relation to an aircraft, to alight on water;

"landing" means a completed take-off and landing sequence and includes a touch and go situation;

"land side" means that area of an airport and any building to which the non-travelling public has free access;

"legal personal representative" means an executor, administrator or other representative of a deceased person;

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

"licence for public use" shall have the meaning assigned to it by subregulation 99(1);

"licensed aerodrome" means an aerodrome licensed under these Regulations;

"licensed company" means a company to which a licence is issued by the Minister under subsection 24A(1) of the Act;

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

"log-book" includes, in the case of an aircraft log-book, the engine log-book, variable pitch propeller log-book or personal flying log-book, and any record kept either in a book or by any other means approved by the competent authority in the particular case;

"manoeuvring area" means that part of an aerodrome provided for the take-off and landing of an aircraft and for the surface movement of an aircraft associated with take-off and landing, but excludes the apron;

"microlight aeroplane" means an aeroplane which is designed to carry not more than two persons and having-

(a) an empty weight not exceeding 150 kilogrammes; and

(b) a wing loading at the maximum empty weight authorised not exceeding 10 kilogrammes per square metre;

"minimum descent altitude/height" means, in relation to the operation of an aircraft at an aerodrome, the altitude/height in a non-precision approach below which descent may not be made without the required visual reference;

"Minister" means the Minister for the time being charged with the responsibility for civil aviation;

"nautical mile" means the International Nautical Mile, that is, a distance of 1,852 metres or 6,080 feet;

"night" means the time between twenty minutes after sunset and twenty minutes before sunrise, excluding both the times, determined at surface level;

"non-precision approach" means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

"Notices to Airmen ("NOTAMS")" means notices containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operation;

"notified" means, except when used in Part X, notified in any of the following publications issued or

referred to from time to time by the Department of Civil Aviation, whether before or after the coming into force of these Regulations, that is to say, AIP, NOTAMS, AIC, AN or any other official publication so issued or adopted for the purpose of enabling any of the provisions of these Regulations to be complied with;

"operator" shall have the meaning assigned to it under subregulation (3);

"owner" means,-

(a) in relation to a registered aircraft, the registered owner; and

(b) in Part XIV, the person specified as the owner of a mortgaged aircraft in the application form submitted for the registration of that aircraft in the Aircraft Register;

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

"passenger" means a person other than a member of the crew;

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

"precision approach" means an instrument approach using the Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation;

"prescribed" means prescribed by these Regulations;

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

"private flight" means a flight which is neither for the purpose of aerial work nor public transport;

"prohibited area" means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

"public transport" shall have the meaning assigned to it under subregulation (4);

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

"public transport of passengers" means transport of passengers which is public transport by virtue of subparagraph (4)(a) or (b);

"record" includes, in addition to a record in writing,-

(a) any photograph;

(b) any disc, tape, sound-track or other device, not being visual images, in which sounds or signals are embodied so as to be capable, with or without the aid of some other instrument, of being reproduced therefrom; and

(c) any film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other instrument, of being reproduced therefrom,

and any reference to a copy of a record includes,-

(i) in the case of a record falling within paragraph (b) but not paragraph (c) of this definition, a transcript of the sounds or signals embodied therein;

(ii) in the case of a record falling within paragraph (c) but not paragraph (b) of this definition, a still reproduction of the images embodied therein, whether enlarged or not; and

(iii) in the case of a record falling within both paragraphs (b) and (c) of this definition, the transcript of the sounds or other data embodied therein together with the still reproduction of the images embodied therein;

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

"restricted area" means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

"Rules of the Air and Air Traffic Control" means the Rules of the Air and Air Traffic Control contained in the Eleventh Schedule;

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

"seaplane" includes a flying boat and any other aircraft designed to move on water;

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

"special VFR flight" means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below visual meteorological conditions;

"State" means a foreign State;

"statue mile" means a distance of 5,280 feet;

"Transit Agreement" means the International Air Services Transit Agreement signed at Chicago on the 7th day of December 1944;

"traveller" includes, in relation to an aircraft, a member of the crew;

"UTC" means the Universal Time Coordinated as defined in attachment D of Annex 5;

"valuable consideration" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing under, given, suffered or undertaken pursuant to an agreement, which is more than a nominal nature;

"visiting force" means any such body, contingent or detachment of the forces of any foreign State on any official visit to Malaysia;

"Visual Flight Rules" means the Visual Flight Rules contained in Part V of the Eleventh Schedule;

"Visual Meteorological Conditions" means the weather permitting flight in accordance with the Visual Flight Rules;

"voyage" means, in relation to an aircraft, the flight of the aircraft from its point of origin via any intermediate terminus.

(2) An aircraft shall be deemed to be in flight, -

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

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

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

(3) Any reference in these Regulations to the operator of an aircraft shall, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, be construed as a reference to the person who at the relevant time has the management of that aircraft:

Provided that for the purposes of the application of any provision in Part V where by virtue of any

charter or other agreement for hire or loan of an aircraft, a person, other than an air transport undertaking or an aerial work undertaking, has the management of that aircraft for a period not exceeding fourteen days, the foregoing provisions of this regulations shall have effect as if the charter or agreement had not been entered into.

(4) Subject to this regulation, an aircraft in flight shall for the purposes of these Regulations be deemed to fly for the purpose of public transport if in relation to such aircraft-

- (a) hire or reward is given or promised for the carriage of passengers or cargo;
- (b) any passenger or cargo is carried gratuitously by an air transport undertaking, not being-
 - (i) a person in the employment of the undertaking, including, in the case of a body corporate, any of its directors;
 - (ii) a person who with the authority of the Director General is making any inspection or witnessing any training, practice or test for the purposes of these Regulations; or
 - (iii) cargo intended to be used by any such passenger as aforesaid, or by undertaking; or
- (c) for the purposes of Part V, hire or reward is given or promised for the right to fly the aircraft on that flight, not being a single-seater aircraft of which the authorised maximum total weight does not exceed 910 kilogrammes and in respect of which a certificate of airworthiness of the Special Category is in force, otherwise than under a hire-purchase agreement;

and the expression "public transport of passengers" shall be construed accordingly:

Provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given or is promised for the carriage of those passengers:

Provided further that a glider shall not be deemed to fly for the purpose of public transport for the purposes of Part V by virtue of paragraph (c) if the hire or reward given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(5) Where under a transaction effected by or on behalf of a member of an unincorporated association of persons on the one hand and an incorporated association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward, shall, for the purposes of these Regulations, be deemed to be given or promised.

(6) The expression "pilot" in these Regulations or the Schedules thereto shall mean the holder of a Commercial or Airline Transport Pilot's licence.

(7) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

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PART II - REGISTRATION AND MARKING OF AIRCRAFT

Regulation 3. Aircraft to be registered.

(1) An aircraft shall not fly in or over Malaysia unless it bears a common mark or is registered in-

(a) Malaysia;

(b) a Contracting State; or

(c) any other State in relation to which there is in force an agreement between the Government of Malaysia and the government of that State which makes provision for the flight in Malaysia of any aircraft registered in that State:

Provided that-

(i) a glider may fly unregistered, and shall be deemed to be registered in Malaysia for the purposes of regulations 32, 33, 40 and 55 on any flight which-

(aa) begins and ends in Malaysia without passing over any other State; and

(bb) is not for the purpose of public transport or aerial work;

(ii) any aircraft may fly unregistered on any flight which-

(aa) begins and ends in Malaysia without passing over any other State; and

(bb) is in accordance with the "B Conditions" set out in the Second Schedule;

(iii) this regulation shall not apply to any kite or captive balloon.

(2) The Director General may, in any special circumstances and subject to such conditions or limitations as he may think fit, exempt temporarily an aircraft registered elsewhere from the requirements of subregulation (1).

(3) If an aircraft flies in Malaysia in contravention of subregulation (1) in such manner or circumstances that if the aircraft had been registered in Malaysia, an offence against these Regulations or other subsidiary legislation made under the Act would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

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Regulation 4. Registration of aircraft in Malaysia.

- (1) The Director General shall be the authority for the registration of an aircraft in Malaysia.
- (2) The following persons shall be qualified to be the owner of a legal or beneficial interest in a Malaysian aircraft or any share therein:
 - (a) the Government of Malaysia;
 - (b) a citizen of Malaysia; or
 - (c) a body incorporated and having its principal place of business in Malaysia.
- (3) If an unqualified person residing or having a place of business in Malaysia is entitled as owner to a legal or beneficial interest in an aircraft or any share therein, the Director General may, if he is satisfied that the aircraft may otherwise be properly registered, register the aircraft in Malaysia. No aircraft registered pursuant to this subregulation shall, for so long as it remains registered, be used for the purpose of public transport or aerial work.
- (4) If an aircraft is chartered by demise or hired to a qualified person, the Director General may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in Malaysia if he is satisfied that the aircraft may otherwise be properly registered, and subject to the provisions of these Regulations, the aircraft may remain registered during the continuation of the charter or hire.
- (5) Subject to this regulation, an aircraft shall not be registered or continue to be registered in Malaysia if it appears to the Director General that-
 - (a) the aircraft is registered outside Malaysia and that such registration does not cease by operation of law upon the aircraft being registered in Malaysia;
 - (b) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or any share therein; or
 - (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Malaysia.
- (6) Subject to subregulations (3) and (4), if at any time after an aircraft has been registered in Malaysia, an unqualified person becomes entitled as owner to a legal or beneficial interest in the

aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Director General for cancellation.

(7) Any person who is registered as the owner of a Malaysian aircraft shall forthwith inform the Director General in writing of-

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

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

(c) in the case of an aircraft which was subject to any hiring agreement or a demise charter, the termination of the agreement or the demise charter.

(8) Any person who becomes the owner of a Malaysian aircraft shall, within twenty-eight days from the date he becomes the owner, inform the Director General in writing to that effect.

(9) In this regulations, any reference to an interest in an aircraft do not include a reference to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club, and the reference in subregulation (7) to the registered owner of an aircraft includes, in the case of a deceased person, his personal representative, and in the case of a body corporate which has been dissolved, its successor.

(10) Nothing in this regulation shall require the Director General to cancel the registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

(11) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Aircraft Register shall not become void by virtue of subregulation (6) nor shall the Director General cancel the registration of such an aircraft pursuant to this regulation or subregulation 5(6) unless all persons specified in the Aircraft Register as mortgagees of that aircraft have consented to the cancellation.

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PART II - REGISTRATION AND MARKING OF AIRCRAFT

Regulation 5. Aircraft Register.

- (1) The Director General shall keep and maintain an Aircraft Register in such form as he thinks fit provided that where the Aircraft Register is kept in a non-legible form, it shall be capable of being reproduced in a legible form.
- (2) An application for the registration of an aircraft in Malaysia shall be made in writing to the Director General, and shall contain or be accompanied by such information and evidence relating to the aircraft, ownership, hiring or chartering thereof as the Director General may require to enable him to determine whether the aircraft may properly be registered in Malaysia and to issue the certificate under subregulation (5). The application shall in particular specify the proper description of the aircraft according to column 4 of the "General Classification of Aircraft" specified in Part A of the First Schedule.
- (3) Upon receiving an application for the registration of an aircraft under subregulation (2) and on being satisfied that the aircraft may properly be so registered in accordance with the provisions therein, the Director General shall, wherever it may be, register the aircraft and issue a certificate of registration therefor.
- (4) The Aircraft Register shall include the following particulars in relation to each aircraft:
 - (a) the number of the certificate;
 - (b) the nationality mark of the aircraft and the registration mark assigned to it by the Director General;
 - (c) the name of the constructor of the aircraft and its designation;
 - (d) the serial number of the aircraft;
 - (e) (i) the name and address of every person who is entitled as owner to a legal or beneficial interest in the aircraft or a share therein, and in the case of an aircraft which is the subject of any hiring agreement or a demise charter, in addition to the particulars of its owner, the name and address of the hirer or the charterer, as the case may be;
 - (ii) in the case of an aircraft registered in pursuance of subregulation 4(3) an indication that it is so registered; or
 - (iii) in the case of an aircraft registered in pursuance of subregulation 4(4) in addition to the

particulars of its owners as required under subparagraph (i) the name and address of the charterer or hirer, as the case may be, and an indication that it is so registered;

(f) such other particulars which may be entered pursuant to any provisions of these Regulations; and

(g) any other particulars as the Director General shall think fit.

(5) The Director General shall furnish to the person or persons in whose name the aircraft is registered, hereinafter in this regulation referred to as "the registered owner", a certificate of registration in such form as he considers appropriate which shall include the particulars specified in subregulation (4) and the date on which the certificate was issue:

Provided that the Director General shall not be required to furnish a certificate of registration If the registered owner is the holder of an aircraft dealer's certificate granted under regulation 178 and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the "C Conditions" specified in the Second Schedule, and in that case the aircraft shall fly only in accordance with those conditions.

(6) The Director General may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part or for bringing up to date or otherwise correcting the particulars entered on the Aircraft Register, amend the Aircraft Register or, if he thinks fit, may cancel the registration of the aircraft, and he shall order cancel that registration after being satisfied that there has been a change in the ownership of the aircraft.

(7) The Director General may, for the purpose of providing for the temporary transfer of an aircraft to or from the Aircraft Register, either generally or in relation to a particular case or class of cases, adapt or modify the provisions of regulation 4 or the foregoing provisions of this regulation as he deems necessary or expedient.

(8) All persons shall at all times be taken to have express notice of all facts appearing in the Aircraft Register, but the registration of a mortgage pursuant to Part XIV shall not be evidence of its validity.

(9) Any person may, on payment of the prescribed fee, apply to the Director General for-

(a) inspection of the Aircraft Register relating to any aircraft specified in the application including any document filed or lodged pursuant to subregulation 5(2), regulation 142 and subregulation 162(2) in respect of that aircraft;

(b) an extract, certified as true copy by the Director General, of the entries in the Aircraft Register relating to any aircraft specified in the application;

(c) a copy or extract, certified as true copy by the Director General, from any document which he is entitled to inspect under paragraph (a);

(d) a written confirmation whether or not there are any entries in the Aircraft Register relating to

any aircraft specified in the application by reference to its nationality and registration marks.

(10) A copy of or an extract from any document filed or lodged with the Director General or an extract of any entry in the Aircraft Register, certified to be a true copy or extract by the Director General shall, in any proceedings, be admissible-

(a) in the case of a copy of or an extract from such document, as evidence of equal validity as the original document;

(b) in the case of an extract of the entry in the Aircraft Register, as evidence of that entry.

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Regulation 6. Nationality and registration marks.

- (1) An aircraft, other than an aircraft permitted by or under these Regulations to fly without being registered, shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the State in which it is registered, the nationality and registration marks required by that law.
- (2) The marks to be borne by a Malaysian aircraft shall comply with Part B of the First Schedule.
- (3) An aircraft shall not bear any mark which purport to indicate that-
 - (a) the aircraft is registered in a State in which it is not in fact registered, provided that the marks approved by the Director General for the purposes of flight in accordance with the "B Conditions" contained in the Second Schedule shall not be deemed as an indication that the aircraft is so registered; or
 - (b) the aircraft is a State aircraft of a particular State if it is not in fact such an aircraft, unless the appropriate authority of that State has sanctioned the bearing of such marks.

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PART III - LICENSING OF AIR SERVICES
Chapter 1 : Interpretation and Application

Regulation 7. Interpretation.

In this Part, unless the context otherwise requires-

"air service" means any service performed by any aircraft for hire or reward:

Provided that a member of a recognized flying club carried in an aircraft belonging to the club for the purposes of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

"air service licence" means a licence granted under regulation 11;

"air service permit" means an air service permit granted under regulation 18;

"licensee" means a holder of an air service licence;

"provisional air service licence" means a provisional air service licence granted under regulation 13.

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Chapter 1 : Interpretation and Application

Regulation 8. Application.

This Part shall apply to the carriage of passengers, mail or cargo by air for hire or reward.

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PART III - LICENSING OF AIR SERVICES
Chapter 2 : Scheduled Journeys

Regulation 9. Application to scheduled journeys.

This Chapter shall apply to scheduled journeys.

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Regulation 10. Air service licences.

- (1) Subject to the provisions of this Chapter, no person shall undertake to carry by air or use any aircraft for the carriage of passengers, mail or cargo in Malaysia for hire or reward upon any scheduled journey between two places, of which at least one place is in Malaysia except under and in accordance with the provisions of an air service licence or a provisional air service licence granted by the Director General.
- (2) Any person who undertakes to carry by air or uses any aircraft for the carriage of passengers, mail or cargo for hire or reward in contravention of this regulation shall be guilty of an offence.
- (3) The provisions of this Chapter shall not apply in respect of the aircraft of any State which is a party to the Transit Agreement, which fly across Malaysia without landing or land in Malaysia in accordance with the provisions of that Agreement.

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Regulation 11. Application for air service licence.

- (1) An application for the grant of an air service licence to carry passenger, mail or cargo by air for hire or reward on any scheduled journey, shall be made in writing and shall contain or be accompanied by such information and documents as may be specified by the Director General.
- (2) The Director General may, in granting an air service licence pursuant to an application made under subregulation (5), impose such conditions as he thinks fit having regard to the nature and circumstances of the application.
- (3) It shall be a condition of every air service licence that the licensee and any person having a financial interest in the business of the licensee shall not enter into any agreement or arrangement with any person on terms or conditions which would preclude or restrict that person from providing booking facilities to any other holder of an air service licence.
- (4) The Director General shall maintain a current register of holders of air service licences for scheduled journeys.
- (5) In exercising his discretion to grant or to refuse an air service licence and his discretion to impose conditions to any air service licence under subregulation (2), the Director General shall-
 - (a) have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public;
 - (b) have regard to those persons requiring or likely to require facilities for air transport as well as those persons providing such facilities for purposes of avoiding uneconomical overlapping; and
 - (c) in particular the Director General shall have regard to the following matters:
 - (i) the existence of other air services in the area through which services are to be operated;
 - (ii) the demand for air transport in that area;
 - (iii) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or other operators;
 - (iv) the period for which such services have been operated by the applicant or other operators;

(v) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;

(vi) the financial resources of the applicant;

(vii) the type of aircraft proposed to be used;

(viii) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant; and

(ix) any representations made by the applicant.

(6) An air service licence issued by the Director General under this regulation shall be in such form as he may from time to time determine.

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Regulation 12. Validity of air service licence.

Th Director General may grant air service licence which will remain in force for such period, not exceeding five years, as he may in each case determine, commencing from the date on which the air service licence is expressed to take effect and the Director General may along time vary or revoke one or more of the conditions of the licence or impose new or additional conditions thereto:

Provided that if, on the date of the expiration of an air service licence ("the existing licence"), the application to the Director General for the grant of a new air service licence in substitution for the existing licence held by the applicant is pending, the Director General may, if he thinks fit, extend the period of validity of the existing licence to the date when the application is approved or rejected.

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Regulation 13. Provisional air service licence.

- (1) Pending the determination of an application for an air service licence under regulation 11, the Director General may, if he thinks fit, grant to the applicant a provisional air service licence which shall remain in force until the application is determined.
- (2) Subregulations 10(2), 10(3), regulations 11, 14, 15, 19, 20 and 23 shall apply *mutatis mutandis* to a provisional air service licence.
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Chapter 2 : Scheduled Journeys

Regulation 14. Revocation and suspension.

(1) Subject to this regulation, the Director General may, at any time, suspend or revoke an air service licence if-

(a) the licensee is convicted of an offence under the Act or these Regulations or any other written law relating to air navigation or air transport, or if being a body corporate, any of the officers of the licensee is convicted of such an offence;

(b) the licensee has contravened or failed to comply with any of the conditions of his air service licence; or

(c) the licensee has in his application for the air service licence furnished information which is false or misleading.

(2) Before revoking or suspending any air service licence under paragraph (1)(b), the Director General shall give to the licensee a notice in writing specifying-

(a) the condition of the licence which the licensee has contravened and the act or omission which constitutes such contravention; and

(b) the period, not being less than thirty days from the date of notice, within which the licensee may make representations with respect to the proposed suspension or revocation.

(3) After the expiry of the period specified in the notice and after having considered any representations made by the licensee, the Director General shall decide whether to proceed with the proposed suspension or revocation, or to take no further action.

(4) In this regulation, the expression "officer" means a director, manager, secretary or other similar officer and includes any other person, who with the authority of the body corporate, acts as an officer.

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PART III - LICENSING OF AIR SERVICES
Chapter 2 : Scheduled Journeys

Regulation 15. Surrender of licence.

(1) An air service licence may at any time be surrendered by the holder to the Director General for cancellation.

(2) If, during the currency of an air service licence, the holder applies to the Director General for a new air service licence in substitution for the current air service licence, the holder shall, if a new air service licence is granted, surrender the current air service licence for cancellation for the date on which the new air service licence is expressed to take effect.

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PART III - LICENSING OF AIR SERVICES
Chapter 3 : Non-Scheduled Journeys

Regulation 16. Application to non-scheduled journeys.

This Chapter shall apply to a non-scheduled journey.

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PART III - LICENSING OF AIR SERVICES
Chapter 3 : Non-Scheduled Journeys

Regulation 17. Air service permits.

- (1) Subject to this Part, no person shall undertake to carry by air or use any aircraft for the carriage of passengers, mail or cargo except under, and in accordance with the conditions of, and air service permit granted by the Director General.
- (2) Any person who undertakes to carry by air or uses any aircraft for the carriage of passengers, mail or cargo in contravention of this regulation shall be guilty of an offence.
- (3) This regulation shall not apply in respect of any journey performed under Article 5 of the Chicago Convention if the aircraft performing the journey flies across Malaysia without landing or lands in Malaysia for non-traffic purposes only.

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PART III - LICENSING OF AIR SERVICES
Chapter 3 : Non-Scheduled Journeys

Regulation 18. Application for an air service permit.

- (1) An application for air service permit to carry passengers, mail or cargo for hire or reward on a non-scheduled journey, shall be made in writing and shall contain or be accompanied by, such information and documents as may be specified by the Director General.
- (2) The Director General may, in granting an air service permit pursuant to an application made under subregulation (1), impose such conditions as he thinks fit having regard to the nature and circumstances of the application.
- (3) An air service permit issued by the Director General under this regulation shall be in such form as he may, from time to time determine.
- (4) The Director General may, at any time, vary or revoke one or more of the existing conditions of any air service permit, impose new or additional conditions thereto or suspend any air service permit and regulation 14 shall apply *mutatis mutandis*.

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PART III - LICENSING OF AIR SERVICES
Chapter 4 : General Provisions

Regulation 19. General conditions of air service licence and air service permits.

(1) It shall be a condition of every air service licence or air service permit that the requirements of any law or instrument having the force of law, for the time being in force in Malaysia relating to air navigation or air transport, be complied with at all times during the currency of the air service licence or air service permit in connection with all journeys made under the air service licence or air service permit.

(2) Nothing in this Part shall confer upon any other holder of an air service licence or air service permit or upon any other person any right to the continuance of any benefits arising from the provisions of this Part or from any air service licence or air service permit granted thereunder or from any conditions contained in any such air service licence or air service permit.

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Regulation 20. Air service licence and air service permit not transferable or assignable.

An air service licence or air service permit shall not be transferred or assigned:

Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of an air service licence or air service permit, as the case may be, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of an air service licence or air service permit, the person for the time being carrying on that business, shall, if he within fourteen days after the occurrence of such event or appointment, applies to the Director General for a new air service licence or air service permit, be entitled to provide the air service authorised by the existing air service licence or air service permit subject to the conditions thereof, until the application is determined.

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Regulation 21. Information not to be disclosed.

Nothing in this Part shall require the disclosure by any applicant for an air service licence or an air service permit to any person other than the Director General, of any information as to the financial resources of the applicant, and any information furnished by the applicant shall be treated as confidential.

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Regulation 22. Exemptions of persons operating under agreement.

Notwithstanding anything contained in this Part, any person who at the commencement of these Regulations, operates any air service under and in accordance with an agreement entered into between such person and the Government of Malaysia, shall be deemed to have been granted an air service licence under this Part to operate such air service in accordance with the terms of such agreement and for the period provided therein.

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Regulation 23. Returns.

- (1) Every holder of an air service licence or air service permit shall furnish a monthly return to the Director General giving, in respect of the month to which the returns relates, the particulars as may be required by the Director General with regard to all air services operated under the licence or permit.
- (2) The return shall be sent to the Director General not later than two months after the expiration of the month to which it relates.

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PART IV - AIR OPERATOR'S CERTIFICATE

Regulation 24. Issue of air operator's certificate.

(1) A Malaysian aircraft shall not fly on any flight for the purpose of public transport otherwise than under and in accordance with the terms of an air operator's certificate granted to the operator of the aircraft under subregulation (2) certifying that the holder of the certificate is competent to secure that the aircraft operated by him on such flight is operated safely.

(2) The Director General shall grant an air operator's certificate to any person applying for it if he is satisfied that that person is competent, having regard in particular to his previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of an aircraft of the type specified in the certificate on flights of the description and for the purposes so specified.

(3) The certificate granted by the Director General under subregulation (2) may be subject to such conditions as he thinks fit and such certificate shall, subject to regulation 87, remain in force for the period specified therein.

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Chapter 1 : Certificate of Airworthiness

Regulation 25. Interpretation.

In this Part, in relation to the issue of a certificate of release to service,-

"mandatory inspection" means any inspection classified as mandatory by the Director General, where the inspection itself is the work;

"modification" means changes made to a particular aircraft including the components, engines, propellers, radio station, accessories, instruments, equipment of the aircraft and their installations;

"overhaul" means a major work operation which involves dismantling and complete specification testing and renewal of operational life;

"repair" mean any work, not amounting to overhaul or replacement, relating to rectification and adjustment;

"replacement" means a work operation which involves the removal and replacement of the same part or the substitution of an approved alternative part;

"schedule maintenance inspection" means any inspection including a test required by the maintenance schedule approved by the Director General.

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Chapter 1 : Certificate of Airworthiness

Regulation 26. Certificate of airworthiness to be in force.

(1) Subject to subregulation (2) no aircraft shall fly unless-

(a) there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the State in which the aircraft is registered; and

(b) any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) Subregulation (1) shall not apply to flights, beginning and ending in Malaysia without passing over any other State, or-

(a) a glider, if it is not being used for the public transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members of that flying club;

(b) a balloon flying on a private flight;

(c) a kite;

(d) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" specified in the Second Schedule; and

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

(3) In the case of a Malaysian aircraft, the certificate of airworthiness referred to in subregulation (1) shall be a certificate issued or rendered valid in accordance with regulation 27.

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Chapter 1 : Certificate of Airworthiness

Regulation 27. Issue and renewal of certificate of airworthiness.

(1) The Director General shall issue, in respect of any aircraft, a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to-

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

(b) the Airworthiness Notice issued by the Department of Civil Aviation and, as the Director General considers appropriate, having regard also to the code of airworthiness certification and procedural requirements from time to time in force under-

(i) the Federal Aviation Regulations of the United States of America;

(ii) the British Civil Airworthiness Requirements issued by the Civil Aviation Authority of the United Kingdom;

(iii) the Joint Aviation Requirements issued by the Joint Aviation Authorities of the European States; and

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

Provided that, if the Director General has issued a certificate of airworthiness in respect of an aircraft which in his opinion is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials, and in the case of any other aircraft, if he is satisfied that the aircraft conforms to such prototype or modification.

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

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

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs

for the purposes of the requirements specified in subregulation 51(1).

(5) The Director General may, subject to such conditions as he thinks fit, renders valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any State other than Malaysia.

(6) Subject to this regulation and regulation 87, a certificate of airworthiness issued under this regulation shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Director General for such further period as he thinks fit.

(7) A certificate of airworthiness issued in respect of an aircraft shall cease to be in force-

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

(b) until the completion of any inspection of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft, being an inspection made for the purpose of ascertaining whether the aircraft remains airworthy and-

(i) classified as mandatory by the Director General; or

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

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

(8) Nothing in these Regulations shall oblige the Director General to accept an application for the issue of a certificate of airworthiness or a certificate of validation or for the variation or renewal of any such certificate when the application is not supported by reports from such approved persons as the Director General may specify, either generally or in a particular case or class of cases.

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Regulation 28. Certificate of maintenance review.

(1) A Malaysian aircraft in respect of which a certificate of airworthiness in either the transport or in the aerial work category is in force shall not fly unless-

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

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

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

(3) A certificate of maintenance review may be issued for the purposes of this regulation only by-

(a) the holder of an aircraft maintenance engineer's licence granted under-

(i) these Regulations, being a licence which entitles him to issue that certificate;

(ii) the law of a foreign State and rendered valid under these Regulations in accordance with the privileges endorsed on the licence; or

(iii) the law of any such foreign State as may be specified by the Director General in accordance with the privileges endorsed on the licence and subject to any conditions which may be specified by the Director General;

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

(c) a person approved by the Director General as being competent to issue a certificate of maintenance review, and in accordance with that approval:

Provided that, in approving a maintenance schedule, the Director General may direct that the

certificate of maintenance review relating to that schedule or any part thereof specified in his direction, be issued only by the holder of such licence.

(4) A person referred to in subregulation (3) shall not issue a certificate of maintenance review unless he has first verified that-

- (a) maintenance has been carried out on the aircraft in accordance with the maintenance schedule approved for that aircraft;
- (b) inspections and modifications required by the Director General as provided in regulation 27 have been completed as certified in the relevant certificate of release to service issued in accordance with the regulation 30;
- (c) defects entered in the technical log of the aircraft in accordance with regulation 29 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Director General; and
- (d) certificates of release to service have been issued in accordance with regulation 30,

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

(5) A certificate of maintenance review shall be issued in duplicate. One copy of the most recently issued certificate shall be carried in the aircraft when so required by regulation 82, and the other shall be kept by the operator elsewhere than in the aircraft.

(6) Subject to regulation 86, each certificate of maintenance review shall be preserved by the operator of the aircraft for a period of two years after it has been issued.

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Regulation 29. Technical log.

(1) A technical log shall be maintained in respect of a Malaysian aircraft if in relation to such aircraft a certificate of airworthiness in either the transport or in the aerial work category is in force.

(2) At the end of every flight by an aircraft to which this regulation applies, the commander of the aircraft shall enter-

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

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

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

in a technical log, or in the case of an aircraft of which the authorised maximum total weight does not exceed 2,730 kilogrammes and which is not operated by a person who is the holder of or is required by subregulation 24(1) to hold an air operator's certificate, in such other record as shall be approved by the Director General and the commander shall in such a case sign and date the entries:

Provided that, in the case of a number of consecutive flights, each of which begins and ends-

(i) within the same period of twenty-four hours;

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

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

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

(3) Upon the rectification of any defect which has been entered in a technical log in accordance with subregulation (2), a person issuing a certificate of release to service required by regulation 30 in respect of that defect shall enter the certificate in the technical log in such a position as it will be readily identifiable with the defect to which it relates.

(4) The technical log referred to in this regulation shall be carried in the aircraft as required by regulation 82 and copies of the entries referred to in this regulation shall be kept on the ground:

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

(5) Subject to regulation 86, a technical log or such other approved record required by this regulation shall be preserved by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Director General may permit in a particular case.

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Chapter 2 : Maintenance of Aircraft

Regulation 30. Inspection, overhaul, repair, replacement and modification.

(1) A Malaysian aircraft, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force, shall not fly if the aircraft or any of its parts or such of its equipment as is necessary for the airworthiness of the aircraft, has been overhauled, repaired, replaced or modified, or has been inspected as required by paragraph 27(7)(b), unless there is in force a certificate of release to service issued in accordance with this regulation which relates to the overhaul, repair, replacement, modification or inspection, as the case may be:

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

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

(b) for such a certificate to be issued while the aircraft is at that place, the aircraft may fly to a place at which such a certificate can be issued, being the nearest place-

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

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

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

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

(3) Nothing in subregulation (1) shall prevent an aircraft, in respect of which there is in force a certificate of airworthiness in the private or special categories and whose authorised maximum total weight does not exceed 2,730 kilogrammes, from flying if the only repair or replacement in respect of which a certificate of release to service is not in force are of such a description as are specified in the Thirteenth Schedule and have been carried out personally by the owner or operator of the aircraft being the holder of a pilot's licence granted or rendered valid under these Regulations. In that event

the owner or operator of the aircraft, as the case may be, shall keep in the aircraft log-book, kept in respect of the aircraft pursuant to regulation 35, a record which identifies the repair or replacement and shall sign and date the entries and, subject to regulation 86, shall preserve the log-book or the period specified in regulation 35. Any equipment or parts used in carrying out the repairs or replacements shall be of a type approved by the Director General whether generally or in relation to a class of aircraft or one particular aircraft.

(4) Neither-

(a) equipment provided in compliance with the Fifth Schedule, except those specified in paragraph 3 thereof, nor

(b) radio equipment provided for use in an aircraft or in any survival craft carried therein, whether or not the equipment is provided in compliance with these Regulations or any other order made or any requirements notified thereunder,

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

(5) A certificate of release to service shall-

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

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

(6) A certificate of release to service may be issued for the purposes of this regulation only by-

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

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

(ii) granted under the law of a foreign State and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or

(iii) granted under the law of any such foreign State as the Minister may specify in accordance with the privileges endorsed on the licence and subject to any conditions

which may be prescribed;

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

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

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

(e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an airline transport pilot's licence (aeroplanes) granted or rendered valid under these Regulations.

(7) In this regulation, the expression "repair" includes, in relation to a compass, the adjustment and compensation thereof.

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Regulation 31. Licensing of maintenance engineers.

- (1) The Director General shall grant aircraft maintenance engineer's licences of one of the categories specified in the Fourth Schedule subject to such conditions as he thinks fit, upon him being satisfied that the applicant is a fit person to hold the licence and has furnished the evidence and passed the examinations and tests as the Director General may require of him for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.
- (2) An aircraft maintenance engineer's licence shall authorise the holder, subject to such conditions as may be specified in the licence, to issue-
 - (a) a certificate of maintenance review in respect of such aircraft as may be so specified;
 - (b) a certificate of release to service in respect of such overhauls, repairs, replacement, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified; or
 - (c) a certificate of fitness for flight under "A Conditions" in respect of such aircraft as may be so specified.
- (3) Subject to regulation 87, a licence issued under this regulation shall remain in force for a period not exceeding two years and may be renewed by the Director General from time to time upon him being satisfied that the applicant is a fit person and is qualified as aforesaid.
- (4) The Director General may issue a certificate rendering valid for the purposes of these Regulations any licence as an aircraft maintenance engineer granted under the law of any State. Such certificate may be issued subject to such conditions and for such period, as the Director General thinks fit.
- (5) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.
- (6) Without prejudice to any other provision of these Regulations the Director General may, for the purpose of this regulation, either wholly or subject to such conditions as he thinks fit-
 - (a) approve any course of training or instruction;
 - (b) authorise any body of persons, corporate or unincorporate, to conduct such examinations or tests as he may specify; and

(c) approve any body of persons, corporate or unincorporate, to provide or conduct any course of training or instruction.

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Chapter 3 : Equipment of Aircraft

Regulation 32. Aircraft to be equipped.

- (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the State in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with these Regulations.
- (2) In the case of any Malaysian aircraft, the equipment required to be provided, in addition to any other equipment required by or under these Regulations, shall be that specified in the Fifth Schedule as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, except that specified in paragraph 3 of the said Schedule, shall be of the type approved by the Director General either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.
- (3) In any particular case, the Director General may direct that a Malaysian aircraft shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.
- (4) The equipment carried in compliance with this regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.
- (5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft and in every Malaysian aircraft flying for the purpose of public transport there shall be
 - (a) provided individually for each passenger; or
 - (b) if the Director General so permits in writing, exhibited in a prominent position in every passenger compartment, a notice relevant to the aircraft in question containing pictorial-
 - (i) instruction on the brace position to be adopted in the event of an emergency landing;
 - (ii) instructions on the method of use of the safety belts and safety harnesses as appropriate;
 - (iii) information as to where emergency exits are to be found and instructions as to how they are to be used; and
 - (iv) information as to where the life jackets, escape slides, life rafts and oxygen masks, if

required to be provided by subregulation (2), are to be found and instructions as to how they are to be used.

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

(7) Without prejudice to subregulation (2), all the navigational equipment, other than radio equipment, of any of the following types, namely:

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

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

when carried in Malaysian aircraft, whether or not in compliance with these Regulations, shall be of a type approved by the Director General either generally or in relation to a class or aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This regulation shall not apply in relation to radio equipment except that specified in the Fifth Schedule.

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Regulation 33. Radio equipment of aircraft.

- (1) An aircraft shall not fly unless it is equipped with radio and radio navigation equipment so as to comply with the law of the State in which the aircraft is registered and to enable communications to be made, and the aircraft to be navigated, in accordance with these Regulations, in particular, the Thirteenth Schedule.
- (2) Without prejudice to subregulation (1), the aircraft shall be equipped with radio and radio navigation equipment in accordance with the Sixth Schedule.
- (3) In any particular case the Director General may direct that a Malaysian aircraft shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.
- (4) The radio and radio navigation equipment provided in compliance with this regulation shall always be maintained in serviceable condition.
- (5) All radio and radio navigation equipment installed in a Malaysia aircraft or carried on such an aircraft for its use, whether or not in compliance with these Regulations, shall be of a type approved by the Director General in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by subregulation 3(1) to fly unregistered, be installed in a manner approved by the Director General. Neither the equipment nor the manner in which it is installed shall be modified except with the approval of the Director General.

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Regulation 34. Minimum equipment requirements.

- (1) This regulation shall not apply to equipment required to be carried by virtue of subregulation 58(2).
- (2) Subject to subregulation (1), the Director General may, subject to such conditions as he thinks fit, grant to any Malaysian aircraft or class of Malaysian aircrafts permission allowing such aircrafts to commence a flight in specified circumstances notwithstanding that any specified item of equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.
- (3) A Malaysian aircraft shall not commence a flight if any of the equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight, is not carried or is not in a fit condition for use-
- (a) otherwise than under and in accordance with the terms of a permission granted to the operator under this regulation; and
 - (b) unless in the case of an aircraft to which regulation 47 applies, the operations manual required thereunder contains the particulars specified in paragraph 1(q) of Part A of the Ninth Schedule.

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Regulation 35. Aircraft, engine and propeller log-books.

(1) In addition to any other log-books required by or under these Regulations, the following log-books shall be kept in respect of every Malaysian aircraft flying for the purpose of public transport:

- (a) an aircraft log-book;
- (b) a separate log-book in respect of each engine fitted in the aircraft; and
- (c) a separate log-book in respect of each variable pitch propeller fitted to the aircraft,

and the log-book shall include the particulars respectively in the Seventh Schedule and in the case of an aircraft having an authorised maximum total weight not exceeding 2,730 kilogrammes the log-books shall be of a type approved by the Director General.

(2) Each entry in the log-book, other than such an entry as is referred to in paragraph 2(d)(ii) or 3(d)(ii) of the Seventh Schedule, shall be made as soon as it is practicable after the occurrence to which it relates but in any event not more than seven days after the expiration of the certificate of maintenance review, if any, in force in respect of the aircraft at the time of the occurrence.

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

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

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

(6) Subject to regulation 86, every log-book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

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Regulation 36. Aircraft weight schedule.

(1) Every flying machine and glider (in the Chapter, hereinafter to be referred to as "aircraft") in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity shall be determined, at such time and in such manner as the Director General may require.

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

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

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

(3) Subject to regulation 86, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this regulation.

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Regulation 37. Access and inspection for airworthiness purposes.

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

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Regulation 38. Certificate of approval for the design, manufacture or construction of aircraft, etc.

(1) Any person engaged or intending to engage in, any stage of design, manufacture, or construction of only aircraft, airframe or aircraft engine, propeller, part or appliance shall apply to the Director General for a certificate of approval in respect of those activities.

(2) Every applicant under subregulation (1) shall-

(a) furnish to the Director General such evidence as the Director General, may require-

(i) of the qualifications and competence of the applicant or of his employees;

(ii) of the facilities at the disposal of the applicant; and

(iii) of the work procedures proposed by applicant,

in order to carry out the activities to which the application relates; and

(b) satisfy the Director General that, having regard to the evidence so furnished, the applicant is, or will be, able to carry out the activities to which the application relates in a satisfactory manner,

and the Director General may, subject to such conditions as he thinks fit, issue to the applicant a certificate of approval with respect to those activities.

(3) An authorised person may, at any time, for the purpose of ascertaining whether the activities to which a certificate of approval relates are being carried out in a satisfactory manner or for any other purpose-

(a) inspect any aircraft, airframe or aircraft engine, propeller, part or appliance;

(b) inspect any process or system carried on by, or any records maintained by or any documents in the possession of, the holder of the certificate of approval in connection with the activities to which the certificate relates;

(c) conduct any test that the authorised person considers necessary; and

(d) require the holder of the certificate of approval to furnish to the authorised person such evidence as may require-

(i) of the qualifications and competence of the holder of the certificate or of his employees; or

(ii) of the facilities at the disposal of the holder.

(4) Any expense incurred by reason of anything done during, in or incidental to the investigation mentioned in subregulation (3) shall be paid by and be recoverable from the holder of the certificate of approval.

(5) For the purposes of this regulation, "aircraft part or appliance" means any part, instrument, mechanism, equipment, apparatus, appurtenance or accessory fitted to, or installed or provided in, an aircraft including communications equipment that is used or intended to be used in operating or controlling the aircraft in flight.

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Regulation 39. Composition of crew of aircraft.

- (1) An aircraft shall not fly in Malaysia unless it carries a flight crew of the number and description required by the law of the State in which it is registered.
- (2) A Malaysian aircraft shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under these Regulations or, if no certificate of airworthiness is required under these Regulations to be in force, the certificate of airworthiness, if any, last in force under these Regulations, in respect of that aircraft.
- (3) A flying machine registered in Malaysia and flying for the purpose of public transport having an authorised maximum total weight of more than 5,700 kilogrammes shall carry not less than two pilots as members of the flight crew thereof.
- (4) An aeroplane registered in Malaysia and flying for the purpose of public transport in circumstances where the aircraft commander is required to comply with the Instrument Flight Rules and having an authorised maximum total weight of 5,700 kilogrammes or less and powered by-
 - (a) one or more turbine jets;
 - (b) one or more turbine propeller engines and provided with a means of pressurising the personnel compartments;
 - (c) two or more turbine propeller engines and certificated to carry more than nine passengers;
 - (d) two or more turbine propeller engines and certificated to carry fewer than ten passengers and not provided with a means of pressurising the personnel compartments, unless it is equipped with an auto-pilot which has been approved by the Director General for the purposes of this regulation and which is serviceable on take-off; or
 - (e) two or more piston engines, unless it is equipped with an auto-pilot which has been approved by the Director General for the purposes of this regulation and which is serviceable on take-off,

shall carry not less than two pilots as members of the flight crew thereof:

Provided that an aeroplane powered by two or more turbine propeller engines and certificated to carry fewer than ten passengers or an aeroplane powered by two or more piston engines and equipped with

an appropriate auto-pilot shall not be required to carry two pilots notwithstanding that before take-off the approved auto-pilot is found to be unserviceable if the aeroplane flies in accordance with the arrangements approved by the Director General.

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

(6) When a Malaysian aircraft carries twenty or more passengers on a flight for the purpose of public transport, the crew of the aircraft shall include cabin attendants carried for the purpose of performing in the interest of the safety of passengers, duties to be assigned by the operator or the commander of the aircraft, but who shall not act as members of the flight crew.

(7) The Director General may give a direction to the operator of any Malaysian aircraft, whenever the aircraft is flying for the purpose of public transport, requiring him to include among the crew thereof at least one cabin attendant notwithstanding that the aircraft may be carrying less than twenty passengers.

(8) In the case of an aircraft with a total seating capacity not exceeding two hundred passengers, the number of cabin attendants carried on such flight shall not be less than one cabin attendant for every fifty passengers or a fraction thereof carried on the aircraft.

(9) In the case of an aircraft with a total seating capacity exceeding two hundred passengers, the number of cabin attendants carried on such a flight shall not be less than half the number of main exits in the aircraft, and in addition, when more than two hundred passengers are carried, there shall be one additional cabin attendant for every twenty-five passengers or a fraction thereof:

Provided that where the number of cabin attendants calculated in accordance with this subregulation exceeds the number of main exits in the aircraft, the operator of the aircraft shall be deemed to have been complied with this regulation if the number of cabin attendants carried is equal to the number of main exits in the aircraft.

(10) Each cabin attendant shall be seated with seat belt or, when provided, safety harness fastened during take-off and landing and whenever the pilot-in-command so directs.

(11) For the purposes of this regulation, "main exit" means an exit on the side of the aircraft at floor level intended for the disembarkation of passengers, whether in normal circumstances or in an emergency.

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Regulation 40. Members of flight crew required to be licensed, etc.

(1) Subject to this regulation, a person shall not act as a member of the flight crew of a Malaysian aircraft unless he is the holder of an appropriate licence granted or rendered valid under these Regulations:

Provided that a person may, within Malaysia, act as a flight radio-telephony operator without being the holder of such a licence if-

- (a) he does so as a pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in a Malaysian aircraft to perform duties as a member of the flight crew of an aircraft;
- (b) he is authorised to operated the radio-telephony station by the holder of the licence granted in respect of that station by any law in force in Malaysia;
- (c) messages are transmitted only for the purposes of instruction, or for the safety or navigation of the aircraft;
- (d) messages are transmitted only on a frequency exceeding 60 megacycles per second as assigned by the Director General of Telecommunications, Malaysia;
- (e) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency;
- (f) the operation of the transmitter requires the use only of external switches; and
- (g) the stability of the frequency radiated is maintained automatically by the transmitter.

(2) Subject to this regulation, a person shall not act as a member of the flight crew required by or under these Regulations to be carried in an aircraft registered outside Malaysia unless-

- (a) in the case of an aircraft flying for the purpose of public transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the State in which the aircraft is registered; and
- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the State in which the aircraft is registered or under these Regulations, and the Director General does not in the particular case give a direction to the

contrary.

(3) For the purposes of this regulation, a licence granted under the law of a Contracting State other than Malaysia purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Director General in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under these Regulations but shall not entitle the holder-

(a) to act as a member of the flight crew of any aircraft flying for the purpose of public transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew on that flight; or

(b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

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

(a) that no other person shall be carried in the aircraft or in an aircraft being towed thereby except the person carried as a member of the flight crew in compliance with these Regulations;

(b) that there is a person authorised by the Director General to witness the aforesaid training or tests, or to conduct the aforesaid tests, or, if the pilot-in-command of the aircraft is the holder of an appropriate licence, the person is carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

(c) that the person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be its pilot-in-command unless, within the period of six months immediately preceding, he was serving as a qualified pilot of any aircraft in the armed forces and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.

(5) Notwithstanding subregulation (1), a person may act as a member of the flight crew, otherwise than as a pilot of a Malaysian aircraft for the purposes of undergoing training or test for the grant or renewal of a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person is undergoing the training or test or is being trained or tested.

(6) For the purpose of this regulation, "an appropriate licence" means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight

on which it is engaged.

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

(a) he acts as flight radio operator; or

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

(8) Notwithstanding anything in this regulation-

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

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

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Regulation 41. Grant, renewal and effect of flight crew licences.

(1) The Director General may, subject to such conditions as he thinks fit, grant licences of any of the following classes authorising the holder to act as a member of the flight crew of a Malaysian aircraft:

- (a) student pilot's licence;
- (b) private pilot's licence (aeroplanes);
- (c) private pilot's licence (helicopters and gyroplanes);
- (d) private pilot's licence (balloons and airships);
- (e) commercial pilot's licence (aeroplanes);
- (f) commercial pilot's licence (helicopters and gyroplanes);
- (g) commercial pilot's licence (balloons);
- (h) commercial pilot's licence (airships);
- (i) commercial pilot's licence (gliders);
- (j) airline transport pilot's licence (aeroplanes);
- (k) airline transport pilot's licence (helicopter and gyroplanes);
- (l) flight engineer's licence;
- (m) flight radio-telephony operator's general licence;
- (n) flight radio-telephony operator's restricted licence;
- (o) flight radio-telephony operator's licence; or
- (p) flight radio-telephony operator's temporary licence,

upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to perform the functions required under the licence applied for by him, and for that purpose the applicant may be

required to undergo the appropriate medical examinations as specified in the Fourteenth Schedule and any other examinations and tests or furnish any other evidence as the Director General may determine. A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence in Part A of the Eighth Schedule. A licence of the class referred to in paragraphs (a) to (k) shall not be renewed or granted to any person who has attained the age of 60 years.

(2) Subject to any conditions therein, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the Eighth Schedule under the heading "privileges":

Provided that-

(a) subject to subregulations (10), (11), 40(4) and 44(1), a person shall not be entitled to perform any of the functions specified in Part B of the said Schedule in respect of a rating unless his licence includes that rating;

(b) a person shall not be entitled to perform any of the functions under his licence if he knows or has reason to believe that his physical condition renders him temporarily or permanently unfit to perform such functions; and

(c) a person shall not be entitled to perform the functions in respect of an instrument rating (aeroplanes), instrument rating (helicopter), a flying instructor's rating, an assistant flying instructor's rating or an instrument meteorological conditions rating (aeroplanes) unless his licence bears a certificate, signed by a person authorised by the Director General to sign such certificates, indicating that the holder of the licence has, within the period of thirteen months in the case of an instrument rating (aeroplanes), an instrument rating (helicopters) and an assistant flying instructor's rating and, twenty-five months in the case of a flying instructor's rating and an instrument meteorological conditions rating (aeroplanes) preceding the day on which he perform those functions, passed a test of his ability to perform the functions to which the rating relates, being a test carried out in flight in the case of the three last-named ratings and in the case of the two first-named ratings, either in flight or by means of any apparatus approved by the Director General in which flight conditions are simulated on the ground.

(3) The Director General may, if he is satisfied that the applicant is qualified under subregulation (1) or (2) to act in the capacity to which the rating relates, include in a licence a rating of any of the classes specified in Part B of the Eighth Schedule and such rating shall be deemed to form part of the licence and shall entitle the holder to perform such functions as are specified in Part B of the said Schedule in respect of that rating. An instrument rating, referred to in the said Schedule, may be renewed by any person appointed by the Director General for that purpose, if that person is satisfied by a test that the applicant continues to be competent to perform the functions to which the rating relates. The test shall be carried out either in flight or by means of apparatus approved by the Director General in which flight conditions are simulated on the ground.

(4) Subject to regulation 81, a licence and a rating shall remain in force for the periods indicated in the licence, not exceeding those periods respectively specified in the Eighth Schedule, and may be renewed by the Director General from time to time upon his being satisfied that the applicant is a fit

and proper person and is qualified in accordance with subregulation (1) or (2).

(5) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Every holder of a licence, other than a flight radio-telephony operator's licence, granted under this regulation shall, upon applying for the renewal of the licence and upon such other occasion as the Director General may require, submit himself to medical examination by a person approved by the Director General either generally or in a particular case who shall make a report to the Director General in such form as the Director General may require.

(7) Every holder of a licence, other than a flight radio-telephony operator's licence, granted under this regulation or rendered valid under regulation 42 who-

(a) suffers any personal injury involving incapacity to undertake the functions under his licence;

(b) suffers any illness involving incapacity to undertake those functions under his licence throughout a period of twenty days or more; or

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

shall inform the Director General in writing of such injury, illness or pregnancy, as soon as possible in the case of the injury or pregnancy, and as soon as the period of twenty days has elapsed in the case of the illness.

(8) A licence, other than a flight radio-telephony operator's licence, granted under this Part shall be deemed to be suspended upon the occurrence of any injury or the elapse of the period of illness as is referred to in subregulation (7).

(9) The suspension of a licence under subregulation (8) shall cease-

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

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

(10) A licence granted under this regulation shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the termination of the pregnancy and pronounced fit to resume her duties under the licence.

(11) Nothing in these Regulations shall be taken to prohibit the holder of a commercial pilot's or airline transport pilot's licence (aeroplanes) from acting as pilot-in-command of an aeroplane carrying passengers by night by reason of that lack of a night rating in his licence.

(12) Nothing in these Regulations shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft not exceeding 5,700 kilogrammes authorised maximum total weight when, with the authority of

the Director General, he is testing any person in pursuance of subregulation (1) or (3) notwithstanding that the type of aircraft in which the test is conducted is not specified in the aircraft rating included in his licence.

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Regulation 42. Validation of licences.

(1) The Director General may, for the purposes of these Regulations, issue a certificate of validation rendering valid any licence of a member of the flight crew of aircraft granted under the law of any State other than Malaysia.

(2) A certificate of validation referred to in subregulation (1) may be issued subject to such conditions and for such periods as the Director General may think fit.

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Regulation 43. Personal flying log-book.

(1) Every member of the flight crew of a Malaysian aircraft and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations or undergoes tests or receives instructions in flying, shall keep a personal flying log-book in which the following particulars shall be recorded-

- (a) the name and address of the holder of the log-book;
- (b) particulars of the holder's licence, if any, to act as a member of the flight crew of an aircraft; and
- (c) the name and address of the holder's employer, if any.

(2) The particulars of each flight during which the holder of the log-book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under these Regulations, as the case may be, shall be recorded in the log-book at the end of each flight or as soon thereafter as is reasonably practicable, including-

- (a) the date, the places at which the holder of the log-book embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either of the aforesaid capacity;
- (b) the type and registration marks of the aircraft;
- (c) the capacity in which the holder acted in flight;
- (d) the particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
- (e) the particulars of any test or examination undertaken whilst in flight.

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

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

- (a) the date of the test or examination;

- (b) the type of simulator;
- (c) the capacity in which the holder acted; and
- (d) the nature of the test or examination.

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Regulation 44. Instruction in flying.

(1) A person shall not give any instruction in flying to which this regulation applies unless-

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

(b) his licence includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give the instruction.

(2) Subregulation (1) shall apply to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of qualifying him for-

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

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

but shall not apply to any instruction in flying given to a person for the purpose of qualifying him for the inclusion in his licence of an aircraft rating entitling him to act as pilot of a multi-engined aircraft, or of an aircraft of that class appearing in column 4 of the Table in Part A of the First Schedule if that person has previously been entitled under these Regulations to act as pilot of a multi-engined aircraft, or of an aircraft of that class, as the case may be.

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Regulation 45. Flying training school.

(1) Any body of persons, corporate or unincorporate, engaged or intending to engage, in the provision of any instruction in flying shall apply to the Director General for-

(a) a certificate of approval in respect of the course of instruction in flying provided or to be provided by the applicant; and

(b) an authorisation to conduct test or examinations for such course of instruction.

(2) The Director General shall not grant the certificate of approval and authorisation referred to in subregulation (1) unless-

(a) the applicant has furnished to him-

(i) such evidence as to the qualifications and competence of the instructors employed or to be employed by the applicant;

(ii) such particulars or information relating to the course of instruction in flying provided or to be provided by the applicant;

(iii) such evidence as to the facilities at the disposal of the applicant; and

(iv) such other evidence and information as the Director General may specify,

to provide such course of instruction and to conduct such test or examinations in respect thereof; and

(b) the Director General is satisfied that, having regard to the information and evidence so furnished, the applicant is, or will be, able to provide such course of instruction in a satisfactory manner.

(3) The Director General may, on issuing the certificate of approval and the authorisation pursuant to subregulation (2) impose such terms and conditions as he may think fit.

(4) The Director General or an authorised person may, at any time, for the purpose of this regulation including the determination of the standards of instruction and facilities provided by the applicant or the holder of the certificate of approval and the authorisation, enter upon any of its premises-

- (a) to inspect and examine the state of such premises or any building or facility therein; and
- (b) to inspect any record maintained by it or any document in its possession in connection with the activities to which the certificate and the authorisation relate.

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Regulation 46. Minimum age of glider pilot.

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

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PART VII - OPERATION OF AIRCRAFT
Chapter 1 : Operations and Training Manuals

Regulation 47. Operations manual.

(1) This regulation shall apply to every Malaysian aircraft which flies for the purpose of public transport except an aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either-

- (a) flights solely for training persons to perform duties in an aircraft; or
- (b) flights intended to begin and end at the same aerodrome.

(2) The operator of every aircraft to which this regulation applies shall-

- (a) make available to each member of his operating staff an operations manual;
- (b) ensure that each copy of the operations manual is kept up to date; and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(3) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to properly perform their respective duties including, in particular, giving information and instructions relating to public transport operational requirements as specified in the Ninth Schedule:

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

(4) The operator of the aircraft shall, if the Director General shall so require, furnish the Director General with a copy of the whole of the operations manual for the time being in effect, or of such parts thereof as the Director General may specify. The operator shall make such amendments or additions to the operations manual as the Director General may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(5) For the purpose of this regulation and the Ninth Schedule, "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who performs those

functions.

(6) If in the course of a flight, the equipment, which is specified as Scale 0 in paragraph 5 of the Fifth Schedule, is required to be provided in an aircraft and the said equipment becomes unserviceable, the aircraft shall, for the remainder of the flight, be operated in accordance with any relevant instructions in the operation manual.

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Regulation 48. Training manual.

- (1) The operator of every Malaysian aircraft which flies for the purpose of public transport shall-
- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical test required under these Regulations; and
 - (b) ensure that each copy of that training manual is kept up to date.
- (2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator to give or to supervise the training, experience, practice or periodical test required under subregulation 49(2) to perform his duties as such including, in particular, giving information and instructions relating to the matters specified in Part C of the Ninth Schedule.
- (3) An aircraft to which this regulation applies shall not fly unless, not less than thirty days prior to such flight, the operator of the aircraft has furnished to the Director General a copy of the whole of his training manual relating to the crew of that aircraft.
- (4) Any amendment or addition to the training manual furnished by the operator to the Director General under subregulation (5) shall be endorsed by the operator with the Director General before or immediately after it comes into effect.
- (5) An amendment or addition relating to training, experience, practice or periodical test on an aircraft shall not take effect until the amendment or addition has been furnished to the Director General.
- (6) Without prejudice to the foregoing subregulations, the operator shall make such amendments or additions to the training manual as the Director General may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or for the safety, efficiency or regularity of air navigation.

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PART VII - OPERATION OF AIRCRAFT
Chapter 2 : Public Transport Aircraft

Regulation 49. Public transport operator's responsibilities.

(1) The operator of a Malaysian aircraft shall not permit the aircraft to fly for the purpose of public transport without first-

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

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

(c) satisfying himself by every reasonable means that the aerodrome at which the aircraft is intended to take-off or land and any alternate aerodrome at which a landing may be made is suitable for the purposes and, in particular, is adequately manned and equipped, including such manning and equipment as is specified in the Thirteenth Schedule, to ensure the safety of the aircraft and its passengers:

Provided that the operator of the aircraft shall not be required to satisfy himself as to the-

(i) adequacy of firefighting, search, rescue facilities or other services which are required only after the occurrence of an accident; and

(ii) adequacy of the manning and equipment referred to in paragraph (c) in the case of any aerodrome notified by the Director General as an unmanned aerodrome.

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

(3) The operator of a Malaysian aircraft shall not permit any member of the flight crew thereof, during any flight for the purpose of public transport or passengers, to simulate emergency manoeuvres and procedures which will adversely affect the flight characteristics of the aircraft.

(4) The operator of a Malaysian aircraft shall adopt a security programme and shall ensure that such programme is compatible with any aerodrome security programme.

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PART VII - OPERATION OF AIRCRAFT
Chapter 2 : Public Transport Aircraft

Regulation 50. Loading of aircraft for public transport.

(1) The operator of a Malaysian aircraft shall not cause or permit the aircraft to be loaded or any load to be suspended therefrom for a flight for the purpose of public transport except under the supervision of a person who has been furnished with written instructions as to the distribution and securing of the load so as to ensure that-

(a) the load shall be safely carried on the flight; and

(b) any condition relating to the loading of the aircraft are complied with, being conditions to which the validity of the certificate of airworthiness of that aircraft is subjected to.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is the aggregate of the basic weight, shown in the weight schedule referred to in regulation 36, and the weight of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight:

Provided that this subregulation shall not apply in relation to a flight if-

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

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

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

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

(c) the aircraft is a helicopter, and its authorised maximum total weight does not exceed 3,000 kilogrammes and its total seating capacity does not exceed five persons.

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

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in the

Thirteenth Schedule and shall, unless he is himself the commander of the aircraft, submit the load sheet for examination by the commander of the aircraft who shall, upon being satisfied that the aircraft is loaded in the manner required by subregulation (1), sign his name thereon:

Provided that the foregoing requirements of this regulation shall not apply if-

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

(b) subregulation (2) applies in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft as regulation 82 so requires until the flights to which it relates have been completed and one copy of that load sheet and of the instructions referred to in this regulation shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft:

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

(6) The operator of a Malaysian aircraft and flying for the purpose of the public transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured and, in the case of an aircraft capable of seating more than thirty passengers, such baggage shall not exceed the capacity of the space in the passenger compartment approved by the Director General for the purpose of stowing baggage unless carried in accordance with the terms of a written permission granted by the Director General and such permission may be granted subject to such conditions as the Director General thinks fit.

(7) The commander of the aircraft shall, if in his opinion it is necessary to do so in the interests of the safety of the aircraft, require any or all of the passengers and crew to be actually weighed for the purpose of the entry to be made in the load sheet.

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PART VII - OPERATION OF AIRCRAFT
Chapter 2 : Public Transport Aircraft

Regulation 51. Operating conditions of aircraft for public transport.

(1) A Malaysian aircraft shall not fly for the purpose of public transport except for the sole purpose of training persons to perform duties in the aircraft unless the relevant requirements as specified in the Thirteenth Schedule in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

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

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

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

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

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

(4) Without prejudice to subregulation (3), an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of Performance Group X shall not fly over water for the purpose of public transport so as to be more than sixty minutes flying time from the nearest suitable aerodrome, unless the aeroplane has more than two power units.

(5) For the purposes of subregulation (4), "flying time" shall be calculated at normal cruising speed with one power unit inoperative.

(6) Without prejudice to subregulation (3), a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of Performance Group B shall not fly over water for the purpose of public transport so as to be more than twenty seconds flying time from a point from which it can make an autorotative descent to land on a surface suitable for an emergency landing unless it is equipped with apparatus approved by the Director General enabling it to land safely on water but shall not so fly on any flight for more than three minutes except with the

permission in writing of the Director General and in accordance with any conditions subject to which that permission may have been given.

(7) For the purpose of subregulation (6). "flying time" shall be calculated on the assumption that the helicopter is flying in still air at the speed specified in the certificate of airworthiness in force in respect of the helicopter as the speed for compliance with the regulations governing flight over water.

(8) Without prejudice to subregulation (3), a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of Performance Group A2 shall not fly over water for the purpose of public transport for more than fifteen minutes during any flight unless it is equipped with apparatus approved by the Director General enabling it to land safely on water.

(9) Notwithstanding subregulation (1), a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of Performance Group A or Group A (Restricted) may fly for the purpose of public transport in accordance with the weight and related performance requirements prescribed for helicopter designated as being of-

(a) Performance Group A (Restricted) in the case of a helicopter designated as being of Performance Group A if-

(i) the authorised maximum total weight of the helicopter is less than 5,700 kilogrammes;
and

(ii) the total number of passengers carried on the helicopter does not exceed fifteen; or

(b) Performance Group B if-

(i) the authorised maximum total weight of the helicopter is less than 2,730 kilogrammes;
and

(ii) the total number of passengers carried on the helicopter does not exceed nine.

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PART VII - OPERATION OF AIRCRAFT
Chapter 3 : Aerodrome Operating Minima

Regulation 52. Aerodrome operating minima for Malaysian aircraft.

(1) The operator of every aircraft to which regulation 47 applies shall establish and include in the operations manual relating to the aircraft such particulars of aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome:

Provided that in relation to any flight wherein it is not practicable to include the information in the operations manual, the operator of the said aircraft shall, prior to the commencement of the flight cause to be furnished in writing to the commander of the aircraft such particulars of the aerodrome operating minima as are appropriate to every aerodrome of intended departure or landing and every alternate aerodrome and calculated in accordance with the specified method; and the operator shall cause a copy of the said particulars to be retained in a place outside the aircraft for a minimum period of three months.

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

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

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

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

(b) the composition of its crew;

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

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

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

such aids,

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

(5) An aircraft to which regulation 47 applies shall not commence a flight at a time when-

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

(b) according to the information available to the commander of the aircraft, it would not be able, without contravening subregulation (6), to land at the aerodrome of the intended destination at the estimated time of arrival there or at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(6) An aircraft to which regulation 47 applies when making a descent to an aerodrome shall not-

(a) descend below 1,000 feet above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing;

(b) continue an approach to landing at any aerodrome by flying below the relevant specified descent height; or

(c) descend below the relevant specified minimum descent height unless from that height the specified visual reference for landing is established and is maintained.

(7) If, according to the information available, an aircraft would as regards any flight be required by the Eleventh Schedule to be flown in accordance with its Part IV on the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select, prior to take-off, an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(8) In this regulation, "specified" means, in relation to the aerodrome operating minima, the particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or furnished in writing to the commander of the aircraft by the operator pursuant to the proviso to subregulation (1).

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PART VII - OPERATION OF AIRCRAFT
Chapter 3 : Aerodrome Operating Minima

Regulation 53. Aerodrome operating minima for aircraft not registered in Malaysia.

(1) A public transport aircraft registered in a State other than Malaysia shall not fly in or over Malaysia unless the operator thereof shall have furnished to the Director General such particulars as he may, from time to time, have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Malaysia for the purpose of limiting their use by the aircraft for take-off or landing, including any instruction given by the operator in relation to the aerodrome operating minima. The aircraft shall not fly in or over Malaysia unless the operator has made the amendments or additions to the aerodrome operating minima so specified and in accordance with any instruction given as the Director General may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.

(2) The aircraft shall not take-off or land at an aerodrome in Malaysia in contravention of the specified aerodrome operating minima or the specified instruction.

(3) Without prejudice to subregulation (2), a public transport aircraft registered in a State other than Malaysia, when making a descent to an aerodrome, shall not descend below 1,000 feet above the height of the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(4) Without prejudice to subregulation (2), a public transport aircraft registered in a State other than Malaysia, when making a descent to an aerodrome, shall not-

(a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum descent height,

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

(5) In this regulation, "specified" means, in relation to an aircraft, specified by the operator in, or ascertainable by reference to, the particulars furnished by the operator to the Director General pursuant to subregulation (1).

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Chapter 3 : Aerodrome Operating Minima

Regulation 54. Aerodrome operating minima for non-public transport aircraft.

- (1) This regulation shall apply to any aircraft which is not a public transport aircraft.
- (2) An aircraft to which this regulation applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend below 1,000 feet above the height of the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.
- (3) An aircraft to which this regulation applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not-

(a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or

(b) descend below the relevant specified minimum height,

unless in either case the specified visual reference for landing is established from such height and is maintained.

- (4) In this regulation, "specified" means, in relation to the aerodrome operating minima, such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating the aerodrome operating minima.

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PART VII - OPERATION OF AIRCRAFT
Chapter 4 : Conduct of Operations

Regulation 55. Pre-flight action by commander of aircraft.

The commander of a Malaysian aircraft shall satisfy himself before the aircraft takes off-

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

(b) either-

(i) that the equipment, including radio equipment required by or under these Regulations to be carried in the circumstances of the intended flight are carried and are in a fit condition for use; or

(ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator pursuant to regulation 34;

(c) that the aircraft is in every way fit for the intended flight, and that where certificates of maintenance review are required by subregulation 28(1) to be in force, they are in force and will not cease to be in force during the intended flight;

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

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

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

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

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

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Chapter 4 : Conduct of Operations

Regulation 56. Pilots to remain at controls.

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

(2) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety belt with or without one diagonal shoulder strap, or a safety harness shall be worn if it is required under regulation 32 to be provided.

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Regulation 57. Duties of commander.

(1) The commander of a Malaysian aircraft shall take all reasonable steps to ensure-

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts, with diagonal shoulder strap, where required to be carried, safety harness and, where required to be carried, oxygen equipment and life-jackets and all other devices required by or under these Regulations and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) in an emergency, that all passengers are instructed in the emergency action which they should take.

(2) In relation to flights for the purpose of the public transport of passengers by any Malaysian aircraft, the commander of the aircraft shall-

- (a) (i) if the aircraft is not a seaplane but is intended in the course of its flight to reach a point in more than thirty minutes flying time, while flying in still air at the speed specified in the relevant certificate or airworthiness as the speed for compliance with the regulations governing flights over water, from the nearest land, take all reasonable steps to ensure that before take-off, all passengers are given a demonstration of the method of use of the life jackets required by these Regulations for the use of passengers;
- (ii) the aircraft is not a seaplane but is required by regulation 39 to carry cabin attendants, take all reasonable steps to ensure that, before the aircraft takes off on a flight-
 - (aa) which is intended to proceed beyond gliding distance from land; or
 - (bb) on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination, it is reasonably possible that the aircraft would be forced to land onto water,

all passengers are given a demonstration of the method of use of the life jackets required by these Regulations for the use of passengers except that where the only requirement to give such a demonstration arises because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination;

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

(c) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that all persons carried in compliance with subregulation 39(6) are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;

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

(i) take all reasonable steps to ensure that all passengers of the age of two years and above are properly secured in their seats by safety belts, with diagonal shoulder straps, where required to be carried, or safety harness and that all passengers below the age of two years are properly secured by means of child restraint devices; and

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

(e) except in a case where a pressure greater than 700 millibars is maintained in all passengers and crew compartments throughout the flight, take all reasonable steps to ensure that-

(i) before the aircraft reaches level 100, the method of use of the oxygen provided in the aircraft in compliance with the requirements of regulation 32 is demonstrated to all passengers;

(ii) when flying above flight level 120, all passengers and cabin attendants are recommended to use oxygen; and

(iii) during any period when the aircraft is flying above flight level 130, all passengers and flight crew of the aircraft are to use the oxygen.

(3) The commander of any aircraft flying in or over Malaysia shall be directly responsible for, and is the final authority as to, the operation of that aircraft.

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Chapter 4 : Conduct of Operations

Regulation 58. Operation of radio in aircraft.

(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the State in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio equipment under that law or these Regulations.

(2) Whenever an aircraft is in flight in such circumstances that it is required by these Regulations to be equipped with radio communication equipment, a continuous radio watch shall be maintained by a member of the flight crew by listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate or aeronautical radio station, for use by that aircraft:

Provided that-

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

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

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

(ii) the station is notified, in the case of a station situated in another State, otherwise designated as transmitting a signal suitable for that purpose.

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

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

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

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

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

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

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Regulation 59. Minimum navigation performance.

(1) A Malaysian aircraft shall not fly in on airspace specified by the Director General for the purposes of this regulation unless-

- (a) it is equipped with navigation systems which enable it to maintain the prescribed navigation performance capability;
- (b) the navigation systems required by paragraph (a) are approved by the Director General and installed and maintained in a manner approved by the Director General;
- (c) the operating procedures for the navigation systems required by paragraph (a) are approved by the Director General; and
- (d) the equipment is operated in accordance with the approved procedures while the aircraft is flying in the said airspace.

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Regulation 60. Use of flight recording systems and preservation of records.

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

(2) The operator of the aeroplane shall, at all times, subject to regulation 86, preserve-

(a) the last twenty-five hours of recording made by any flight data recorder required by these Regulations to be carried in an aeroplane; and

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

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

(3) On any flight on which a flight data recorder or a cockpit voice recorder or a combined flight data recorder and cockpit voice recorder is required by paragraph 4 of the Fifth Schedule to be carried in a helicopter, it shall always be in use from time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of the helicopter shall at all times, subject to regulation 86, preserve-

(a) the last eight hours of recording made by any flight data recorder specified in item (i) or (ii) of Scale SS of paragraph 5 of the Fifth Schedule and required by these Regulation to be carried in the helicopter;

(b) in the case of a combined flight data recorder and cockpit voice recorder as specified in item (iii) of the Scale SS and required by these Regulations to be carried in a helicopter, either of the following:

(i) the last eight hours of recording; or

(ii) the last five hours of recording or the duration of the last flight, whichever is the

greater, together with an additional period of recording for either-

(aa) the period immediately preceding the last five hours of recording or the duration of the last flight, whichever is the greater; or

(bb) such period as the Director General may permit in any particular case or class of cases or generally.

(5) The additional recording retained pursuant to items (4)(b)(ii)(aa) and (bb) shall, together with the recording required to be retained pursuant to subparagraph (4)(b)(ii), share total a period of eight hours and shall be retained in accordance with the arrangements approved by the Director General.

(6) An approval granted by the Director General for the purpose of this regulation shall be in writing and may be subject to such conditions as the Director General thinks fit.

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PART VII - OPERATION OF AIRCRAFT
Chapter 5 : General Provisions

Regulation 61. Towing of gliders.

- (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the State in which that aircraft is registered includes an express provision that it may be used for that purpose.
- (2) The length of the combination of the towing aircraft, tow rope and glider in flight shall not exceed 150 metres.
- (3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off-
 - (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to the combination can be separated and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
 - (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take-off safely; and
 - (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.
- (4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

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Chapter 5 : General Provisions

Regulation 62. Towing, picking up and raising of person, animal or article.

- (1) Subject to this regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the laws of the State in which the aircraft is registered includes an express provision that it may be used for that purpose.
- (2) An aircraft shall not launch or pick up any tow rope, banner or similar article other than at an aerodrome.
- (3) An aircraft in flight shall not tow any article other than a glider, at night or when flight visibility is less than 1 nautical mile of 1.6 kilometres.
- (4) The length of the combination of the towing aircraft, tow rope, and article in tow shall not exceed 150 metres.
- (5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any person, animal or article is suspended from the helicopter.
- (6) No passenger shall be carried in a helicopter at any time when a person, animal or article is suspended therefrom, other than a passenger who has duties to perform in connection with the person, animal or article or a passenger who has been picked up or raised by means external to the helicopter or a passenger who, it is intended, is to be lowered to the surface by such means.
- (7) Nothing in this regulation shall-
 - (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes or any signal, apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;
 - (b) prohibit the picking up or raising of any person, animal; or article in an emergency or for the purpose of saving life;
 - (c) apply to any aircraft while it is flying in accordance with the "B Conditions" specified in the Second Schedule;
 - (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 61.

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Regulation 63. Dropping of animals or articles.

(1) An animal or article, whether or not attached to a parachute, shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger person or property on the surface.

(2) Except under and in accordance with the terms of an aerial application certificate granted under regulation 65, an animal or article, whether or not attached to a parachute, shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Malaysia:

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

- (a) the dropping of articles for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or these Regulations;
- (e) the dropping at an aerodrome of any tow rope, banner or similar article towed by the aircraft;
- (f) the dropping of articles for the purposes of public health or as a measure against weather condition, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director General and in accordance with any condition subject to which that permission may have been given; or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Director General and in accordance with any condition subject to which that permission may have been given.

(3) For the purposes of this regulation, "dropping" includes projecting and lowering.

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

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Regulation 64. Dropping of persons.

- (1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over Malaysia except under and in accordance with the terms of a written permission granted by the Director General under this regulation.
- (2) For the purpose of this regulation, "dropping" includes projecting and lowering.
- (3) Notwithstanding the grant of a permission under subregulation (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger any person or property on the surface.
- (4) An aircraft shall not be used for the purpose of dropping a person unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the State in which the aircraft is registered includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with the written permission granted by the Director General under these Regulations.
- (5) Every applicant for and every holder of a permission shall make available to the Director General, if requested to do so, a parachuting manual and shall make amendment or addition to the manual as the Director General may require. The holder of a permission shall make available to every employee or person who is engaged or may engage in parachuting activities conducted by him, the manual which shall contain all the information and instructions as may be necessary to enable such employee or person to perform his duties.
- (6) Nothing in this regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.
- (7) Nothing in this regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.
- (8) Nothing in this regulation shall prohibit the lowering of any person from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the State in which it is registered includes an express provision that it may be used for that purpose.

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Regulation 65. Issue of aerial application certificate.

- (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under subregulation (2).
- (2) The Director General may grant to any person applying therefor an aerial application certificate if he is satisfied that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in subregulation (1). The certificate may be granted subject to such conditions as the Director General thinks fit including, without prejudice to the generality of the foregoing provisions, conditions for ensuring that the aircraft and any article dropped from it do not endanger any person or property in the aircraft or elsewhere and shall, subject to regulation 87, remain in force for the period specified in the certificate.
- (3) Every applicant for and the holder of an aerial application certificate shall make available to the Director General upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual which shall contain all the information and instructions as may be necessary to enable the operating staff to perform his duties as such. The holder of a certificate shall make such amendments or additions to the manual as the Director General may require.
- (4) For the purposes of this regulation, "operating staff" has the meaning assigned to it in subregulation 47(5).

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Regulation 66. Carriage of weapon and munition of war.

(1) An aircraft shall not carry any munition of war unless-

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

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

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

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

(a) the weapon or munition of war-

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

(ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and

(iii) in the case of a firearm, is unloaded;

(b) particulars of the weapon or munition of war have been furnished before the flight commences; and

(c) without prejudice to subregulation (1), the operator consents to the carriage of such weapon or munition of war by the aircraft.

(4) Nothing in this regulation shall apply to any weapon or munition of war taken or carried on board an aircraft registered in a State other than Malaysia, if the weapon or munition of war may, as the case may be, under the law of the State in which the aircraft is registered, be lawfully taken or carried on

board for the purpose of ensuring the safety of the aircraft or of persons on board.

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

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Regulation 67. Carriage of dangerous goods.

(1) Subject to subregulation (2) to (8), the relevant provisions of Annex 18 and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (hereinafter referred to as "the Technical Instructions"), as amended from time to time, shall apply to the transport of dangerous goods in an aircraft to, from or through the territory under the jurisdiction of Malaysia or to their transport in an aircraft operated by the holder of an air operator's certificate issued in Malaysia, wherever the goods may be, except as provided in subregulation (10).

(2) Dangerous goods shall not be carried in an aircraft except as follows:

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

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

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

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

(3) Dangerous goods permitted by these Regulations to be carried in an aircraft shall not be loaded as cargo therein unless-

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

(b) the goods have been properly packed and the container in which they are packed are properly and clearly marked and labelled so as to indicate that danger to the person loading the goods in the aircraft.

(4) The operator of any aircraft shall-

(a) ensure that passengers are warned as to the type of goods that they are prohibited from transporting on board an aircraft as checked baggage or carry on articles;

(b) ensure that flight crew and other employees including his agents are provided with such information and training as will enable them to carry out their responsibilities with regard to the transport of dangerous goods;

(c) before the commencement of any training course relating to the transport of dangerous goods, submit to the Director General for approval the programme and syllabus of the training course; and

(d) as soon as practicable and before any flight begins, inform the commander of the aircraft in writing of the identity of any dangerous goods on board the aircraft, the danger to which they give rise and the weight or quantity of the goods.

(5) It shall be unlawful for any person to take or cause to be taken on board any aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or ought to know or suspect to be dangerous goods the carriage of which is prohibited by this regulation.

(6) The operator of an aircraft shall as soon as practicable notify the Director General of any dangerous goods accident or incident.

(7) Where any dangerous goods accident or incident occurs, the Director General shall cause an investigation to be made in the manner as he thinks necessary.

(8) For the purposes of any investigation under subregulation (7), any person authorised by the Director General to carry out the investigation may-

(a) require such persons, as he thinks necessary, to answer any question or furnish any information or produce any document, paper or article and retain any such document, paper or article until the completion of the investigation;

(b) have access to and examine any consignment of goods; and

(c) enter and inspect any place, the entry or inspection whereof appears to him to be necessary.

(9) For the purpose of this regulation-

"dangerous goods" means any articles or substances which are capable of posing a significant risk to health, safety or property when transported by air and which are included in the classes of dangerous goods specified in the Technical Instructions;

"dangerous goods accident" means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property;

"dangerous goods incident" means an occurrence, other than a dangerous goods accident, associated

with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence showing that the integrity of the packaging has not been maintained, and includes any occurrence, relating to the transport of dangerous goods, which seriously jeopardizes the aircraft or its occupants.

(10) This regulation does not apply to an aircraft flying in order to drop dangerous goods for the purposes of agriculture, horticulture or forestry and where the written permission of the Director General has been obtained.

(11) The provisions of this regulation shall be additional to and not in derogation of the provisions of regulation 66.

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Regulation 68. Method of carriage of persons.

No person shall be in or on any part of an aircraft in flight which is not a part designed for the accommodation of person and in particular, a person shall not be on the wings or undercarriage of an aircraft. No person shall be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight:

Provided that a person may have temporary access to-

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person or cargo therein; or
 - (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.
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Regulation 69. Exit and break-in markings

(1) This regulations shall apply to every Malaysian aircraft flying for the purpose of public transport.

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

Provided that-

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

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

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

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the words "Keluar" and "Exit" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words :Pintu Kecemasan" and "Emergency Exit" in capital letters.

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

(5) The markings of the exit shall be placed on or near the inside surface for the door or other closure of the exit and, if it can be opened from the outside of the aircraft, on or near the exterior surface.

(6) Every aircraft to which this regulation applies, being an aircraft of which the authorised maximum total weight exceeds 3,600 kilogrammes, shall be marked upon the exterior surface of its fuselage with

markings to show the areas (in the regulation referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

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

(8) The words "Pecahkan Ketika Kecemasan" and "Cut Here in Emergency" shall be marked across the centre of break-in area in capital letters.

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

(10) The markings required by this regulation shall-

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

(b) except in the case of the markings required by subregulations (9), be red colour and, in any case which the colour of the adjacent background is such as to render red markings of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible;

(c) in the case of markings required by subregulation (9), be of a colour clearly contrasting with the background on which they appears; and

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

(11) If one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, noting in this regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced:

Provided that-

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

(b) in accordance with arrangements so approved, the exit is fastened by locking or otherwise, the words "Keluar" and "Exit" or "Pintu Kecemasan" and "Emergency Exit" are covered and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words "Dilarang Keluar" and "No Exit" in red letters.

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Regulation 70. Imperilling safety of aircraft.

- (1) No person shall wilfully or negligently imperil the safety of an aircraft or any person on board, whether by interference with any member of the flight crew of the aircraft, or by tempering with the aircraft or its equipment or by disorderly conduct or by any other means.
- (2) Subject to subregulation (3), no passenger shall use any mobile phone or other electronic equipment or gadget other than an exempt equipment during flights on any Malaysian aircraft.
- (3) For the purpose of this regulations, "an exempt equipment" means any electronic equipment or gadget for use by, or the convenience of, any person carried in an aircraft.

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Regulation 71. Imperilling safety of any person or property.

No person shall wilfully or negligently cause or permit an aircraft to endanger any person or property.

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Regulation 72. Intoxication in aircraft

- (1) No person shall enter any aircraft when intoxicated or may be intoxicated aboard an aircraft.
 - (2) A person under the influence of drug to such an extent as to impair his senses shall not enter or be in any aircraft.
 - (3) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or drug.
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Regulation 73. Smoking in aircraft.

- (1) Notices indicating when smoking is prohibited shall be exhibited in every Malaysian aircraft so as to be visible from each passenger seat therein.
- (2) No person shall smoke in any compartment of a Malaysian aircraft at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.
- (3) Notwithstanding the aforesaid provisions, smoking of pipes, cigars, clove cigarettes or dangerous drugs as defined in section 2 of the Dangerous Drugs Act 1952 [Act 234] shall be prohibited at all times in every Malaysian aircraft.
- (4) The Minister may, at any time , by notice published in the *Gazette*, prohibit smoking on all or any Malaysian aircraft engaged in the carriage of passengers for hire or reward on a domestic or international flight.

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Regulation 74. Authority of commander of aircraft.

Every person in a Malaysian aircraft shall 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 therein, or the safety, efficiency or regularity of air navigation.

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Regulation 75. Stowaway.

No person shall secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

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Regulation 76. Carriage of live animals.

Except as may be otherwise authorized by the Director General, live animals shall only be carried aboard an aircraft in accordance with the IATA Live Animals Regulations as amended from time to time.

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Regulation 77. Exhibition of flying.

(1) No person shall act as the organiser of an exhibition of flying (in this regulation referred to as "the exhibition organiser") at an organised event which event the exhibition organiser reasonably believes is likely to be attended by more than 500 persons and which event consists wholly or partly of an exhibition of flying unless at the time at which such an exhibition of flying commences, the exhibition organiser has obtained the permission in writing of the Director General under subregulation (6) for that exhibition of flying and complies with any conditions therein specified:

Provided that the permission in writing of the Director General under subregulation (6) shall not be required for an exhibition of flying at an organised event if the exhibition organiser could not reasonably foresee seven days before the intended date of the event that it would be likely to be attended by more than 500 persons.

(2) The commander of an aircraft intending to participate in an exhibition of flying for which a permission is required by virtue of subregulation (1) shall take all reasonable steps to satisfy himself before he participates that-

(a) the exhibition organiser has been granted such permission;

(b) the flight can comply with any relevant conditions subject to which that permission may have been granted, and

(c) the pilot has been granted a display authorization appropriate to the intended flight.

(3) The commander of an aircraft participating in an exhibition of flying for which a permission required by a virtue of the subregulation (1) has been granted shall comply with any condition subject to which that permission may have been granted.

(4) No person shall act as pilot of an aircraft participating in an exhibition of flying for which a permission is required by virtue of subregulation (1) unless he holds a display authorization appropriate to the intended flight granted to him by the Director General and he complies with any conditions thereof.

(5) The exhibition organiser shall not permit any person to act as pilot of an aircraft which participates in an exhibition of flying for which a permission is required by virtue of subregulation (1) unless the person holds a display authorization appropriate to the intended flight granted by the Director General.

(6) The Director General shall grant to any person applying therefor a permission required by virtue of subregulation (1) if he is satisfied that the person is a fit and competent, having regard to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed exhibition of flying. The permission may be granted subject to such conditions, which may include condition in respect of military aircraft, as the Director General thinks fit and shall, subject to regulation 87, remain in force for the period specified in the permission

(7) The Director General shall, for the purposes of this regulation either unconditionally subject to such conditions as he thinks fit-

(a) grant a display authorization authorising the holder to act as pilot of an aircraft taking part in an exhibition of flying in respect of which a permission is required by virtue of subregulation (1) if he is satisfied that the applicant is a fit person to hold the authorization and is qualified by reason of his knowledge, experience, competence, skills, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo the examination or tests as the Director General may require of him; and

(b) authorize a person to conduct such examination or tests as he may specify.

(8) A display authorization granted in accordance with this regulation shall, subject to regulation 87, remain in force for the period indicated in the display authorisation, which period shall not exceed two years.

(9) Subregulation (1) shall not apply to an exhibition organiser at an organised event which takes place at an aerodrome occupied by the Ministry of Defence or by any visiting force or at any other premises occupied by or under the control of the Ministry of Defence.

(10) The exhibition organiser shall not permit any military aircraft to participate in an exhibition of flying for which a permission is required by virtue of subregulation (1) unless he complies with any conditions specified in military aircrafts subject to which such permission may have granted.

(11) Nothing in this regulation shall apply to an aircraft race or contest, or to an aircraft taking part in such a race or contest is held in association with an exhibition of flying.

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Regulation 78. Application and interpretation

(1) Regulations 79 and 80 shall apply in relation to any Malaysian aircraft which is engaged on a flight for the purpose of public transport or operated by an air transport undertaking:

Provided that the said regulations shall not apply in relation to flights made only for the purpose of instruction in flying given by or on behalf of flying clubs or flying school, or persons who are not concern with air transport undertakings.

(2) In this Part, unless the context otherwise requires-

"day" means a continuous period of twenty-four hours beginning at midnight Co-ordinated Universal Time;

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

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

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Regulation 79. Fatigue of crew- operator's responsibilities

(1) The operator of an aircraft to which this regulation applies shall not cause or permit that aircraft to make a flight unless-

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

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

(c) either -

(i) the scheme is incorporated in the operations manual as required by regulation 47; or

(ii) in any case where an operations manual is not required by regulation 47, the scheme is incorporated in a document, a copy of which has been made available to every person flying in that aircraft as a member of its crew; and

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

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

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

(a) all his flight time; and

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

(4) The record referred to in subregulation (3) shall, subject to regulation 86, be preserved the operator of the aircraft until a date twelve months after the flight referred to in that subregulation.

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Regulation 80. Fatigue of crew and responsibility of crew.

- (1) No person shall act as a member of the crew of an aircraft to which these Regulations apply if he knows or suspects that he is suffering from, or having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.
- (2) No person shall act as a member of the flight crew of an aircraft to which these Regulations apply unless he has ensured that the operator of the aircraft is aware of his flight times during the period of twenty -eight days preceding the flight.

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Regulation 81. Flight times and responsibility of flight crew

No person shall act as a member of the flight crew of Malaysian aircraft if at the beginning of the flight the aggregate of all his previous flight times-

- (a) during the period of twenty-eight consecutive days expiring at the end of the day on which the flight begins exceeds one hundred hours; or
- (b) during the period of twelve months expiring at the of previous month exceeds nine hundred hours;

Provided that this regulation shall not apply to a flight made-

- (i) in an aircraft of which the authorised total weight does not exceed 1,600 kilogrammes which is not flying for the purpose of public transport or aerial work: or
- (ii) in an aircraft not flying for the purpose of public transport nor operated undertaking, if at the time when the flight begins the aggregate of all the flight times of the aforesaid person since he was last medically examined and found to be fit by a person approved by the Director General for the purpose of the purpose of subregulation 41(9) does not exceed twenty-five hours.

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Regulation 82. Documents to be carried

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

(2) A Malaysian aircraft shall, when in flight, carry documents in accordance with the Tenth Schedule:

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

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Regulation 84. Production of documents and records

(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person-

- (a) the certificate of registration and certificate of airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as aircraft is required by regulation 82 to carry when in flight.

(2) The operator of a Malaysian aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to the person the following documents as may have been requested by the person, being documents which are required, by or under these Regulations, to be in force or to be carried, preserved or made available-

- (a) the documents referred to in the Tenth Schedule as Documents A, B, G;
- (b) the aircraft log-book, engine log-book and variable pitch propeller log-books required under these Regulations to be kept;
- (c) the weight schedule, if any, required to be preserved under regulation 36;
- (d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in the Tenth Schedule as Documents D,E,F and H;
- (e) any records of flight times, duty periods and rest periods which he is required by subregulation 79(3) to preserve, and such other documents and information in the possession or control of the operator as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (f) any such operations manual as are required to be made available under subregulation 47(2);
or
- (g) the records made by any flight data recorder required to be carried under these Regulations.

(3) The holder of a licence granted or rendered valid under these Regulations shall, within a

reasonable time after being requested to do so by an authorised person, cause to be produced to the person his licence including any certificate of validation. The requirements of his regulation shall be deemed to have been complied with, except in relation to a licence required by regulation 82 to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced within five days after the request has been made to an authorised person of the Department of Civil Aviation specified, at the time of the request, by the person to whom the request is made.

(4) Every person required by regulation 43 to keep a personal flying log-book shall cause it to be produced to an authorised person within a reasonable time after being requested to do so by him within two years after the date of the last entry therein.

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Regulation 85. Power to inspect and copy document or record.

An authorised person shall have the power to inspect and copy any certificate, licence, log-book, document or record which he has the power to request them to be produced to him pursuant to these Regulations.

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Regulation 86. Preservation of Documents, etc.

A person required by these Regulations preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative:

Provided that if-

(a) another person becomes the operator of the aircraft, he or his personal representative shall deliver to that person upon demand the certificates of maintenance review and release to service, the log-book and the weight schedule and any record made by a flight data recorder and preserved in accordance with subregulation 60(2) which are in force or required to be preserved in respect of that aircraft;

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

(c) any person in respect of whom a record has been kept by him in accordance with subregulation 79(4) becomes a member of flight crew of a Malaysian aircraft flying for the purpose of public transport and the aircraft is registered and operated by another person he or his personal representative shall deliver those records to that other person upon demand,

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

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Regulation 87. Revocation, suspension and variation of certificate, licence and other documents

- (1) Subject to subregulation (4), the Director General may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation, permit or other documents issued, granted or having effect under these Regulations, pending inquiry into or consideration of the case. The Director General may, on sufficient grounds being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation, permit or other documents.
- (2) The holder of any person having the possession of custody of any certificate, licence, approval, permission, exemption, authorisation, permit or other document which has been revoked, suspended or varied under these Regulations shall surrender it the Director General within a reasonable time after being required to do so by him.
- (3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption, authorisation, permit or other documents, other than a licence issued in respect of an aerodrome has been granted or issued, or which has effect under these Regulations shall, in the absence of provisions to the contrary in the document, render the document invalid during the continuance of the breach.
- (4) Notwithstanding this regulation under Part IV shall have effect in relation to licences and permits to which that Part applies.
- (5) Notwithstanding subregulation (1), a flight manual, performance schedule or other documents incorporated by reference in the certificate of airworthiness may be varied on sufficient grounds being shown to the satisfaction of the Director General, whether or not after due inquiry.

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Regulation 88. Offences in relation to documents and records.

(1) A person shall not with intent to deceive -

(a) use any certificate, licence, approval, permission, exemption, authorisation, permit or other documents issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled;

(b) lend any certificate, licence, approval, permission, exemption, authorisation, permit or other document issued or required by or under these Regulations to, or allow it to be used by, any other person; or

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

(2) In this regulation, a reference to a certificate, licence, approval, permission, exemption, authorisation, permit or other documents shall include the copy or purported copy thereof.

(3) A person shall not wilfully mutilate, alter or render illegible any log-book or other record required of these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log-book or record or destroy any such log-book or record during the period for which it is required under these Regulations to be preserved.

(4) All entries made in writing in any log-book and record referred to in subregulation (3) shall be in ink or indelible pencil.

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

(6) A person shall not support to issue any certificate for the purpose of these Regulations or any requirements notified thereunder unless he is authorised to do so under these Regulations.

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

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PART X- CONTROL OF AIR TRAFFIC

Regulation 89. Rules of the Air and Air Traffic Control.

- (1) Every person and aircraft shall comply with the Rules of the Air contained in the Eleventh Schedule in so far as may be applicable to that person on aircraft.
- (2) Subject to subregulation (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air and Air Traffic Control.
- (3) A departure from the Rules of the Air and Air Traffic Control shall, to the extent necessary, be permissible for the purpose of-
 - (a) avoiding any immediate danger; or
 - (b) complying with the law of any State within which the aircraft then is.
- (4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the commander of the aircraft shall cause written particular of departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the State responsible for the provision of air traffic services in the airspace in which the said departure was made or if the departure over the high seas, to the Director General.
- (5) Nothing in the Rule of the Air and Traffic Control shall exonerate any person from the consequence of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.
- (6) The Director General may for the purpose of promoting the safety of the aircraft give directions as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of the aircraft which the Director General may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such directions.

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Regulation 90. Power to prohibit or restrict flying

(1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying by reason of

- (a) any intended gathering or movement of large number of persons on the ground within the area;
- (b) any intended holding of an aircraft race or contest or of an exhibition of flying; or
- (c) national defence or any other reason affecting the public interest,

the Minister may by an order published in the *Gazette*, prohibit, restrict or impose conditions on flight -

- (i) by any aircraft, whether or not registered in Malaysia, in any airspace over Malaysia or in the neighborhood of an off-shore installation; and
- (ii) by a Malaysian aircraft, in any other airspace, being airspace in respect of which Government of Malaysia has, in pursuance of international arrangements, undertaken to provide navigation services for the aircraft.

(2) The requirements made under this regulation may apply either generally or in relation to any class of aircraft.

(3) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any requirement which has been made for any of the reasons referred to in paragraph (1) (i), he shall, unless otherwise instructed pursuant to subregulation (4), cause the aircraft to leave the area specified by the requirement by flying to the least possible extent over such area and the aircraft shall not begin to descend while over the sea.

(4) The commander of an aircraft flying either within an area for which requirements have been made for any of the reasons referred to in paragraph (1)(i) or within an airspace notified as a restricted, prohibited or danger area, shall forthwith comply with instructions given by radio or one of the prescribed visual signals in accordance with paragraph 51 of the Eleventh Schedule by the appropriate air traffic control unit or, by or on behalf of, the person responsible for safety within the relevant airspace.

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Regulation 91. Balloons, kites, airships, gliders and parascending parachutes.

(1) Within Malaysia -

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

(b) a captive balloon or kite shall not be flown within five kilometres of an aerodrome boundary;

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

(d) an airship shall not be moored; and

(e) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than sixty metres above ground level,

without the permission in writing of the Director General and in accordance with any conditions attached to such permission.

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

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Regulation 92. Licensing of air traffic controller and trainee air traffic controller

(1) The Director General shall grant a licence, subject to such conditions as he thinks fit, to any person to act as an air traffic controller or as a trainee air traffic controller upon him being satisfied that the applicant is a fit person to hold the licence and is qualified by reasons of his knowledge, experience, competence, skill, physical and mental fitness so to act. For the purpose of this subregulation, the applicant shall furnish such evidence and undergo such examination and test, including medical examination, as the Director General may require:

Provided that the Director General shall not grant-

- (a) a trainee air traffic controller's licence to any person under the age of 18 years; or
- (b) an air traffic controller's licence which includes an aerodrome control rating, an approach control rating, whether radar or non-radar, or an area control rating, whether radar or non-radar, to any person under the age of 20 years; or
- (c) an air traffic controller's licence which includes any other rating, to any person under the age of 21 years.

(2) Every licence to act as an air traffic controller shall -

- (a) include ratings of one or more of the classes specified in regulation 95 specifying the type of air traffic control service which the holder of the licence is competent to provide;
- (b) include a list of the places at which he may provide the service; and
- (c) specify the type of radar equipment, if any, to be provided by him for the purpose of providing the service.

(3) If throughout any period of 180 days, the holder of an air traffic controller licence has not at any time provided at a particular place the type of air traffic control service specified in the licence, the rating shall, without prejudice to the powers of the Director General under regulation 87, cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place, the holder of the licence shall forthwith inform the Director General to that effect and shall forward the licence to the Director General to enable him to make the necessary endorsement thereon.

- (4) Every licence to act as a trainee air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and who is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic controller and valid at the place in question.
- (5) A licence to act as an air traffic controller or as a trainee air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.
- (6) Subject to regulation 87, a licence to act as an air traffic controller or as a trainee air traffic controller shall remain in force for the period indicated in the licence and may be renewed by the applicant is a fit person and is qualified as aforesaid. If no period is indicated in the licence, it shall remain in force subject as aforesaid to the life-time of the holder.
- (7) Every applicant for and holder of an air traffic controller's licence or a trainee air traffic controller's licence shall upon such occasion as the Director General may require-
- (a) submit himself to medical examination by a person approved by the Director General either generally or in a particular case who shall make a report to the Director General in the form as the Director General may specify; and
 - (b) submit himself to the examination and test , and furnish the evidence as to his knowledge, experience, competence, and skill, as the Director General may require and the examination and test may be conducted by the Director General.
- (8) On the basis of the medical examination referred to in subregulation (7), the Director General or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates. The certificate shall, without prejudice to regulation 94, be valid for such period as is therein specified and shall be deemed to form part of the licence.
- (9) The holder of an air traffic controller's licence or a trainee air traffic controller's licence shall not provide any type of air traffic control service at any aerodrome or place referred to in regulation 93 unless his licence includes a medical certificate issued and force under subregulation (8).
- (10) Where a rating included in an air traffic controller's licence ceases to be valid under subregulation (3), the Director General may, on an application made by the holder of the licence, validate the rating subject to the holder undergoing the examination or test, including medical examination, as the Director General may require for that purpose.
- (11) The Director General may, on an application made by a holder of an air traffic controller's licence, add or vary the list of places at which the holder may provide the type of air traffic service specified in the licence.

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Regulation 93. Prohibition on unlicensed air traffic controllers and trainee air traffic controllers.

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

(a) a valid trainee air traffic controller's licence granted under these Regulations and he is supervised in accordance with subregulation 94(4);

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

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

(2) The holder of an air traffic controller's licence shall not be entitled to perform any of the functions specified in regulation 95 in respect of a rating at any place unless -

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

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

(3) A person shall not provide any type of air traffic control service unless he has identified himself in such a manner as may be notified.

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

(5) Nothing in this regulation shall prohibit the holder of a valid air traffic controller's licence from operating a two-way air-ground and ground -air radio communication set at any place for which the

licence includes a valid rating.

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Regulation 94. Incapacity of air traffic controller.

(1) Every holder of an air traffic controller's licence granted under regulation 92 who -

(a) suffers any personal injury or illness involving incapacity to undertake the functions to which relates throughout a period of not exceeding 90 consecutive days; or

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

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

(2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of the period of injury or illness referred to paragraph (1)(a) and the suspension of the licence shall cease-

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

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

(3) Upon the pregnancy of the holder of an aircraft controller's licence being confirmed, the licence shall be deemed to be suspended and the suspension may be lifted by the Director General subject to such conditions as he thinks fit, and shall cease upon the Director General after the pregnancy has ended and pronounced fit to resume her functions under the licence.

(4) A person shall not, when exercising the privileges of an air traffic controller's licence, be under the influence of drink or drug to such an extent as to impair his capacity to exercise such privileges.

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Regulation 95. Ratings of air traffic controller

(1) The holder of a licence which includes ratings of two or more of the classes specified in subregulation (2) shall at any one time perform the functions specified in respect of more than one of those ratings:

Provided that the functions of any one of the following groups of ratings may be exercised at the same time:

(a) the aerodrome control rating and the approach control (non-radar);

(b) the approach control (non-radar) and the approach control (radar) except that the functions of the approach control (non-radar) shall not be exercised at the same time as the functions of the approach control (radar) if the service being provided under the latter is a surveillance radar approach terminating at a point less than 2 nautical miles from touch-down on the runway; or

(c) the area control (non-radar) and the area control (radar).

(2) Ratings of the following classes may be included in an air traffic controller's licence or a trainee air traffic controller's licence granted under regulation 92 and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

(a) an Aerodrome Control Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to radar equipment for which a radar control rating is required under this subregulation, for any aircraft on the maneuvering area or apron of that aerodrome or which is flying into, or in the vicinity of the aerodrome traffic zone by visual reference to the surface;

(b) an Approach Control (Non-Radar) rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service, but not with any type of radar equipment or which a radar control rating is required under this paragraph, for any aircraft which is flying in, or in the vicinity of the aerodrome control zone, whether or not it is flying by visual reference to the surface;

(c) an Approach Radar Control Rating shall entitle the holder of the licence, at any aerodrome for which the validation is valid, to provide air traffic control service with the aid of any type of surveillance radar equipment for which the rating is valid for any aircraft which is flying within 40 nautical miles of the control zone or terminal control area whether or no it is flying by visual

reference to the surface;

(d) a Precision Approach Control (Radar) Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide air traffic control service with the aid of any type of precision approach radar equipment for which the rating is valid;

(e) an Area Control (Non-Radar) Rating shall entitle the holder of the licence, at any aerodrome for which the rating is valid, to provide an air traffic control service without the aid of any surveillance radar equipment; and

(f) an Area Control (Radar) Rating shall entitle the holder of the licence, at any place for which the rating is valid, to provide air traffic control service with the aid of any type of surveillance equipment for which the rating is valid.

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PART XI- AERODROMES, AERONAUTICAL LIGHTS AND RADIO STATIONS

Regulation 96. Interpretation.

In this Part, unless the context otherwise requires -

"apron" means a defined area, on a land aerodrome, intended to accommodate aircraft for purpose loading and unloading passengers, mail or cargo, fueling, parking or maintenance;

"aviation fuel" means fuel intended for use in an aircraft;

"aviation fuel installation" means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft;

"Chief of Security" means the person appointed by the licensed company as chief officer-in-charge of the security of the aerodrome and includes any person duly authorised by the Chief of Security to act on his behalf;

"driver" -

(a) in relation to a trailer, includes the driver of a vehicle by which the trailer is drawn;

(b) where a separate person acts as the steersman of a vehicle, includes that person as well as any other person engaged in the driving of a vehicle; and

(c) includes the rider of a bicycle and any person propelling a tricycle or pushing or pulling a cart;

"fuelling" encompasses refuelling and defuelling;

"movement area" means the part of an aerodrome which is used for embarkation of passengers, the loading and unloading of cargo, the maintenance and parking of an aircraft and includes the maneuvering area;

"park" means to bring a vehicle to a stationary position and cause it to wait for any purpose other than that of immediately taking up setting down persons, goods or luggage;

"permit" or "pass" means a document issued to a person employed on an aerodrome or who otherwise has need for authorised access to a prohibited area thereof, for purposes identification and facilitating access, and includes an airfield vehicle permit and an airfield driving permit issued under regulations 105 and 114 respectively;

"prohibited area" means that area of an aerodrome operated by a licensed company where no person is permitted to enter or to remain unless he is in possession of an airport pass;

"protected area" means an aoreodrome or any part thereof declared as such under the Protected Areas and Protected Places Act 1959 [Act. 298.]

"traffic signs" includes all signals, warning signs, posts, direction post, signs, lines, lamps or other devices for the guidance or direction of person using the movement area;

"vehicle" means any vehicle, whether mechanically-propelled or not, and includes a bicycle, trailer and any mobile equipment.

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PART XI- AERODROMES, AERONAUTICAL LIGHTS AND RADIO STATIONS
Chapter 1: Aerodromes

Regulation 97. Aerodromes for public transport of passengers and instruction in flying.

(1) An aircraft to which this regulation applies shall not take-off or land at a place in Malaysia other than -

(a) an aerodrome licensed under these Regulations for the take-off and of such aircraft; or

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

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

(2) Subregulation (1) shall apply to -

(a) aeroplanes of which the authorise maximum total weight exceeds 2,730 kilogrammes and which are flying-

(i) for the purpose of the public transport of passengers;

(ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or

(iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;

(b) aeroplanes of which the authorise maximum total weight does not exceed 2,730 kilogrammes engaged on either -

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

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

(iii) flights for the purpose of -

(aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating in a licence;

(bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence; or

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

(c) helicopters and gyroplanes engaged on such flights as are specified in subparagraph (b)(i) and (iii); and

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

(3) The person in charge of any area in Malaysia intended to be used for the taking off or landing of helicopters at night other than at such a place as is specified in subregulation (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter -

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

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

(4) A helicopter flying for the purpose of the public transport of passengers at night shall not take-off or land at a place to which subregulation (3) applies unless there is in operation such lightning.

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PART XI- AERODROMES, AERONAUTICAL LIGHTS AND RADIO STATIONS
Chapter 1: Aerodromes

Regulation 98. Use of Government aerodromes.

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

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Chapter 1: Aerodromes

Regulation 99. Licensing of aerodromes.

- (1) An application for the grant of a licence to establish, maintain and operate an aerodrome under section 5A of the Act shall be made to the Minister in writing, and shall contain, or be accompanied by, such information as may be specified by the Director General.
- (2) Upon receiving an application and under subregulation (1) , the Minister may -
- (a) approve the application and issue a licence to the applicant on payment of such fees as he thinks fit; or
 - (b) refuse the application.
- (3) Every licence issued under subregulation (2) shall specify -
- (a) whether the aerodrome licensed thereunder may be used -
 - (i) for the take-off and landing of aircrafts engaged on flight for the purpose of public transport; or
 - (ii) by a particular person or classes of persons only;
 - (b) whether the aerodrome may be used by -
 - (i) aircrafts of all classes and descriptions; or
 - (ii) a particular aircraft or class or description of aircrafts;
 - (c) the annual fee payable by the licensee;
 - (d) the particular duties of licensee in respect of the operation and maintenance of the aerodrome; and
 - (e) such other matters or conditions as Minister shall consider necessary in the public interest including a condition that the aerodrome shall at all time when it is available for take-off or landing or the aircrafts on equal terms and conditions, and any licence issued under this regulation, subject to such condition, shall be known as licence for public use.

(4) An application for the renewal of a licence issued under suregulation (2) shall be made in writing to the Minister and the applicant shall furnish such particulars and information as may be specified by the Director General.

(5) A licence granted by the Minister in respect of an aerodrome shall, subject to the provisions of regulation 87, remain in force for the period as may be specified in the licence.

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

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

(8) All military aircraft belongings to or employed in the service of the Government shall, subject to the conditions of the licence, have at all reasonable times the right of access to any licensed aerodrome.

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Regulation 100. Charges at Government aerodrome and at aerodrome licensed for public use.

(1) The Director General may, in relation to any Government aerodrome notified in pursuance of regulation 98, or in relation to any aerodrome in respect which a licence for public use has been granted, or to such aerodromes generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the aerodrome to or in connection with aircraft, and may further prescribe the conditions to be observed in relation to those charges and the performance of those services.

(2) The licensee of an aerodrome in relation to which the Director General has prescribed any charges or conditions under subregulation (1) shall not cause or permit any charges to be made in contravention of the prescribed charges, and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such place and manner as to be readily available for the information of any person affected thereby.

(3) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by Director General, furnish to him such particulars he may require of the charges established by the licence for use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity or air navigation.

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Regulation 101. Use of aerodomes by aircraft of Contracting States.

The person in charge of any aerodrome in Malaysia which is open to public use by any Malaysian aircraft, whether or not the aerodrome is a licensed aerodrome, shall cause the aerodrome and all air navigation facilities provided thereat, to be available for use by any aircraft registered in other Contracting States on the same terms and conditions as these for use by any Malaysian aircraft.

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Regulation 102. Aircraft noise.

(1) An aircraft shall not land or take-off in Malaysian unless -

(a) there is in force in respect of that aircraft a noise certificate which is -

(i) deemed to be used by the Director General under subregulation (2)

(ii) issued or validated by the competent authority of the State in which the aircraft is registered, being a State which applies standards which in the opinion of the Director General are substantially equivalent to these in Annex 16; or

(iii) issued or validated in pursuance of Annex 16 by the competent authority of the state in which the aircraft is registered; and

(b) all conditions subject to which certificate was issued are complied with.

(2) Where the manufacturer of an aircraft that engages in air navigation has included in the flight manual for the aircraft a statement to the effect the aircraft -

(a) conforms with the relevant standards in respect of noise contained in Annex 16; or

(b) complies with the requirements of a Contracting State relating to the control of aircraft noise, the requirements of which in the opinion of the Director General are substantially equivalent to those in Annex 16,

they shall be deemed to have been issued under subregulation (1) a noise certificate in relation to that aircraft.

(3) Subregulations (1) and (2) shall apply to every aircraft landing or taking off in Malaysia except an aircraft flying in accordance with "A Conditions " or "B Conditions" set out in the Second Schedule.

(4) Noise and vibration may be caused by an aircraft, including a military aircraft, on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacturer, repair or maintenance of an aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, under the following conditions, that is to say, that whether the course of the manufacturer of the aircraft of otherwise-

(a) the aircraft is taking off or landing;

(b) the aircraft is moving on the ground or water; or

(c) the engines are being operated in the aircraft -

(i) for the purpose of ensuring their satisfactory performance;

(ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or

(iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in satisfactory condition:

Provided that any such noise or vibration does not exceed the levels specified in Annex 16.

(5) Subject to proof of compliance with the conditions specified in Annex 16, a noise certificate may be issued to an aeroplane registered in Malaysia on application to the Director General by the operator concerned.

(6) The Director General may exempt, either absolutely or subject to such conditions as he thinks fit, any aircraft or person from this regulation.

(7) For the purpose of this regulation, "noise certificate" means a certificate issued or validated or other document approved by the competent authority of a State to the effect that the aircraft, to which the certificate or other document relates, complies with the applicable noise certification requirements in force in that state.

(8) Subsection 20(2) of the Act shall apply to the aerodromes specified in subregulation (4).

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Regulation 103. Aviation fuel at aerodromes.

(1) A person who has the management of any aviation fuel installation on an aerodrome in Malaysia shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless -

(a) when the aviation fuel is delivered into the installation he is satisfied that-

(i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in the aircraft;

(ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different parts, each part of the installation is so marked; and

(iii) in the case of delivered into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation, as the case may be, and is fit for use in the aircraft; and

(b) when any aviation fuel is dispensed from the installation, he is satisfied as the result of sampling that the fuel is fit for use in the aircraft:

Provided as that this subregulation shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(2) A person to whom subregulation (1) applies shall keep a written record in respect of each installation of which he has the management and the particular to be recorded shall include -

(a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;

(b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and

(c) particulars of the maintenance and cleaning of the installation, and he shall preserve the written record for a period of twelve months or such longer period as the Director General may in a particular case direct and shall, within a reasonable time after being requested to do so by the Director General, produce such record to him.

(3) No person shall cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in the aircraft.

(4) If it appears to the Director General that any aviation fuel is intended or likely to be delivered in contravention of this regulation, the Director General may direct the persons having the management of installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by him.

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Regulation 104. Fuelling of aircraft.

All aircrafts landing in any part of Malaysia shall comply with safe fuelling procedures in accordance with the guidance on aircraft fuelling practices as contained in ICAO provisions in the Airport Services Manual as amended from time to time subject to any modifications made thereto by the Director General.

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Regulation 105. Airfield vehicle permit in the movement area.

- (1) Except as otherwise provided in these Regulations, no person shall use or cause or permit to be used a vehicle in the movement area unless there is in force in respect of such vehicle an airfield vehicle permit issued under this regulation.
- (2) An application for an air field vehicle permit in respect of any vehicle shall be made to the Chief of Security.
- (3) The Chief of Security may issue an airfield vehicle permit for any vehicle if he is satisfied that -
 - (a) in the case of a vehicle which is to be used within fifteen metres of an aircraft, the vehicle complies with the provisions of Part A and B of the Fifteenth Schedule; and
 - (b) in the case of any other vehicle, the vehicle complies with the provisions of Part B of the same Schedule.
- (4) The Chief of Security may impose such conditions as he thinks fit in any airfield vehicle permit.
- (5) The holder of an airfield vehicle permit shall comply with all the conditions as may be contained in the permit.
- (6) An airfield vehicle permit shall be in such form as the Chief of Security may direct and shall be in force for a period of one year.
- (7) The fee payable for an airfield vehicle permit shall be in accordance with the rates prescribed in the Twelfth Schedule and shall be paid first.
- (8) The Chief of Security may allow a refund of a proportionate amounts of the fee paid in respect of any period of not less than three months if it is proved to his satisfaction that the vehicle has not been or will not be used in the movement area during that period.
- (9) The Chief of Security may at any time cancel any airfield vehicle permit without assigning any reason therefor.
- (10) Where an airfield vehicle permit has been cancelled under subregulation (9), the holder thereof shall surrender the permit forthwith and he shall be entitled to claim a refund of the fee paid for the unexpired period of the permit.

(11) Subregulation (1) shall not apply to -

(a) any vehicle in respect of which a temporary entry permit has been issued by the Chief of Security under subregulation (12) for the vehicle to enter the movement area; or

(b) any vehicle which enters the movement area to attend to an emergency.

(12) A temporary entry permit may be issued by the Chief of Security for any vehicle to enter the movement area to set down personnel, deliver heavy equipment or for other approved purposes.

(13) A temporary entry permit may be issued subject to such conditions as the Chief of Security may think fit to impose in any particular case.

(14) Every vehicle which enters the movements area pursuant to a temporary entry permit issued under subregulation (12) shall -

(a) be accompanied by the holder of an airfield driving permit who shall act as steersman of the vehicle;

(b) display a regulation-type chequered flag at its highest point;

(c) not enter any aircraft hangar;

(d) not be parked or driven within fifteen metres of an aircraft without a fire service escort; and

(f) comply with such other conditions as may be imposed by the Chief of Security.

(15) Any person who, being a driver of a vehicle issued with a temporary entry permit under subregulation (12), acts in contravention of subregulation (14) shall be guilty of an offence.

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Regulation 106. Airfield driving permit in the movement area.

- (1) Except as otherwise provided in these Regulations, no person shall drive a vehicle of any description in the movement area unless he holds a valid airfield driving permit authorizing him to drive a vehicle of that description and no person shall employ or permit another person to drive a vehicle in a movement area unless the person employed or permitted to drive is the holder of such a permit.
- (2) A person who desires to obtain an airfield driving permit shall submit an application in the form specified by the Chief of Security and shall furnish such particulars as the Director General may direct.
- (3) The Chief of Security shall cause a test to be conducted before granting an airfield driving permit.
- (4) The Chief of Security may, upon being satisfied that the applicant is competent to drive a vehicle of the description in respect of which of the airfield driving permit is issued, and that the applicant has a good knowledge of the provisions of this Part, issue an airfield driving permit to the applicant.
- (5) The Chief of Security may impose such conditions as he thinks fit in any airfield driving permit.
- (6) The holder of an airfield driving permit shall comply with all the conditions as may be contained in the permit.
- (7) An airfield driving permit may authorise the holder thereof to drive vehicles of all descriptions or may at the discretion of the Chief of Security be restricted to vehicles of one or more particular descriptions.
- (8) An airfield driving permit shall be in force for a period of one year.
- (9) The fee payable for an airfield driving permit shall be as prescribed in the Twelfth Schedule .
- (10) The Chief of Security may at any time cancel any airfield driving permit without assigning any reason therefor.
- (11) Where an airfield driving permit has been cancelled under subparagraph (10), the holder thereof shall, upon being notified by the Chief of Security of the cancellation, surrender the permit forthwith.
- (11) Where a person was issued with an airfield driving permit for the purpose of driving a vehicle in the movement area in the course of the business of his employer, he shall surrender his permit forthwith on the termination of his employment with his employer .

(12) Subregulation (1) shall not apply to any person who drives a vehicle in the movement area when there is in force in respect of the vehicle a temporary entry permit issued under paragraph 105(11)(a).

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Regulation 107. Use of the movement area.

- (1) No person shall drive a vehicle on the movement area at a speed exceeding twenty-five kilometres or fifteen miles per hour.
- (2) The driver of every vehicle in the movement area shall comply with any direction or verbal instruction given by any authorised officer who is for the time being engaged in the regulation of traffic in the movement area.
- (3) Every vehicle in the movement area shall give way to an aircraft at all times and shall give maximum clearance to the aircraft.
- (4) The person in charge of a vehicle shall not leave the vehicle unattended in the movement area and in the event of a breakdown he shall attract attention to his plight.
- (5) The driver of a vehicle who desires to proceed to any part of the movement area other than apron shall obtain prior clearance from the Duty Tower Controller before proceeding to his destination.
- (6) Every vehicle which is at the point of entering the maneuvering area shall stop at the point of entry to the manoeuvring area and the driver thereof shall first ascertain that there is aircraft movement before proceeding into the manoeuvring area.
- (7) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction in the movement area.
- (8) No person shall park a vehicle in or near manoeuvring area or on a route of communication on the apron.
- (9) The driver of every vehicle in the movement area shall cause his vehicle to slow down when it is approaching an aircraft which is setting down or taking up passengers.
- (10) The driver of every vehicle in the movement area shall allow free and uninterrupted passage to every aircraft passenger who is in the movement area and every such aircraft passenger shall have precedence over all vehicular traffic.
- (11) The driver of a vehicle in the movement area which is approaching an aircraft shall cause the vehicle to approach the aircraft at an angle and shall keep to the right side of the aircraft in order to avoid a collision in the event of any malfunctioning of the brakes of his vehicle.

- (12) No driver of any vehicle in the movement area shall start the vehicle when it is in the vicinity of an aircraft which is being refuelled.
- (13) The driver of the vehicle in the movement area shall not cause the vehicle to draw up or stop under the wing, tail or fuselage of an aircraft except when the vehicle is used for the purpose of servicing the aircraft of the vehicle is directed to do so by a marshaller.
- (14) No vehicle shall approach an aircraft which has its engines running.
- (15) Every vehicle in the movement area shall keep at a distance of five metres away from an aircraft.
- (16) No person shall drive a vehicle in the movement area between an aircraft and a kerb of the apron when the aircraft is parked at a bay adjacent to the kerb in such a position that no free way is available for the unrestricted movement of the vehicle.
- (17) The driver of every vehicle proceeding along the runway or taxiway shall, as far as practicable, keep the vehicle to the right side of the runway or taxiway.
- (18) Red lights placed in a sector of the apron indicate that the sector is closed to all vehicular and pedestrian traffic and any vehicle or pedestrian crossing the sector shall move immediately along the side of the sector in order to give way to the aircraft.
- (19) A vehicle which is not equipped with a two-way radio communication system is not normally permitted on the runway or taxiway, but in the event of such vehicle being expressly allowed by the Duty Tower Controller in any of these areas, the movement of the vehicle will be controlled at all times by the use of the following light signals:
- (a) a steady green light directed at the vehicle on or approaching the runway or taxiway shall authorize movement on the runway or taxiway;
 - (b) a steady red light directed at the vehicle on or approaching the runway or taxiway shall indicate that any movement on the runway or taxiway is temporarily prohibited and the vehicle shall stop immediately;
 - (c) an intermittent red light indicates that the vehicle must drive clear of the runway or taxiway immediately and keep a watch-out for any aircraft;
 - (d) an intermittent green light indicates that the vehicle which has been ordered to stay clear of the runway or taxiway may return to the runway or taxiway or is cleared to cross the landing area; and
 - (e) an intermittent white light indicates that the vehicle shall vacate the manoeuvring area and return at once to its starting point.
- (20) No person shall cross the movement area by moving in front of the path of a taxiing aircraft.
- (21) Every person, other than a member of a maintenance staff working on an aircraft, shall keep clear

of the aircraft's engines and shall not pass within eight metres from the air intake or within forty-six metres from the rear of a running jet engine.

(22) Any visitors who desires to proceed onto the apron shall obtain prior clearance from the Duty Tower Controller.

(23) Any visitor who desires to proceed onto the runway or taxiway shall obtain prior clearance from the Duty Tower Controller..

(24) The person in charge of any ramp or vehicle shall remove the ramp or vehicle from the parking bay immediately after an aircraft has taxied away.

(25) No person shall leave any refuse or litter on the apron.

(26) Every person who is engaged in the work of servicing an aircraft shall inspect the parking bay immediately after the aircraft has been serviced to ensure that objects such as nuts, bolts and split pins are not left lying about.

(27) No person shall leave or deposit any matter or thing on an aircraft.

(28) No person shall smoke on the apron or in the hangars.

(29) No passenger shall proceed onto the apron without being escorted by a representative of an airline.

(30) No person, other than the driver of a vehicle, shall travel in any vehicle in the movement area unless he is seated in a passenger seat provided in the vehicle or is standing in a section of the vehicle which has been constructed for standing passengers. This subregulation shall not apply to baggage trolleys.

(31) No vehicle shall be towed by another vehicle in the movement area unless a suitable tow bar is used for that purpose.

(32) The owner of every vehicle used in the movement area shall ensure that the vehicle is maintained in good working condition.

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Regulation 108. Traffic signs.

- (1) The Chief of Security may cause or permit traffic signs to be placed or erected in the movement area, or on any road at any place in an aerodrome.
- (2) Every driver of a vehicle using the movement area or any road or place in an aerodrome shall conform to the indication given by the traffic sign placed or erected in the movement area or on the road or at the place if it is a sign for regulating the movement of traffic or indicating the route to be followed by traffic.

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Regulation 109. Parking.

- (1) The Chief of Security may designate any part of an aerodrome as a parking place for a vehicle, and no person who parks a vehicle at the parking place shall hold the Director General responsible for any loss of or damage to the vehicle or the contents thereof.
 - (2) No person shall park a vehicle or cause or permit a vehicle to remain at rest at any place in an aerodrome in such position, condition or circumstances as to be likely to cause danger, obstruction or undue inconvenience to other users of the aerodrome or the traffic within the aerodrome.
 - (3) If any vehicle is parked at any place in an aerodrome in contravention of the provision of subregulation (2), the Chief of Security may cause the vehicle to be removed and the owner or driver thereof shall pay the costs or charges for the removal of the vehicle.
 - (4) No person shall park a vehicle -
 - (a) on any road in an aerodrome between the edge of the road and any portion of an unbroken white line or double white lines laid down on such road; or
 - (b) on the side of any road in an aerodrome if that side of the road an unbroken yellow line is laid down.
 - (5) No person shall park or stop a vehicle on the footway of any road in an aerodrome.
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Regulation 110. Vehicle to be licensed

(1) No person shall use a vehicle or cause or permit a vehicle to be used in an aerodrome unless there is in force in respect of the vehicle a motor vehicle license issued under the Road Transport Act 1987 [Act 333.]

(2) Subregulation (1) shall not apply to any vehicle in respect of which there is in force an airfield vehicle permit issued under regulation 106.

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Regulation 111. Duty to obey traffic directions.

The driver of every vehicle in an aerodrome shall comply with any direction given by any authorised officer who is for the time being engaged in the regulation of traffic within the aerodrome.

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Regulation 112. Duty to obey lawful directions.

Every person on the premises of an aerodrome shall obey the lawful directions given by an authorized officer.

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Regulation 113. Duty in the event of accidents in aerodrome.

If, in any case owing to the presence of a vehicle in an aerodrome other than in the movement area, an accident occurs whereby damage or injury is caused to any person, vehicle, structure or animal, the driver of the vehicle shall -

(a) stop and, if required so to do by any person having reasonable ground for so requiring, give his name and address and also the name and address of the owner of the vehicle and its identification marks; and

(b) report the accident to a police officer as soon as reasonably practicable but not later than twenty-four hours of the occurrence of the accident.

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Regulation 114. Airport pass.

- (1) Notwithstanding this Part, this regulation shall not apply to aerodromes declared as protected places under the Protected Areas and Protected Places Act 1959. *[Act 298]*
- (2) The licensed company shall take the necessary steps to ensure that the prohibited area of each aerodrome operated by the licensed company is clearly demarcated and brought to the general notice of the public.
- (3) Except as otherwise provided in this Part, no person shall enter or remain in the prohibited area of an aerodrome unless he is in possession of an airport pass issued by the Chief of Security.
- (4) The Chief of Security may impose such conditions as he thinks fit in the airport pass.
- (5) The holder of an airport pass shall comply with all the conditions contained in the airport pass.
- (6) An airport pass shall be valid for a period not exceeding two years.
- (7) The fee payable for an airport pass shall be as prescribed in the Twelfth Schedule.
- (8) Subregulation (3) shall not apply to any person who enters or remains in the prohibited area of an aerodrome if he is the holder of a temporary airport pass issued by the Chief of Security.
- (9) The Chief of Security may impose such conditions as he thinks fit in any temporary airport pass.
- (10) The holder of a temporary airport pass shall comply with all the conditions contained in the temporary airport pass.

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Regulation 115. Director General may give directions.

The Director General may, from time to time, issue directions to the Chief of Security in relation to any matter under regulations 105 to 114 and, in particular, directions as regards the conditions to be imposed in an airfield vehicle permit, a temporary entry permit, an airfield driving permit, an airport pass or a temporary airport pass issued thereunder.

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Regulation 116. Emergency and other services.

The Director General shall be responsible for ensuring that facilities for emergency and other services be established and maintained at all international airports in Malaysia at all times in accordance with Annex 14.

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Regulation 117. Aeronautical ground lights.

- (1) A person shall not establish or maintain an aeronautical ground light within Malaysia except with the permission of the Director General and in accordance with any conditions subject to which the permission may be granted.
- (2) A person shall not alter the character of an aeronautical ground light within Malaysia except with the permission of the Director General and in accordance with any conditions subject to which the permission may be granted.
- (3) A person shall not wilfully or negligently damage or interfere with any aeronautical ground light established and maintain by, or with the permission of, the Director General.

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Regulation 118. Dangerous lights.

(1) A person shall not exhibit in Malaysia any light which -

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

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

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

(3) The notice may be served either personally or by post, or by affixing in it some conspicuous place near to the light to which it relates.

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

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Regulation 119. Aeronautical radio stations.

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

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

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

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

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

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

(4) For the purpose of this regulation, any approval granted shall be in writing and may be subject to such conditions as the General thinks fit.

(5) The provisions of this regulation shall not apply in respect of any aeronautical radio station belongings to the Government of Malaysia.

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Chapter 3 : Aeronautical Lights and Radio Stations

Regulation 120. Aeronautical radio station records

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

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

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

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

(3) The apparatus provided in compliance with subregulation (2) shall be -

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

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

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

and for the purpose of this regulation, any approval granted shall be in writing and may be subject to such conditions as the Director General thinks fit.

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

(a) the identification of the aeronautical radio station;

(b) the date on which the record was made;

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

(d) the identify of the aircraft to or from which, and the radio frequency on which, the message or signals was transmitted or receive; and

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

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

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

(7) A person required by this regulation to preserve any record by reason of his being the person in charge of the aeronautical radio station shall, if he ceases to be such a person, continue to preserve the record as if had no ceased to be such a person, and in the event of his death, the duty to preserve the record shall fall upon his personal representative:

Provided that if another person becomes the person in charge of the aeronautical radio station, the previous person in charge or his personal representative shall deliver the record to that other person to deal with the record delivered to him as if he were that previous person in charge.

(8) The provisions of this regulation shall not apply in respect of any aeronautical radio station belonging to the Government of Malaysia.

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Regulation 121. Customs airports

Any aerodrome notified or licensed under these Regulations may be prescribed as a customs airports for the purpose of and in accordance with the Customs Act 1967 [Act 235] currently in effect and any aerodrome so prescribed may be revoked in accordance with and in the manner provided under the said Act.

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Regulation 122. Application and interpretation.

(1) The provisions in this Part shall apply to accidents which -

(a) occur to any aircraft in Malaysia;

(b) involve -

(i) any civil and military aircrafts;

(ii) any civil aircraft and military installation; or

(iii) any military aircraft and civil installation in Malaysia;

(c) occur to any Malaysian aircraft elsewhere.

(2) In this Part, unless the context otherwise requires -

"accident" includes an incident and a reportable accident;

"Chief Inspector" means the Chief Inspector of Air Accidents appointed under this Part and includes any deputy chief inspector;

"field investigation" means an investigation which is not intended to be the subject of a report by an Inspector to the Minister;

"foreign aircraft" means an aircraft registered in a state other than Malaysian;

"formal investigation" means an investigation which intended to be the subject of a report by an Inspector to the Minister;

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

"Inspector" means a person appointed as an Inspector of Air Accidents under this Part;

"investigation" means a process conducted for the purpose of accident prevention which includes the gathering of analysis of information, the drawing of conclusion, including the determination of causes and, when appropriate, the making of safety recommendations;

"Malaysia" means the territory of Malaysia including those parts of any Flight Information Region ("FIR") over the high seas for which Malaysia exercising responsibility for the provision of air navigation facilities and services in accordance with the Chicago Convention;

"reportable accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the invention of flight until such time as all such persons have disembarked therefrom, in which -

(a) a person is fatally or seriously injured as a result of -

(i) being in the aircraft;

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or

(iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally accessible to the passengers and crew;

(b) the aircraft sustains damage or structural failure which -

(i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and

(ii) would normally require major repair or replacement of the affected component,

except for engine failure, or damage, when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(c) the aircraft is missing or is completely inaccessible;

"serious injury" means an injury which is sustained by a person in a reportable accident and which -

(a) requires his stay in hospital for more than forty-eight hours commencing within seven days from the date on which the injury is received;

(b) results in a fracture of any bone except simple fractures of fingers, toes or nose;

(c) involves lacerations which cause severe nerve, muscle or tendon damage or severe

haemorrhage;

(d) involves injury to any internal organ; or

(e) involves second or third degree burns or any burns affecting more than five per centum of the surface of the body.

(3) For the purpose of these Regulations, an aircraft is deemed to be missing when the official search has been terminated and the wreckage has been located or though located, its completely inaccessible.

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Regulation 123. Purpose of accident investigation.

The fundamental purpose of investigation accidents under these Regulation shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future; it is not the purpose to apportion blame or liability.

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Regulation 124. Notification of accident.

(1) Where a reportable accident occurs in Malaysia or to a Malaysian aircraft elsewhere, the commander of the aircraft involved at the time of the accident, or if is killed or incapacitated, then the owner, operator, hirer of the aircraft, or other person on whose behalf the commander was in command of the aircraft, as the case may be, shall forthwith send a notice thereof to the Chief Inspector by the quickest means of communication available and, in the case of an accident occurring in or over Malaysia, shall also notify forthwith the local police authority of the accident and of the place where it occurred.

(2) The notice to the Chief Inspector referred to in subregulation (1) shall state as far as possible -

(a) the type, model, nationality and registration marks of the aircraft;

(b) the name of the owner, operator or hirer, if any, of the aircraft, or other person on whose behalf the commander was in command of the aircraft;

(c) the name of the commander of the aircraft;

(d) the date and Coordinated Universal Time of the accident;

(e) the last point of the departure and the next point of intended landing of the aircraft;

(f) the position of the aircraft by reference to some easily defined geographical point, latitude and longitude;

(g) (i) the number of the crew on board the aircraft at the time of the accident and the number of them killed or seriously injured as a result of the accident;

(ii) the number of passengers on board the aircraft at the time of the accident and the number of them killed or seriously injured as a result of the accident; and

(iii) the number of other persons killed or seriously injured as a result of the accident;

(h) the nature of the accident and the extent of the damage to the aircraft as far as is known; and

(i) the physical characteristics of the area in which the accident occurred.

(3) Where an accident to which these Regulations apply occurs, whether in or over Malaysia or elsewhere, the owner, operator or hirer of the aircraft, or other person on whose behalf the commander was in command of the aircraft, as the case may be, of the aircraft shall, if so required by notice in writing given to him by the Chief Inspector, send to the Chief Inspector, within such time as may be specified in the notice, such information as is in his possession or control with respect to the accident and in the form as the Chief Inspector may require.

(4) The Chief Inspector may at any time publish, or cause to be published, information relating to an accident whether or not such an accident is the subject of an investigation by an Inspector.

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Regulation 125. Removal of damaged aircraft.

(1) Subject to regulation 127, where a reportable accident occurs in or over Malaysia, no person other than an authorized person shall have access to the aircraft involved in the accident.

(2) No aircraft involved in an accident referred to in subregulation (1) or its contents shall, except under the authority of the Director General, be removed or otherwise interfered with:

Provided that -

(a) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mail carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport;

(b) goods or passengers' baggage may be removed from the aircraft under the supervision of a police officer but, if the aircraft has come from a place outside Malaysia, it shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs and Excise; and

(c) if an aircraft is wrecked on the water, the aircraft and any contents thereof may be removed to such extent as may be necessary for bringing them to a place of safety.

(3) Where an accident occurs in Malaysia and the Director General or an authorised person is of the opinion that the aircraft involved in the accident is likely to be a danger or obstruction to the public or to air navigation or to other transport, the Director General or authorised person may order the power, operator or hirer of the aircraft, or other person on whose behalf the commander was in command of the aircraft, as the case may be, to remove it to such place as he shall indicate.

(4) Notwithstanding subregulation (3), the Director General or authorized person may, in the absence of the owner, operator or hirer of the aircraft or other person referred to therein or in the event of the non-compliance with the order given by him under that subregulation, remove the aircraft and in such case, all expenses incurred in removing the aircraft shall be paid by and be recoverable from the owner, operator or hirer of the aircraft, or other person on whose behalf the commander was in command of the aircraft.

(5) The Director General or an authorised person shall not be liable for any loss or damage occurring

to any aircraft during its removal under this regulation or in the course of any subsequent investigation or otherwise.

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Regulation 126. Inspectors of Air Accident.

- (1) For the purpose of carrying out investigation into the circumstances and cause of any accident to which these Regulations apply, the Minister shall appoint persons as Inspectors of Air Accidents, one of whom shall be appointed by him as a Chief Inspector of Air Accidents.
- (2) The Chief Inspector shall determine whether or not an investigations shall be carried out in respect of any accident to which these Regulations apply and the form of the investigation. He may himself carry out, or may cause an Inspector to carry out, an investigation of any such accident.
- (3) Without prejudice to the power of an Inspector to seek such advice or assistance as he may deem necessary in making an investigation, the Minister may at the request of the Chief Inspector appoint persons to assist any Inspector in a particular investigation and the persons shall, for the purpose of the investigation, have such powers of an Inspector under these Regulations as may be specified in their appointment.

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Regulation 127. Powers of Inspector.

For the purpose of investigation of any accident to which these Regulations apply, or any inquiries undertaken with a view to determining whether any such investigation should be held, an Inspector shall have powers -

(a) by summons under his hand to call before him and examine all the persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Inspector may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation;

(b) to take statements from any person as he thinks fit, and to require any such person to make and sign a declaration of the truth of the statement made by him;

(c) to have access to and examine any aircraft involved in an accident and the place where the accident occurred and to require the aircraft or any part or equipment thereof to be preserved unaltered pending investigation:

(d) to examine, remove, test and take measures for the preservation of, or otherwise deal with -

(i) the aircraft involved in the accident; or

(ii) where it appears to the Inspector requisite for the purpose of any such investigation or inquiry, any other aircraft, or any part of such aircraft or anything contained therein;

(e) to enter and inspect any place, building or aircraft, the entry or inspection whereof appears to the Inspector to be requisite for the purpose of any such investigation or inquiry except that an Inspector shall not have power to enter any premises under this paragraph for the purpose of any inquiry with a view of determining whether an investigation should be held if at the time of the proposed entry, the premises being used as a dwelling; and

(f) to take such measures for the preservation of evidence as he considers appropriate.

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Regulation 128. Form and conduct of investigation.

- (1) An investigation into any accident to which these Regulations apply may be a formal investigation or a field investigation.
- (2) All investigations shall be held in private.
- (3) Where it appears to the Inspector in the course of any investigation that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and call for evidence and examine witnesses.
- (4) The Chief Inspector may determine that any investigation being carried out into an accident shall be discontinued and in the event of a formal investigation being discontinued, no report shall be made thereon to the Minister under subregulation 129(1), but public notice shall be given, in such manner as the Chief Inspector thinks appropriate, that the investigation has been discontinued.
- (5) If, in the course of an investigation, it appears or is suspected that an act of unlawful interference was involved, the Inspector shall advise the Director General in order that the aviation security authorities of any other state which may be concerned are informed accordingly.
- (6) Following the discontinuance of any investigation, the Chief Inspector shall submit to the Director General such information as he considers necessary or expedient in the interest of the avoidance of any accident in the future.

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Regulation 129. Report of Inspector

- (1) Upon completion of a formal investigation, the Chief Inspector shall submit to the Minister the report of the Inspector who carried out the investigation.
- (2) Upon completion of a field investigation the Chief Inspector shall submit to the Director General such information as he considers necessary or expedient in the interest of the avoidance of any accident in the future.
- (3) Upon completion of a formal investigation, the report to the Minister shall state the facts relating to the accident followed by an analysis of the facts and conclusions as to the causes of the accident, together with any recommendations which the Inspector thinks fit to make with a view to the preservation of life and the avoidance of any accident in the future.
- (4) In the case of any formal investigation, the Chief Inspector may cause the investigation to be reopened and he shall do so if after the completion of the investigation, evidence has been disclosed which is in his opinion both new and important.
- (5) Any investigation reopened shall be subject to and conducted in accordance with the provisions of these Regulations relating to formal investigation.

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Regulation 130. Service of report on affected persons.

(1) Where in the opinion of the Chief Inspector the report submitted by him to the Minister pursuant to subregulation 129(1) is likely to adversely affect the reputation of the operator or the commander of the aircraft or any other person, the Chief Inspector shall, within thirty days from the date of submission of the report to the Minister, serve a copy of the report on such operator, commander or other person, as the case may be.

(2) No person shall disclose or permit to be disclosed any information contained in a report served on him pursuant to subregulation (1) to any other person without the prior consent in writing from the Chief Inspector.

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Regulation 131. Publication of reports.

The Minister shall, unless in his opinion there are good reasons to the contrary, cause the Inspector's report to be made public wholly or part in such manner as he thinks fit.

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Regulation 132. Expenses for witnesses.

Every person summoned by the Inspector as a witness in accordance with these Regulations shall be allowed to claim such expenses as the Minister may, with the approval of the Treasury, determine.

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Regulation 133. Obstruction of investigation.

A person shall not obstruct or impede an Inspector or any person acting under the authority of the Minister in the exercise of any powers or duties under these Regulations.

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Regulation 134. Compliance with summons and requisition.

A person shall not without reasonable excuse, the proof whereof shall lie on him, fail after having had the expenses, if any, to which he is entitled under these Regulations tendered to him, to comply with any summons or requisition of an Inspector holding an Inspector's investigation under these Regulations.

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Regulation 135. Accident to aircraft registered outside Malaysia.

(1) Where an accident has occurred in or over Malaysia to an aircraft registered in any other state or territory, the Minister may authorise an investigator duly appointed by the component authority of that other state or territory to carry out an investigation in Malaysia and in that event, the Minister shall, so far as he is able, facilitate any inquiry conducted by the investigator so appointed.

(2) In any formal investigation, an accredited representative of the state in which the aircraft is registered, or of any state in which the aircraft was manufactured or which has, on request, furnished information in connection with the accident, may take part in the investigation, that is to say, he shall be permitted to visit the scene of the accident, examine the wreckage, question witnesses, receive copies of all pertinent documents, saving all just exceptions, have access to all relevant evidence and make submissions; and he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the state by which he is appointed.

(3) Where an accident has occurred elsewhere than in Malaysia to an aircraft registered in any other State, the Chief Inspector shall have power to take the measures set out in regulation 127 for the purpose of obtaining any information relevant to the investigation of the accident by the duly competent authority of the state conducting such investigation.

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Regulation 136. Accident involving military aircraft.

(1) Where a military aircraft is involved in an accident arising out of or in the course of air navigation, and occurring in or over Malaysia or, if the aircraft belongs to the Malaysian Government, occurring anywhere, and the Minister is of the opinion that -

(a) the accident is or may be the result of a collision between that aircraft and a civil aircraft;

(b) the accident occurred or may have occurred while the aircraft was on, or in the course of taking off from or landing on, an aerodrome used wholly or mainly for the purpose of civil aviation; or

(c) the accident occurred or may have otherwise occurred in such circumstances that the Minister is or may be concerned of the circumstances or causes of the accident,

the Minister may direct that the accident shall be treated as an accident to which these Regulations apply.

(2) Where a civil aircraft is involved in an accident arising out of or in the course of air navigation and occurring in or over Malaysia or, if the aircraft is a Malaysian aircraft or belongs to the Malaysian Government, occurring anywhere, and the Minister is of the opinion that -

(a) the accident is or may be the result of a collision between that aircraft and a military aircraft;

(b) the accident occurred or may have occurred while the aircraft was on, or in the course of taking off from or landing on, an aerodrome controlled by any branch of the armed forces of Malaysia or by the naval, military or air forces of a foreign government; or

(c) the accident has or may have otherwise occurred in such circumstances that the Minister of Defence or any authority of the naval, military or air forces of any foreign government, is or may be concerned in its circumstances or causes,

the Minister may direct that the accident shall be treated as an accident to which these Regulations apply.

(3) Public notice of any direction made under these regulation shall be given in such manner as the Minister thinks fit.

(4) An aircraft shall be treated for the purpose of these Regulations as being a military aircraft at any time if -

(a) the aircraft was at the time an aircraft belonging to any of the armed forces of Malaysia;

(b) the aircraft, not being an aircraft referred to in paragraph (a), was at that time an aircraft belonging to any of the naval, military or air forces of a foreign government ; or

(c) the Minister of Defence certifies that by reason of circumstances affecting the aircraft , the aircraft ought to be treated for the purposes of these Regulations as being at that time a military aircraft.

(5) If, it appears to the Inspector, who is carrying out the investigation, or to the Chief Inspector, that the investigation of any accident to which these Regulations apply has been completed but for the investigation of matters affecting the discipline or internal administration of any branch of the armed forces of Malaysia, or any of the naval, military or air forces of any foreign government, which are more appropriate for investigation by some other person or body, the investigation may be treated, for the purposes of regulation 129, as if the investigation had been completed without such matters being investigated under these Regulations:

Provided that any report made under this regulation shall specify any matters to which the investigation has not extended by reason of the foregoing provisions of this Regulation.

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Regulation 137. Duty to furnish information relating to incident.

Where an accident occurs, the commander of the aircraft shall, as soon as possible, give notice thereof to an authorised person in accordance with the procedure laid down in the AIP.

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Regulation 138. Report of reportable accident to ICAO.

Whenever a reportable accident occurs and when the aircraft involved in an aircraft of a maximum mass of over 5,700 kilogrammes, the Director General shall send, as soon as practicable after the investigation under this Part is completed, an accident data report in the format as specified in Annex 13 to ICAO.

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Regulation 139. Limitation.

Nothing in this Part shall limit the powers of any authority under sections 381 to 386 of the Merchant Shipping Ordinance 1952 [*Ord. 70/1952.*] and sections 228 to 232 of the Sabah Merchant Shipping Ordinance 1960 [*Sabah Ord. No. 11/ 1960*] and the Sarawak Merchant Shipping Ordinance 1960. [*Sarawak Ord. No. 2/1960.*]

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Regulation 140. Interpretation.

In this Part, unless the context otherwise requires -

"airport charges" means any charges payable to a licensed company;

"charge" means -

(a) a charge for a service or a facility provided by the Director General; or

(b) a fee for other charge in respect of any matter specified in these Regulations, being a matter in relation to which expenses are incurred by the Director General under the Act or these Regulations, including, but without being limited to, a fee or other charge in respect of, or for an application for -

(i) the grant, issue, renewal or variation of a certificate, licence, approval, permission, permit, registration or exemption under the Act or these Regulations; or

(ii) the grant or variation of an authorisation, or the cancellation, suspension, variation or imposition of any condition, relating to anything referred to in subparagraph (i)

"outstanding amount" means, in relation to an aircraft in respect of which an aircraft lien is in effect, in relation to a particular time, -

(a) the amount of any charge payable in respect of the aircraft that is unpaid at that time;

(b) the amount of any penalty that is unpaid at that time, and

(c) the amount of any debt payable under regulation 156 in respect of the aircraft that is unpaid at that time,

to the extent that any such amount has not been remitted, waived or written off.

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Regulation 141. Detention of aircraft

(1) Where a default is made by an owner or operator of any aircraft in the payment to the Director General of any charge incurred by virtue of these Regulations, the Director General may, subject to this Part, take such steps as are necessary to detain, pending payment, -

(a) the aircraft in respect of which the charge was incurred, whether or not it was incurred by the person who is the owner or operator of the aircraft at the time when the detention begins; or

(b) any other aircraft of which the person in default is the owner or operator at the time when the detention begins.

(2) The Director General shall not detain or continue to detain an aircraft under these Regulations by reason of any alleged default in the payment of any charge payable to the Director General under these Regulations if the owner or operator of the aircraft or any other person claiming an interest therein -

(a) disputes that the charge is due or, if the aircraft is detained under paragraph (1)(a), that the charge was incurred in respect of that aircraft; and

(b) gives to the Director General, pending the determination of the dispute, sufficient security for the payment of the charge which is alleged to be due.

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Regulation 142. Duties of Director General upon detaining an aircraft.

Where the Director General detains an aircraft pursuant to regulation 141, he shall -

(a) forthwith thereafter make an entry of it in the Aircraft Register in the manner prescribed in regulation 143; and

(b) take all reasonable steps to give notice of detention to -

(i) such person as, in the opinion of the Director General, have a security interest in the aircraft; or

(ii) any owner, operator, lessee, hirer, charterer or pilot-in-command of the aircraft.

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Regulation 143. Particulars to be entered in the Aircraft Register.

The Director General shall enter in the Aircraft Register in relation to each aircraft to which regulation 141 applies -

- (a) the description and amount of the charge due to the Director General and from whom it is due;
- (b) the date on which and the time at which the aircraft was detained by the Director General; and
- (c) the date on which and the time at which the entry is made.

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Regulation 144. Aircraft lien.

(1) Where an entry is made by the Director General under regulation 143, an aircraft lien shall be vested in the Director General and he may keep possession of the aircraft until all outstanding amounts referred to in subregulation (2) are paid.

(2) An aircraft lien vested in the Director General shall secure -

(a) the unpaid charge;

(b) any penalty that is or becomes payable in respect of the unpaid charge; or

(c) any further outstanding amounts in respect of the aircraft.

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Regulation 145. De-registration of Malaysian aircraft.

In the case of a Malaysian aircraft, if an outstanding amount secured by an aircraft lien is unpaid at the end of six months after the day on which it became an outstanding amount or the day on which the aircraft lien was registered, whichever is the later, the Director General may, having regard to all the circumstances, including the steps, if any, taken by any person to pay the whole or part of outstanding amounts secured by the aircraft lien, cancel the certificate of registration of the aircraft in the Aircraft Register.

(2) If the certificate is cancelled, the aircraft shall not be registered until the aircraft lien ceases to have effect.

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Regulation 146. Sale of aircraft.

(1) If an outstanding amount secured by an aircraft lien is unpaid at the end of one month after the date on which the aircraft lien was registered, the Director General may at any time with the leave of the High Court sell the aircraft.

(2) No leave shall be granted by the High Court for the sale of the aircraft except on proof that -

(a) a sum is due to the Director General for any charge under these Regulations;

(b) default has been made in the payment thereof; and

(c) the Director General has complied with subregulation 147(1).

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Regulation 147. Notice of application.

(1) The Director General shall, before applying to the High Court for leave to sell an aircraft under this Part, take the steps required under this regulation for bringing the proposed application to the notice of any interested person and for affording them an opportunity of becoming a party to the proceedings.

(2) At least twenty-one days before applying to the High Court, the Director General shall publish in one or more national newspaper circulating in Malaysia such notice as is prescribed in subregulation (3) and shall also, unless in that case it is impracticable to do so, serve a notice in the manner so prescribed, on each of the following persons:

- (a) the owner of the aircraft as specified in the Aircraft Register;
- (b) any person who appears to the Director General to be operator of the aircraft;
- (c) any person who appears to the Director General to be a charterer or hirer of the aircraft;
- (d) any person who is registered as a mortgagee of the aircraft under the Aircraft Register;
- (e) any other person who appears to the Director General to have a priority interest in the aircraft.

(3) A notice under subregulation (1) shall -

- (a) state the nationality and registration marks of the aircraft;
- (b) state the type of the aircraft;
- (c) state that by reason of default in payment of a sum due to the Director General for any charge imposed under these Regulations, the Director General, on a date which shall be specified in the notice, detained the aircraft under regulation 141 and, unless payment of the sum so due is made within a period of sixty days from the date when the detention began, or within twenty-one days of the date of service of the notice, whichever shall be the later, will apply to the High Court for leave to sell the aircraft; and
- (d) invite the person to whom the notice is given to inform the Director General within fourteen

days of the service of the notice if he wishes to become a party to the proceedings on the application.

(4) A notice under subregulation (1) shall be served -

(a) by delivering it to the person to whom it is to be sent;

(b) by leaving it at his usual or last known place of business or abode;

(c) by sending by post in a prepaid registered letter addressed to him at his usual or last known place of business or abode; or

(d) if the person to whom to whom it is to be sent is a company or body corporate, by delivering it to the registered address or principal office address of the company or body corporate or by sending it by post in a prepaid registered letter.

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Regulation 148. Notice of sale.

(1) Where leave is given by the High Court, the Director General shall cause a notice to sell the aircraft to be published in one or more national newspaper circulating in Malaysia and shall secure that the aircraft is sold for the best price that can be reasonably obtained.

(2) A sale of any aircraft pursuant to a leave given by the High Court shall be further subject to such conditions as the High Court may, as it thinks just, impose.

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Regulation 149. Proceeds of sale

The proceeds of any sale under this Part shall be applied as follows, and in the following order:

(a) in the payment of any customs duty which is due in consequence of the aircraft having been brought into Malaysia;

(b) in the payment of the expenses incurred by the Director General in detaining, keeping and selling the aircraft, including its expenses in connection with the application to the High Court and the keeping of the insurance required under regulation 156;

(c) in the payment of any charge in respect of any aircraft which the High Court has found to be due by virtue of these Regulations;

(d) in the payment of any airport charge incurred in respect of the aircraft which are due from the operator of the aircraft to any person owning or managing the aerodrome at which the aircraft was detained under regulation 141,

and the surplus, if any, shall be paid to or among the person or persons whose interest in the aircraft have been divested by reason of the sale.

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Regulation 150. Equipment, store and aircraft documents.

The power of detention and sale conferred by this Part in respect of an aircraft shall extend to -

(a) the equipment of the aircraft and any stores for use in connection with its operation, being equipment and stores carried in the aircraft, whether or not the property of the person who is its operator, and references to the aircraft in regulations 141 to 149 include, except where the context otherwise requires to any such equipment and stores; and

(b) any aircraft documents carried in it, and any such documents may, if the aircraft is sold under those provisions, be transferred by the Director General to the purchaser.

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Regulation 151. Recovery of charges by civil action.

Nothing in this Part shall prejudice any right of the Director General to recover any charges or any part thereof by civil action.

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Regulation 152. Cessation of aircraft lien.

If -

- (a) there is no outstanding amount secured by the aircraft lien;
- (b) the aircraft is sold under this Part; or
- (c) the Director General directs in writing that the aircraft lien ceases to have effect,

the aircraft lien shall cease to have effect, and the Director General shall make an entry in the Aircraft Register as prescribed.

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Regulation 153. Certificate of amount unpaid.

(1) Upon a request made in writing in respect of an aircraft by a prescribed person, the Director General shall issue a certificate in writing, stating whether or not, as a specified date and time, any charge or penalty, or any debt under this Part is payable and unpaid in respect of the aircraft and, in respect of any such charge, penalty or debt, the amount of it and the date upon which it became payable.

(2) Where a certificate has been issued under subregulation (1), any aircraft lien in respect of the aircraft, whether imposed before or after the time to which the certificate relates, does not secure -

(a) any such charge or debt in respect of the aircraft that was payable and unpaid as at that time but was not specified in the certificate; or

(b) any penalty relating to any such charge.

(3) In this regulation, the following persons are prescribed persons:

(a) the person who holds the certificate or registration of the aircraft;

(b) a person who, in the opinion of the Director General, has a security interest in the aircraft;

(c) the owner, or the agent of the owner, of the aircraft;

(d) a person authorised in writing by a person referred to in paragraph (a), (b) or (c).

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Regulation 154. Dismantling, etc. of aircraft under lien.

(1) A person who, knowing or having reasonable grounds to believe that an aircraft lien is in force in respect of an aircraft, detaches any part or equipment from the aircraft, without the prior approval of the Director General, is guilty of an offence.

(2) Subregulation (1) does not apply to an act done as required by or under these Regulations.

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Regulation 155. Protection against action.

No action shall lie against the Director General for or in respect of -

- (a) any loss of or damage to an aircraft during its detention in accordance with regulation 141;
- (b) any loss of or damage to an aircraft so arrested while it is in the custody, possession or control of the Director General; or
- (c) any economic loss suffered by a person as a result of an arrest other than any loss or damage wilfully or negligently caused by the Director General.

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Regulation 156. Insurance of aircraft.

(1) Where an aircraft is to be detained under regulation 145, the Director General shall insure the aircraft and keep it insured against the loss of or any damage to, the aircraft during its detention or while it is in the custody, possession or control of the Director General.

(2) The insurance shall be for the benefit of the prescribed person.

(3) Where an amount of a premium of the insurance is paid by the Director General, an equivalent becomes a debt payable to the Director General by the person by whom amounts secured by the aircraft lien in respect of the aircraft are payable.

(4) In this regulation, the following persons are prescribed persons:

(a) the Director General;

(b) a person who, in the opinion of the Director General, has a security interest in the aircraft;
and

(c) the owner of the aircraft.

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Regulation 157. Interpretation.

In this Part, unless the context otherwise requires -

"mortgage of an aircraft" includes a mortgage or charge which extends to any store or space parts for the aircraft but does not otherwise include a mortgage created as a floating charge.

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Regulation 158. Register and registration of aircraft mortgage.

- (1) Any mortgage of a Malaysian aircraft may be entered in the Aircraft Register.
- (2) An application to enter a mortgage in the Aircraft Register shall be made to the Director General by or on behalf of the mortgagee in the form specified by the Director General and shall be accompanied by a copy of the mortgage which the applicant shall certify to be a true copy.
- (3) A notice of intention to make an application to enter a contemplated mortgage of an aircraft in the Aircraft Register (hereinafter referred to as "a priority notice") may also be entered in the Aircraft Register.
- (4) An application to enter a priority notice in the Aircraft Register shall be made to the Director General by or on behalf of the prospective mortgagee in the form specified by the Director General.
- (5) Where two or more aircrafts are the subject or one mortgage or where the same aircraft is the subject of two or more mortgages, separate applications shall be made in respect of each aircraft or of each mortgage, as the case may be.
- (6) Where a mortgage is in a language other than the national language or English, the application to enter that mortgage in the Aircraft Register shall be accompanied by a copy of that mortgage and also a translation thereof, which the applicant shall certify as being, to the best of his knowledge and belief, a true translation.
- (7) When an application to enter a mortgage or priority notice in the Aircraft Register is duly made, the Director General shall enter the mortgage or the priority notice, as the case may be, in the Aircraft Register by placing the application form therein and by noting on it the date and time of the entry.
- (8) Applications duly made shall be entered in the Aircraft Register in order of their receipt by the Director General.
- (9) The Director General shall notify the applicant of the date and time of the entry of the mortgage or the priority notice, as the case may be, in the Aircraft Register and of the register number of the entry and shall send a copy of the notification to the mortgagor and the owner.

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Regulation 159. Amendment of entry in the register.

(1) Any change in the person appearing in the Aircraft Register as mortgagee or as mortgagor or in the name or address of the person or in the description of the mortgaged property shall be notified to the Director General by or on behalf of the mortgagee or mortgagor, in the form specified by the Director General.

(2) On receipt of the notification under subregulation (1) made by or on behalf of the mortgagee or mortgagor and on payment of the appropriate charge, the Director General shall enter the notification in the Aircraft Register and shall notify the mortgagee, the mortgagor and the owner that he has done so.

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Regulation 160. Discharge of mortgage.

On receipt of a notification of discharge of a mortgage, in the form specified by the Director General, which is duly completed and signed by or on behalf of the mortgagee and of a copy of the document of discharge or receipt for the mortgage money, or of any other documents which shows, to the satisfaction of the Director General, that the mortgage has been discharged, the Director General shall enter the form in the Aircraft Register and mark the relevant entry in the Aircraft Register "Discharged" and shall notify the mortgagee, mortgagor and the owner that he has done so.

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Regulation 161. Rectification of the Aircraft Register.

The High Court may order such amendments to be the made to the Aircraft Register as may appear to the Court to be necessary or expedient for correcting any error therein. On being served with the order Director General shall make the necessary amendment to the Aircraft Register.

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Regulation 162. Removal of aircraft from the Aircraft Register.

The removal of an aircraft from the Aircraft Register shall not effect the rights of any mortgagee under any registered mortgagee.

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Regulation 163. Application of Bills of Sale Act 1950 and registration provisions of the Companies Act 1965.

- (1) The provisions of the Bills of Sale Act 1950 [Act 268] insofar as they relate to bills of sale and other documents given by way of security for the payment of money shall not apply to any mortgage of an aircraft registered in the Aircraft Register.
- (2) Section 108 of the Company Act 1965 [Act 125], shall continue to have effect on a mortgage of an aircraft or any share in an aircraft created by a company incorporated pursuant to that Act.

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Regulation 164. Interpretation.

In this Part, unless the context otherwise requires -

"housing" and "housed" mean, respectively, in relation to an aircraft, accommodation and accommodated in a hangar owned by the Government, whether managed and operated by the Director General or a licensed company;

"movement" means a landing or take-off by an aircraft;

"parking" and "parked" mean, respectively, in relation to an aircraft, parking or parked at an airport in the open.

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Regulation 165. Landing charges.

Save as hereinafter provided, a landing charge prescribed charge in Table 1 of Part A of the Twelfth Schedule shall be payable in respect to each landing of an aircraft at an airport.

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Regulation 166. Aircraft weight.

The weight of an aircraft for the purposes of the first column of Table 1 of Part A of the Twelfth Schedule shall be the maximum permissible take-off weight as indicated in the certificate of airworthiness, provided that when a restriction is placed on the maximum all-up weight of an aircraft operating from an airport, the maximum landing charge for that aircraft shall be based on the restricted all-up weight, until such time as the restriction is lifted.

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Regulation 167. Outside airport hours of operation.

(1) An additional charge equivalent to one half of the landing charge payable in accordance with Table 1 of Part A of the Twelfth Schedule hereto but to subject to a minimum charge of RM150.00, shall be payable -

(a) in respect of any landing, except in an emergency, outside the notified hours of operation;
and

(b) in respect of any take-off outside the notified hours of operation other than a take-off within one hour of landing outside such notified hours of operation.

(2) No movement shall take place outside the notified hours of operation except in an emergency or by prior arrangement with the Director General or the licensed company, as the case may be.

(3) In the event of cancellation of a proposed movement outside the notified hours of operation, the additional charges provided in subregulation (1) hereof shall be payable unless notice of the cancellation is received by the Director General or the licensed company, as the case may be, not less than two hours before the notified closing time.

(4) In the event that an airport has been requested to be available for use as an alternate outside its normal hours of operation, a charge equivalent to twenty-five per centum of the landing charge payable in accordance with Table 1 of Part A of the Twelfth Schedule, but subject to a minimum charge of RM150.00, shall be payable by the operator concerned for every three hours or part thereof during which such airport is made available for this purpose but in respect of which no landing charge becomes payable.

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Regulation 168. Training flight.

- (1) A special rate of twenty-five per centum of the landing charge may be authorised by the Director General in the case of a flight carried out at any aerodrome managed by the Director General for the sole purpose of training or testing flying personnel provided that permission is obtained before the flight is undertaken.
- (2) For the purpose of this regulation, "landing" means a completed take-off and landing sequence of an aircraft until the moment it comes to a complete stop and does not include a touch and go.

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Regulation 169. Exemption.

(1) The following classes of aircraft are exempted from payment of landing charges :

- (a) any official aircraft of the Federal Government or Government of any state in Malaysia, including military aircraft;
- (b) any official aircraft of Heads of State, Ministers and other dignitaries visiting Malaysia as state guests on the basis of reciprocity;
- (c) any specified aircraft operated by a flying club which has, in the case of an aerodrome managed and operated by the Director General, been approved for the purpose of this regulation by the Director General if the flight preceding the landing or following the take-off, as the case may be, has not been for hire or reward or for any purpose other than club flying;
- (d) any aircraft engaged in search and rescue missions or exercises;
- (e) any aircraft which is required to return to the airport of departure or to an alternate airport due to circumstances beyond the control of the operator such as malfunctioning of the aircraft equipment or closure of the destination airport after the departure of the aircraft; or
- (f) such other aircraft or classes of aircrafts as the Director General may approve.

(2) No landing charge shall be made for a landing following a test flight provided that -

- (a) such flight terminates at the airport of departure and is undertaken solely for the purpose of testing the aircraft or its instruments; and
- (b) before the flight, the operator of the aircraft has notified -
 - (i) in the case of an aerodrome managed and operated by the Director General, the Director General; or
 - (ii) in the case of an aerodrome managed and operated by a licensed company, the licensed company,

of the intended flight and shall satisfy him or the licensed company of the genuineness of, and the need for, the flight.

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Regulation 170. Passenger service charge.

A passenger service charge shall be payable in respect of any person boarding an aircraft carrying passengers for hire or reward at the rates specified in Table 2 of Part A of the Twelfth Schedule except in the case of -

- (a) a passenger in direct transit, that is, proceeding on the same flight or who is not cleared to leave the airport area authorised for use of transit passengers, or who has been involuntarily delayed to transferred to the next available service to his next point of disembarkation, due to weather or aircraft unserviceability causes;
- (b) the operating crew of the aircraft;
- (c) an infant below the age of two years;
- (d) Heads of State, Minister or other dignitaries visiting Malaysia as state guests;
- (e) such airport and in respect of such other person or persons as the Director General may from time to time specify.

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Regulation 171. Housing and parking charges.

- (1) Save as hereinafter provided, housing and parking charges shall be payable at the rates specified in Table 3 of Part A of the Twelfth Schedule for each period of twelve hours of part thereof. Parking time shall be from the time of landing until the time of take-off.
- (2) The space occupied for the purpose of Table 3 of Part A of the Twelfth Schedule shall be the product of the span of the aircraft and its maximum length. In the case of helicopter, the space occupied shall be the product of the unfolded rotors span and the maximum length of the fuselage and all attachments thereto.
- (3) No charge shall be made for the first three hours of parking.
- (4) The Director General or the licensed company, as the case may be, may require an aircraft to be moved from one assigned parking space to another after a period of one and a half hours standing time has elapsed.
- (5) The Director General or the licensed company, as the case may be, may for reason of safety or any other reason, order an aircraft parked in the open to be removed to a suitable hangar, in which case housing charges shall be applied from the time such order has been executed.

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Regulation 172. Exemptions.

- (1) The classes or aircrafts listed in paragraphs 169(1)(a) and (1)(d) shall be exempted from parking charges. The classes of aircrafts referred to in paragraph 169(1)(b) shall be exempted for visits up to a period of forty-eight hours.
- (2) The Director General may, at his discretion, on application, exempt to classes of aircrafts listed in paragraph 169(1)(c) from payment of parking charges.

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Regulation 173. Parking and housing conditions.

An aircraft shall be accepted for parking and housing at an aerodrome in accordance with conditions set out in Table 4A or 4B of Part A of the Twelfth Schedule hereto. The owner, operator and person in command of the aircraft who parks or houses an aircraft at an airport shall be deemed to have accepted these conditions.

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Regulation 174. Air navigation facility charges.

An aircraft navigation facility charge shall be payable in respect of each flight through airspace within the boundaries of the Kuala Lumpur and Kota Kinabalu Flight Information Regions at the rates specified in Table 5 of Part A of the Twelfth Schedule hereto except in the case of -

- (a) an aircraft specified in subregulation 169(1);
- (b) flights between two unattended landing grounds; or
- (c) flights remaining within the aerodrome control zone or within a radius of five miles from the airport or within a designated adjacent training area.

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Regulation 175. Reduction of air navigation facility charge.

A reduction of fifty per centum of the air navigation facility charge shall be applicable to flights between an airport and an unattended landing ground, in either direction.

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Regulation 176. Facility not available.

No abatement of the scale of charges shall be allowed in the event of any airport or air navigation service or other facility being unavailable.

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Regulation 177. Arrangements for payment of charges.

Unless prior arrangements have been made with the Director General or the licensed company, as the case may be, -

- (a) all charges made under or pursuant to this Part shall be paid prior to the departure of the aircraft from the airport of landing;
- (b) all air navigation facility charges for a flight to be undertaken shall be paid in advance of such flight;
- (c) the Director General or the licensed company, as the case may be, may refuse to permit an aircraft to depart from the airport until the charges due under this Part have been paid;
- (d) all air navigation facility charges for a flight which does not land at an airport in Malaysia shall be a debt due to the Government or the licensed company, as the case may be, by the owner, the operator or the person in command of the aircraft; and
- (e) all charges levied under this Part not payable in advance shall be payable within thirty days of demand after which interest shall accrue at the rate of one per centum per month or part thereof.

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PART XVI - GENERAL**

Regulation 178. Aircraft dealer's certificate.

The Director General may grant to any person an aircraft dealer's certificate if he is satisfied that such person is a person carrying the business of buying and selling aircrafts in Malaysia.

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Regulation 179. Restriction with respect to carriage for valuable consideration in aircraft registered outside Malaysia.

(1) An aircraft registered in a Contracting State other than Malaysia or in a foreign state shall not take on board or discharge any passengers or cargo in Malaysia, where valuable consideration is given or promised in respect of the carriage of such passengers or cargo except with the permission of the Minister granted under this regulation to the operator or charterer of the aircraft, or to the government of the state in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to subregulation (1) or regulation 87, any breach by a person to whom a permission has been granted under this regulation of any condition to which that permission was subject shall constitute a contravention of this regulation.

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Regulation 180. Power to prevent aircraft flying.

(1) If it appears to the Director General or an authorised person that any aircraft is intended or likely to be flown -

(a) in such circumstances that regulation 3,6,22,24,34,35,46,56,62 or 63 would be contravened in relation to the flight;

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations or any order, instruction, requirement or direction notified or made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or

(c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any order, instruction, requirement or direction notified or made thereunder,

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

(2) For the purpose of subregulation (1), the Director General or an authorised person may enter upon and inspect any aircraft.

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PART XVI - GENERAL**

Regulation 181. Restriction with respect to aerial photography or aerial survey.

An aircraft shall not fly over Malaysia for the purpose of aerial photography or aerial survey except with the permission of the Director General granted under this regulation of the operator or the charterer of the aircraft and in accordance with any conditions to which the permission may be subject.

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Regulation 182. Right of access to aerodrome and other places.

The Director General or an authorized person shall have the right of access at all reasonable times -

(a) to any aerodrome for the purpose of inspecting the aerodrome;

(b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations; and

(c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under these Regulations and for the purpose of detaining the aircraft under these Regulations.

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Regulation 183. Obstruction of person.

A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

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Regulation 184. False statement and forgery.

If, in furnishing any information for the purpose of these Regulations, any person who makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence.

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Regulation 185. Enforcement of directions, etc.

Any person who fails to comply with any direction given to him by the Director General or by an authorised person under these Regulations or any order, instruction, requirement or direction made or notified thereunder shall be deemed for the purposes of these Regulations to have contravened these Regulations.

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Regulation 186. Fees and charges.

- (1) Subject to subregulations 4 and 5, there shall be paid to the Director General or the licensed company, as the case may be, the fees and charges specified in the Twelfth Schedule and such other fees and charges as prescribed.
- (2) Where a fee or charges is payable for or in respect of any matter involving the doing of any act or thing by the Minister, the Director General or an authorised person under these Regulations, then the Minister, the Director General or the authorised person, as the case may be, is precluded from doing that act or thing until the fee or charge has been paid.
- (3) Where any fee or charge has been paid in connection with any application under these Regulations by any person in accordance with subregulation (1) and the application is subsequently withdrawn or is refused, the fee or charge paid shall not be refunded.
- (4) The Director General may, as he considers appropriate, levy any fee or charge not exceeding fifty ringgit in relation to any matter in respect of which no fee or charge paid shall not be refunded.
- (5) Notwithstanding any other provisions in these Regulations, a licensed company may, in relation to any fees and charges prescribed herein, give any discount at such rate as it thinks fit or impose any interest on any sum outstanding.

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Regulation 187. Exercise of powers, etc. of the Minister outside Malaysia.

In relation to the exercise of any power or the performance of any duty of the Minister under these Regulations that may be required outside Malaysia in any state where there is no representative of the Minister who is competent to exercise the power or to perform the duty, the Minister may authorised in writing any person appearing to him to be qualified so to do or the holder for the time being of any office, to exercise such power or perform such duty.

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Regulation 188. Penalties.

(1) A person commits an offence against these Regulations when -

(a) he does any act contrary to the provisions thereof;

(b) he fails to comply with any direction or requirement properly given to or of him pursuant to any of the provisions thereof; or

(c) he fails to observe or perform any duty direct or by implication placed upon him thereby.

(2) If any provisions of these Regulation is contravened in relation to an aircraft, the owner, operator or commander of that aircraft, if the owner, operator or commander, as the case may be, is not the person who contravened that provisions, shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purpose of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

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

(4) Where a person is charged with contravening any provision of these Regulations by reason only of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose, in so far as it relates to the charge against the person, if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(5) Any person who contravenes any provision of these Regulations, other than the provision referred to in subregulation (6), (7) or (7A), shall be guilty of an offence and shall on conviction be liable —

(a) where such person is an individual, to a fine not exceeding twenty five thousand ringgit; or

(b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

[Subs. P.U.(A) 217/2003]

(6) Any person who contravenes any provision specified in Part A of the Sixteenth Schedule shall be guilty of an offence and shall on conviction be liable —

(a) where such person is an individual, to a fine not exceeding twenty five thousand ringgit or to imprisonment for a term not exceeding one year or to both; or

(b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

[Subs. P.U.(A) 217/2003]

(7) Any person who contravenes any provision specified in Part B of the Sixteenth Schedule shall be guilty of an offence and shall on conviction be liable —

(a) where such person is an individual, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or

(b) where such person is a body corporate, to a fine not exceeding one hundred thousand ringgit.

[Subs. P.U.(A) 217/2003]

(7A) Any person who contravenes regulation 10, 17 or 24 shall be guilty of an offence and shall on conviction be liable —

(a) in the case of a first offence —

(i) where such person is an individual, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both; or

(ii) where such person is a body corporate, to a fine not exceeding one hundred thousand ringgit; or

(b) in the case of a second or subsequent offence —

(i) where such person is an individual, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both; or

(ii) where such person is a body corporate, a fine not exceeding one hundred and fifty thousand ringgit.

[Ins. P.U.(A) 217/2003]

Former section reads:

[before being amended by P.U (A) 217/2003]

5. If any person contravenes any provision of these Regulations, not being a provision referred to in subregulation (6) or (7), he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

6. Any person who contravenes any provision specified in Part A of the Sixteenth Schedule, shall be guilty of an offence and shall, on conviction, be liable to a fine of not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both.

7. Any person who contravenes any provision specified in Part B of the Sixteenth Schedule, shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

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Regulation 189. Extra-territorial effect of these Regulations.

Except where the context otherwise requires, the provisions of these Regulations -

- (a) in so far as they apply, whether by express reference otherwise, to Malaysian aircraft, shall apply to such aircrafts wherever they may be;
- (b) in so far as they apply as aforesaid to either aircrafts shall apply to such aircrafts when they are within Malaysia;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by persons in, or by any of the crew of, any Malaysian aircrafts, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any Malaysian aircrafts by other persons shall apply to them wherever they may be.

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Regulation 190. Application of these Regulations to the Government, visiting force and military aircraft etc.

(1) The provisions of these Regulation unless otherwise specified, shall apply to or in relation to an aircraft belonging to or exclusively employed in the service of the Government, not being a military aircraft, as they apply to or in relation to other aircrafts which are registered in Malaysia or are capable of being so registered and for the purpose of such application, the department or other authority for the time being responsible on behalf of the Government for the management of the aircraft shall be deemed to be the operator of the aircraft, and, in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft:

Provided that nothing in this regulation shall render any department or other authority responsible on behalf of the Government for the management of any aircraft.

(2) Save as otherwise expressly provided, the naval, military and air force authorities and members of any visiting force and any property held or used for the purpose of such a force shall be exempt from these Regulations to the same extent as if that force forms part of the armed forces and for the time being serving there.

(3) Save as otherwise provided by subregulation (4), subregulation 89(1) and regulation 102, nothing in these Regulations shall apply to or in relation to any military aircraft.

(4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as member of any of the armed forces or as a member of a visiting force, regulations 70,71,73,89 and 90 shall apply on the occasion of that flight.

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Regulation 191. Exemption from these Regulations.

- (1) The Minister may exempt from any of the provisions of these Regulations any aircraft or persons or classes of aircrafts or persons, either absolutely or subject to such conditions as he thinks fit.
- (2) Save as otherwise provided by subregulation (3) and regulation 89, nothing in these Regulations shall apply to or in relation to any military aircraft.
- (3) The Government or any Government department, or other authority responsible for the management of any aircraft, shall not be liable to any penalty prescribed in these Regulations.

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Regulation 192. Saving.

Subject to regulations 99 and 101, nothing in these Regulations shall confer any right to land in any place as against the owner of the land or other persons interested therein.

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Regulation 193. Small aircraft.

These Regulations, other than regulations 67 and 91, shall not apply to -

- (a) any balloon which at any stage of its flight is not more than two metres in any linear dimension including any basket or other equipment attached to the balloon;
- (b) any kite weighing not more than two kilogrammes; or
- (c) any other aircraft weighing not more than seven kilogrammes without its fuel.

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Regulation 194. Approval of persons to furnish reports.

In relation to any of his functions pursuant to any of the provisions of these Regulations, the Director General may, absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish report to him and may accept such reports.

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Regulation 195. Mandatory reporting,

(1) Subject to this regulation, every person who -

(a) is the operator or the commander of a Malaysian registered aircraft;

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

(c) signs a certificate of maintenance review or certificate of release to service in respect of any aircraft, its part or equipment; or

(d) is the licensee of a licensed aerodrome,

shall -

(i) make a report to the Director General of any reportable occurrence of which he knows and which is of such a description as is specified in the Thirteenth Schedule, and the report shall be made within such time, by such means, and shall contain such information, as may be prescribed and it shall be presented in such form as the Director General may in any particular case approve ; and

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

(2) In this regulation, "reportable occurrence" means -

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

(b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purpose of or in connection with the operation of an aircraft, being a defect or malfunctioning

endangering, or which if not corrected would endanger, the aircraft or its occupants, or any other person:

Provided that any accident notified to the Director General in pursuance of Part XII shall not constitute a reportable occurrence for the purpose of this regulation.

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

(4) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to subregulations 60(2), (4) and (5) and subject to regulation 86, the operator of an aircraft shall, if he has reason to believe that the report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder or a combined flight data recorder and cockpit voice recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Director General or for such longer period as the Director General may, in a particular case, direct:

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

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Regulation 196. Flights over any foreign state

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

(2) A person does not contravene subregulation (1) if he neither know nor suspects that the aircraft is being or will to be used for the purpose referred to therein.

(3) The operator or commander of a Malaysian aircraft, or, if the operator's principal place of business or permanent residence is in Malaysia, any other aircraft, which is being flown over any foreign State shall comply with any directions given by the appropriate aeronautical authorities of that State whenever -

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

(b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that State.

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

(4) A person does not contravene subregulation (3) if the neither know nor suspects that directions were being given by the appropriate aeronautical authorities.

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

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

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Regulation 197. Application of these Regulations to Malaysian-controlled aircraft not registered in Malaysia

The Minister may direct that these Regulations and any requirements made or having effect thereunder as may be specified in the direction shall have effect as of reference in those provisions to Malaysia aircraft include references to the aircraft specified in the direction, being an aircraft not registered in Malaysia but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in a Malaysian aircraft.

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Regulation 198. Security measures.

The Director General shall be responsible for safeguarding civil aviation against acts of unlawful interference and for this purpose, he shall comply with the provisions of Annex 17 and the Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference issued by ICAO as amended from time to time.

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Regulation 199. Appeal to Minister.

(1) An appeal shall lie to the Minister from any decision of the Director General that a person is not a fit person to hold a licence or permit under these Regulations and if the Minister is satisfied, on the evidence submitted to him that the Director General was wrong in so deciding, the Minister may reverse the decision of the Director General and direct the Director General to give effect to the Minister's decision:

Provided that an appeal shall not lie from a decision of the Director General that a person is not qualified to hold a licence or permit under these Regulations by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(2) For the purposes of any provision relating to the time within which an appeal may be brought, the decision of the Director General shall be deemed to have been taken on the date on which the Director General furnished a statement of his reasons for the decision to the applicant for the licence permit, or as the case may be, the holder or former holder of the licence or permit, as the case may be.

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Regulation 200. Power to prevent aircraft flying.

If it appears to the Minister or the Director General that any aircrafts is intended or likely to be flown in contravention of these Regulations, the Minister or the Director General, as the case may be, may -

- (a) direct the operator of the aircraft not to permit the aircraft to make, or the commander of the aircraft not to make, the particular flight; and
- (b) take such steps as are necessary to detain the aircraft.

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Regulation 201. Application to Annexes 1 to 18.

Annexes 1 to 18 shall *ipso facto* apply to these Regulations unless provisions relating thereto are contained in the powers under by these Regulations or departures from the application of such Annexes have been notified by the Minister to the ICAO pursuant to Article 38 of the Convention.

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Regulation 202. Exercise of functions and powers by the Director General.

The Director General shall at all times perform his functions and exercise his powers under these Regulations in a manner consistent with the obligations of the Government of Malaysia under the Chicago Convention, any other treaty signed by the Government of Malaysia and any agreement between Malaysia and any other country relating to any matters under these Regulations.

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Regulation 203. Revocation.

Subject to subregulations 204(2) and (3), the following Regulations and Orders are revoked:

- (a) The Air Navigation Order 1953; [L.N. 583/53.]
- (b) The Air Navigation (Investigation of Accidents) Regulations 1953; [L.N. 584/53.]
- (c) The Air Navigation (Licensing and Air Services) Regulations 1953; [L.N. 585/53.]
- (d) Air Navigation (General) Regulations, 1953; [L.N. 587/53.]
- (e) Air Navigation (Radio) Regulations, 1953; [L.N. 588/53.]
- (f) The Colonial Air Navigation Order 1961; [S.I 1961/2316.]
- (g) Landing, Parking and Housing, Passenger Service and Air Navigation Facility Charges Regulations 1975; [P.U. (A) 427/75.]
- (h) Flight Calibration Service Charge Regulations 1977; and [P.U.(A) 130/77.]
- (i) Civil Aviation (Aerodromes) Regulations 1979. [P.U. (A) 177/79.]

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Regulation 204. Saving and transitional provisions.

(1) Nothing in these Regulations shall affect the power of any senior police officer to detain and search any aircraft under section 25 of the Police Act 1967 [*Act 41/1967*].

(2) Any certificate, licence, permit, approval, permission, exemption or other document issued or granted prior to the date of the coming into operation of these Regulations shall, subject to regulation 87, remain in force and shall have effect for the purposes of these Regulations as if it had been issued or granted under the corresponding provisions therein:

Provided that any document which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

(3) Any investigation commenced under the Air Navigation (Investigation of Accidents) Regulations 1953 shall continue to be conducted under the said Regulations as if these Regulations had not been enacted.

(4) All payments due to the Government under the revoked Regulations or Orders which are herein revoked shall be recoverable thereunder as if these Regulations had not been enacted.

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FIRST SCHEDULE*Part A*

[Subregulations 5(2) and 44(2)]

TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT

(1)	(2)	(3)	(4)
		Non-mechanically driven	Free Balloon
	Lighter than air aircraft		Captive Balloon
		Mechanically driven	Air ship
Aircraft			
		Non-mechanically driven	Glider Kite
	Heavier than air aircraft		
		Mechanically driven (flying machines)	Aeroplane (Landplane)
			Aeroplane (Seaplane)
			Aeroplane (Amphibian)
			Aeroplane (Self-launching Motor Glider)
			Aeroplane (Microlight)
			Gyroplane
			Helicopter

Part B

[Subregulation 6(2)]

NATIONALITY AND REGISTRATION MARKS OF A MALAYSIAN AIRCRAFT

1. The Nationality mark of the aircraft shall be the arabic numeral "9" and the roman capital letter "M", and the registration marks shall be a group of three or more capital letters in roman character assigned by the Director General on the registration of the aircraft. A hyphen shall be placed between the nationality mark and the registration mark.
2. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner:

(1) Position of Marks

(a) Heavier than air aircraft

(i) Wings: On heavier than air aircraft, the marks shall appear once on the lower surface of the wing structure. They shall be located on the left half of the lower surface of the wing structure unless they extend across the whole of the lower surface of the wing structure. So far as possible, the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters and numbers shall be towards the leading edge of the wing.

(ii) Fuselage (or equivalent structure) and vertical tail surface: On heavier than air aircraft, the marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface, they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer surfaces.

(iii) If a heavier than air aircraft does not possess parts corresponding to those mentioned in subitems (i) and (ii), the marks shall appear in a manner such that the aircraft can be identified readily.

(b) Lighter than air aircraft

(i) Airships: The marks on an airship shall appear either on the hull or on the stabilizer surfaces. When the marks appear on the hull, they shall be located lengthwise on each side of the hull and also on its upper surface on the line of symmetry. Where the marks appear on the stabilizer surfaces, they shall appear on the horizontal and vertical stabilizer; the marks on the horizontal stabilizer shall be located on the right half of the upper surface and on the left half of the lower surface, with the tops and numbers toward the leading edge; the marks on the vertical stabilizer shall be located on each side of the bottom hull stabilizer, with letters and numbers placed horizontally.

(ii) Spherical balloons: The marks shall be in two places diametrically opposite. They shall be placed near the maximum horizontal circumference of the balloon.

(iii) Non-spherical balloons: The marks shall be on each side. They shall be placed near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachments of the basket suspension cables.

(iv) All lighter than air aircraft: The side marks shall be so placed as to be visible both from the sides and from the ground.

(2) Size of Marks

(a) Heavier than air aircraft

(i) Wings: The marks on the wings shall be equal height and at least 50 centimetres in height.

(ii) Fuselage (or equivalent structure) or vertical tail surface: The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface. The letters and numerals constituting each group of marks shall be of equal height. The height of the marks shall be at least 30 centimetres:

Provided that where owing to the structure of the aircraft a height of 30 centimetres is not reasonably practicable, the height shall be the greatest height reasonably practicable in the circumstance, but not less than 15 centimetres.

(iii) Special cases: If a heavier than air aircraft does not possess parts corresponding to those mentioned in sub-items (i) and (ii) the measurements of the marks shall be such that the aircraft can be identified readily.

(b) Lighter than air aircraft

The marks shall be of equal height and at least 75 centimetres in height except that where owing to the structure of the aircraft a height of 75 centimetres is not reasonably practicable, the height shall be the greatest height reasonably practicable in the circumstances, but not less than 15 centimetres.

(3) Form, Width and Spacing of Marks

(a) The letters shall be capital letters in roman characters without ornamentation. Number shall be arabic numbers without ornamentation.

(b) The width of each character (except the letter I and the number 1) and the length of hyphens shall be two-thirds of the heights of a character.

(c) The characters and hyphens shall be formed by solid lines and shall be of a colour contrasting clearly with the background. The thickness of the lines shall be one-sixth of the height of a character.

(d) Each character shall be separated from that which it immediately precedes or follows by a space equal to half the width of a character. A hyphen shall be regarded as a character for this purpose.

3. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

4. In addition to the foregoing requirements of this Schedule, the nationality and registration marks shall also be inscribed, together with the name and address of the registered owner of the aircraft, on a fire-proof metal plate affixed in a prominent position.

5. In cases where the constructional features of an aircraft do not permit compliance with the provisions of paragraph 2, the nationality and registration marks shall be affixed to the aircraft in such manner and the letters and numeral constituting the marks shall be of such height as may be approved by the Director General.

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SECOND SCHEDULE

[Subregulations 3(1), 5(5), 6(3), 26(1) and 62(7)]

**SPECIAL CONDITIONS RELATING TO EXPERIMENTAL
OR TEST FLIGHTS - A, B AND C CONDITIONS**

The A Conditions, the B Conditions and the C Conditions referred to in subregulations 3(1), 5(5), 6(3), 26(1) and 62(7) are as follows:

A Conditions

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under the provisions of these Regulations, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to -

(a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of modification of the aircraft, after an application has been made for such issue, renewal, validation or approval, as the case may be; or

(b) proceed to or from a place at which any inspection, approval, test or weighing of the aircraft is to take place for the purpose referred to in subparagraph (a) after such an application has been made.

(3) The aircraft and its engines shall be certified as fit for flight, by the holder of a licence, as an aircraft maintenance engineer, entitled in accordance with the provisions of the Fourth Schedule so to certify, or by a person approved by the Director General for the purpose of issuing certificates under this conditions, and in accordance with that approval.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under these Regulations in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any passengers or cargo except persons performing duties in the aircraft in connection with the flight.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except in accordance with procedures which have been approved by the Director General in relation to

that flight.

(7) Without prejudice to the provisions of subregulation 39(2) the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B Conditions

(1) The flight shall be made under the supervision of a person approved by the Director General for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in Malaysia or under the law of any State referred to in regulation 3, the aircraft shall be marked in a manner approved by the Director General for the purposes of these Conditions, and the provisions of regulations 33, 35, 40, 55, 82 and 84 shall be complied with in relation to the aircraft as if it was registered in Malaysia so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of -

(a) experimenting with or testing the aircraft, including in particular its engines, and its equipment;

(b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft; or

(c) proceeding to or from a place at which any experiment, approval, test, inspection or weighing of the aircraft, is to take place for the purpose referred to in subparagraph (a) or (b).

(4) The aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any cargo or any person other than the flight crew except the following persons:

(a) persons employed by the operator who carry out during the flight duties in connection with the purposes specified in paragraph (3) of these Conditions;

(b) persons employed by manufacturers of component parts of the aircraft, including the engines, who carry out during the flight duties in connection with the purposes as specified;

(c) persons approved by the Director General under subregulation 27(8) as qualified to furnish reports for the purposes of that regulation;

(d) persons, other than those carried under the preceding provisions of this subparagraph, who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except in accordance with procedures which have been approved by the Director General or an authorised person in relation to that flight.

C Conditions

(1) The operator of the aircraft shall be the registered owner of the aircraft who shall be the holder of an aircraft dealer's certificate issued under these Regulations.

(2) The aircraft shall fly only for the purpose of -

(a) testing the aircraft;

(b) demonstrating the aircraft with a view to the sale of that aircraft or other similar aircraft;

(c) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid or overhauled, repaired or modified;

(d) delivering the aircraft to a person who has agreed to buy, sell or lease it; or

(e) proceeding to or from a place for the purpose of storage.

(3) Without prejudice to the provisions of regulation 49, the operator of the aircraft shall satisfy himself before the aircraft takes off that the aircraft is in every way fit for the intended flight.

(4) The aircraft shall fly within Malaysia only.

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THIRD SCHEDULE

(Regulation 27)

CATEGORIES OF AIRCRAFT AND PURPOSE OF FLIGHT

1. Categories of Aircraft

Transport Category (Passenger);

Transport Category (Cargo);

Aerial Work Category;

Private Category;

Special Category.

2. The purposes for which the aircraft may fly are as follows:

Transport Category: Any purpose
(Passenger)

Transport Category: Any purpose other than the public transport of passengers
(Cargo)

Aerial Work Category: Any purpose other than public transport

Private Category: Any purpose other than public transport or aerial work

Special Category: Any purpose other than public transport specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

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FOURTH SCHEDULE

(Regulation 31)

MAINTENANCE ENGINEERS: PRIVILEGES OF LICENCES

An aircraft maintenance engineer may, subject to the conditions of his licence, issue certificate as follows:

(1) Aircraft Maintenance Engineers - Category A (Aircraft)

In relation to an aircraft, not including the engines of a description specified in his licence, being an aircraft in respect of which a type rating has been included in his licence -

- (a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of release to service in respect of overhaul, inspections repair, replacement, modification and scheduled maintenance inspection so approved;
- (c) certificates of fitness of aircrafts for flight under the 'A Conditions" set out in the Second Schedule.

(2) Aircraft Maintenance Engineers - Category C (Engines)

In relation to aircraft engines of the description specified in his licence, being engines in respect of which a type rating has been included in his licence -

- (a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;
- (b) certificates of release to service in respect of overhaul, inspection, repair, replacement, modification and scheduled maintenance inspection so approved ;
- (c) certificates of fitness of aircraft engines for flight under the "A Conditions " set out in the Second Schedule.

(3) Aircraft Maintenance Engineers - Category X (Electrical Installations)

In relation to electrical installations -

(a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;

(b) certificates of release to service in respect of overhaul, inspection, repair, replacement, modification and schedule maintenance inspection so approved

(4) Aircraft Maintenance Engineers - Category X (Instrument Installations)

In relation to instrument installations-

(a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;

(b) certificates of release to service in respect of overhaul, inspection, repair, replacement, modification and schedule maintenance inspection so approved.

(5) Aircraft Maintenance Engineers - Category X (Automatic Pilot)

In relation to autopilot installation -

(a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;

(b) certificates of release to service in respect of overhaul, inspection, repair, replacement, modification and schedule maintenance inspection so approved.

(6) Aircraft Maintenance Engineers - Combined - Category (Instrument Land Automatic Pilot)

In relation to the above combined - category -

(a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;

(b) certificate of release to service in respect of overhaul, inspection, repair, replacement, modification and schedule maintenance inspection so approved.

(7) Aircraft Maintenance Engineers - Category R (Radio Systems)

In relation to aircraft radio equipment of a description specified in his licence, being radio equipment in respect of which a type rating has been included in his licence -

(a) certificates of maintenance review in accordance with the maintenance schedules approved under these Regulations;

(b) certificates of release to service in respect of overhaul, inspection, repair, replacement, modification and schedule maintenance inspection so approved.

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FIFTH SCHEDULE (Description of Aircraft 1-10)

(Regulations 30, 32, 47 and 60)

AIRCRAFT EQUIPMENT

1. Every Malaysian aircraft of a description specified in the first column of the Table set forth in paragraph 4 shall be provided, when flying in the circumstances specified in the second column of the said Table, with the adequate equipment, and for the purpose of this paragraph the expression "adequate equipment" shall mean the scales of equipment respectively indicated in that Table:

Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

(2) The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

(3) The following items of equipment shall not be required to be of a type approved by the Director General:

(a) the equipment referred to in Scale A(ii);

(b) first aid equipment and handbook referred to in Scale A;

(c) time-pieces referred to in Scale F;

(d) torches referred to in Scales G, H, K and Z;

(e) whistles referred to in Scale H;

(f) sea anchors referred to in Scales J and K;

(g) rocket signals referred to in Scale J;

(h) equipment for mooring, anchoring or maneuvering aircraft on the water referred to in Scale J;

(i) paddles referred to in Scale K;

(j) food and water referred to in Scales K, U, and V;

(k) first aid equipment referred to in Scales K, U and V;

(l) stoves, cooking utensils, snow shovels, ice saws, sleeping bag and Arctic suits referred to in Scale V;

(m) megaphones referred to in Scales Y1 and Y2.

4. TABLE

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(1) Gliders	(a) flying for purposes other than public transport or aerial work; and when flying by night	A(ii)
	(b) flying for the purpose of public transport or aerial work; and	A, B(i) and (ii), D, and F (i)
	(i) when flying by night	C and G
	(ii) when carrying out aerobatic manoeuvres	B(iii)
	(2) Aeroplanes	(a) flying for purpose other than public transport; and -
(i) when flying by night		C and D
(ii) when flying under IFR		D
(aa) outside controlled airspace notified for the purposes of this subparagraph		E with E (iv) duplicated and F
(bb) within controlled airspace notified for the purposes of this subparagraph		B(iii)
(iii) when carrying out aerobatic manoeuvres		

(b) flying for the purpose of public transport; and -

A, B(i)
and (ii),
D and F(i)

(i) when flying under Instrument Flight Rules except flights outside controlled airspace notified for the purposes of this subparagraph by aeroplanes having an authorised maximum total weight not exceed 1150 kilogrammes

E with E
(iv)
duplicated
and F

(ii) when flying by night; and in the case of aeroplanes of which the authorised maximum total weight exceed 1150 kilogrammes

C and G,
with E
(iv)
duplicated
and F

(iii) when flying over water beyond gliding distance from land

H

(iv) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aeroplane would be forced to land onto water

H

(v) when flying over water

(aa) in the case of an aeroplane -

(aaa) classified in its certificate of air-worthiness as being of performance group A, C or X, or

(*bbb*) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and remaining power the unit or units operating within maximum continues power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Director General it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5000 feet in the International Standard Atmosphere specified or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft,

H and K

H and K

when either more than 400 nautical miles or more than 90 minutes *flying time from the nearest aerodrome at which an emergency landing can be made

(*bb*) in the case of all other aeroplanes, when more than 30 minutes flying time* from such an aerodrome

H and K

(vi) on all flights which involve manoeuvres on water

H, J and K

(vii) when flying at a height of 10000 feet or more above mean sea level -

(*aa*) having a certificate of airworthiness first issued, whether in Malaysia or elsewhere, before 1 January 1989

LI or L2

(*bb*) having a certificate of airworthiness first issued, whether in Malaysia or elsewhere, on or after 1 January 1989

L2

(viii) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met

M

(ix) when carrying out aerobatic manouvres

B(iii)

(x) on all flights on which the aircraft carries a flight crew of more than one person

N

(xi) on all flights for the purpose of the public transport of passengers -

(*aa*) before 1 January 1990

Q and Y1

(*bb*) on or after 1 January 1990

Q and Y2
(i), (ii)
and (iii)

(xii) on all flights by a pressurised aircraft -

(*aa*) before 1 January 1990

R1

(*bb*) on or after 1 January 1990

R2

(xiii) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met

U

	(xiv) when flying over substantially uninhabited land or other areas where, in the event of any emergency landing, polar conditions are likely to be met	V
	(xv) when flying at an altitude of more than 49000 feet	W
(3) Turbined-jet aeroplanes having an authorised maximum total weight exceed 5700 kilogrammes or pressurized aircraft having an authorised maximum total weight exceed 11400 kilogrammes	when flying for the purpose of public transport	O
(4) Turbine-engined aeroplanes having an authorised maximum total weight exceed 5700 kilogrammes and piston- engined aeroplane having an authorised maximum total weight exceed 27000 kilogrames		

(a) which are operated by an air transport undertaking under a certificate of airworthiness in the Transport Category (Passenger) or the Transport Category (Cargo); or

when flying on any flight

P

(b) in respect of which application has been made and not withdrawn or refused for such a certificate, and which fly under the "A Conditions" or under a certificate of airworthiness in the Special Category:

when flying on any flight

P

Provided that this paragraph shall not apply to aeroplanes failing within paragraph (5) or (6) hereof.

(5) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under the "A Conditions" or in respect of which there is in force a certificate of airworthiness in the Special Category -

(a) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 April 1971 and which have an authorised maximum total weight exceed 5700 kilogrammes but not exceed 11400 kilogrammes;

when flying on any flight

S(i)

(b) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 April 1971 and which have an authorised maximum total weight exceed 11400 kilogrammes but not exceed 27000 kilogrammes,

when flying on any flight

S(ii)

(c) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 April 1971, and which have an authorised maximum total weight exceed 11400 kilogrammes but not exceed

when flying on any flight

S(iii)

230000
kilogrammes;
or

(d) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 January 1970 and which have an authorised maximum total weight exceed 230000 kilogrammes;

when flying on any flight

S(iii)

Provided that this paragraph shall not apply to aeroplanes falling within paragraph (6) hereof.

(6) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and aeroplanes in respect of which application has been made, and not

withdrawn or
refused, for such a
certificate of
airworthiness and
which fly under "A
Conditions" or in
respect of which
there is in force a
certificate of
airworthiness in the
Special Category -

(a) for which
an individual
certificate of
airworthiness
was first
issued,
whether in
Malaysia or
elsewhere,
on or after 1
June 1990
and which
have an
authorised
maximum
total weight
not exceed
5700
kilogrammes,
are powered
by two or
more
turbinised
engines and
are certified
to carry more
than 9
passengers;

when flying on any flight

S(iv)

(b) for which an individual certificate of airworthiness was first issued, whether in Malaysia or elsewhere, on or after 1 June 1990 and which have an authorised maximum total weight exceed 5700 kilogrammes but not exceed 270000 kilogrammes; or

when flying on any flight

S(v)

(c) for which an individual certificate of airworthiness was first issued, whether in Malaysia or elsewhere, on or after 1 June 1990 and which have an authorise maximum total weight exceed 27000 kilogrammes

when flying on any flight

S(vi)

(7) Aeroplanes in respect of which there is in force a certificate of airworthiness in Aerial Work or Private Category and for which an individual certificate of airworthiness was first issued, whether in Malaysia or elsewhere, on or after 1 June 1990 and which have an authorised maximum total weight exceed 27000 kilogrammes

when flying on any flight

S(vi)

(8) Aeroplanes -

(a) which conform to a type first issued with a type certificate, whether in Malaysia or else where, on or after 1 April 1971 and having an authorised maximum total weight exceed 27000 kilogrammes and in respect of which there is in force a certificate of

when flying on any flight

T

airworthiness
in the
Transport
Category
(Passenger)
or the
Transport
Category
(Cargo);

(b) which
conform to a
type first
issued with a
type
certificate in
Malaysia on
or after 1
January
1970 and
which have
an
authorised
maximum
total weight
exceed
230000
kilogrammes
and in
respect of
which there
is in force
such a
certificate of
airworthiness;
or

when flying on any flight

T

(c) having an authorised maximum total weight exceed 27000 kilogrammes which conform to a type certificate on or after 1 April 1971, or 1 January 1970 in the case where an application has been made, and not withdrawn or refused for such a certificate of airworthiness and which fly under the "A Conditions" or in respect of which there is in force a certificate of airworthiness in the Special Category

T

<p>(9) Aeroplanes which have an authorised maximum total weight exceed 15000 kilogrammes or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers</p>	<p>on all flights for the purpose of public transport</p>	<p>X</p>
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(10) Aeroplanes -

<p>(a) which are a turbo-jet and which have an authorised maximum total weight exceed 22700 kilogrammes;</p>	<p>when flying by night for the purpose of the public transport of passengers</p>	<p>Z(i) and (ii)</p>
--	---	----------------------

<p>(b) having an authorised maximum total weight exceed 5700 kilogrammes which conform to a type for which a certificate of airworthiness was first applied for, whether in Malaysia or else where, after 30 April</p>	<p>when flying by night for the purpose of the public transport of passengers</p>	<p>Z(i) and (ii)</p>
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1972 but not including any aeroplane which in the opinion of the Director General is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane for which a certificate of airworthiness was first applied for before that date;

(c) which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 19 passengers; when flying by night for the purpose of the public transport of passengers

Z(i)

(d) having an authorised maximum total weight exceed 5700 kilogrammes and which conform to a type for which certificate of airworthiness was first applied for, whether in Malaysia or elsewhere, after 30 April 1972, but not including any aeroplane which in the opinion of the Director General is identical in all matters affecting the provision of the emergency evacuation facilities to an aeroplane for which a certificate of air-worthiness was first applied for before that date;

when flying for the purpose of the public transport of passengers

Z(iii)

(e) which are a turbo-jet and which have an authorised maximum total weight exceed 22700 kilogrammes; or

when flying for the purpose of the public transport of passengers

Z(iii)

(f) first issued with a type certificate, whether in Malaysia or else where, on or after 1 January 1958, and which in accordance with the certificate of airworthiness in force in respect of hereof may carry more than 19 passengers

when flying for the purpose of the public transport of passengers

Z(iii)

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FIFTH SCHEDULE (Description of Aircraft 11-14)

Description of Aircraft	Circumstances of Flight	Scale of Equipment Required
(11) Aeroplanes -		
(a) powered by one or more turbine jets and first issued with a certificate of airworthiness in Malaysia on or after 1 April 1989;	when flying on any flight on or after 1st April 1989	A A
(b) powered by one or more turbine jets and first issued with a certificate of airworthiness in Malaysia prior to 1 April 1989;	when flying on any flight on or after 1st April 1990	A A
(c) powered by one or more turbine propeller engines and have an authorised maximum total weight exceed 5700 kilogrammes and first issued with a certificate of airworthiness in Malaysia on or after 1 April 1989	when flying on any flight on or after 1st April 1989	A A

(12) Aeroplanes -

- | | | |
|--|---|--------|
| (a) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 April 1978 and in respect of airworthiness in the Transport Category (Passenger); | on all flights for the purpose of the public transport of passengers on or after 1st April 1991 | Y2(iv) |
| (b) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, on or after 1 April 1968 and before 1st April 1978 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger); | on all flights for the purpose of the public transport of passengers on or after 1st April 1992 | Y2(iv) |
| (c) which conform to a type first issued with a type certificate, whether in Malaysia or elsewhere, before 1 April 1968 and in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) | on all flights for the purpose of the public transport of passengers on or after 1st April 1993 | Y2(iv) |

(13) Helicopters and Gyroplanes

(a) flying for purposes other than public transport; and

A (i) and (ii) and B (i)

(i) when flying by day under Visual Flight Rules with visual ground reference

D

(ii) when flying by day under Instrument Flights Rules or without visual ground reference -

(aa) outside controlled airspace notified for the purposes of this subparagraph

E with E (ii) duplicated

(bb) within controlled airspace notified for the purposes of this paragraph

E with E (ii) and E (iv) duplicated and F with F (iv) for all weights

(iii) when flying at night -

(aa) with visual ground reference

C, E, G (iii) and G (v)

(bb) without visual ground reference -

(aaa) outside controlled airspace notified for the purposes of this subparagraph

C, E, with E(ii) duplicated, G(iii) and G(v)

(bbb) within controlled airspace notified for the purposes of this subparagraph

C, E with both E(iv) duplicated, F with F(iv) for all weights, G (iii) and G (v)

(b) flying for the purpose of public transport; and -

A, B(i) and (ii), F and F(iv) for all weights

(i) when flying by day under Visual Flights Rules with visual ground reference

D

(ii) when flying by day under Instrument Flight Rules or without visual ground reference

E with both E(ii) and E(iv) duplicated, F(ii), F(iii) and F(v)

(iii) when flying by night with visual ground reference -

(aa) in the case of a helicopter or gyroplane have an authorised maximum total weight exceed 2000 kilogrammes

C, E and G

(bb) in the case of a helicopter or gyroplane have an authorised maximum total weight not exceed 2000 kilogrammes

C, E with E(ii) duplicated and either E(iv) duplicated or radio altimeter, F(ii), F(iii), F(v) and G

(iv) when flying by night without visual ground reference

C, E with both E(ii) and E(iv) duplicated, F(ii), F(iii), F(v) and G

(v) when flying over water

(aa) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A2 or B when beyond autorotational gliding distance from land suitable for an emergency landing

E and H

(bb) on all flights on which in the event of any emergency occurring during the takeoff or during the landing at the intended destination or any likely alternate destination, it is reasonably possible that the helicopter gyroplane would be forced to land on the water

H

(cc) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A2 when beyond 10 minutes ** flying time from land

E, H, K and T

(dd) for more than a total of 3 minutes in any flight

E E

(ee) in the case of a helicopter or a gyroplane classified in its certificate of airworthiness as being of performance group A2 which is intended to fly beyond 10 minutes ** flying time from land or which actually flies beyond 10 minutes flying time from land, on a flight in support of or in connection with the offshore exploitation, or exploration of mineral resources, including gas, when the weather report or forecasts available to the commander of the aircraft indicate that the sea temperature will be less than plus 10⁰ Celsius during the flight or when any part of the flight is at night

I

(vi) on all flights which involve maneuvers on water

H, J and K

(vii) when flying at a height of 10000 feet or more above mean sea level -

(aa) having a certificate of airworthiness first issued, whether in Malaysia or elsewhere, before 1 January 1989

L1 or L2

(bb) having a certificate of airworthiness first issued, whether in Malaysia or elsewhere, on or after 1 January 1989

L2

(viii) on flights when the weather report or forecasts available at the aerodrome at the time of departure indicate that the conditions favouring ice formation are likely to be met

M

(ix) on all flights on which the aircraft carries a flight crew or more than one person

N

(x) on all flights for the purpose of the public transport of passengers -

(aa) before 1 January 1990

Y1

(bb) on or after 1 January 1990

Y2(i), (ii) and (iii)

(xi) when flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met

U

(xii) when flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met

V

(14) Helicopters and
Gyroplanes -

(a) having an authorised maximum total weight exceeding 5700 kilogrammes and which conform to a type for which the certificate of airworthiness was first applied, whether in Malaysia or elsewhere, after 30 April 1972, but not including any helicopter or gyroplane which in the opinion of the Director General is identical in all matters affecting the provision of emergency of evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date;

when flying by night for the purpose of the public transport of passengers

Z(I) and
(ii)

(b) which, in accordance with the certificate of airworthiness in respect thereof may carry more than 19 passengers;

when flying by night for the purpose of the public transport of passengers

Z(ii)

(c) which have a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and which have either an authorised maximum total weight exceed 2730 kilogrammes or which may carry more than 9 passengers; or

when flying on any flight before 1 February 1991

S(vii)

(d) which have a certificate of airworthiness issued in the Transport Category (Passenger or Cargo) and helicopters and gyroplanes in respect of which application has been made, and not withdrawn or refused, for such a certificate of airworthiness and which fly under "A Conditions" or which have a certificate of airworthiness in the Special Category and -

when flying on any flight on or after 1 February 1991

SS(i) or (iii)

(i) which have an authorised maximum total weight exceeding 2730 kilogrammes but not exceeding 7000 kilogrammes or which, in accordance with the certificate of airworthiness in force in respect of thereof may carry more than 9 passengers, or both;	when flying on any flight on or after 1 February 1991	SS(i) and (iii)
(ii) with an authorised maximum total weight exceeding 7000 kilogrammes	when flying on any flight on or after 1 February 1991	SS(ii) and (iii)

Note:

* For the purpose of item (2)(b)(v) of this Table, flying time shall be calculated on the assumption that the aircraft is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with the regulations governing flights over water.

** For the purpose of item (13)(b)(v) of this Table, flying time shall be calculated on the assumption that the helicopter or gyroplane is flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for the compliance with the regulations /governing flights over water.

5. The scales of equipment indicated in the foregoing Table shall be as follows:

Scale A

(a) Spare fuses for all electrical circuits, the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.

(b) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required in these Regulations for the intended flight of the aircraft including any diversion which may reasonably be expected.

(c) First aid equipment of good quality, sufficient in quality, having regard to the number of persons on board the aircraft, and including the following:

(i) roller bandages, triangular bandages, adhesive plaster, absorbent gauze, Cotton wool (or wound dressings in place of the absorbent gauze and cotton wool), burn dressings, safety pins;

(ii) haemostatic, bandages or tourniquets, scissors;

(iii) antiseptic, analgesic and stimulant drugs;

(iv) splints in the case of aeroplanes the authorised maximum total weight of which exceeds 5700 kilogrammes; and

(v) handbook on first aid.

(d) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the still of any external door intended for the disembarkation of passengers, whether normally or in an emergency -

(i) is more than 1.82 metres from the ground when the undercarriage of the machine is in the normal position for taxiing ; or

(ii) would be more than 1.82 metres from the ground if the undercarriage of any part thereof should collapse, break or fail to function,

apparatus readily available for use at each such door consisting of a devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

Scale AA

An altitude alerting system capable of alerting the pilot approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient

time to establish level flight at that preselected altitude, and when deviating above or below that preselected altitude, by a visual and aural signals:

Provided that if the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

(a) (i) If the authorised maximum total weight of the aircrafts is 2730 kilogrammes or less, for every pilot's seat and for any seat situated alongside a pilot's seat, a safety belt with one diagonal shoulder strap or a safety harness:

Provided that the Director General may permit a safety belt without a diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.

(ii) If the authorised maximum total weight of the aircraft exceeds 2730 kilogrammes, a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, in place of safety belt with one diagonal shoulder strap referred to under subitem (a):

Provided that the Director General may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that it is not reasonably practicable to fit a safety harness.

(iii) For every seat in use, not being a seat referred to in subitem (i), (ii), (v), or (vi), a safety belt with or without one diagonal shoulder strap or a safety harness.

(iv) In addition and to be attached to or secured by the equipment required in subitem (iii), a child restraint device for every child under the age of two years on board.

(v) On all flights for the public transport of passengers by aircraft, for each seat for use by cabin attendants who are required to be carried under these Regulations, a safety harness.

(vi) On all flights in aeroplanes the authorised maximum total weight of which does not exceed 5700 kilogrammes which in accordance with the certificate of airworthiness in force thereof is not capable of seating more than 9 passengers, otherwise than in seats referred to under subitems (i) and (ii), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger:

Provided that provisions of this subitem shall not apply to aeroplanes in respect of which a certificate of airworthiness was first issued, whether in Malaysia or elsewhere, before 1

February 1989.

(b) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belt should be fastened.

(c) A safety harness for every seat in use:

Provided that in the case of an aircraft carrying out acrobatic maneuvers consisting only of erect spinning, the Director General may permit a safety belt with one diagonal shoulder strap to be fitted if he is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

(a) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control.

(b) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.

(c) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land.

Scale D

(a) (i) In the case of a helicopter or gyroplane, a slip indicator.

(ii) In the case of any other flying machine either -

(aa) a turn indicator and a slip indicator; or

(bb) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.

(b) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

(a) (i) In the case of a helicopter or gyroplane, a slip indicator.

(ii) In the case of any other flying machine, a turn indicator and a slip indicator.

(b) A gyroscopic bank and pitch indicator.

(c) A gyroscopic direction indicator.

(d) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight:

Provided that any aircraft may, at the option of the operator, be equipped with an additional gyroscopic bank and pitch indicator in lieu of the turn indicator referred to in item (a)

Scale EE

A radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.

Scale F

(a) A timepiece indicating the time in hours, minutes and second.

(b) A means of indicating whether the power supply to the gyroscopic instrument is adequate.

(c) A rate of climb and descent indicator.

(d) If the authorised maximum total weight of the aircraft exceeds 5700 kilogrammes a means indicating outside air temperature.

(e) If the authorised maximum total weight of the aircraft exceeds 5700 kilogrammes two air speed indicators.

Scale G

(a) In the case of an aircraft other than a helicopter or gyroplane landing lights consisting of two single filament lamps, or one dual lights consisting of two single filament lamp with separately energised filaments.

(b) An electrical lighting system to provide illumination in every passenger compartment.

(c) (i) One electric torch for each member of the crew of the aircraft; or

(ii) (aa) one electric torch for each member of the flight crew of the aircraft; and

(bb) at least one electric torch affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torch shall -

(aaa) be readily accessible for use by the crew of the aircraft at all times; and

(bbb) number in the total is less than the minimum number of cabin attendants required to be carried with a full passenger complement.

(d) In the case of an aircraft other than a helicopter or gyroplane of which the authorised maximum total weight exceeds 5700 kilogrammes, means of observing the existence and build up of ice on the aircraft.

(e) (i) In the case of a helicopter or gyroplane in respect of which there is in force a certificate of airworthiness designating the helicopter or gyroplane as being of Performance Group A, either -

(aa) two landing lights both which are adjustable so as illuminate the ground in front of and below the helicopter or gyroplane and one of which adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or

(bb) one landing light or, if the authorised maximum total weight of the helicopter or gyroplane exceeds 5700 kilogrammes, one dual filament, or two single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and two parachute flares;

(ii) In the case of a helicopter or gyroplane in respect of which there is in force a certificate or airworthiness designating the helicopter or gyroplane as being of Performance Group B, either -

(aa) one landing light and two parachute flares; or

(bb) if the authorised maximum total weight of the helicopter or gyroplane exceeds 5700 kilogrammes, either one dual filament landing light with separately energised filaments or two single filament landing lights, and two parachute flares.

Scale H

For each person on board, a lifejacket equipped with a whistle and waterproof torch:

Provided that lifejacket constructed and carried solely for use by the children under three years of age need not be equipped with a whistle.

Scale I

A survival suit for each member of the crew.

Scale J

(a) Additional floatation equipment, capable of supporting one-fifth of the member of persons on board, and provided in a place of stowage accessible from outside the flying machine.

(b) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air Traffic Control.

(c) A sea anchor and other equipment necessary to facilitate mooring, anchoring and maneuvering the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale K

(a) (i) In the case of a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, life rafts sufficient together accommodate all persons on board, and each life raft shall contain the following equipment:

(ii) In the case of a helicopter or gyroplane carrying twenty or more persons, a minimum of two life rafts sufficient together to accommodate all persons on board, and each life rafts shall contain the following equipment:

(aa) means for maintaining buoyancy;

(bb) a sea anchor;

(cc) life-lines and means of attaching one life raft to another;

(dd) paddles or other means of propulsion;

(ee) means of protecting the occupants from the elements;

(ff) a waterproof torch;

(gg) marine type pyrotechnical distress signals;

(hh) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in subitem (ii) below;

(ii) for each four or proportion of four persons the life raft is designed to carry -

100 grammes of glucose toffee tablets; and

1/2 litre of fresh water in durable containers;

Provided that in any case in which it is reasonably practicable to carry the quantity of water specified a large quantity of fresh water as is reasonably practicable in the circumstances may be substituted. In no case however shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in subitem (hh) to provide 1/2 litre of water for each four proportion of four persons the life raft is designed to carry; and

(jj) first aid equipment;

Subitems (ff) to (jj) inclusive shall be contained in a pack.

(b) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of life rafts specified in column 1 of the following Table shall not be less than the number specified in, or calculated in accordance with, column 2.

TABLE

(1)	(2)

Not more than 8 life rafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 life rafts	1 additional survival beacon radio apparatus

(c) In the case of a helicopter or gyroplane, an emergency beacon which is automatically deployed and activated in the event of a crash.

Scale L1

Part 1

(a) In every flying machine which is provided with the means for maintaining a pressure greater than 700 milibars throughout the light in the flight crew compartment and in the compartments in which the passengers are carried -

(a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II of this Scale, for continuous use, during the period specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and

(b) in addition, in every case where flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(b) In any other flying machine -

(i) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew, and if passengers are carried, by 10 per centum of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 and the flight crew shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and

(ii) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(c) The quantity of oxygen required for the purpose of complying with items (a) and (b) above shall be computed in accordance with information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Part A of the Ninth Schedule.

Part II

(1)	(2)	(3)	(4)
Vertical displacement of the flying machine in relation to flight levels	Capability of flying machine to descend (where relevant)	Period of supply of oxygen	Persons for whom oxygen is to be provided
Above flight level 100	---	30 minutes or the period specified at A hereunder which is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 130	Flying machine is either flying at or below flight level 150 or is capable of descending and continuing to destination as specified at X hereunder	30 minutes or the period specified at A hereunder whichever is the greater	10% of number of passengers

		10 minutes or the period specified at B hereunder whichever is the greater	All passengers
	Flying machine is flying above flight level 150 and is not so capable		
		and in addition	
		30 minutes of the period specified at C hereunder whichever is the greater	10% of number passengers
	Flying machine is capable of descending and continuing to destination as specified at Y hereunder	30 minutes or the period specified at A hereunder whichever is the greater	15% of number of passengers
Above flight level 300 but not above flight 350		10 minutes or the period specified at B hereunder whichever is the greater	All passengers
	Flying machine is not capable		
		and in addition	
		30 minutes or the period specified at C hereunder whichever is the greater	15% of number of passengers

10 minutes or the period specified at B hereunder whichever is the greater All passengers

Above flight level - 350 and in addition

30 minutes or the period specified at B hereunder whichever is the greater 15% of number of passengers

A. The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Y. The flying machine is capable, at the time when a failure to maintain such pressures occurred, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

A Supply of oxygen and the associated equipment to meet the requirements set out in Parts I and II of this Scale. The duration for the purposes of this Scale shall be -

(a) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of -

(i) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;

(ii) the possibility of failure of one or more of the aircraft engines;

(iii) restriction due to required minimum safe altitude;

(iv) fuel requirement; and

(v) the performance or periods during which the aircraft is actually flown in the circumstances specified in the said Parts,

whichever is the greater.

Part I

Unpressurised aircraft

(a) When flying at or below flight level 100 -

Nil.

(b) When flying above flight level 100 but not exceeding flight level 120 -

Supply for

Duration

- | | |
|---|---|
| (i) Members of the flight crew | Any period during which the aircraft flies above flight level 100. |
| (ii) Cabin attendants and 10% of passengers | For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding flight level 120, the duration shall be the period by which 30 minutes is exceeded. |

(c) When flying above flight level 120 -

- | <i>Supply for</i> | <i>Duration</i> |
|--|---|
| (i) Members of the flight crew | Any period during which the aircraft flies above flight level 120 |
| (ii) Cabin attendants and all passengers | Any period during which the aircraft flies above flight level 120 |

Part II

Pressurised aircraft

(a) When flying at or below flight level 100 -

Nil.

(b) When flying above flight level 100 but not exceeding flight level 1250 -

- | <i>Supply for</i> | <i>Duration</i> |
|---|--|
| (i) Members of the flight crew | 30 minutes or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater. |
| (ii) Cabin attendants and 10% of passengers | <p>(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the pressure altitude exceeds 10,000 feet, whichever is greater.</p> <p>(bb) When the aircraft is not capable, whenever the cabin pressure altitude is greater than 10,000 feet, but does not exceed 12,000 feet.</p> |

(iii) Cabin attendants and all passengers

(aa) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that specified in subitem (ii) (aa) above.

(bb) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 12,000 feet or 10 minutes, whichever is the greater.

(c) When flying above flight level 250 -

Supply for
(i) Members of the flight crew

Duration
Two hours or whenever the cabin pressure altitude exceeds 10,000 feet, whichever is the greater

(ii) Cabin attendants

Whenever the cabin pressure altitude exceeds 10,000 feet, a portable supply for 15 minutes

(iii) 10% of passengers

Whenever the cabin pressure altitude exceeds 10,000 feet does not exceed 12,000 feet

(iv) 30 % of passengers

Whenever the cabin pressure altitude exceeds 12,000 feet but does not exceeds 15,000 feet

(v) All passengers

If the cabin pressure altitude exceeds 15,000 feet, the duration shall be the period when the cabin pressure altitude exceeds 15,000 feet or 10 minutes, whichever is the greater

(vi) 2% of passengers or two passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or two passengers wherever they are seated in the aircraft

Whenever, after decompression the cabin pressure altitude exceeds 8,000 feet

A. The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as not to endanger the safety of the aircraft.

Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer, if any.

Scale O

A radar set capable of giving warning to the pilot in-command of the aircraft and to the co-pilot of the presence of sumulo-nimbus clouds and other potentially hazardous weather conditions:

Provided that a flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter -

(a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or

(b) when the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion therefrom, the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

(a) A flight data recorder which is capable of recording, by reference to a time-scale, the following data:

(i) indicated airspeed;

(ii) indicated altitude;

(iii) vertical acceleration;

(iv) magnetic heading;

(v) pitch altitude, if the equipment provided in the aeroplanes is of such a nature as to enable this item to be recorded;

(vi) engine power, if the equipment provided in the aeroplanes is of such a nature as to enable this item to be recorded;

(vii) flap position;

(viii) roll altitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded:

Provided that any aeroplane having an authorised maximum total weight not exceeding 11,400 kilogrammes may be provided with -

(aa) a flight recorder capable of recording the data described in sub-items (i) to (viii) of this Scale; or

(bb) a 4 channel cockpit voice recorder.

In addition, on all flights by turbine-powered aeroplanes having an authorised maximum total weight exceeding 11,400 kilogrammes, a 4 channel cockpit voice recorder.

(b) The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane:

Provided that an aeroplane shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Director General.

Scale Q

If the authorised maximum total weight of the aeroplane exceeds 5700 kilogrammes and it was first registered, whether in Malaysia or elsewhere, on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R1

- (a) Equipment sufficient to protect the eyes, nose and mouth of the pilot-in-command of the aircraft from the effects of smoke and noxious gases for a period of not than 15 minutes;
- (b) Portable equipment sufficient to protect the eyes, nose and mouth of one other member of the crew of the aircraft from the effects of smoke and noxious gases for a period of not less than 8 minutes; and
- (c) Equipment sufficient to protect from the effects of smoke and noxious gases the eyes of all members of the flight crew of the aircraft whose eyes are not adequately protected by other equipment.

Scale R2

(a) (i) In respect of aeroplanes having an authorised maximum total weight exceeding 5700 kilogrammes, equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of regulation 34 for a period of not less than 15 minutes and, in addition, where the minimum flight required as aforesaid is more than one and a cabin attendant is not required to be carried by virtue of regulation 39; portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

(ii) In respect of aeroplanes having an authorised maximum total weight not exceeding 5700 kilogrammes, the equipment specified in subitem (i):

Provided that in the case of such aeroplanes restricted by virtue of operator's operation manual to flight at or below flight level 250 and capable of descending as specified at A hereunder such equipment shall be sufficient to protect the eyes only.

(b) (i) In respect of aeroplanes having an authorised maximum total weight exceeding 5700 kilogrammes, portable equipment to protect the eyes, nose and mouth of all cabin attendants required to be carried by virtue of regulation 39 for a period of not less than 15 minutes.

(ii) In respect an aeroplanes having an authorised maximum total weight not exceeding 5700 kilogrammes, the equipment specified in subitem (i):

Provided that this requirement shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at to or below flight level 250 and capable of descending as specified at A hereunder.

A The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and continuing at or below that the flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

A flight recording system comprising -

(a) either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane; the flight path, attitude and the basic lift, thrust and drag forces acting upon it;

(b) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane the information specified in item (a) together with the use of VHF transmitters;

(c) a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices, if any, and airbrakes, if any, the position of primary flying control and pitch flying surfaces, outside air temperature, instrument landing deviations, use of automatic flight control systems, use of VHF transmitters, radio altitude, if any, the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic or pneumatic power supply;

(d) either a cockpit voice recorder and a flight data recorder or a combined flight data recorder and cockpit voice recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, altitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control systems;

(e) a cockpit voice recorder and a flight data recorder capable of recording by

reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, altitude, engine power, outside air temperature, configuration of lift and drag devices, use of VHF transmitters and use of automatic flight control system;

(f) a cockpit voice recorder and flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, speed, altitude, engine power, outside air temperature, instrument lading system deviations, marker beacon passage, radio altitude, configuration of the landing gear and lift and drag devices, position of primary flying control systems, use of VHF transmitters, ground speed/ drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability, cockpit warnings relating to ground proximity and the master warning system;

(g) in respect of helicopters having an authorised maximum total weight exceeding 2730 kilogrammes or a seating capacity exceeding 9 passengers, a 4 channel cockpit voice recorder which has attached to it an underwater sonar location device.

The cockpit voice recorder or flight data recorder or combined flight data recorder and cockpit voice recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident:

Provided that an aircraft shall not be required to carry the said equipment, if before take-off the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Director General.

Scale SS

(a) A 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine accurately by reference to a time scale the following matters in respect of the helicopter or gyroplane:

(i) flight path;

(ii) speed;

- (iii) attitude;
- (iv) engine power;
- (v) main rotor speed;
- (vi) outside air temperature;
- (vii) position of pilot's primary flight controls;
- (viii) use of VHF transmitters;
- (ix) use of automatic flight controls, if any;
- (x) use of stability augmentation system, if any;
- (xi) cockpit warnings relating to the master warning system; and
- (xii) selection of hydraulic system and cockpit warnings of failure of essential hydraulic system.

(b) A 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation being the data required to determine accurately by reference to a time scale the information specified in the item (a) together with the following matters in respect of the helicopter or gyroplane:

- (i) landing gear configuration;
- (ii) indicated sling load force if an indicator is provided in the helicopter or gyroplane this information to such recorded with reasonable practicability;
- (iii) radio altitude;
- (iv) instrument landing system deviations;'
- (v) marker beacon passage;
- (vi) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
- (vii) main gear box oil temperature and pressure.

(c) (i) A combined flight data recorded and cockpit voice recorder which meets the following requirements:

(aa) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified in item (a), the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(bb) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified in item (b), the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;

(cc) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.

(ii) In any case when a combined flight data recorder and cockpit voice recorder specified in sub-item (i) is required to be carried by or under these Regulations, the flight data recorder shall be capable of retaining as protected data the data recorded during at least the last 5 hours of its operation or the maximum duration of the flight, whichever is the greater. It shall also be capable of retaining additional data as unprotected data for a period for which protected data is required to be retained amounts to a total of 8 hours:

Provided that the flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Director General may permit pursuant to regulation 54 and the additional data is retained in accordance with arrangements approved by the Director General.

With the exception of flight data, which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder flight data recorder as the case may be, shall be so constructed and installed that the recorder (herein referred to as "protected data") would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined flight data recorder and cockpit voice recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter:

Provided that a helicopter or gyroplane shall not be required to

carry the said equipment if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with the arrangements approved by the Director General.

Scale T

An underwater sonar location device except in respect of this helicopters and gyroplanes which have a device attached to a cockpit voice recorder in accordance with Scale S or are required to carry equipment in accordance with Scale SS.

Scale U

- (a) One survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
- (d) for each 4 or proportion of 4 persons on board, half litre of fresh water in durable containers;
- (e) first air equipment.

Scale V

- (a) One survival beacon radio apparatus;
- (b) marine type pyrotechnical distress signals;
- (c) for each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets;
- (d) for each 4 or proportion of 4 persons on board, half litre of fresh water in durable containers;
- (e) first aid equipment;
- (f) for every 75 or proportion of 75 persons on board, one stove suitable for use with aircraft fuel;

(g) one cooking utensil, in which snow or ice can be melted;

(h) two snow shovels;

(i) two ice saws;

(j) single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board;

(k) one Arctic suit for each member of the crew of the aircraft.

Scale W

Cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate:

Provided that an aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecasts available to the commander of the aircraft indicates the hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

Scale X

Equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water:

Provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first and at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Y1

(a) If the aircraft has a total seating capacity of not less than 60 and not exceeding 149 passengers, one portable battery-powered megaphone capable of conveying instruction to all persons in the passenger compartment and readily available for use by a member of the crew.

(b) If the aircraft has a total seating capacity exceeding 149 passengers, two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and readily available for use a member of the crew.

Scale Y2

(a) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 and less than 100 passengers, one portable battery-powered megaphone capable of conveying instruction to all persons in the passenger compartment and readily available for use by a member of the crew.

(b) If the aircraft may in accordance with its certificate of airworthiness carry more than 99 and less than 200 passengers, two portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a , member of the crew.

(c) If the aircraft may in accordance with its certificate of airworthiness carry more than 199 passengers, three portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.

(d) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 passengers -

(i) a public address system; and

(ii) an interphone system of communication between members of the flight crew and cabin attendants.

Scale Z

(a) An emergency lightning system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lightning systems specified in item (b) of Scale G.

(b) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

(c) An emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in item (b) of Scale G:

Provided that if the equipment specified in item (c) becomes unserviceable the aircraft in fly or continue to fly in accordance with arrangements approved by the Director General.

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SIXTH SCHEDULE

(Regulation 33)

**RADIO AND RADIO NAVIGATION EQUIPMENT
TO BE CARRIED IN AIRCRAFT**

1. Every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph 2, with the scales of equipment respectively indicated in that Table;

Provided that, if the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

2.

TABLE

<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>							
	A	B	C	D	E	F	G	H
(1) All aircraft within Malaysia -								
(a) when flying under instrument Flight Rules within controlled airspace notified for the purposes of this subparagraph	A*				E*	F*		
(b) when flying within controlled airspace notified for the purposes of this subparagraph	A*							
(c) when making an approach to landing at an aerodrome notified for the purpose of this subparagraph							G*	
(2) All aircrafts, other than gliders, within Malaysia -								
(a) when flying at or above flight level 245	A*				E*	F*		
(b) when flying within such airspace notified for the purposes of this subparagraph	A*				E*			
(c) when flying at or above flight level 100					E*			

(3) All Malaysian aircrafts, whenever they may be - (a) when flying for the purpose of public transport under Instrument Flight Rules -								
(i) while making an approach to landing	A		C	D				H
(ii) on all other occasions	A		C					H
(b) multi-engined aircraft when flying for the purpose of public transport under Visual Flight Rules	A							H
(c) single-engined aircraft when flying for the purpose of public transport under Visual Flight Rules								
(i) over a route on which navigation is effected solely by visual reference to landmarks	A							
(ii) on all other occasions:	A							
Provided that an aircraft which comes within items (3)(b) and (3)(c) solely by virtue of the provisions of subparagraph 2(4)(a)(iii) or these Regulations may carry instead of the requirements of the said items (3)(b) and (3)(c) -								
(aa) over a route on which navigation is not effected solely by visual reference to landmarks	A	B						
(bb) over water, beyond gliding distance from any Land	A							
(d) When flying under Instrument Flight Rules within controlled airspace and not required to comply with item (3)(a)	A*							

* Unless the appropriate air traffic control unit otherwise permits in relation to the particular flight and provided that the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

3. The scales of radio and radio navigation equipment indicated in the foregoing Table shall be as follows:

Scale A

Radio equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E

Secondary surveillance radar equipment.

Scale F

Radio and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including either -

(a) (i) automatic direction finding equipment;

(ii) distance measuring equipment; and

(iii) VHF omni-range equipment; or

(b) equipment, including the Decca flight log, which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system and which provides the pilot with a visual indication of the aircraft's position relative to the intended route.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the instrument landing system.

Scale H

(a) Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including -

(i) automatic direction finding equipment;

(ii) distance measuring equipment;

(iii) duplicated VHF omni-range equipment; and

(iv) a 75 MHz marker beacon receiver,

except that -

an aircraft may fly notwithstanding that it does not carry the equipment specified in the Scale if it carries alternative radio navigation equipment or navigational equipment approved by the Director General in writing in accordance with the provisions of regulation 32.

(b) Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take-off on that flight if -

(i) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;

(ii) the aircraft has not made more than one flight since the item was last serviceable; and

(iii) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used, including any planned diversion, and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

4. In this Schedule -

"automatic direction finding equipment" means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

"distance measuring equipment" means radio equipment capable of providing a continuous indication of the aircraft's distance from the appropriate aeronautical radio stations;

"secondary surveillance radar equipment" means such type of radio equipment as may be notified as being capable of -

(a) replying to an interrogation from secondary surveillance radar units on the surface; and

(b) being operated in accordance with such instruction as may be given to the aircraft by the appropriate air traffic control unit;

"VHF omni-range equipment" means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

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SEVENTH SCHEDULE

(Regulation 35)

AIRCRAFT, ENGINE AND PROPELLER LOG-BOOKS

1. Aircraft Log-Book

The following entries shall be included in the aircraft log-book:

- (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
- (b) the nationality and registration marks of the aircraft;
- (c) the name and address of the operator of the aircraft;
- (d) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;
- (e) particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by subregulations 29(2) and (3);
- (g) particulars of any overhaul, repair, replacement and modification relating to the aircraft or any such equipment as aforesaid:

Provided that entries shall not be required to be made under items (e), (f) and (g) in respect of any engine of variable pitch propeller.

2. Engine Log-Book

The following entries shall be included in the engine log-book:

- (a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine;

(b) the nationality and registration marks of each aircraft in which the engine is fitted;

(c) the name and address of the operator of each such aircraft;

(d) either -

(i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;

(e) particulars of all maintenance work done on the engine;

(f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by subregulations 29(2) and (3);

(g) particulars of all overhauls, repairs, replacement and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log-Book

The following entries shall be included in the variable pitch propeller log-book:

(a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;

(b) the nationality and registration marks of each aircraft, and the type and number of each engine to which the propeller is fitted;

(c) the name and address of the operator of each such aircraft;

(d) either -

(i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and total duration of the periods between take-offs and landings on that day;

(ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul,

repair, replacement, modification or inspection was undertaken on the propeller;

(e) particulars of all maintenance work done on the propeller;

(f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by subregulations 29(2) and (3);

(g) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

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EIGHT SCHEDULE

(Regulation 41)

FLIGHT CREW OF AIRCRAFT: LICENCES AND RATINGS

Part A - LICENCES

Minimum Age, Period of Validity, Privileges

1. Student Pilot's Licence (All Aircraft)

(1) Minimum Age: 17 years.

(2) Maximum period of validity:

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 12 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The licence -

(a) shall entitle the holder to fly as pilot or pilot-in-command of an aircraft for the purpose of becoming qualified for the grant or renewal of pilot's licence;

(b) shall be valid only for flights within Malaysia and within any other State specified in the licence;

(c) shall not entitle the holder to fly as pilot-in-command of an aircraft in which any person is carried;

(d) shall be valid only for flights carried out in accordance with instructions given by a person holding a pilot's licence granted under these Regulations, being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling to give instruction in flying the type of aircraft to be flown.

2. Private Pilot's Licence (Aeroplanes)

(1) Minimum Age: 17 years

(2) Maximum period of validity:

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewal;
or

(b) 12 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of an aeroplane of any of the types specified or otherwise falling within the aircraft rating included in the licence:

Provided that -

(a) he shall not fly such an aeroplane for the purpose of the public transport or of aerial work save as hereinafter provided:

(i) he may fly such an aeroplane for the purpose of aerial work which consist of -

(aa) the giving of instruction in flying, if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(bb) the conducting of flying tests for the purposes of these Regulations,

in either case in a aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the tests are both members;

(ii) he may fly such aeroplane for the purpose of aerial work which consists of -

(aa) towing a glider in flight; or

(bb) a flight for the purpose of the dropping of persons by parachute;

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members;

(b) he shall not receive any remuneration for this services as a pilot on flight save that -

(i) if his licence included, at any time between 1 June 1988 and 1 October 1988, both dates inclusive, a flying instructor's rating or an assistant flying instructor's rating, he may, prior to 1 June 1991 receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in item (a) (i) of this proviso; or

(ii) if his licence includes a flying instructor's rating or an assistant flying instructor's rating by virtue of which he is entitled to give instruction in flying a microlight aircraft or self-launching motor gliders, he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in item (a)(i) of this proviso in a microlight aircraft or a self-launching motor glider;

(c) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as a pilot-in-command of such an aeroplane -

(i) on a flight outside controlled airspace notified for the purposes of this Schedule:

(aa) when the flight visibility is less than 3 kilometres; or

(bb) when any passenger is carried and the aeroplane is flying either above 3000 feet above mean sea level in conditions such that it cannot remain at least 1800 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility at least 10 kilometres or at or below 3000 feet above mean sea level in a flight visibility of less than 5 kilometres;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose of this item;

(iii) out of sight of the surface;

(d) he shall not fly as pilot-in-command of such an aeroplane at night unless -

(i) his licence includes an instrument rating (aeroplanes); and

(ii) his licence includes an instrument rating (aeroplanes) or he has within the immediately preceding 90 days carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon; and

(e) he shall not unless his licence includes an instrument rating (aeroplane) fly as pilot-in-command or co-pilot of such an aeroplane flying in airspace notified for the purposes of this Schedule -

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instrument Flight Rules.

3. Commercial Pilot's Licence (Aeroplanes)

(1) Minimum Age: 18 years

(2) Maximum Period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

(a) The holder of the licence shall be entitled to exercise to privileges of a Private Pilot's Licence (Aeroplanes) which include an instrument meteorological conditions rating (aeroplanes) and a night rating (aeroplanes) and shall be entitled to fly as pilot-in-command of an aeroplane -

(i) on a special VFR flight notwithstanding that the flight visibility is less than 3 kilometres; or

(ii) when the aeroplane is taking off or landing at any place notwithstanding that the flight visibility below cloud is less than 1800 metres.

(b) He shall be entitled to fly as pilot-command of an aeroplane of a type specified in Part 1 of the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that -

(i) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;

(ii) he shall not fly such aeroplane at night unless his licence includes an instrument rating (aeroplanes) or he has within the immediate preceding 90 days carried out as pilot-in-command not less than 5 take-off and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;

(iii) he shall not, unless his licence includes an instrument rating (aeroplanes), fly any such aeroplane of which the authorised maximum total weight exceeds 2300 kilogrammes on any flight for the purpose of public transport except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;

(iv) (aa) in the case of a person who is the holder of such licence on 3 December 1989, then for so long as that licence or renewal thereof is valid, but not after 3 December 1994, he shall not fly such aeroplane on a flight for the purpose of public transport if its authorised maximum total weight exceeds 5700 kilogrammes;

(bb) on and after 4 December 1994, and in the case of a person who is the holder of such a licence granted on or after 4 December 1994, not being a renewal of such a licence held on 3 December 1989, forthwith upon the grant of the licence, he shall not fly such aeroplane on a flight for the purpose of the public transport unless it is certificated for single pilot operation;

(v) he shall not fly such aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has attained the age of 60 years and who holds an appropriate licence under these Regulations entitling him to act as pilot-in-command or co-pilot of that aeroplane;

(vi) he shall not unless his licence includes an instruments rating (aeroplanes) fly as pilot-in-command or co-pilot of such aeroplane flying in airspace notified for the purpose of this Schedule -

(aa) in conditions such that he cannot comply with the specified minimum weather provisions; or

(bb) in circumstances which require compliance with the Instrument Flight Rules.

(c) He shall be entitled to fly as pilot-in command of an aeroplane of the type specified in any flying instructor's rating or assistant flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of -

(i) the giving of instruction in flying; or

(ii) the conducting of flying tests for the purposes of these Regulations;

in either case in an aeroplane owned, or operated under arrangements entered into, a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members:

Provided that he shall not be entitled to exercise privileges contained in this item, other than in an aeroplane which he is entitled to fly as pilot-in-command on a private flight, an aerial work flight or

a public transport flight pursuant to the privileges set out in item (a) or (b).

(d) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever:

Provided that he shall not act as co-pilot of any aeroplane whose authorised maximum total weight exceeds 20,000 kilogrammes on any flight for any purpose of public transport after he attains the age of 60 years.

(e) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any aeroplane on a flight for the purpose of public transport.

4. Airline Transport Pilot's Licence (Aeroplanes)

(1) Minimum age: 21 years.

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except in the case of item (3)(b)(iv) where these privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot-in-command or co-pilot of any aeroplane for the purpose of public transport if its authorised maximum total weight exceeds 20,000 kilogrammes.

5. Private Pilot's Licence (Helicopters and Gyroplanes)

(1) Minimum age: 17 years.

(2) Maximum period of validity:

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 12 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of a helicopter or gyroplane of any of the types specified in the aircraft rating included in the licence:

Provided that -

(a) he shall not fly such a helicopter or gyroplane for the purpose of public transport or aerial work other than aerial work which consists of -

(i) the giving of instruction in flying if his licence includes a flying instructor's rating or an assistant flying instructor's rating; or

(ii) the conducting of flying tests for the purpose of these Regulations;

in either case in a helicopter or gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in subitem (a);

(c) he shall not fly as pilot-in-command of such a gyroplane at night unless his licence includes a night rating (helicopters and gyroplanes) and he was within immediately preceding 90 days carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12⁰ below the horizon;

(d) he shall not fly as pilot-in-command of such a helicopter at night unless -

(i) his licence includes a night rating (helicopters and gyroplanes); and

(ii) his licence includes an instrument rating (helicopters) or he has written the immediately preceding 90 days carried as pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 feet and a landing, at time when the depression of the centre of the sun was not less than 12⁰ below the horizon;

(e) he shall not unless his licence includes an instrument rating (helicopter) fly as pilot-in-command or co-pilot of such a helicopter flying in airspace notified for the purpose of this Schedule -

(i) in conditions such that he cannot comply with the specified minimum weather provisions; or

(ii) in circumstances which require compliance with the Instrument Flight Rules.

6. Commercial Pilot's Licence (Helicopters and Gyroplanes)

(1) Minimum age: 18 years.

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed, or the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

(a) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters and Gyroplanes) which includes a night rating (helicopter and gyroplanes)

(b) He shall be entitled to fly as pilot in command of any helicopter or gyroplane specified in Part I of the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that -

(i) he shall not, unless his licence includes an instrument rating (helicopters) fly such a helicopter on any

scheduled journey or on any flight for the purpose of public transport in conditions such that the helicopter cannot comply with the specified minimum weather provisions;

(ii) (aa) in the case of a person who is the holder of such a licence on 3 December 1989, then for so long as that licence or a renewal thereof is valid but not after 3 December 1994, he shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport if its authorised maximum total weight exceeds 5700 kilogrammes;

(bb) on or after 4 December 1994, and in the case of a person who is the holder of such a licence granted on or after 4 December 1989, not being a renewal of such a licence held on 3 December 1989 forthwith upon the grant of the licence, he shall not fly such a helicopter or gyroplane on a flight for the purpose of public transport unless it is certificated for a single pilot operation;

(iii) he shall not fly such a gyroplane at night unless he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-off and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;

(iv) he shall not fly such a helicopter at night unless his licence includes an instrument rating (helicopters) or he has within the immediately preceding 90 days carried out as pilot-in-command not less than 5 flights, each consisting of take-off, a transition from hover to forward flight, a climb to at least 500 feet and landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon;

(v) he shall not fly such a helicopter or gyroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the helicopter or gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under these Regulations entitling him to act as pilot-in-command or co-pilot of that helicopter or gyroplane;

(vi) he shall not unless his licence includes an instrument rating (helicopters) to fly as pilot-in-command or co-pilot of such a helicopter flying in airspace notified for the purpose of this Schedule -

(aa) in conditions such that he cannot comply with the specified minimum weather provisions; or

(bb) in circumstances which require compliance with the Instrument Flight Rules.

(c) He shall be entitled to fly as co-pilot of any helicopter or gyroplane specified in the aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever:

Provided that he shall not act as co-pilot of any helicopter or gyroplane whose authorised maximum total weight exceeds 20,000 kilogrammes on any flight for the purpose of public transport after he attains the age of 60 years.

(d) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any helicopter or gyroplane on a flight for the purpose of public transport.

7. Airline Transport Pilot's Licence (Helicopter and Gyroplanes)

(1) Minimum age: 21 years.

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except in the case of item (3)(b)(ii) where those privileges shall not apply and the holder of the licence shall not at any time after he attains the age of 60 years act as pilot-in-command or co-pilot of any helicopter or gyroplane for the purpose of public transport if its authorised maximum total weight exceeds 20,000 kilogrammes.

8. Private Pilot's Licence (Balloon and Airship)

(1) Minimum age 17 years.

(2) Maximum period of validity:

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewal; or

(b) 12 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to fly as pilot-in-command of any type of balloon or airship specified in Part I of the aircraft rating included in the licence and co-pilot of any type of balloon or airship specified in such aircraft rating:

Provided that -

(a) he shall not fly such balloon or airship for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the tests and the person receiving the instruction or undergoing the test are both members;

(b) he shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-item (a);

(c) he shall not fly such a balloon unless he has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 5 flights each of not less than 5 minutes duration.

9. Commercial Pilot's Licence (Balloon)

(1) Minimum age: 18 years.

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

(a) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(b) He shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence -

Provided that he shall not act as pilot-in-command on a flight for the purpose of the public transport of passengers unless he has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes duration.

10. Commercial Pilot's Licence (Airships)

(1) Minimum age: 18 years

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

(a) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(b) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot-in-command of any type of airship specified in Part I of the aircraft rating included in the licence and as co-pilot of any type of airship specified in such aircraft rating.

11. Commercial Pilot's Licence (Gliders)

(1) Minimum age: 18 years.

(2) Maximum period of validity:

(a) 12 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 6 months, if the holder is 40 years of age or more on that date.

(3) Privileges:

The holder of the licence shall be entitled to fly for any purpose as pilot-in-command or co-pilot of -

(a) any glider of which the authorised maximum total weight does not exceed 680 kilogrammes;

(b) any glider of which the authorised maximum total weight exceeds 680 kilogrammes on which is of a type specified in the rating included in this licence.

12. Flight Engineer's Licence

(1) Minimum age: 21 years.

(2) Maximum period of validity: 12 months.

(3) Privileges:

The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

13. Flight Radiotelephony Operator's General Licence

- (1) Minimum age: 18 years.
- (2) Maximum period of validity: 24 months.
- (3) Privileges:

The holder of the licence shall be entitled to operate radio telephony apparatus in any aircraft.

14. Flight Radio telephony Operator's Restricted Licence

- (1) Minimum age: 17 years.
- (2) Maximum period of validity: 24 months.
- (3) Privileges:

The holder of the licence shall be entitled to operate radio telephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

15. Flight Radio telephony Operator's Licence

- (1) Minimum age: 20 years.
- (2) Maximum period of validity: 12 months.
- (3) Privileges:

The holder of the licence shall be entitled to operate radio telegraphy and radio telephony apparatus in any aircraft.

16. Flight Radio telegraphy Operator's Temporary Licence

- (1) Minimum age: 18 years.
- (2) Maximum period of validity: 12 months.
- (3) Privileges:

The holder of the licence shall be entitled to operate radio telegraphy and radio telephony apparatus in any aircraft under the supervision of a person who is holder of a flight radio telegraphy operator's licence.

PART B - RATINGS

1. The following ratings may be included in a pilot's licence granted under Part VI of these Regulations, and subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequences respectively specified as follows:

- (1) Aircraft Ratings: The licence shall entitle the holder to act as pilot of aircrafts of the types specified in the aircraft rating and different types of aircraft may specified in respect of different of a licence.

(2) Instrument Meteorological Conditions Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to fly as pilot-in-command of an aeroplane without being subject to the restriction contained respectively in sub-item (3) (c) or (d) attached to the privileges of such licences set out Part A of this Schedule provided that he shall not fly -

(a) on a special VFR flight in a control zone in a flight visibility of less than 3 kilometres;

(b) when the aeroplane is taking off or landing at any place if the flight visibility below cloud is less than 1800 metres.

(3) Instrument Rating (Aeroplanes) shall entitle the holder of the licence to act as pilot-in-command or co-pilot of an aeroplane flying in airspace notified for the purpose of this Schedule either in conditions such that he cannot comply with the specified minimum weather provisions or circumstances which require compliance with the Instrument Flight Rules.

(4) Instrument Rating (Helicopters) shall entitle the holder of the licence to act as pilot-in-command or co-pilot of a helicopter flying in airspace notified for the purposes of this Schedule either in conditions such that he cannot comply with the specified minimum weather provisions or circumstances which require compliance with the Instrument Flight Rules.

(5) Night Rating (Aeroplanes) shall entitle the holder of a private pilot's licence (aeroplanes) to act as pilot-in-command of an aeroplane at night.

(6) Night Rating (Helicopters and Gyroplanes) shall entitle the holder of a private pilot's licence (helicopters and gyroplanes) to act as pilot in command of a helicopter or gyroplane at aerial work.

(7) Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purposes of public transport or aerial work.

(8) Flying Instructor Rating shall entitle the holder of the licence to give instruction in flying aircrafts of such types as may be specified in the rating for that purpose.

(9) Assistant Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose:

Provided that -

(a) such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with a flying instructor's rating; and

(b) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing instruction in respect of the performance by that person of -

(i) his first solo flight;

(ii) his first solo flight by night;

(iii) his first solo cross-country flight otherwise than by night; or

(iv) his first solo cross-country flight by night.

2. An aircraft rating included in a flight engineer's licence shall entitle the holder of the licence to act as flight engineer only of an aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule -

"cross-country flight" means any flight during the course of which the aircraft is more than 3 nautical miles from the aerodrome of departure;

"solo flight" means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under these Regulations.

**PART C - CERTIFICATE OF TEST OR
CERTIFICATE OF EXPERIENCE**

1. (1) A certificate of test or a certificate of experience required by regulation 41 shall not be appropriate to the functions to be performed on a flight unless it is a certificate appropriate to the description of the flight according to the following Table:

TABLE

<i>Case</i>	<i>Class of Licence</i>	<i>Description of Flight</i>	<i>Certificate Required</i>
A	Private Pilot's Licence (Aeroplanes); Private Pilot's Licence (Helicopters and Gyroplanes)	Any flight within the privileges of the licence	Certificate of test or certificate of experience
B	Commercial Pilot's Licence (Aeroplanes); Commercial Pilot's Licence (Helicopters and Gyroplanes); Commercial Pilot's Licence (Gliders); Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Carriage of passengers on a flight in respect of which the holder of the licence receives remuneration	Certificate of test
C	Commercial Pilot's Licence (Aeroplanes); Commercial Pilot's Licence (Helicopters and Gyroplanes); Commercial Pilot's Licence (Gliders); Airline Transport Pilot's Licence (Aeroplanes); Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For public transport	Certificate of test
D	Commercial Pilot's Licence (Aeroplanes); Commercial Pilot's Licence (Helicopters and Gyroplanes); Commercial Pilot's Licence (Gliders); Airline Transport Pilot's Licence (Aeroplanes); Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	For aerial work	Certificate of test or certificate of experience
E	Commercial Pilot's Licence (Aeroplanes); Commercial Pilot's Licence (Helicopters and Gyroplanes); Commercial Pilot's Licence (Gliders); Airline Transport Pilot's Licence (Aeroplanes); Airline Transport Pilot's Licence (Helicopters and Gyroplanes)	Any flight within the privileges of a Private Pilot's Licence	Certificate of test or certificate of experience
F	Flight Engineer's Licence	For public transport	Certificate of test
G	Flight Engineer's Licence	Any flight other than for public transport	Certificate of test or certificate of experience

(2) For the purpose of this Part, references to the "Case" means the case indicated in the first column of the Table in subparagraph (1).

2. Certificate of test

A certificate of test required by regulation 41 shall be signed by a person authorised by the Director General to sign a certificate of this kind and shall certify the following particulars:

(a) the functions to which the certificate relates;

(b) that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence or personal flying log-book of which the certificate forms part, as the case may be, passed an appropriate test of his ability to perform the functions to which the certificate relates;

(c) the type of aircraft or flight simulator in or by means of which the test was conducted; and

(d) the date on which it was signed.

3. Nature of test

The appropriate test referred to in paragraph 2 shall be -

(a) in the case of a test which entitles the holder of the licence, of which the certificate forms part, to act as pilot-in-command and/or co-pilot of the aircraft of the type specified in the certificate, a test of the pilot's competence to fly the aircraft as pilot-in-command and/or co-pilot and shall, where the Director General so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director General;

(b) in the case of a test which entitles the holder of the licence, of which the certificate forms part, to act as flight engineer of the aircraft of the type specified in the certificate, a test of the flight engineer's competence to perform the duties of a flight engineer in the type of aircraft to be used on the flight and shall, where the Director General so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director General;

(c) in the case of a test which entitles the holder of the licence, of which the certificate forms part, to perform the functions to which an instrument rating relates a test of his ability to perform the functions to which the rating relates and shall, where the Director General so specifies in respect of the whole or part of the test, be conducted in an aircraft in flight or by means of a flight simulator approved by the Director General;

(d) in the case of a test which entitles the holder of the licence, of which the certificate forms part, to perform the functions to which the flying instructor's rating, an assistant flying instructor's rating or an instrument meteorological conditions rating relates, a test of his ability to perform the functions to which the rating relates and shall where the Director General so specifies in respect of the whole or part of the test be conducted in an aircraft in flight.

4. Period of validity of certificate of test

(1) A certificate of test required by regulation 41 in respect of a Commercial Pilot's Licence (Balloons) shall not be valid in relation to a flight made more than 13 months after the date of the test which it certifies and in respect of any other licence shall not be valid in relation to a flight made more than 13 months in Cases A, B, E and H, or more than 6 months in Cases C, D and G, after the date of the test which it certifies:

Provided that in the case of Cases C, D and G, two certificates of test shall together be deemed to constitute a valid certificate of test if they certify flying test conducted on two occasions within the period of 13 months preceding the flight on which the functions are to be performed, such occasions being separated by an interval of not less than 4 months, and both certificates are appropriate to those functions.

(2) A certificate of test required by regulation 41 shall not be valid in relation to a flight made more than 13 months in the case of an instrument rating (aeroplanes), an instrument rating (helicopters) and an assistant flying instructor's rating or more than 25 months in the case of an instrument meteorological conditions rating (aeroplanes) and a flying instructor's rating, after the date of the test which it certifies.

5. Certificate of experience

A certificate of experience required by regulation 41 shall be signed by a person authorised by the Director General to sign such certificate and shall certify the following particulars:

(a) the functions to which the certificate relates;

(b) in the case of a pilot or flight engineer, that on the date on which the certificate was signed the holder of the licence or personal flying log-book of which it forms part, as the case may be, produced his personal flying log-book to the person signing the certificate and satisfied him that he had appropriate experience in the capacity to which his licence relates within the appropriate period specified in paragraph 6 of this Part;

(c) in the case of a pilot or flight engineer the type or types of aircraft in which the experience was gained; and

(d) the date on which it is signed.

6. Period of experience

A certificate of experience shall not be valid unless the experience was gained within the period of 13 months preceding the signing of the certificate in the case of Cases A, E, F and H, or 6 months preceding the signing of the certificate in the case of Case D.

7. Period of validity of certificate of experience

A certificate of experience in respect of a Commercial Pilot's Licence (Balloons) shall not be valid for more than 13 months after it was signed and in respect of any other licence shall not be valid more than 6 months after it was signed for Case D nor more than 13 months after it was signed for any other Case.

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NINTH SCHEDULE

NINTH SCHEDULE

PUBLIC TRANSPORT - OPERATIONAL REQUIREMENTS
PART A - OPERATIONS MANUAL

(Regulation 47)

Information and instruction relating to the following matters shall be included in the operations manual referred to in subregulation 47(2):

- (a) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instruction as to the order and circumstances in which command is to be assumed by members of the crew;
- (b) the respective duties of each member of the crew and the other members of the operating staff;
- (c) the scheme referred to in regulation 79 (1)(c)(i);
- (d) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties;
- (e) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained; the instructions shall take account of circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines;
- (f) the manner in which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with Scale L1 or L2 in the Fifth Schedule is to be computed;
- (g) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with;
- (h) the circumstances in which a radio watch is to be maintained;
- (i) the circumstances in which oxygen is to be used by the crew of the aircraft and by

passengers;

(j) communications, navigational aids, aerodromes, local regulations, in-flight procedures, approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight operations; the information referred to in this paragraph shall be contained in a route guide, which may be in the form of a separate volume;

(k) the reporting in flight to the notified authorities of meteorological observations;

(l) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of Malaysia or of the States whose territory is to be flown over;

(m) the particulars referred to in regulation 52;

(n) emergency flight procedures including procedures for the instruction of passengers in the position and use of emergency equipment and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance;

(o) in the case of an aircraft intended to fly at an altitude of more than 49,000 feet the procedures for the use of cosmic radiation detection equipment;

(p) the labelling and marking of dangerous goods, the manner in which they shall be located on or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods;

(q) such particulars of any permission granted to the operator pursuant to regulation 34, as may be necessary to enable the commander of the aircraft to determine whether he can comply with regulation 55 (b)(ii);

Provided that in relation to any flight which is not one of series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with paragraphs (j) and (l), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

PART B - CREW TRAINING AND TESTS

(Regulation 49)

1. The training, experience, practice and periodical tests required under regulation on a flight for the purpose of public transport shall be as follows:

(1) The crew

Every member of the crew shall -

(a) have been tested within the relevant period by or on behalf of the emergency and life saving equipment required to be carried in the aircraft on the flight; and

(b) have practiced within the relevant period under the supervision of the operator or of a person appointed by him for the purpose, the carrying out of the duties required of him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in any apparatus approved by the Director General for the purpose and controlled by the persons so approved.

(2) Pilots

(a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in circumstances requiring compliance with the Instrument Flight Rules shall within the relevant period have been tested by or on behalf of the operator -

(i) as to his competence to perform his duties while executing normal manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft; and

(ii) as to his competence to perform his duties in instrument flight conditions while executing emergency manoeuvres and procedures in flight, in an aircraft of the type to be used on the flight, including the use of the instruments and equipment provided in the aircraft.

(b) (i) A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight.

(ii) The other tests required by this subparagraph may be conducted either in the aircraft in flight or under the supervision of a person approved by the Director General under regulation 41. The tests specified in sub-item (a)(ii) when conducted in the aircraft in flight shall be carried out either in actual instrument flight conditions or in instrument flight conditions simulated by means approved by the Director General.

(c) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the conclusion of such a rating in his licence, is not intended by the operator to fly in circumstances requiring compliance with the Instrument Flight Rules, shall within the relevant period have been tested, by or on behalf of the operator in flight in an aircraft of the type to be used on the flight -

(i) as to his competence to act as pilot thereof, while executing normal manoeuvres and procedures; and

(ii) as to his competence to act as pilot thereof while executing emergency manoeuvres and procedures.

(d) Every pilot included in the flight crew who is seated at the flying controls during take-off or landing shall within the relevant period -

(i) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodromes of intended landing and any alternate aerodromes, such test being carried out either in flight in instrument flight conditions or in instrument flight conditions simulated by means approved by the Director General or under the supervision of a person approved by the Director General; and

(ii) have carried out when seated at the flying controls not less than 3 take-off and 3 landings in an aircraft of the type to be used on the flight.

(3) Flight engineers

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator -

(a) as to his competence to perform his duties while executing normal procedures in flight, in an aircraft of the type to be used on the flight; and

(b) as to his competence to perform his duties while executing emergency procedures in flight, in an aircraft of the type to be used on the flight.

A flight engineer's ability to carry out normal procedures shall be tested in an aircraft in flight. The other tests required by this sub-paragraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Director General for the purpose by means of a flight simulator approved by the Director General.

(4) Flight radio operators

Every flight radio, operator whose inclusion in the flight crew is required under regulations 39, shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight using radio equipment of the type installed in the aircraft to be used on the flight, and including a test of his ability to carry out emergency procedures.

(5) Aircraft Commanders

(a) The pilot designated as commander of the aircraft for the flight shall within the relevant period have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of -

- (i) the terrain;
- (ii) the seasonal meteorological conditions;
- (iii) the meteorological, communications and air traffic facilities, services and procedures;
- (iv) the search and rescue procedures; and
- (v) the navigational facilities,

relevant to the route.

(b) In determining whether a pilot's knowledge of the matters referred to in item (a) is sufficient to render him competent to perform the duties of an aircraft commander on the flight, the operator shall take into account the pilot's flying experience in conjunction with the following:

- (i) the experience of other members of the intended flight crew;
- (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes;
- (iii) the similarity of the instrument approach procedures and let-down aids to those with which the pilot's is familiar;
- (iv) the dimension of runways which may be used in the course of the flight in relation to the performance limits of an aircraft of the type to be used on the flight;
- (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed;
- (vi) the adequacy of the information available regarding the aerodrome of intended landing and any alternate aerodromes;
- (vii) the nature of air traffic control procedures and familiarity of the pilot with such procedures;
- (viii) the influence of terrain on route conditions and the extent of the assistance

obtainable en route from navigational aids and air-to-ground communication facilities; and

(ix) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) For the purposes of this paragraph -

"instrument flight conditions" means whether conditions such that the point is unable to fly by visual reference to objects outside the aircraft;

"relevant period" means a period which immediately precedes the commencement of the flight, being a period -

(a) in the case of subitem (2)(d)(ii), of ninety days;

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(b) in the case of subitems (2)(a)(ii), (2)(c)(ii), (2)(d)(i) and item (3)(b), of 6 months;

(c) in the case of subparagraph (1), subitems (2)(a)(i), (2)(c)(i), subparagraph (4) and item (5)(a), of 13 months:

Provided that -

(i) any pilot of the aircraft to whom sub-items (2)(a)(ii), (2)(c)(ii) or (2)(d)(i) and any flight engineer of the aircraft to whom item (3)(b) apply shall, for the purpose of the flight, be deemed to have complied with such requirement respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions being separated by an interval of not less than 4 months;

(ii) the requirements of item (5)(a) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so as to act en route more than 13 months before commencement of the flight, he has within the period of 13 months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2. (1) The records required to be maintained by an operator under regulation 49(2) shall be accurate

and up-to-date records so kept as to show, on any date, in relation to each person who has during the period of 2 years immediately preceding that the date flown as a member of the crew of any public transport aircraft operated by that operator -

(a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualification of the examiner;

(b) the date upon which that person last practiced the carrying out of the duties referred to in item 1(1)(b);

(c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties;

(d) the date and particulars of any decision taken by the operator during the said period in pursuance of item 1(5)(a) including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorised person produce for inspection of any person so authorised all records referred to in the preceding subparagraph and furnish to any such person all the information as he may require in connection with any such records and produce for his inspection all log-books, certificates, papers and other documents, whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall, at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of an aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

PART C - TRAINING MANUAL

(Regulation 48)

The following information and instructions in relation to the training, experience, practice and periodical tests required under regulation 49(2) shall be included in the training manual referred to in regulation 48 (2) -

(a) the manner in which the training, practice and periodical tests required under regulation 49(2) and specified in Part B of this Schedule are to be carried out;

(b) (i) the minimum qualifications and experience which the operator requires of persons appointed by him to give or to supervise the said training, practice and periodical tests;

(ii) the type of training, practice and periodical tests which each such person is appointed to give or to supervise; and

(iii) the type of aircraft in respect of which each such person is appointed to give or to supervise the said training, practice and periodical tests;

(c) the minimum qualifications and experience required for each member of the crew undergoing the said training, practice and periodical tests;

(d) the syllabus for, and specimen forms for recording, the said training, practice and periodical tests;

(e) the manner in which instrument flight conditions and engine failure are to be simulated in the aircraft in flight;

(f) the extent to which the said training and testing is permitted in the course of flights for the purpose of public transport;

(g) the use to be made in the said training and testing of apparatus approved for the purpose by the Director General.

Former section reads:

Part B

(1) 6(a) in the case of subitem (2)(d)(ii), of 3 months;

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TENTH SCHEDULE

(Regulations 82 and 84)

DOCUMENTS TO BE CARRIED BY MALAYSIAN AIRCRAFT

1. On the flight for the purpose of public transport -

Documents A, B, C, D, E, F, H and, if the flights is international air navigation, Documents G and I.

2. On a flight for the purpose of aerial work -

Documents A, B, C, D, E, F and, if the flight is international air navigation, Documents G and I.

3. On a private flight, being international air navigation -

Documents A, B, C, G and I.

4. On a flight made in accordance with the terms of permission granted to the operator pursuant to regulation 34 -

Document J.

5. For the purpose of these Rules -

"A" means the licence in force of the aircraft radio station installed in the aircraft, and the current telecommunication log-book required by these Regulations;

"B" means the certificate of airworthiness in force in respect of the aircraft:

Provided that, with the permission in writing of the Director General, an aircraft to which regulation 47 applies to carry the flight manual as part of this document if it carries an operations manual which includes -

(a) the information shown in the Limitations and Emergency Procedures section of the flight manual; and

(b) performance instructions which are derived from the material contained in the Performance section of the flight manual;

"C" means the licences of the members of the flight crew of the aircraft;

"D" means one copy of the load sheet, if any, required by regulation 50 in respect of the flight;

"E" means one copy of each certificate of maintenance review, if any, in force in respect of the aircraft;

"F" means the technical log, if any, in which entries are required to be made under regulation 29;

"G" means the certificate of registration in force in respect of the aircraft;

"H" means the operations manual, if any, required by regulation 47(2)(a)(iii) to be carried on the flight;

"I" means a copy of the notified procedures to be followed by the pilot-in-command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

"J" means the permission, if any, granted in respect of the aircraft pursuant to regulation 34;

Provided that, with the permission in writing of the Director General, which may be granted subject to such conditions as he thinks fit, an aircraft to which regulation 47 applies need not carry such a permission if it carries an operations manual which includes the particulars specified in subitem (q) of Part A of the Ninth Schedule;

"international air navigation" means any flight which includes passage over the territory of any State other than Malaysia.

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ELEVENTH SCHEDULE

(Regulation 89)

RULES OF THE AIR AND AIR TRAFFIC CONTROL
PART A - INTERPRETATION

1.(1) In these Rules, unless the context otherwise requires -

"aerodrome control service" means air traffic control service for aerodrome traffic;

"aerodrome traffic" means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

"aerodrome reference point" means the notified geographical location of an aerodrome;

"air traffic control clearance" means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit;

"air traffic control service" means a service provided for the purpose of -

(a) preventing collisions -

(i) between aircrafts; and

(ii) on the manoeuvring area between aircrafts and obstructing; and
(b) expediting and maintaining an orderly flow of air traffic;

"air traffic services airspace" means airspace of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services types of flights may operate and for which air traffic services and rules of operation are specified,

Note - Air traffic services airspace are classified as Class A to G;

"air traffic services unit" means a generic term meaning variously, air traffic control unit, flight information centre or air traffic services reporting office;

"anti -collision light" means a flashing red light fitted to an aircraft showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircrafts;

"apron" means a defined area, a land aerodrome intended to accommodate aircrafts for the purpose of loading and unloading passengers, mail or cargo, fuelling, parking or maintenance;

"controlled aerodrome" means an aerodrome at which air traffic control service is provided to aerodrome traffic;

"ground visibility" means visibility at an aerodrome as reported by an accredited observer, that is, the horizontal visibility at ground level;

"hang glider" means a glider capable of being -

(a) carried;

(b) foot launched; and

(c) landed solely by the energy and use of pilot's legs;

"IFR flight" means a flight conducted in accordance with the Instrument Flight Rules in Part VI;

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle clearance criteria apply;

"movement area" means that the part of an aerodrome to be used for the take-off, landing and taxiing of an aircraft, consisting of the manoeuvring area and the apron;

"runaway" means an area, whether or not paved, which is provided for the take-off or landing run of an aircraft;

"signal area" means an area on an aerodrome used for the display of ground signals;

"VFR flight" means a flight conducted in accordance with the Visual Flight Rules in Part V;

"visibility" means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominently lighted objects by night.

(2) In these Rules, unless the context otherwise requires, any reference to -

(a) a numbered paragraph or subparagraph is a reference to the paragraph or subparagraph in these Rules so numbered;

(b) a numbered item or subitem is a reference to the item or subitem so numbered in the paragraph or sub-paragraph, as the case may be, in which that reference appears.

(3) Subject to subparagraph (1), expressions used in these Rules shall, unless the context otherwise requires, have the same respective meanings as in these Regulations.

PART B - GENERAL

Application of these Rules to aircrafts

2. (1) These Rules, in so far as they are applicable in relation to aircrafts, shall, subject to paragraph 34, apply in relation to -

- (a) all aircrafts whilst in Malaysia; and
- (b) all Malaysian aircraft, wherever they may be.

Misuse of signals and markings

3. (1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances, or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with lawful authority, shall make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from an aircraft of the armed forces.

Reporting hazardous conditions

4. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircrafts.

Low flying

5. (1) Subject to subparagraph (2) and (3) -

(a) An aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below -

(i) such height as would enable the aircraft to alight clear of the area and without danger to any persons or property on the surface, in the event of failure of a power unit and if such an aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within the congested area; or

(ii) a height of 1,000 feet above the highest fixed object within 2,000 feet of the aircraft, whichever is the higher;

(b) A helicopter shall not fly below such height as would enable it to alight without danger to any persons or property on the surface, in the event of failure of a power unit;

(c) Except with the permission in writing of the Director General and in accordance with any conditions therein specified, a helicopter shall not fly -

(i) over a congested area of a city, town or settlement below a height of 1,000 feet above

the highest fixed object within 2,000 feet of the helicopter; or

(ii) over any area notified for the purpose of this subitem, below such heights as would enable it to alight clear of the area in the event of failure of a power unit;

(d) An aircraft shall not fly -

(i) over or within 3,000 feet of any assembly in the open air of more than 1,000 persons assembled for the purpose of witnessing or participating in any organized event, except with the permission in writing of the Director General and in accordance with any conditions therein of the organisers of the event; or

(ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit and if such an aircraft is towing a banner such height shall be calculated on the basis that the banner shall not be dropped within 3,000 feet of the assembly:

Provided that where a person is charged with an offence under these Regulations by reason of a contravention of this subitem, it shall be a good defence to prove that the flight of the aircraft over, or within 3,000 feet of, the flight was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly;

(e) An aircraft shall not fly closer than 500 feet to any person, vessel, vehicle or structure.

(2) (a) Subitems (1)(a)(ii) and 91)(c)(i) shall not apply to an aircraft flying -

(i) on a route notified for the purposes of this paragraph; or

(ii) on a special VFR flight.

(b) Items (1) (d) and (1) (e) shall not apply to an aircraft in the service of the police authority for any area of Malaysia.

(c) Subitems (1) (d) (i) and item (1) (e) shall apply to the flight of an aircraft over or within 3000 feet of an assembly of persons gathered for the purposes of witnessing or participating in an event which consists -

(i) wholly or partly of an aircraft race or contest if the aircraft is taking part in such race or contest or is engaged on a flight arranged by, or made with the consent in writing of, the organisers of the event;

(ii) wholly or partly of an exhibition of flying for which a permission under regulation 77 is required, if the aircraft is taking part in such exhibition or is engaged on a flight arranged by or made with the consent of the organisers of the event and the flight is made -

(aa) in accordance with the terms of a permission granted to the organiser of the exhibition of flying under regulation 77; and

(bb) in accordance with the conditions of a display authorisation granted to the pilot under regulation 77; or

(iii) wholly or principally of an exhibition of flying for which a permission under regulation 77 is not required, if the aircraft is taking part in such exhibition or is engaged on a flight arranged by or made with the consent of the organisers of the event

(d) Item (1)(e) shall not apply to -

(i) any aircraft while it is landing or taking off in accordance with normal aviation practice;

(ii) any glider while it is hill-soaring;

(iii) any regulation while it is flying in accordance with regulation 63(2)(f);

(iv) any aircraft while it is flying under and in accordance with the terms of an aerial applications certificate granted to the operator thereof under regulation 65; or

(v) any aircraft while it is flying for the purpose of picking up or dropping tow ropes, banners or similar articles at an aerodrome in accordance with regulation 62(2) or regulation 63(2)(e).

(3) Nothing in this paragraph shall prohibit any aircraft from flying in such manner as is necessary for the purpose of saving life.

(4) Nothing in this paragraph shall prohibit any aircraft from flying in accordance with normal aviation practice, for the purpose of taking off from, landing at, or practising approaches to landing aerodrome, an aerodrome owned or managed by the Director General or a licensed aerodrome in Malaysia or at any aerodrome in any other State:

Provided that the practising of approaches to landing shall be confined to the airspace customarily used by an aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(5) Nothing in this paragraph shall apply to any captive balloon or kite.

Simulated instrument flight

(6) An aircraft shall not be flown in simulated instrument flight conditions unless -

(a) the aircraft is fitted with dual controls which are functioning properly;

(b) an additional pilot (which in this paragraph is called a "safety pilot") is carried in a second

control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft ; and

(c) if the safety pilot's field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

(2) For the purposes of this paragraph the expression "simulated instrument flight" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

Practice instrument approaches

7. Within Malaysia, an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless -

(a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and

(b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

PART C - LIGHTS AND OTHER SIGNALS

TO BE SHOWN OR MADE BY AN AIRCRAFT

General

8. (1) For the purposes of this Part, the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this Part, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of lights by an aircraft

9. (1) (a) By night, an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair by the visibility of, or be mistaken for, such lights.

(b) By day an aircraft fitted with an anti-collision light shall display such a light in flight.

(2) A flying machine on a Malaysian aerodrome shall -

(a) display by night either the lights which it would be required to display when flying or the lights specified in item 11 (2) (c) unless it is stationary on the apron or part of the aerodrome provided for the maintenance of aircraft;

(b) display when stationary on the apron by day or night with engines running a red anti-collision light, if fitted:

Provided that a helicopter to which regulation 47 applies may, when stationary on an off-shore installation, switch off such an anti-collision light in accordance with a procedure contained in the operations manual of the helicopters as a signal to ground personnel that it is safe to approach the helicopter for the purpose of embarkation or disembarkation of passengers or the loading or unloading of cargo.

(3) Notwithstanding the provisions of this Part, the commander of an aircraft may switch off or reduce the intensity of any flashing light fitted to the aircraft if such a light does or is likely to -

(a) adversely affect the performance of the duties of any member of the flight crew; or

(b) subject an outside observer to unreasonable dazzle.

Failure of navigation and anti-collision lights

10. (1) In Malaysia, in the event of the failure of any light which is required by these Rules to be displayed in flight or at night, if the light cannot be immediately repaired or replaced, the aircraft shall not depart from the aerodrome and, if in flight, shall land as soon as, in the opinion of the commander of the aircraft, it can safely do so unless authorised by the appropriate air traffic control unit to continue its flight.

(2) In Malaysia, in the event of a failure of an anti-collision light when flying by day, an aircraft may continue to fly by day provided that the light is repaired at the earliest practicable opportunity.

Flying machines

11. (1) A flying machine when flying at night shall display lights as follows:

(a) in the case of a flying machine registered in Malaysia having an authorised maximum total weight exceeding 5,700 kilogrammes or any other flying machine registered in Malaysia which conforms to a type first issued with a type of certificate on or after the 1st April 1988, the system of lights in item (2)(b);

(b) in the case of a flying machine registered in Malaysia which conforms to a type first issued with a

type certificate before the 1st April 1988 having an authorised maximum total weight of 5,700 kilogrammes or less, any one of the following systems of lights:

(i) that specified in item (2)(a) or (2)(b); or

(ii) that specified in item (2)(d), excluding subitem (ii) of the same item;

(c) in the case of any other flying machine one of the systems of lights specified in subparagraph (2).

(2) The systems of lights referred to in subparagraph (1) are as follows:

(a) (i) steady green light of at least 5 candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(ii) a steady red light at least 5 candela showing to the port side through an angle of 100° from dead ahead in the horizontal plane; and

(iii) a steady white light of at least 3 candela showing through angles of 70° from dead astern to each side in the horizontal plane;

(b) (i) the lights in item (a); and

(ii) an anti-collision light;

(c) the lights specified in item (a), but all being flashing lights flashing together;

(d) the lights specified in paragraph (a), but all being flashing lights flashing together in alternation with one both of the following:

(i) a flashing white light of at least 20 candela showing in all directions;

(ii) a flashing red light of at least 20 candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(3) If the lamp showing either the red or the green light specified in item (2)(a) is fitted more than 2 metres from the wing tip, a lamp may, notwithstanding subparagraph 9(1), be fitted at the wing tip to indicate its position, showing a steady light of the same colour through the same angle.

Gliders

12. A glider while flying at night shall display either a steady red light of at least 5 candela, showing in all directions, or lights in accordance with subparagraph 11(2) and (3).

Fire balloons

13. A free balloon while flying at night shall display a steady red light, of at least 5 candela, showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon.

Captive balloons and kites

14. (1) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows:

(a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being at least 5 candela and showing in all directions, the white light below the basket, or, if there is no basket, below the lowest part of the balloon or kite;

(b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in item (a), groups of two lights of the colour and power and in relative positions specified in that paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and

(c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of the triangle, approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall be attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length, and marked with alternate bands of red and white of 50 centimetres wide.

(3) A kite flown in the circumstances referred to in subparagraph (2) shall have attached to its mooring cable either -

(a) tubular streamers as specified in subparagraph (2); or

(b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers of not less than 80 centimetres long and marked with alternate bands of red and white of 10 centimetres wide.

Airships

15. (1) Except as provided in subparagraph (2), an airship while flying at night shall display the following lights:

(a) a steady white light of at least 5 candela showing through angles of 110° from dead ahead to each side in the horizontal plane;

(b) a steady green light of at least 5 candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(c) a steady red light of at least 5 candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane;

(d) a steady white light of at least 5 candela showing through angles of 70° from dead astern to each side in the horizontal plane; and

(e) an anti-collision light.

(2) An airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights:

(a) the white lights referred to in item (1)(a) and (d);

(b) two red lights, each of at least 5 candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the colour car; and

(c) if the airship is making way but not otherwise, the green and red lights referred to in items (1)(b) and (c):

Provided that an airship while picking up its moorings notwithstanding that it is not under command, shall display only the lights specified in subparagraph (1).

(3) An airship, while moored within Malaysia but night, shall display the following steady lights:

(a) when moored to a mooring mast, at or near the rear a white light of at least 5 candela showing in all directions;

(b) when moored otherwise than to a mooring mast -

(i) a white light of at least 5 candela showing through angles of 110° from dead ahead to each side in the horizontal plane; and

(ii) a white light of at least 5 candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this paragraph -

(a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvres which it may be required to execute by or under these Rules;

(b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

PART D - GENERAL FLIGHT RULES

Weather report and forecasts

16. (1) Immediately before an aircraft flies, the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain in order to determine weather Instrument Meteorological Conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone or a notified aerodrome traffic zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than 5 kilometres or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone or the control zone.

Rules for avoiding aerial collisions

17. (1) General

(a) Notwithstanding that the flight is being made with air traffic control clearance, it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(b) An aircraft shall not be flown in such proximity to other aircrafts as to create a danger of collision.

(c) Aircraft shall not fly in formation unless the commanders of the aircrafts as have agreed to do so.

(d) An aircraft which is obliged by the following items to keep out of the way of another shall avoid passing over, under or in front of the other, unless it passes well clear and takes into account the effect of the aircraft wake turbulence.

(e) An aircraft which has the right-of-way under this paragraph shall maintain its course and speed.

(f) For the purpose of this paragraph, a glider and the flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) Converging

(a) Subject to subparagraph (3) and (4), an aircraft in the air shall give way to other converging aircrafts as follows:

(i) flying machines shall give way to airship, gliders and balloons;

(ii) airships shall give way to balloons;

(iii) gliders shall give way to balloons and

(iv) flying machine shall give way to aircrafts which are seen to be towing other aircrafts or objects.

(b) Subject to item (a), when two aircrafts are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way:

Provided that a mechanically driven aircraft shall give way to an aircraft which is towing another aircraft or object.

(3) Approaching head-on

When two aircrafts are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

(4) Overtaking

An aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft:

Provided that a glider overtaking another glider in Malaysia may alter its course to the right or to the left.

(5) Flight in the vicinity of an aerodrome

A flying machine, glider or airship while flying in the vicinity of what the commander of the aircraft knows or ought reasonably to know to an aerodrome or moving on an aerodrome shall, unless in the case of an aerodrome having an air traffic control unit and that unit otherwise authorises, -

(a) conform to the pattern or traffic formed by other aircrafts intending to land at that aerodrome, or keep clear of the airspace in which the pattern is formed; and

(b) make all turns to the left unless ground signals otherwise indicate.

(6) Order of landing

(a) An aircraft while landing or on final approach to land shall have the right-of-way over aircrafts in flight or on the ground or water.

(b) In the case of two or more flying machines, gliders or airship approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front or another aircraft which is in final approach to land or overtake that aircraft:

Provided that -

(i) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order; and

(ii) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

(7) Landing and take-off

(a) A flying machine, glider or airship shall take-off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(b) A flying machine or glider shall not land on a runway at an aerodrome if the runway is not clear of other aircrafts unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.

(c) Where take-offs and landings are not confined to a runway -

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has landed or is already landing or about to take-off; if such a flying machine or glider is about to turn it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(ii) a flying machine about to take-off take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take-off.

(d) A flying machine after landing shall move clear of the landing area as soon as it is possible to do so unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.

Aerobatic manoeuvres

18. An aircraft shall not carry out any aerobatic manoeuvre -

(a) over the congested area of any city, town or settlement; or

(b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Notification of arrival and departure

19. An aircraft which is flying within Malaysia in sight of the ground and following a road , railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left;

Provided that this paragraph shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit.

Verification of flight and arrival

20. (1) Before commencing a flight for the purpose of public transport over an area notified for the purpose of this paragraph as an area in which search and rescue operations would be difficult, the commander of an aircraft shall submit or cause to be submitted to the appropriate air traffic control unit a flight plan containing such particulars as may be specified.

(2) Before commencing a flight for a purpose other than public transport over an area notified in accordance with subparagraph (1), the commander of the aircraft may submit or cause to be submitted to the appropriate air traffic control unit a flight plan containing such particulars as may be specified under subparagraph (1).

(3) When a flight plan has been submitted in accordance with subparagraph (1) or (2), the commander of an aircraft shall be able to communicate by radio with the appropriate air traffic control unit or aeronautical radio station who shall also comply with paragraph 32 as if the flight were an IFR flight.

(4) The commander of an aircraft complying with the requirements of subparagraph (3) shall, if he finds it necessary to deviate from any particular route specified in the said flight plan, report by radio to the appropriate air traffic control unit or aeronautical radio station the nature of the deviation.

(5) The commander of an aircraft in respect of which a flight plan, in accordance with subparagraph 31(1), has been submitted, shall take all reasonable steps in accordance with notified procedures to ensure upon landing that notice of the arrival of the aircraft is given to the air traffic control unit notified for this purpose.

(6) The commander of an aircraft required to comply with subparagraph (5), or if he has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other unit notified for the purpose of subparagraph (5), or the air traffic control unit or other authority at the aerodrome is informed as quickly as possible of any changes of intended destination and any estimated delay in arrival of 30 minutes or more.

(7) The commander of an aircraft arriving at or departing from an aerodrome in Malaysia shall take all reasonable steps to ensure upon landing or prior to departure, as the case may be, that notice of that event is given to the person in charge of the aerodrome, or to the air traffic control unit or aerodrome flight information unit at the aerodrome.

(8) An aircraft which is being subjected to unlawful interference shall endeavour to notify the appropriate air traffic services unit of this fact, any significant circumstances associated therewith and any deviation from the current flight plan necessitated by the circumstances, in order to enable the air traffic services unit to give priority to the aircraft and to minimize conflict with other aircraft.

Note: In any case, air traffic services units will endeavour to recognize any indication of such unlawful interference and will attend promptly to requests by the aircraft. Information pertinent to the safe conduct of the flight will continue to be transmitted and necessary action will be taken to expedite the conduct of all phases of

the flight.

Flight in Class A airspace

21. In relation to flights in Visual Meteorological Conditions in Class A airspace, the commander of an aircraft shall comply with paragraphs 31, 32 and 33 as if the flights were IFR flights:

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of subparagraph 31(3).

Choice of Visual Flight Rules or Instrument Flight Rules

22. Subject to paragraph 21, an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules:

Provided that in Malaysia, an aircraft flying between the hours of sunset and sunrise shall be flown in accordance with the Instrument Flight Rules, unless it is flying on a special Visual Flight Rules flight in a control zone.

23. (1) In certain classes of airspace, an aircraft shall not fly below 10000 feet above mean sea level at a speed which according to its air speed indicator is more than 250 knots unless it is flying in accordance with the terms of a written permission of the Director General.

(2) The Director General may grant a permission for the purpose of this paragraph subject to such conditions as he thinks fit and either generally or in respect of any aircraft or class of aircraft.

PART E - VISUAL FLIGHT RULES

Visual Flight Rules

24. The Visual Flight Rules shall be as follows:

(a) Within controlled airspace -

In relation to flights within controlled airspace, paragraphs 25 and 27 shall apply.

(b) Outside controlled airspace -

In relation to flights outside controlled airspace, paragraph 26 shall apply.

Flight within controlled airspace

25. (a) Within Class B airspace -

(i) an aircraft flying Class B airspace at or above 10000 feet above mean sea level shall remain clear of cloud and in a flight visibility of at least 8 kilometres;

(ii) an aircraft flying within Class B airspace below 10000 feet above mean sea level shall remain clear of cloud and in a flight visibility of at least 5 kilometres;

(b) Within Class C, Class D or Class E airspace -

- (i) an aircraft flying Class C, Class D or Class E airspace at or above 10000 feet above mean sea level shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 kilometres;
- (ii) an aircraft flying within Class C, Class D or Class e airspace below 10000 feet above mean sea level shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres.

Flight outside controlled airspace

26. (a) An aircraft flying outside controlled airspace at or above 10000 feet above mean sea level shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 kilometres.

(b) An aircraft flying outside controlled airspace below 10000 feet above mean sea level shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres:

Provided that this item shall be deemed to be complied with if -

- (i) the aircraft is flying at or below 3000 feet above mean sea level and remains clear of cloud and in sight of the surface and in a flight visibility of at least 5 kilometres;
- (ii) in the case of a helicopter, the helicopter is flying at or below 3000 feet above mean sea level flying at a speed, which having regard to the visibility is reasonable, and remains clear of cloud and in sight of the surface.

VFR flight plan and traffic control clearance

27. (1) Unless otherwise authorised by the appropriate air traffic control unit, before an aircraft flies within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance to fly within the said airspace.

(2) The flight plan shall contain such particulars of the flight as may be necessary to enable the air traffic control unit to issue a clearance and for search and rescue purposes.

(3) Whilst flying within the said airspace during the notified hours of watch of the appropriate air traffic control unit the commander of the aircraft shall -

(a) cause a continuous watch to be maintained on the notified radio frequency appropriate to the circumstances; and

(b) comply with any instructions which the appropriate air traffic control unit may give in a particular case.

(4) This paragraph shall not apply in respect of any mechanically driven aircraft without radio equipment flying during the day in controlled airspace notified for the purpose of this subparagraph which remains at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 kilometres the commander of which has previously obtained the permission of the appropriate air traffic control unit to fly within the said airspace.

PART F - INSTRUMENT FLIGHT RULE

Instrument Flight Rules

28. The Instrument Flight Rules shall be as follow:

(a) Outside controlled airspace -

In relation to flights outside controlled airspace, paragraphs 29 and 30 shall apply; and

(b) Within controlled airspace -

In relation to flights within controlled airspace, paragraph 29, subparagraph 30(b), paragraph 31, 32 and 33 shall apply.

Minimum height

29. Without prejudice to the provisions of paragraph 5, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1000 feet above the highest obstacle within a distance of 5 nautical miles of the aircraft unless otherwise authorised by the competent authority or unless it is necessary to do so in order to take-off or land.

Cruising levels

30. (a) Cruising levels - Quadrantal Rule

In order to comply with the Instrument Flight Rules, an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate Table set forth in this paragraph. The level of flights shall be measured by an altimeter set according to the system notified, or in the case of a flight over a State other than Malaysia, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

Table I - Flights at Levels

Below 25,000 Feet

Magnetic Track

Cruising Level

Less than 90 ⁰	- Odd thousands of feet
90 ⁰ but less than 180 ⁰	- Odd thousands of feet + 500 feet
180 ⁰ but less than 270 ⁰	- Even thousands of feet
270 ⁰ but less than 360 ⁰	- Even thousands of feet + 500 feet

Note: Quadrantal Rule applies only below FL 250. Above this level Semi-circular Rule applies

(b) Cruising levels - Semi-circular Rule

Within controlled airspaces at all levels and outside controlled airspaces above FL250, the Semi-circular Rule applies in accordance with the following Table:

Table II - Track (Magnetic)

000 ⁰ - 179 ⁰			180 ⁰ - 359 ⁰		
FL	IFR Flights Altitude (Feet)	VFR Flights Altitude (Feet)	FL	IFR Flights Altitude (Feet)	VFR Flights Altitude (Feet)
110	11,000	11,500	120	12,000	12,500
130	13,000	13,500	140	14,000	14,500
150	15,000	15,500	160	16,000	16,500
170	17,000	17,500	180	18,000	18,500
190	19,000	19,500	200	20,000	20,500
210	21,000	21,500	220	22,000	22,500
230	23,000	23,500	240	24,000	24,500
250	25,000	-	260	26,000	-
270	27,000	-	280	28,000	-
290	29,000	-	310	31,000	-
330	33,000	-	350	35,000	-
370	37,000	-	390	39,000	-
410	41,000	-	430	43,000	-
450	45,000	-	470	47,000	-
490	49,000	-	510	51,000	-
etc.	etc.	etc.	etc.	etc.	etc.

Note: VFR flights shall not be operated above FL 150 in controlled airspace.

Flight plan and air traffic control clearance

31. (1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within

controlled airspace, or enters any controlled airspace the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(2) The flight plan shall contain such particulars of the intended flights as may necessary to enable the air traffic control unit to issue an air traffic control clearance, or for search and rescue purposes.

(3) The commander of the aircraft shall fly in conformity with the air traffic instructions given by an air traffic control unit and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination unless -

(a) he is able to fly in interrupted Visual Meteorological Conditions for so long as he remains in controlled airspace; and

(b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan:

Provided that if an emergency arises which requires an immediate deviation from an air traffic control clearance, as is permitted by regulation 89(3), the commander of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation, to be followed in due course with the submission of particulars in accordance with regulation 89(4).

Position reports

32. In order to comply with the Instrument Flight Rules, the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time and the position and level of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

Communication failure

33. In order to comply with the Instrument Flight Rules, the commander of an aircraft flying in controlled airspace who is unable to establish or maintain two-way communication with the appropriate air traffic control until shall -

(a) continue to fly to his destination, if it is possible to do so by flying only in conditions not inferior to those specified in item 24 (a); or

(b) if he has received and acknowledge an air traffic control clearance to fly to his destination to enter the controlled airspace in which it lies, and sufficient navigational assistance is obtainable to enable him to comply with such clearance -

(i) continue to fly in compliance with the current flight plan to the holding point at the aerodrome of destination, maintaining the last acknowledged cruising levels for the portion of the route for which level has been specified in the clearance, and thereafter the cruising levels shown in the flight plan;

(ii) arrange the flight to arrive over the holding point as closely as possible to the last acknowledged estimated time of arrival;

(iii) begin to descend over the holding point at the last acknowledged expected approach time or, if no such expected approach time has been acknowledged, the last acknowledged estimated time of arrival;

(iv) land within 30 minutes of the time at which the descent should have been started; or

(c) if he is unable to comply with item (a) or (b), leave or avoid controlled airspace either -

(i) fly to an area in which flight may be continued in Visual Meteorological Conditions, and land at an aerodrome there; or

(ii) select a suitable area in which to descend through cloud, and land at an aerodrome there.

PART G - AERODROME TRAFFIC RULES

Application of Aerodrome Traffic Rules

34. The commander Traffic Rules which are expressed to apply to flying machines shall also be observed, so far as practicable, in relation to all other aircraft.

Visual signals

35. The commander of a flying machine on, or in the pattern of traffic at an aerodrome shall observe such visual signals as may be displayed at, or directed to him from, the aerodrome by the air traffic control unit or if there is no such unit, by the authority or the person in charge of the aerodrome and shall obey any instruction which may be given to him by means of such signals:

Provided that he shall not be required to obey the signals referred to in paragraph 48 on Marshalling Signals if in his opinion it is inadvisable to do so in the interests of safety.

Access to and movement on the manoeuvring area and other parts of the aerodrome

36. (1) An aircraft shall not taxi on the manoeuvring area of an aerodrome without the permission of the person in charge of the aerodrome, or where the aerodrome has an air traffic control unit for the time being notified as being on watch, without the permission of that unit.

(2) A person or vehicle shall not go into any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(3) A person or vehicle shall not go or move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit, and except in accordance with any conditions subject to which that permission may have been granted.

(4) Any permission granted for the purposes of this paragraph may be granted either in respect of persons or vehicles paragraph may be granted either in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

Right of way on the ground

37. (1) This paragraph shall apply to -

(a) flying machines; and

(b) vehicles,

on any part of a land aerodrome provided for the use of aircraft and under the control of the air traffic control unit or the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any other aircraft or with any vehicle.

(3) (a) Flying machines and vehicles shall give way to aircrafts which are taking off or landing,

(b) Flying and vehicle machines which are not taking off or landing shall give way to vehicles towing aircrafts.

(c) Vehicles which are not towing aircrafts shall give way to aircrafts.

(4) Subject to subparagraph (3) and item 17(7)(c), in case of danger collision between two flying machines -

(a) when the two flying machines approaching head-on or approximately so, each shall turn to the right;

(b) when the two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it; and

(c) a flying machine which is being overtaken shall have the right of way, and the overtaking flying machine shall keep out of the way of the other flying machine by turning to the left until that other flying machine by turning to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to item 3(b), a vehicle shall -

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle; and

(b) keep to the left when passing another vehicle which is approaching head-on approximately so.

(6) An aircraft taxiing on the manoeuvring area shall stop and hold at all taxi-holding positions unless otherwise authorised by the aerodrome control tower.

(7) An aircraft taxiing on the manoeuvring area shall stop and hold at all lighted stop bars and may proceed further when the lights are switched off.

Dropping of tow ropes, etc.

38. Tow ropes, banners or similar articles towed by an aircraft shall not be dropped from the aircraft except at an aerodrome and -

(a) in accordance with the arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or

(b) in the area designated by the marking described in subparagraph 45(7), and the ropes, banners or similar articles shall be dropped when the aircraft is flying in the directions shall be dropped when the aircrafts is flying in the direction appropriate for landing.

Aerodromes not having air traffic services unit

39. (1) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome which does not have an air traffic services unit, except for the purpose of taking off, or landing or observing the signals in the signals area with a view to landing there. An aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such aerodrome shall -

(a) conform to the pattern of air traffic formed by other aircrafts, or keep clear of the airspace in which the pattern is formed;

(b) make all turns to the left unless ground signals otherwise indicate; and

(c) take-off and land in the direction indicated by the ground signals or, if no such signal is displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) A flying machine or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take-offs and landings are not confined to a runway -

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take-off;

if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and

(ii) a flying machine about to take-off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take-off

(4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so .

Aerodromes having air traffic services unit

40. (1) An aircraft shall not fly, take-off or land within the aerodrome traffic zone or an aerodrome having an air traffic services unit, unless the commander of the aircraft has obtained the permission of the air traffic services

unit to enable the flight within the zone to be conducted with safety.

(2) The commander of an aircraft flying in the aerodrome traffic zone or moving on the manoeuvring area of an aerodrome having an air traffic services unit shall -

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome, or if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means;

(b) not taxi on the apron or manoeuvring area, take-off or land anywhere in the zone except with the permission of the air traffic services unit; and

(c) where no air traffic services unit is for the time being notified as being on watch, or has ceased to be on watch, shall -

(i) maintain a continuous listening radio and visual watch, and broadcast generally his position, height and intentions on radio frequency notified for communications at the aerodrome;

(ii) comply with paragraph 39 unless he has the permission of the air traffic services unit to do otherwise.

(3) Without prejudice to paragraph 20 and 31, the commander of an aircraft shall immediately upon arrival at, or prior to departure from an aerodrome within Malaysia having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

Special rules for certain aerodromes

41. The Director General may in respect of any aerodrome stipulate special requirements for the operation of aircraft in that aerodrome. Such requirements shall be notified and be complied with in addition to the paragraphs in this Part. Such special paragraphs unless expressly stated otherwise, shall apply in addition to the other paragraphs unless expressly stated otherwise, shall apply in addition to the other paragraphs in this Part.

PART H - AERODROME SIGNALS AND MARKINGS VISUAL AND AURAL SIGNALS

General

42. (1) Whenever any signal specified in this Part is given or displayed, or whenever any marking so specified is displayed, by any person in an aircraft, or at an aerodrome, or at any other place which is being used by an aircraft for landing or take-off, it shall, when given or displayed in Malaysia, have the meaning assigned to it in this Part.

(2) All dimensions specified in this Part shall be subject to a tolerance of 10 per centum plus or minus.

Signals in the signals area

43. (1) When any signal specified in this paragraph is displayed, it shall be placed in a signals area which shall be a square visible in all directions bordered by a white strip of 30 centimetres wide, the internal sides

measuring 12 metres.

(2) A white landing T, as illustrated in Figure 1, signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

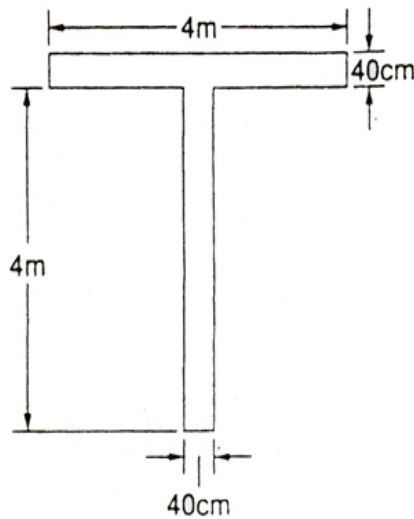


FIG. 1

(3) A white disc of 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in Figure 2, signifies that the direction of landing and take-off do not necessarily coincide.

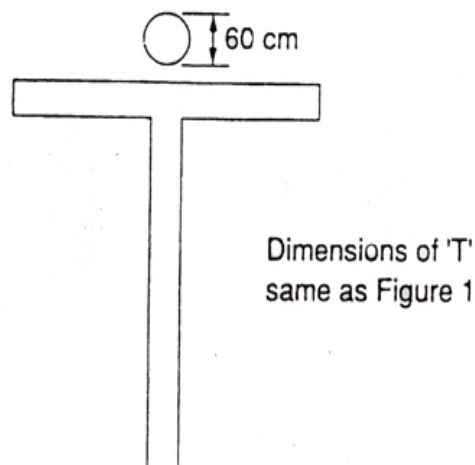


FIG. 2

(4) A white dumb-bell, as illustrated in Figure 3, signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metallised or similar hard surfaces.

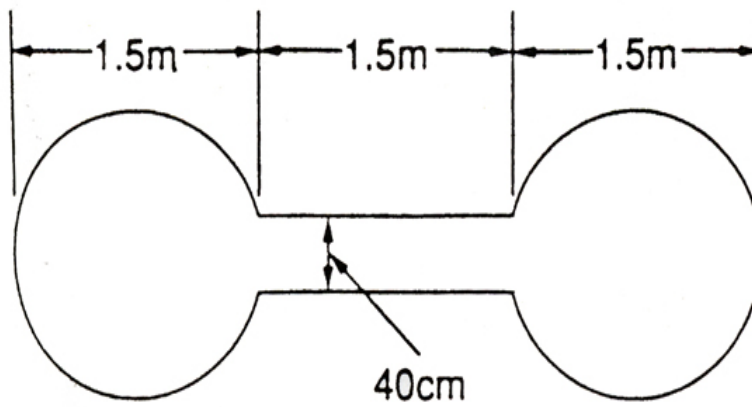


FIG. 3

(5) A white dumb-bell as described in subparagraph (4) but with a black stripe of 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in Figure 4, signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

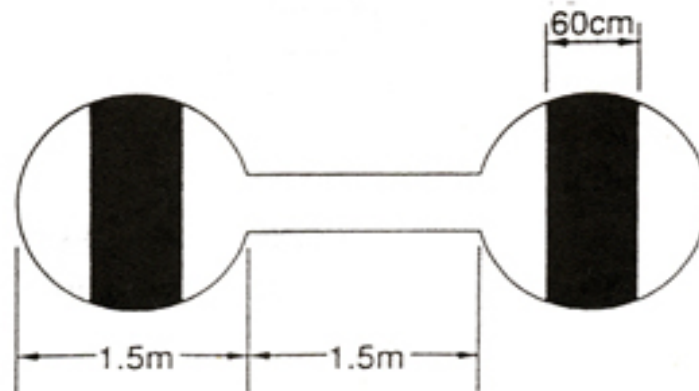


FIG. 4

(6) A red and yellow striped arrow, as illustrated in Figure 5, the shaft of which is at least one more wide placed along the whole or not less than a total of 11 metres of two adjacent sides of the signals area and pointing in clockwise direction signifies that the righthand circuit is in force.

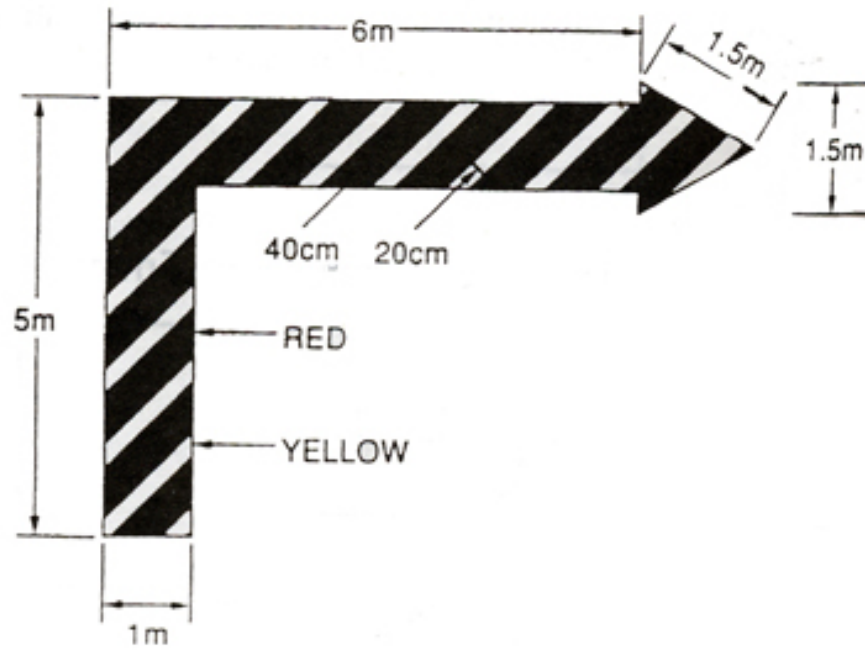


FIG. 5

(7) A red panel 3 metres square with a yellow strip of at least 50 centimetres wide, along one diagonal, as illustrated in Figure 6, signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.

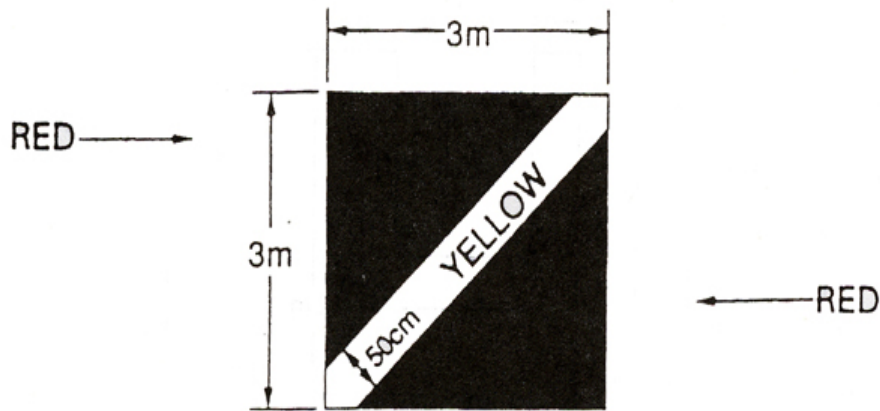


FIG. 6

(8) A red panel 3 metres square with a yellow strip, of at least 50 centimetres wide, along each diagonal, as illustrated in Figure 7, signified that the aerodrome is unsafe for the movement of the aircraft and that landing on the aerodrome is prohibited .

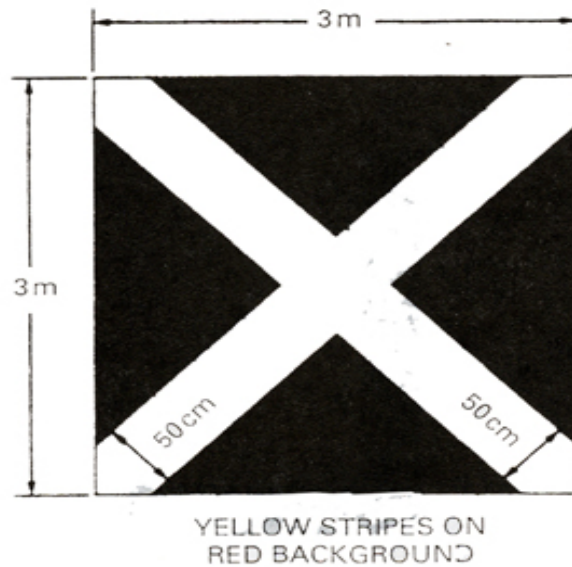


FIG. 7

(9) A white letter H, as illustrated in Figure 8, signifies that helicopters shall take-off and land only within the area designated by the marking specified in subparagraph 45(5).

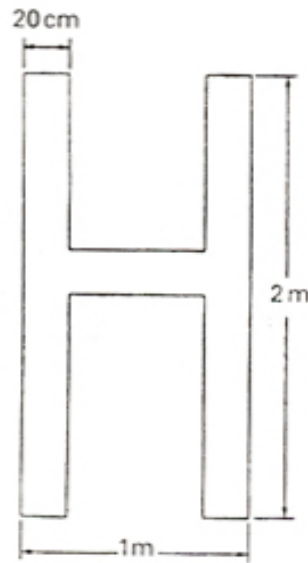


FIG. 8

(10) A red light L displayed on the dumb-bell specified in subparagraphs (4) and (5), as illustrated in Figure 9, signifies that light aircrafts are permitted to take-off and land either on a runway or on the area designated by the marking specified in subparagraph 45(6).

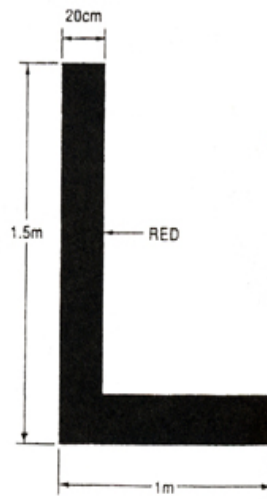


FIG. 9

(11) A white double cross, as illustrated in Figure 10, signifies that glider flying is in progress.

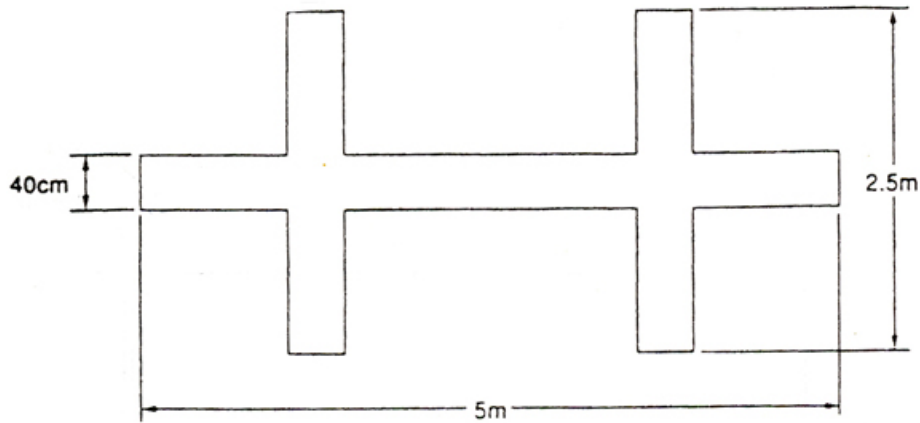


FIG. 10

Marking for paved runways and taxiways

44. (1) Two or more white crosses, as illustrated in Figure 11, displayed on a runway or taxiway, with the arms of the crosses at an angles of 45 to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of an aircraft.

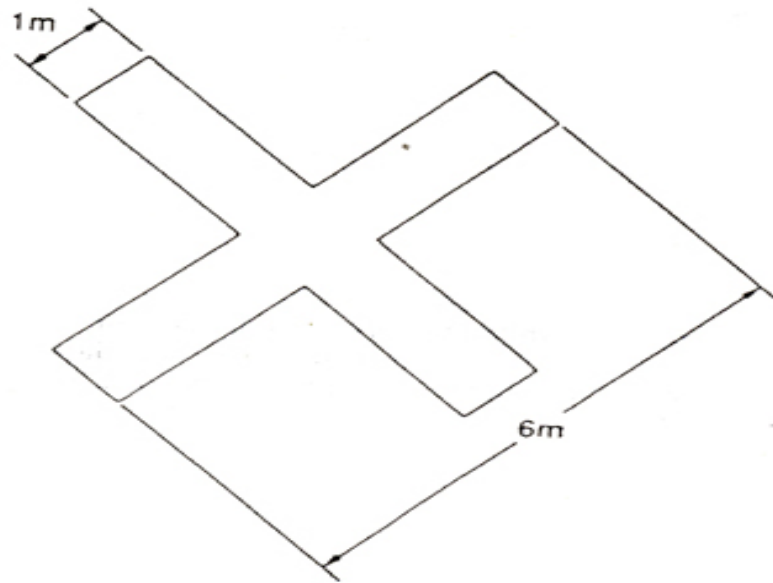


FIG. 11

(2) A pair of broken white lines and a pair of continuous lines, as illustrator in Figure 12, signify a holding position beyond which no part of an aircraft or vehicle shall project in the direction of the runway without permission from an air traffic control unit.

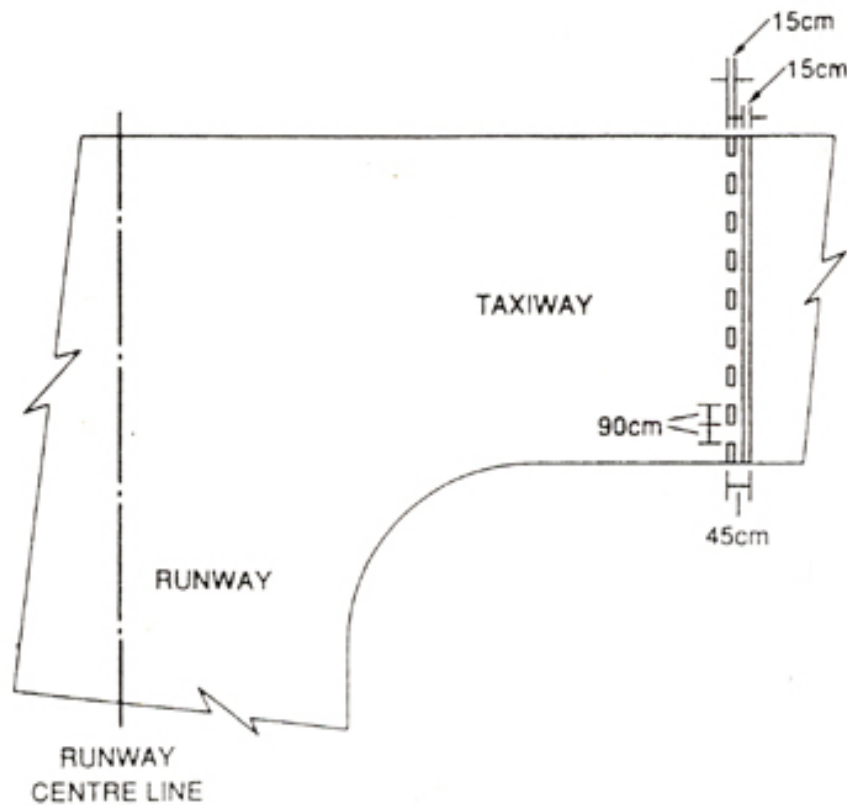


FIG. 12

(3) Orange and white markers, as illustrated in Figure 13, spaced not more than 15 metres apart, signify the

boundary of that part of a paved runway, taxiway ay or apron which is unfit for the movement of an aircraft.

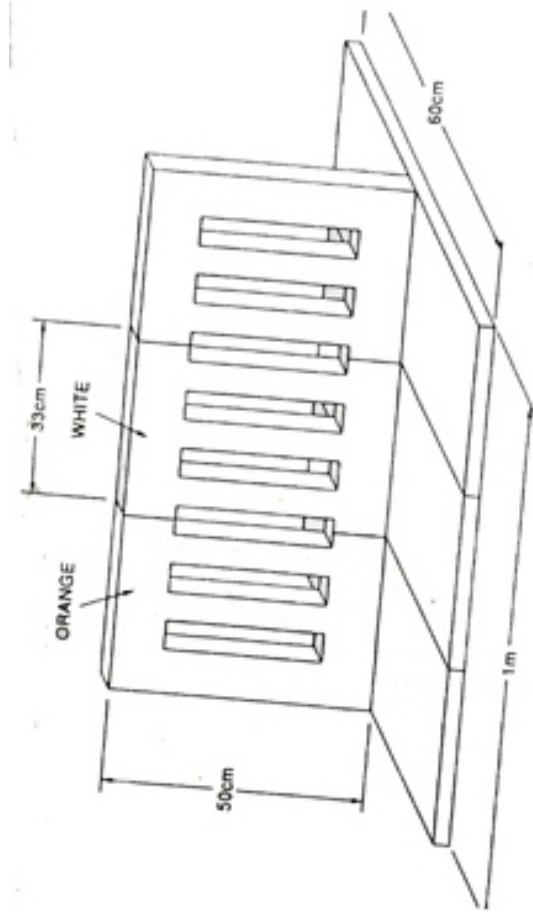


FIG. 13

Markings on unpaved manoeuvring area

45. (1) Markers with orange and white stripes of an equal width of not less than 50 centimetres with an orange stripe at each end, as illustrated in Figure 14, alternating with flags of not less than 60 centimetres square showing equal orange and white triangular areas, indicate the boundary of an area unfit for the movement of an aircraft and one more white crosses as specified in subparagraph 44 (1) indicate the said area. The distance between any two successive orange and white flag shall not exceed 90 metres.

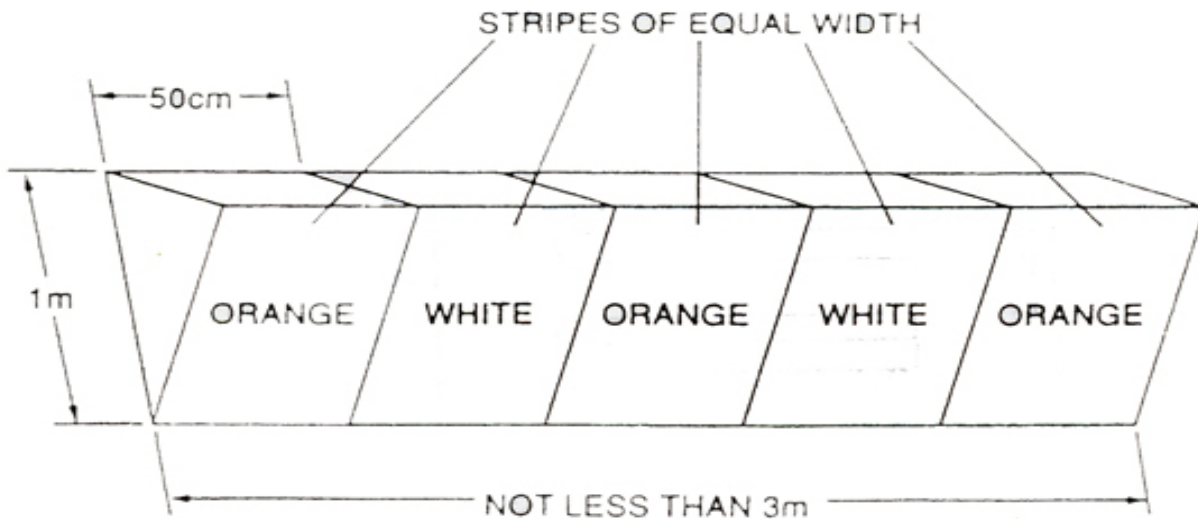


FIG. 14

(2) Striped markers, as specified in subparagraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of not less than 50 centimetres, with an orange stripe at each end, as illustrated in Figure 15, spaced not more than 45 metres apart, indicate the boundary of an aerodrome. The pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

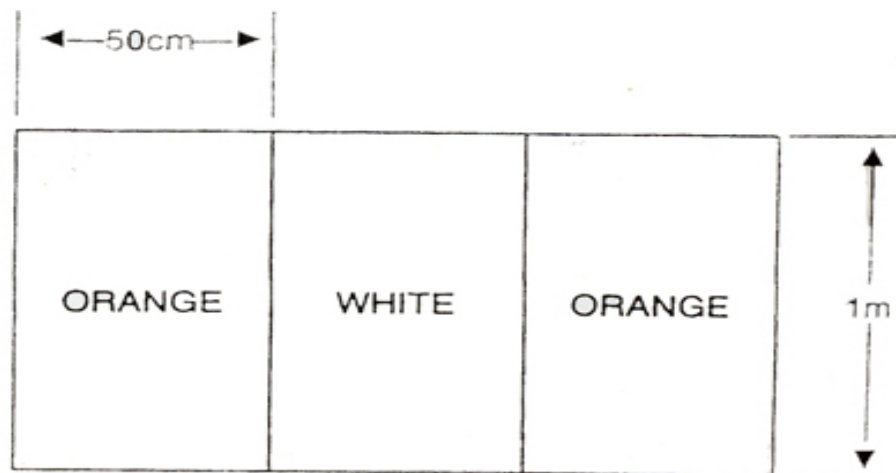


FIG. 15

(4) White flat rectangular markers of 3 metres long by 1 metre wide at intervals not exceeding 90 metres, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary of an unpaved runway or stopway, as the case may be, indicate the boundary of an unpaved runway or of a stopway.

(5) A white letter H, as illustrated in Figure 16, indicates an area which shall be used only for the taking off and landing of helicopters.



FIG. 16

(6) A white letter L, as illustrated in Figure 17, indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light an aircraft.

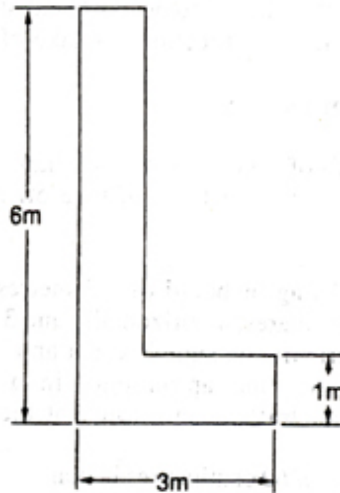


FIG. 17

(7) A yellow cross with two arms of 6 metres long by 1 metre wide at right angles, indicates that tow ropes and similar articles towed by an aircraft shall only be dropped in the area in which the cross is placed.

(8) A white double cross, as illustrated in Figure 18, indicates an area which shall be used only for taking off and landing of gliders

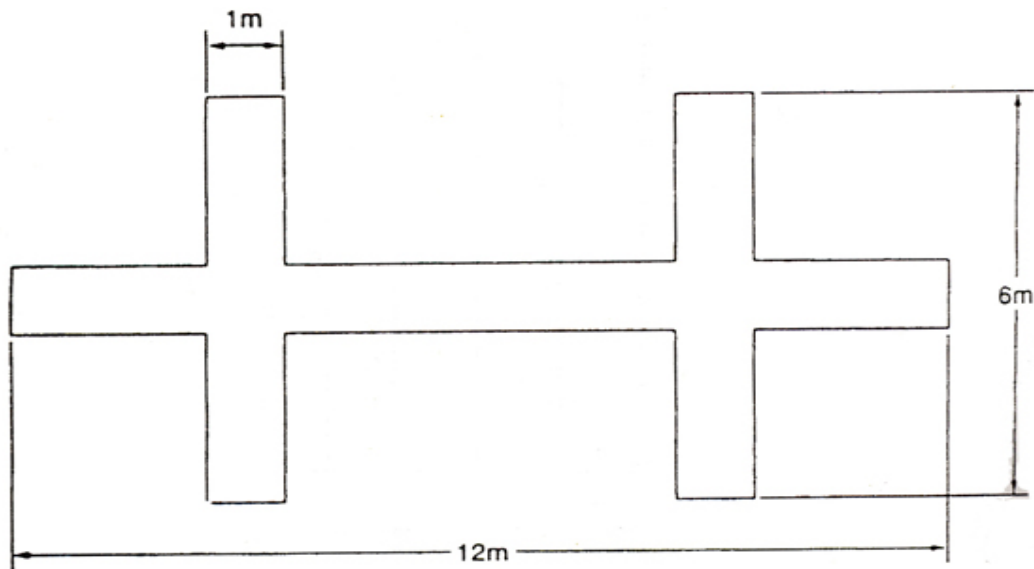


FIG. 18

(9) A white landing T as specified in subparagraph 43(2) placed at the left-hand side of the runway when viewed from the direction of landing indicates the runway to be used, and at an aerodrome with no runway it indicates the direction for take-off and landing.

Signals visible from the ground

46. (1) A black ball of 60 centimetres in diameter suspended from a mast signifies that the directions of take-off and landing are not necessarily the same.

(2) A checkered flag or board of 1.2 metres by 90 centimetres containing 12 equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternatively, signifies that an aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls of 60 centimetres in diameter, disposed vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black arabic numerals in two-figure groups and, where parallel runways are provided the letter or letters L (Left), LC (Left Centre), C (Centre), RC (Right Centre) and R (Right), placed against a yellow background, indicate the direction for take-off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in Figure 19, indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

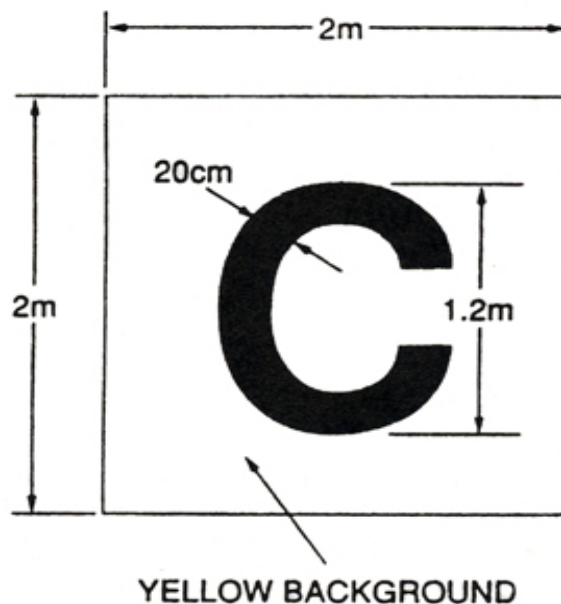


FIG. 19

(6) A rectangular green flag of not less than 60 centimetres square flown from a mast indicates that the right-hand circuit is in force.

Lights and pyrotechnic signals for controls of aerodrome traffic

47. Each signal described in the first column of Table A of this paragraph, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing against it in the second and third columns.

TABLE A : MEANING OF LIGHTS AND PYROTECHNIC SIGNALS

<i>Light</i>	<i>From Aerodrome Control to</i>	
	<i>Aircraft in Flight</i>	<i>Aircraft on the ground</i>
Steady green	Cleared to land	Cleared to take-off
Steady red	Give way to other aircrafts and continue circling	Stop
Series of green flashes	Return for landing	Cleared to taxi
Series of red flashes	Aerodrome unsafe, do not Land	Taxi clear of landing area in use
Series of white flashes	Land at this aerodrome and proceed to apron	Return to starting point on the aerodrome
Red pyrotechnic	Notwithstanding any previous instructions, do not land for the time being	

Marshalling Signals (from a Marshaller to an aircraft)

48. Each of the signals for the guidance of an aircraft manoeuvring on the ground, described in the first column of Table B of this paragraph, shall, in Malaysia, have the meaning set forth against it in the second column. By day, any such signal shall be given by hand or by circular bats and by night by torches or illuminated wands.

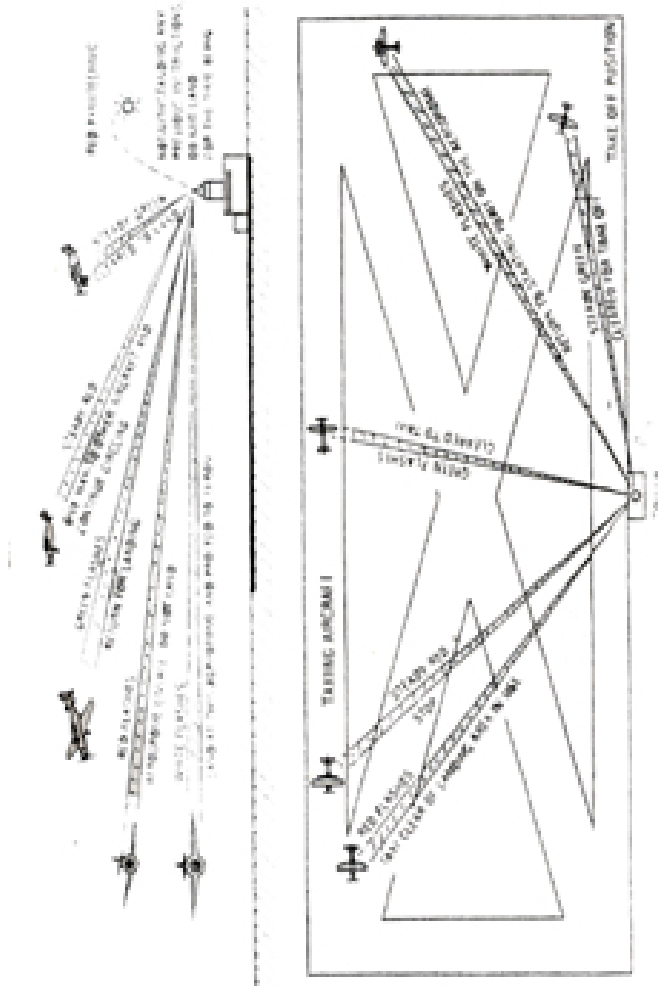












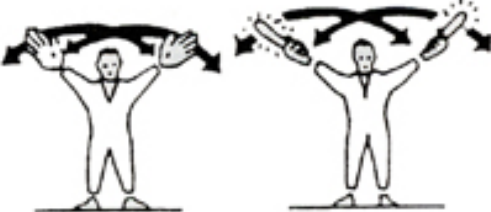


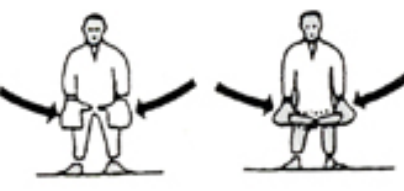
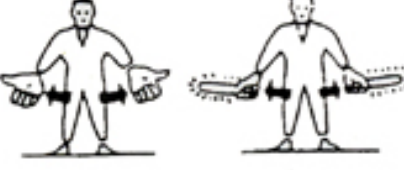



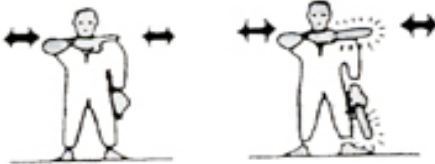

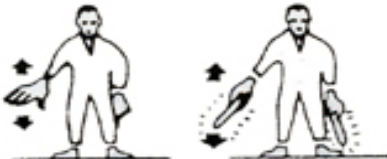
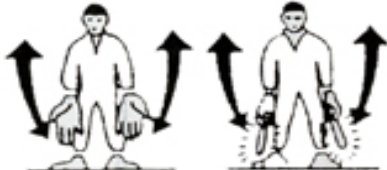


Fig. 20






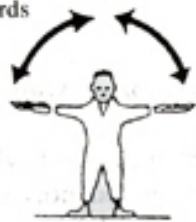


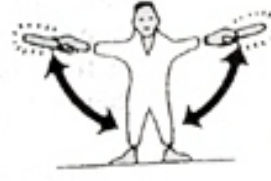



TABLE B : MEANING OF MARSHALLING SIGNALS

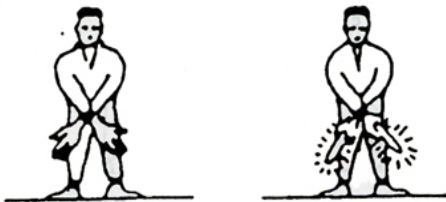
TABLE B- MEANING OF MARSHALLING SIGNALS

<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>Signals</i>	
(a) Marshaller directs pilot if traffic conditions on aerodrome require this action	To proceed under further guidance by marshaller		
(b) Arms above head in vertical position with palms facing inward	This bay		
(c) Right or left arm down, other arm moved across the body and extended to indicate direction of next marshaller	Proceed to next marshaller		
(d) Arms a little aside, palms facing backward and repeatedly moved upward-backward from shoulder height	Move ahead		
(e) (i) Turn to your left: right arm downward, left arm repeatedly moved upward-backward. Speed of arm movement indicating rate of turn	Turn		
(ii) Turn to your right: left arm downward, right arm repeatedly moved upward-backward. Speed of arm movement indicating rate of turn	Turn		

Description of Signal	Meaning of Signal	Signals
(f) Arms repeatedly crossed above head (the rapidity of the arm movement should be related to the urgency of the stop, i.e. the faster the movement the quicker the stop)	Stop	
(g) (i) Engage brakes: raise arm and hand, with fingers extended, horizontally in front of body, then clench fist	Brakes	
(ii) Release brakes: raise arm, with fist clenched, horizontally in front of body, then extend fingers	Brakes	
(h) (i) Chocks inserted: arm down, palms facing inwards, move arms from extended position inwards	Chocks	
(ii) Chocks removed: arms down, palms facing outwards, move arms outwards	Chocks	
(i) Left hand overhead with appropriate number of fingers extended, to indicate the number of the engine to be started, and circular motion of right hand at head level	Start engine(s)	

Description of Signal	Meaning of Signal	Signals
(j) Either arm and hand level with shoulder, hand across throat, palm downward. The hand is moved sideways with the arm remaining bent.	Cut engines	
(k) Arms down with palms toward ground, then moved up and down several times	Slow down	
(l) Arms down with palms towards ground, then either right or left hand waved up and down indicating the left or right side engine(s) respectively should be slowed down	Slow down engine(s) on indicated side	
(m) Arms by sides, palms facing forward, swept forward and upward repeatedly to shoulder height	Move back	
(n) (i) For tail to starboard: point left arm down, and right arm brought from overhead, vertical position to horizontal forward position, repeating right arm movement	Turns while backing	
(ii) For tail to port point right arm down, and left arm brought from overhead, vertical position to horizontal forward position, repeating left arm movement	Turns while backing	

Description of Signal	Meaning of Signal	Signals
<p>(o) Right arm raised at elbow with thumb erect</p> 	<p>All clear</p> 	
<p>(p) Arms extended horizontally sideways</p>	<p>Hover</p> 	
<p>(q) Arms extended horizontally to the side beckoning upwards, with palms turned up. Speed of movement indicates rate of ascent</p>	<p>Move upwards</p> 	
<p>(r) Arms extended horizontally to the side beckoning downwards, with palms turned down. Speed of movement indicates rate of descent</p>	<p>Move downwards</p> 	
<p>(s) Appropriate arm extended horizontally sideways in direction of movement and other arm moved in front of body in same direction, in a repeating movement</p>	<p>Move horizontally</p> 	
		

<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>Signals</i>
(t) Arms crossed and extended downwards in front of the body	Land	

Marshalling Signals (from a pilot of an aircraft to a marshaller)

49. The following signals by a pilot in an aircraft to a marshaller on the ground shall respectively have the following meanings:

	<i>Description of Signals</i>	<i>Meaning of Signals</i>
(a)	Raise arm and hand with fingers extended horizontally in front of face, then clench fist	Brakes engaged
(b)	Raise arm with fist clenched horizontally in front of face, then extend fingers	Brakes released
(c)	Arms extended palms outwards, move hands inwards to cross in front of face	Insert chocks
(d)	Hands crossed in front of face, palms facing outwards, move arms outwards	Remove chocks
(e)	Raise the number of fingers on one hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left, for example, No. 1 engine shall be the port outer engine, No. 2 engine shall be the port inner engine, No. 3 engine shall be the starboard inner engine and No. 4 engine shall be the starboard outer engine	Ready to start engines

Distress, urgency and safety signals

50. (1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance:

(a) by radiotelephony - the spoken word "Mayday";

(b) by visual signalling -

(i) the signals SOS (... --- ...);

(ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;

(iii) a parachute flare showing a red light;

(c) by sound signalling other than radiotelephony -

(i) the signal SOS (... --- ...);

(ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately before the sending of a message, signify that the commander of the aircraft wishes to give notice of difficulties but does not require immediate assistance:

(a) the repeated switching on and off of the aircraft landing lights;

(b) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in paragraph 11.

(3) The following signals, given either together or separately, indicate that the commander of the aircraft has an urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property of a person on board or within sight of the aircraft from which the signal is given:

(a) by radiotelephony - the spoken word "PAN PAN";

(b) by visual signalling - the signal XXX (- .. -- .. -- .. -)

(c) by sound signalling other than radiotelephony - the signal XXX (- .. -- .. -- .. -).

Warning signals to aircraft in flight

51. In Malaysia, by day and by night, a series of projectiles discharged from the ground at intervals of 10 seconds, each showing, on bursting, red and green lights or stars, shall indicate to the commander of an aircraft that his aircraft is flying in or about to enter a restricted, prohibited or danger area as is referred to in regulation 90 and he is required to take such action as may be necessary to leave the area or change course to avoid the area.

PART I - GROUND LIGHTING

Minimum ground lighting

52. (1) The person in charge of any area to which this paragraphs applies shall cause the lighting specified in paragraph 53 to 57 inclusive, to be in operation whenever a flying machine or glider, flying for the purpose of the public transport of passengers, is taking off or landing at that area by night and during such period before or after the take-off or landing as may be necessary to ensure the safety of the aircraft:

Provided that, if the area is intended for use only by helicopters, there may be in operation in lieu of the lighting specified in paragraphs 53, 54 and 57 such other lighting as will enable the pilot of a helicopter in flight:

- (a) to identify the area;
- (b) to determine the landing direction; and
- (c) to make a safe approach and landing.

(2) The requirements of subparagraph (1) shall be deemed not to have been contravened if neither the person in charge of the area nor any person acting under these instructions knew or ought reasonably to have known that the aircraft was about to take-off or land.

(3) This paragraph shall apply to any place, whether or not an aerodrome, intended to be used for the taking off, landing of an aircraft or the manoeuvring of aircraft on the ground, but shall not apply to any Government aerodrome or to any aerodrome licensed for use by night.

Approach lighting

53. The lighting required by paragraph 52 shall include lighting to give approach guidance to the runway or landing intended to be used, which lighting shall consist of either -

- (a) a line of identical lights each having an intensity of not less than 100 candela or red or white light in the direction of approach, equally spaced at intervals not exceeding 60 metres along the extended centre line of the runway for a distance of not less than 180 metres from the threshold in the direction of approach; or
- (b) an angle of approach lights so arranged as to indicate a sloping path between $2\frac{1}{2}^{\circ}$ to $4\frac{1}{2}^{\circ}$ above the horizontal which will provide, for any aircraft approaching to land, safe clearance above all obstacles within 3 nautical miles of the threshold of the runway and will give a warning by means of red beams of light if the aircraft is below the path. The lights shall indicate the path throughout an angle in azimuth of not less than 12° symmetrically about a line parallel to the direction of landing.

Landing area lights

54. (1) Where a runway is not provided, the lighting required by paragraph 5 shall include two lines of white lights parallel to the direction of take-off or landing visible from all directions above the horizontal delineating the landing area intended for use by night, the lights in each line being equally spaced at intervals not exceeding 90 metres. The lines of lights shall not be less than 30 metres or more than 60 metres apart, and shall be so placed that a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the direction of use of the landing area.

(2) Where a runway is provided, the lighting required by paragraph 52 shall include two lines of white lights visible from the direction of approach, placed on the edge of the runway and each extending the whole of the length intended for use, the distance between successive lights in each line being not more than 90 metres, so that, so far as is practicable, a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the axis of the runway.

(3) The lights required by this paragraph shall have an intensity of not less than 50 candela.

Guidance lights on the manoeuvring area and other parts of the aerodrome used by an aircraft

55. The lighting required by paragraph 52 shall include either -

(a) the delineation of every taxiway intended for use by night by means of lights along its edges, either blue lights on one side and yellow lights on the other or blue lights on both sides. The lights on each side shall have a brightness sufficient to give adequate guidance to a taxiing aircraft when the lights are spaced not more than 50 metres apart on straight stretches. On curves the lights shall be at reduced spacing to mark the taxiway edge clearly. If the taxiway is unpaved the lines of lights shall not be less than 15 nor more than 30 metres apart; or

(b) where the aircraft manoeuvring on the ground is not confined to taxiways, white lights visible from all directions above the horizontal and of an intensity of not less than 10 candela at 5° above the horizontal. spaced at intervals not exceeding 90 metres along the boundary of that part of the aerodrome provided for the use of the aircraft and under the control of the person in charge of the aerodrome and intended for use by night.

Area unfit for use

56. The lighting required by paragraph 52 shall include red lights visible from all directions above the horizontal, sufficient to mark adequately any area unfit for the movement of an aircraft at night.

Obstruction lights

57. (1) The lighting required by paragraph 52 shall include lighting of all obstructions within the area in accordance with this paragraph.

(2) The light of an obstruction shall be arranged so as to show not less than 10 candela of red light in all directions in azimuth between 20° below and 60° above the horizontal.

(3) The lights shall be placed at the highest point of the obstruction except that, where the top of a chimney or other obstruction may be obscured by smoke, the lights may be placed instead not more than 7.5 metres below the top of the obstruction.

(4) If the height of an obstruction is more than 45 metres above ground level lights shall be placed on the obstruction between the top and the ground at vertical intervals not exceeding 45 metres.

(5) On any obstruction of more than 45 metres in horizontal extent lights as specified in subparagraph (3) shall be placed on the highest point of each length of 45 metres of the obstruction, measuring from one end of the obstruction.

(6) For the purposes of this paragraph, any object, whether permanent or temporary, shall be deemed to be an obstruction if it is likely to endanger an aircraft and if it is situated -

(a) on that part of the manoeuvring area which is intended for use at night;

(b) within an area extending 60 metres on either side of the centre line of the area intended for landing or take-off at night;

(c) within 60 metres of the area so intended, if the height of the object is more than one-quarter of the distance of the object from the sea;

(d) within 15 metres of a lighted taxiway;

(e) within an area of the dimensions illustrated in this item, being an area at either end of a lighted runway or lighted landing area and if the height of the object, measured above the level of the nearer end of the runway or landing area, is more than one-thirtieth of the distance from the object to the nearest end of the runway or landing area:

Provided that a frangible object not more than 1 metre in height above the ground shall not be deemed to be an obstruction by reason of this item; or

(f) within 1 nautical mile of the centre of the area intended for use at night for the taking off, landing of an aircraft or manoeuvring of an aircraft on the ground and more than 90 metres above the highest point of the ground within that area.

(7) Nothing in this paragraph shall be taken to require the lighting -

(a) of any aircraft displaying navigation lights in accordance with Part C;

(b) in an area set aside for the parking of aircraft, of any vehicle which is displaying the lights which are obligatory when it is being driven on a public highway;

(c) of any obstruction or part of an obstruction which, by reason of the lighting of other obstructions, is not likely to endanger an aircraft in flight.

P.U.(A) 139/96
CIVIL AVIATION REGULATIONS 1996

TWELFTH SCHEDULE

(Regulation 186)

FEES AND CHARGES

PART A

**LANDING, PARKING AND HOUSING, PASSENGER SERVICE
AND AIR NAVIGATION FACILITY CHARGES**

TABLE 1

LANDING CHARGES

(Regulation 165)

<i>Authorised Maximum Weight</i>	<i>Single Landing</i>
(i) Not exceeding 5,000 kilogramme	RM3.00 for every kilogramme or part thereof
(ii) Exceeding 5,000 kilogrammes but not exceeding 45,000 kilogrammes	RM30.00 plus RM4.00 for every 500 kilogrammes or part thereof in exceed of 5,000 kilogrammes
(iii) Exceeding 45,000 kilogrammes but not exceeding 90,000 kilogrammes	RM350.00 plus RM4.70 for every 500 kilogrammes or part thereof in exceed of 45,000 kilogrammes
(iv) Exceeding 90,000 kilogrammes but not exceeding 135,000 kilogrammes	RM773.00 plus RM5.30 for every 500 kilogrammes or part thereof in excess of 90,000 kilogrammes
(v) Exceeding 135,000 kilogrammes	RM1,250.00 plus RM5.70 for every 500 kilogrammes or part thereof in excess of 135,000 kilogrammes

TABLE 2

PASSENGER SERVICE CHARGES

(Regulation 170)

(i) RM6.00 for each passenger proceeding to any place within Malaysia.

[Am. P.U.(A) 169/2002]

(ii) RM45.00 of each passenger proceeding to a destination outside Malaysia.

[Am. P.U.(A) 169/2002]

Such service charges are applicable to the following airports:

Alor Setar, Bintulu, Ipoh, Johor Bharu, Kota Kinabalu, Kuala Lumpur, Kuala Trengganu, Kuantan, Kuching, Labuan, Lahad Datu, Langkawai, Limbang, Malacca, Miri, Mulu, Pangkor, Penang, Sandakan, Sibul, Tawau and Tioman.

[Am. P.U.(A) 322/2004]

(iii) RM20.00 for each passenger from Kota Kinabalu, Kuching, Labuan and Miri airports proceeding to destinations in Bandar Seri Begawan (Brunei Darussalam), Balikpapan, Manado, Pontianak and Tarakan (Indonesia) and Davao City, General Santos, Puerto Princesa and Zamboanga (Phillipines) and in Banda Aceh, Medan and Nias (Indonesia) and Hat Yai, Narathiwat and Pattani (Thailand).".

TABLE 3

HOUSING AND PARKING CHARGES

(Regulation 171)

- (i) Housing fee per 10 square metres or part thereof RM1.00
- (ii) Parking fee per 10 square metres of part thereof RM0.50

TABLE 4A

CONDITIONS FOR [PARKING OR HOUSING OF AIRCRAFT FOR AERODROMES MANAGED AND OPERATED BY THE DIRECTOR GENERAL

(Regulation 173)

Whereas the operator, owner or commander of an aircraft has this day parked or housed the aircraft, particulars of which are as follows:

Nationality and registration:.....
Type of aircraft:.....
Operator/Owner/Commander of aircraft:.....
Address:.....
Date:..... Time Arrival:.....
Airport:.....

The parking or housing of the above aircraft is accepted under the following conditions:

(1) All charges payable in respect of the aircraft referred above shall be payable by the operator, owner or person in command of the aircraft before departure.

(2) In default of payment of the charge the Director General of Civil Aviation, Malaysia ("Director General") on behalf of the Government shall be at liberty forthwith to remove the aircraft from any hangar or shed in which it may be housed or stored and to place it in the open and the Director General shall further be at liberty, either in addition to or alternatively to such removal, after giving 14 days notice in writing to the owner of his intention so to do, to sell the aircraft or any part, component or accessory thereof by public auction or private contract without himself or his servants being responsible for any loss in connection with the sale and to reimburse himself out of the proceeds of the sale an amount of such charges due to him together with all costs, charges and expenses incurred in connection with the sale.

(3) In addition to any lien upon or any other right or remedy which the Government may have in respect of the aircraft either under or apart from these conditions, the Government shall be entitled to retain possession of the aircraft until all charges due in respect of the aircraft shall have been paid irrespective of whether the charges or any or them shall have been previously demanded or not.

(4) The Government accepts no responsibility for any damages, loss or deterioration to the aircraft or any part, component or accessory thereof howsoever caused whether during custody or storage or otherwise.

.....
Date

.....
*Director General of
Civil Aviation, Malaysia*

TABLE 4B

CONDITIONS FOR PARKING OR HOUSING OF AN AIRCRAFT FOR AERODROMES MANAGED AND OPERATED BY A LICENSED COMPANY

(Regulation 173)

Whereas the operator, owner or commander of an aircraft has this day parked or housed the aircraft, particulars of which are as follows:

Nationality and registration:.....
Type of aircraft:.....

Operator/Owner/Commander of aircraft:.....
 Address:.....
 Date:..... Time Arrival:.....
 Airport:.....

The parking or housing of the above aircraft is accepted under the following conditions:

- (1) All charges payable in respect of the aircraft referred above shall be payable by the operator, owner or person in command of the aircraft before departure.
- (2) In default of payment of the charge the licensed company shall be at liberty forthwith to remove the aircraft from any hangar or shed in which it may be housed or stored and to place it in the open and the Director General of Civil aviation, Malaysia shall further be at liberty either in addition to or alternatively to such removal, after giving 14 days notice in writing to the owner of his intention so to thereof by public auction or private contract without himself or his servants being responsible for any loss in connection with the sale an amount of such charges due to him together with all costs, charges and expenses incurred in connection with the sale.
- (3) In addition to any lien upon or any other right remedy which the licensed company may have in respect of the aircraft either under or apart from these conditions, the licensed company shall be entitled to retain possession of the aircraft until all charges due in respect of the aircraft shall have been paid irrespective of whether the charges or any of then shall have been paid irrespective of whether the charges or shall have been previously demanded or not.
- (4) The licensed company accepts no responsibility for any damages, loss or deterioration to the aircraft or any part, component or accessory thereof howsoever caused whether during custody or storage or otherwise.

.....
 Date

.....
*Director General of
 Civil Aviation, Malaysia*

TABLE 5
 AIR NAVIGATION FACILITY CHARGES
 (Regulation 174)

Authorised Maximum Weight

Rate

Not exceeding 2,500 kilogrammes	5 sen per nautical mile
Exceeding 2,500 kilogrammes but not exceeding 5,000 kilogrammes	10 sen per nautical mile
Exceeding 5,000 kilogrammes but not exceeding 45,000 kilogrammes	15 sen per nautical mile
Exceeding 45,000 kilogrammes but not exceeding 90,000 kilogrammes	20 sen per nautical mile
Exceeding 90,000 kilogrammes but not exceeding 135,000 kilogrammes	25 sen per nautical mile
Exceeding 135,000 kilogrammes	30 sen per nautical mile Minimum charge RM5.00

PART B

OTHER CHARGES

1. Certificate of Registration

(1) Upon making an application for the grant of a certificate of registered of an aircraft, other than such an application as is referred to in subparagraph (3), the applicant shall pay a charge in accordance with the following Table:

<i>Aircraft in respect of which application is made</i>	<i>Charge</i>
(a) Balloon RM50.00
(b) Unpowered glider RM50.00
(c) Microlight RM50.00
(d) Any other aircraft having a maximum weight -	
(i) Not exceeding 2730 kilogrammes RM200.00
(ii) Exceeding 2730 kilogrammes but not exceeding 5700 RM300.00
(iii) Exceeding 5700 kilogrammes but not exceeding 15 tonnes RM500.00
(iv) Exceeding 15 tonnes but not exceeding 50 tonnes RM1,000.00
(v) Exceeding 50 tonnes RM2,000.00

(2) Upon making an application to reserve an out of sequence registration mark for an aircraft, the applicant shall pay a charge of RM500.00 for each six month period of reservation or part thereof.

(3) Upon making an application for the grant of a certificate of registration of an aircraft specifying an out of sequence registration mark, the applicant shall pay the appropriate charge payable under subparagraph (1) plus a charge of RM200.00.

(4) Upon making an application to inspect the entries in the Aircraft Register relating to an aircraft or for notification whether there are entries in the Aircraft Register relating to an aircraft, the applicant shall pay -

(a) in the case of a personal application, a charge of RM20.00;

(b) in the case of a postal application for a reply to an address within Malaysia, a charge of RM25.00;

(c) in the case of a postal application for a reply to an address outside Malaysia, a charge of RM30.00.

(5) Upon making an application for a copy of the entries in the Aircraft Register, the applicant shall pay -

(a) in respect of the first aircraft in any one application, a charge of RM10.00;

(b) in respect of the second and subsequent aircraft in the same application, a charge of RM10.00 per aircraft.

2. Aircraft Dealer's Certificate

The charge to be paid upon an application being made for an aircraft dealer's certificate shall be RM350.00.

3. Registration of Aircraft Mortgages

(1) Upon making an application for the registration of a mortgage of an aircraft, the applicant shall pay a charge in accordance with the following scale:

(a) On the first RM100,000.00 of the sum secured by the mortgage, a charge of RM15.00 for each complete RM10,000.00;

(b) On the next RM900,000.00 a charge of RM20.00 for each RM100,000.00;

(c) Thereafter, a charge of RM20.00 for each RM1,000,000.00 or part thereof:

Provided that -

- (i) the minimum charge payable under this subparagraph shall be RM100.00; and
- (ii) the maximum charge payable under this subparagraph shall be RM1,000.00.

(2) Where the mortgage to be registered does not specify the amount of the sum secured, the applicant shall pay a charge calculated as follows:

(a) where the maximum amount of the sum secured by the mortgage is specified, a charge calculated in accordance with subparagraph (1) according to that maximum; or

(b) in any other case, a charge of RM1,000.00.

(3) Upon making an application for the registration of a priority notice relating to a contemplated mortgage of an aircraft or the discharge of a mortgage, the applicant shall pay a charge of RM25.00 or 10 per centum of the charge which would be payable in accordance with subparagraph (1) or (2) or if that application has been made for the registration of a mortgage an aircraft, whichever the greater.

(4) Upon making an application for the registration of a mortgage in the particulars appearing in the Aircraft Register, the applicant shall pay -

(a) in the case of an application to increase the sum secured by the mortgage or to increase the maximum amount of the sum secured by the mortgage, a charge calculated in accordance with subparagraph (1) by reference to the amount of the increase;

(b) in the case of any other application, a charge of RM10.00.

(5) upon making an application to inspect entries or documents in the Aircraft Register relating to an aircraft or for notification whether there are entries or documents in the Aircraft Register relating to an aircraft, the applicant shall pay -

(a) in the case of a personal application, a charge of RM20.00;

(b) in the case of a postal application for reply to an address within Malaysia, a charge of RM25.00;

(c) in the case of a postal application for a reply to an address outside Malaysia, a charge of RM30.00.

(6) Upon making an application for a copy of any entry certified by the Director General or an

authorised person of any document in the Aircraft Register, the applicant shall pay -

(a) in respect of the first aircraft in an application, a charge of RM10.00;

(b) in respect of the second and subsequent aircraft in the same application, a charge of RM10.00 per aircraft.

(7) Upon making an application for copy and extract made and certified by the Director General or an authorised person of any document in the Aircraft Register, the applicant shall pay a charge of RM5.00 per folio of 100 words.

(8) Upon making an application for certification by the Director General or an authorised person of photographic copier of documents in the Aircraft Register, the applicant shall pay a charge of RM5.00 for each sheet certified.

4. Air Operator's Certificate

(1) When an application is made for the grant an Air Operator's Certificate, other than a certificate described in subparagraph (2), the applicant shall pay a charge of the amount specified in column 2 of the Table set out subparagraph (5) appropriate to the authorised maximum total weight of the heaviest type of aircraft specified in the application.

(2) When application is made for the grant of an Air Operator's Certificate authorizing only flights beginning and ending at the same aerodrome by an aircraft, the authorised maximum total weight authorised of which does not exceed 5 tonnes, the applicant shall pay a charge of RM80.00 or RM25.00 for each month of validity applied for in respect of the certificate, whichever is the greater.

(3) When an application is made for the variation of an Air Operator's Certificate to specify additional types of an aircrafts in the certificate, the applicant shall pay a charge of the amount specified in column 2 of the Table set out in subparagraph (5) appropriate to the authorised maximum total weight of each type of aircraft specified in the application.

(4) For each year during the whole or part of which an Air Operator's Certificate remains in force, the holder of the certificate shall pay a charge of the amount specified in column 2 of the Table set out in subparagraph (5) appropriate to the authorised maximum total weight of the heaviest type of aircraft specified in the certificate.

(5) The Table referred to in subparagraphs (1), (3) and (4) is as follows:

<i>Authorised maximum total weight of aircraft</i>	<i>Charge</i>

(a) Not exceeding 2000 kilogrammes

RM400.00

(b) Exceeding 2000 kilogrammes but not 15000 kilogrammes

RM400.00 plus
RM40.00 per 500
kilogrammes or part
thereof of the
authorised maximum
total weight of the
aircraft in excess of
2 tonnes

(c) Exceeding 15000 kilogrammes

RM5,000.00

(6) Upon an application being made for the grant of an Air Operator's Certificate or for the variation of such a certificate being in either case an application to specify a type of aircraft in the certificate where no application to specify that type of aircraft in an Air Operator's Certificate has previously been granted by the charge payable by virtue of this scheme, a charge of such amount as may be decided by the Director General having regard to the expense incurred by him in training a member of any employee of the Director General to act as pilot in command of that type of aircraft, but not exceeding RM200,000.00.

(7) For the purposes of this paragraph -

"Air Operator's Certificate" means a certificate granted pursuant to regulation 24 certifying that the holder of the certificate is competent to secure that the aircraft operated by him on flights for the purpose of public transport is operated safely;

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

"passenger-kilometre" means the product obtained by multiplying the number of passengers carried by the distance flown measured in kilometres;

"tonne-kilometre" means the product obtained by multiplying the number of tonnes of cargo carried by the distance flown measured in kilometres.

(8) Any reference to flights made pursuant to an Air Operator's Certificate is a reference to flights made for the purpose of positioning that aircraft whether made before or after a flight for the purpose of public transport.

(9) Any reference to the types of aircraft specified in an application for an Air Operator's Certificate or for the variation of an Air Operator's Certificate is a reference to the types of aircraft which the applicant wishes to be specified in the certificate.

5. Air Services Licences and Permits

(1) For each licence granted in accordance with regulation 11 to operate a scheduled air service to or from one or more aerodromes within Malaysia, the operator shall pay to the Director General a fee of RM2,000.00 per annum or part thereof.

(2) For each permit granted in accordance with regulation 18 to operate a non-scheduled air services to or from one or more aerodromes within Malaysia, the operator shall pay to the Director General -

(a) a fee of RM200.00 per annum or part thereof in respect of a company utilizing up to four aircrafts registered with and approved by the Director General for the provision of such air service;

(b) a fee of RM600.00 per annum or part thereof in respect of a company utilizing up to nine aircrafts registered with the Director General for the provision of such air service; or

(c) a fee of RM1000.00 per annum or part thereof in respect of a company utilizing up to ten or more aircrafts registered with the Director General for the provision of such air service.

6. Issue and Renewal of a Certificate of Airworthiness

(1) Upon making an application for the first issue of a certificate of airworthiness in respect of a series of aircrafts, the applicant shall pay -

(a) in the case of a glider or balloon, a charge of RM50.00 plus a charge of RM30.00 for each complete year of validity applied for in respect of the certificate;

(b) in the case of an aircraft other than a glider, balloon or helicopter, having a maximum weight not exceeding 2730 kilogrammes, a charge of RM80.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate;

(c) in the case of a helicopter having a maximum weight not exceeding 2730 kilogrammes, a charge of RM100.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the helicopter plus a charge of RM45.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the helicopter for each complete year of validity applied for in respect of the certificates;

(d) in the case of any other helicopter, a charge of RM100.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the helicopter plus a charge of RM45.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate.

(e) in the case of any other aircraft, a charge of RM100.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft plus a charge of RM45.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate.

(2) Upon making an application for the renewal of a certificate of airworthiness, the applicant shall pay -

(a) in the case of a glider or balloon, a charge of RM30.00 for each complete year of validity applied for in respect of the certificate;

(b) in the case of an aircraft other than a glider, balloon or helicopter, having a maximum weight not exceeding 2730 kilogrammes, a charge of RM45.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate;

(c) in the case of a helicopter having a maximum weight not exceeding 2730 kilogrammes, a charge of RM45.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the helicopter for each complete year of validity applied for in respect of the certificate;

(d) in the case of an aircraft other a glider, balloon or helicopter, having a maximum weight exceeding 2730 kilogrammes but not exceeding 5700 kilogrammes, a charge of RM50.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate;

(e) in the case of a helicopter having a maximum weight exceeding 2730 kilogrammes but not exceeding 5700 kilogrammes, a charge of RM50.00 for every 500 kilogrammes or part thereof, of the maximum weight of the helicopter for each complete year of validity applied for in respect of the certificate;

(f) in the case of a helicopter having a maximum weight exceeding 5700 kilogrammes a charge of RM60.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the helicopter for each complete year of validity applied for in respect of the certificate; and

(g) in the case of any other aircraft, a charge of RM60.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for each complete year of validity applied for in respect of the certificate; and

Provided that where an application is made for the renewal of a certificate of airworthiness which has ceased to be in force for a period exceeding 6 months immediately preceding the application and the cost of making the investigations required by the Director General for the renewal of the certificate exceeds the relevant charge specified above, the applicant shall pay in respect of the application a charge of such amount as may be decided by the Director General having regard to the expenses incurred in making the investigations but not exceeding RM170.00 in respect of every 500 kilogrammes or part thereof, of the maximum weight of the aircraft for any year or part of the year, during which the investigations are carried out.

7. Permit for aircraft to fly without Certificate Airworthiness

(1) In respect of an application for the grant of variation of a permit for an aircraft to fly without there being force in respect thereof a certificate of airworthiness, the applicant shall pay for each complete year validity applied for in respect of the permit -

(a) in the case of an aircraft having a maximum weight not exceeding 500 kilogrammes, a charge of RM50.00;

(b) in the case of an aircraft having a maximum weight exceeding 500 kilogrammes but not exceeding 2730 kilogrammes, a charge of RM60.00; or

(c) in the case of any other aircraft, a charge of RM60.00.

(2) In respect of an application for the renewal of a permit specified in subparagraph (1), the applicant shall pay a charge for each complete year of validity applied for in respect of the permit equivalent to one half of that specified in subparagraph (1) as appropriate to the maximum weight of the aircraft.

8. Approval of Persons

(1) In respect of an application by a person for the approval of his organisation for the purposes of Part V of these Regulations, the applicant shall pay, for the investigations required by the Director General a charge of RM2,000.00 or, if the total cost of the investigations exceeds that amount, a charge of such amount as may be decided by the Director General having regard to the expense incurred in making the investigations but not exceeding RM8,000.00 for any year or part of the year, during which the investigations are carried out.

(2) In respect of the investigations required by the Director General for the purpose of determining that the approval should remain in force for a period of 12 months, the holder of the approval shall pay a charge of -

(a) RM1,000.00 in the case of a person holding an approval in accordance with conditions to be specified by the Director General for the charges prescribed;

(b) RM500.00 in the case of a person holding an approval in accordance with conditions to be specified by the Director General for the charge prescribed;

(c) RM200.00 in the case of a person holding any other approval for the purposes of a part V of these Regulations;

(d) RM250.00 for each additional site the Director General inspects where more than one such site is inspected and such a charge shall be in addition to the appropriate charge

specified in subparagraph (a), (b) or (c) hereof.

9. Certificate of Airworthiness for Export

In respect of an application for a certificate of airworthiness for export in respect of an aircraft, the application shall pay for the investigations required by the Director General -

(a) in the case of a glider or balloon, a charge of RM30.00 for every 500 kilogrammes or part thereof, of the maximum weight of the aircraft, or, if the total cost of the investigations exceeds that amount, a charge of such amount as may be decided by the Director General having regard to the expense incurred in making the investigations but not exceeding RM60.00 per 500 kilogrammes, for any year or part of the year, during which the investigations are carried out; and

(b) in the case of any aircraft, a charge of RM50.00 for every 500 kilogrammes or part thereof, of the maximum weight of the aircraft, or, if the total cost of the investigations exceeds the charge so calculated, a charge of such amount as may be decided by the Director General having regard to the expense incurred in making the investigations but not exceeding RM100.00 per 500 kilogrammes, for any year or part of the year, during which the investigations are carried out.

10. Licences for Aircraft Maintenance Engineers

Upon making an application for the grant, renewal, variation or validation of a licence to act as an aircraft maintenance engineers or for the inclusion or renewal of a type rating in such a licence, the applicant shall pay -

(a) for the grant of a licence in more than one category or subdivision or a category, a charge of RM100.00 per category or sub-division thereof in excess of one;

(b) for the inclusion for the type rating in a licence, a charge of RM50.00;

(c) for the variation of a licence to include an additional category or sub-division thereof, a charge of RM50.00;

(d) for the renewal of a licence, a charge of RM50.00;

(e) for the variation of a licence other than a variation as falls within subparagraphs (b) and (c), a charge of RM50.00;

(f) on entering for the first sitting up to two examinations required in respect of the application, a charge RM100.00;

(g) on entering for the re-sitting of any examination required in respect of the application, a charge of RM50.00.

11. Aerial Application Certificate

- (1) When an application is made for the grant or renewal of an aerial application certificate in accordance with regulation 65, the applicant shall pay a charge of RM400.00.
- (2) For the grant or renewal of an aerial application certificate in respect of each aircraft specified in the certificate, the applicant shall pay a charge of RM175.00.
- (3) When an application is made for the variation of an aerial application certificate so specify an additional aircraft in the certificate, the applicant shall pay a charge of RM175.00 in respect of each additional aircraft to be specified.

12. Flight Crew Licence

- (1) Upon making an application for the grant or renewal of licence to act as a flight crew member, the applicant shall pay -

(a) for the grant of an Airline Transport Pilot's Licence, a Commercial Pilot's Licence or a Flight Engineer's Licence, a charge of RM100.00

(b) for the renewal of an Airline Transport Pilot's Licence, a Commercial Pilot's Licence or a Flight Engineer's Licence, where the licence to be renewed is valid for not more than one year, a charge of RM60.00 and a charge of RM30.00 for the validity of 6 months or less;

(c) for the grant of the Student or Private Pilot's Licence, a charge of RM50.00;

(d) for the renewal of a Student or Private Pilot's Licence, a charge of RM25.00;

(e) for the grant or renewal of a Flight Radio-telephony Operator's Licence, a charge of RM25.00.

- (2) Upon making an application for the inclusion of a rating in an Airline Transport Pilot's, a Commercial Pilot's or a Flight Engineer's Licence, the applicant shall pay -

(a) for the inclusion of a second or subsequent type of aircraft in the aircraft rating, a charge of RM50.00;

(b) for the inclusion of a Flying Instructor's Rating or an Assistant Flying Instructor's Rating, a charge of RM50.00.

- (3) Upon making an application for the inclusion of a Flying Instructor's Rating or an Assistant Flying Instructor's Rating in a Private Pilot's Licence, the applicant shall pay a charge of RM50.00.

(4) Upon making an application for the grant or extension of a licence to act as a flight crew member or for the inclusion of a rating therein, the applicant shall pay in respect of the following examinations and tests as may be required, the charge specified in column 2 of the following Table appropriate to that examination and test:

TABLE

(1)	(2)
(a) on the performance of aircraft and human performance and limitations	RM50.00 plus costs of examination papers
(b) for the Technical Examination - Aircraft Group 1 (Technical) and Group 2 (Type) -	
(i) for the inclusion of an aircraft rating in a licence for a single type of aircraft where the authorised maximum total weight of the aircraft -	
(aa) does not exceed 5,700 kilogrammes	RM70.00 per subject
(bb) exceeds 5,700 kilogrammes but does not exceed 34,000 kilogrammes	RM70.00 per subject
(cc) exceeds 34,000 kilogrammes but does not exceed 91,000 kilogrammes	RM70.00 per subject
(dd) exceeds 91,000 kilogrammes	RM70.00 per subject
(c) on radiotelephony, being an examination consisting of not more than 2 parts, for each part of the examination on each occasion when that part is taken	RM20.00
(d) on each occasion when an examination is taken on any one of the following:	
(i) by an applicant for a Commercial Pilot's Licence, an Airline Transport Pilot's Licence or on aviation law, light rules and procedures (Group 1); aviation law, flight rules and procedures (Group2); seamanship	RM20.00 per subject
(ii) by an applicant for a Commercial Pilot's Licence (Aeroplanes), a Commercial Pilot's Licence (Helicopters and Gyroplanes) or an Airline Transport Pilot's Licence (Helicopters and Gyroplanes) on navigation group of papers	RM50.00 per subject plus costs of examination papers
(iii) by an applicant for an Airline Transport Pilot's Licence (Aeroplanes) on navigation group of papers	RM70.00 per subject plus costs of examination papers
(iv) by an applicant for a Private Pilot's Licence on aviation law; flight rules and procedures; navigation and meteorology; collision regulations (seaplanes)	RM25.00 per subject

- (v) by an applicant for a Private Pilot's Licence (Helicopters and Gyroplanes) on rotocraft (general); airframes and engines (specific type) RM25.00 per subject
- (vi) signals (practical) RM25.00
- (vii) by an applicant for a Private Pilot's Licence (Balloons and Airships) on aerostatics and airmanship (hot air balloons); aerostatics (general) (gas filled balloons); aerostatics (specific type) (gas filled balloons) RM25.00 per subject
- (viii) by an applicant for an inclusion of an Instrument Rating in a Private Pilot's Licence on flight rules and procedures; flight planning and navigation procedures; flight instruments and radio aids; meteorology RM25.00 per subject plus costs of examination papers
- (ix) by an applicant for a Private Pilot's Licence (Aeroplanes) on technical examination Group 1 (General); technical examination Group 2 (Type) RM25.00 per subject

(5) Upon making an application for a flying test conducted by or on behalf of the Director General for the inclusion in a pilot's licence of a a Flying Instructor's Rating or an Assistant Flying Instructor's Rating or for the renewal of such a rating, the applicant shall pay a charge of RM150.00.

(6) Upon making an applicant for a flying test conducted by or on behalf of the Director General for an Instrument Rating, General Flight Test (Day), General Flight Test (Night) and type rating flight test the applicant shall pay for each test as charge of RM250.00.

(7) Upon making an application for or renewal of a certificate of validation of a licence, the applicant shall pay a charge of RM100.00.

13. Authorisation of Examiners

Upon making an application for appointment or re-appointment as an authorised examiner, the applicant shall pay -

(a) in the case of an application for appointment or re-appointment as an examiner authorised to conduct tests and to sign certificates of test and certificates of experience in respect of an aircraft rating included in a professional pilot's licence -

(i) in respect of an aircraft of which the authorised maximum total weight exceeds 5,700 kilogrammes, a charge of RM100.00;

(ii) in respect of an aircraft of which the authorised maximum total weight does not exceed 5,700 kilogrammes and where the applicant is not already authorised so to act

in respect of another type of aircraft, a charge of RM50.00;

(iii) in respect of an aircraft of which the authorised maximum total weight does not exceed 5,700 kilogrammes and where the applicant is already authorised so to act in respect of another type of aircraft, a charge of RM20.00;

(b) in the case of an application for re-appointment as an examiner authorised to conduct tests and to sign certificates of tests in respect of an instrument rating included in a pilot's licence, a charge of RM100.00.

14. Approval of Flight Simulators

Upon making an application for the approval or renewal of approval of flight simulator, the applicant shall pay -

(a) where the authorised maximum total weight of the aircraft type simulated by the flight simulator, does not exceed 15,000 kilogrammes, a charge of RM500.00;

(b) in the case of any other flight simulator -

(i) in respect of the first application for approval, a charge of RM80.00;

(ii) in respect of the second and every subsequent application for approval of a simulator in respect of which an approval has already been granted, a charge of RM50.00.

15. Approval of Flying Training Schools

(1) Upon making an application for the certificate of approval and authorisation or renewal of the certificate of approval and authorisation or renewal of the certificate of approval and authorisation of a flying training school to conduct courses of training for the Commercial Pilot's Licence (Aeroplanes), the applicant shall pay a charge of RM1,000.00

(2) Upon making an application for the certificate of approval and authorisation or renewal of the certificate of approval and authorisation of a flying training school to conduct courses of training for the Commercial Pilot's Licence (Helicopters), the applicant shall pay a charge of RM500.00.

16. Type Rating for New Type of Aircraft

Upon an application being made for the inclusion in a pilot's licence of an aircraft rating in respect of an aircraft type where no application for an aircraft rating in respect of that type has previously been granted by the Director General, there shall be paid, in addition to any other charge payable by virtue of this scheme in relation to that application, a charge of an amount decided by the Director

General having regard to the cost to the Department of Civil Aviation of training a member or employee of the Department of Civil Aviation to act as pilot in command of that type of aircraft, but not exceeding RM200,000.00. The payment shall be made by the employer of the applicant if it is a term o condition of the applicant's employment that he apply for the rating and in any other case the payment shall be made by the applicant.

17. Licences for Air Traffic Controllers

(1) Upon making an application for the grant or renewal of an air traffic controller's licence, the applicant, other than those employed by the Department of Civil Aviation, shall pay a charge of RM20.00.

(2) Upon making an application for the air traffic controller's licence technical examination, the applicant shall pay a charge of RM30.00.

(3) Upon making an application for the examination for the inclusion of a rating in an air traffic controller's licence the applicant shall pay -

(a) in respect of an Aerodrome Control Rating, a charge of RM38.00;

(b) in respect of an Approach Control Rating, a charge of RM56.00;

(c) in respect of an Approach Radar Control Rating, a charge of RM86.00;

(d) in respect of an Area Control Rating, a charge of RM72.00;

(e) in respect of an Area Radar Control Rating, a charge of RM200.00.

(4) Upon making an application for the resitting of an examination or part of an examination in respect of the licence and ratings specified in column 1 of the following Table, the applicant shall pay the charge respectively specified in column 2 of the following Table:

TABLE

(1)

(2)

(a) Air Traffic Controller's Licence examination; for each of three parts	RM50.00
(b) Aerodrome Control Rating: written examination, oral examination	RM50.00
(c) Approach Control Rating: written examination, oral examination, practical examination	RM70.00 RM50.00
(d) Approach Radar Control Rating: written examination, for each of two parts - oral examination, practical examination	RM50.00
(e) Area Control Rating: written examination, oral examination, practical examination	RM80.00
(f) Area Radar Control Rating: written examination, for each of two parts - oral examination, practical examination	RM100.00

(5) Upon making an application for the naming of an aerodrome or place, or any additional aerodrome or place, in respect of each rating to which the application relates, the applicant shall pay a charge of RM100.00.

18. Aerodrome Licences

(1) When an application is made for the grant or renewal of an aerodrome licence in accordance with regulation 99 the applicant shall pay a charge of the amount specified in column 2 of the Table set out in subparagraph (2), being a charge appropriate to the authorised maximum total weight of aircraft which the applicant expects to use the aerodrome as set out in column 1 of the said Table.

(2) The Table referred to in subparagraph (1) hereof is as follows:

1	2
The weight certified in the application for the grant or renewal of that licence as being the authorised maximum total weight of the heaviest aircraft which the applicant expects to use the aerodrome, while the licence is in force, for the purpose of public transport of passengers or of instruction in flying	Charge referred to in subparagraph (1)
(a) Not exceeding 2,730 kilogrammes	RM100.00
(b) Exceeding 2,730 kilogrammes but not exceeding 5,000 kilogrammes	RM200.00

- (c) Exceeding 5,000 kilogrammes but not exceeding 35,000 kilogrammes RM3,000.00
- (d) Exceeding 35,000 kilogrammes RM5,000.00

(3) Where an application is made for the preparation or revision of a aerodrome chart the applicant shall pay a charge of RM600.00 or, if the total costs of preparing or revising the chart including any surveys conducted for that purpose exceeds that amount, a charge of an amount decided by the Director General having regard to the expense incurred by the Department of Civil Aviation but not exceeding RM6,000.00 for any year, during which the preparation, revision or survey is carried out.

(4) For the purpose of this paragraph -

"aerodrome licence" means a licence granted pursuant to regulation 99;

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

"licensed air traffic controller" means the holder of an air traffic controller's licence granted by the Director General pursuant to regulation 92;

"manager" means, in relation to aerodrome, the person who is in charge of the aerodrome;

19. Information Relating to Occurrence Reports

Upon making an application for the Director General to make available for the purpose of furthering the safety of civil aviation, to such person as the Director General at his discretion considers can contribute to such purpose, he may provide information relating to such report as is described in regulation 195 or a summary thereof for which the applicant shall pay -

(a) for the information or a summary thereof relating to one such report, a charge of RM20.00;

(b) for the information or a summary thereof relating to all reports made during any period of 12 months, a charge of RM100.00 for each report but not exceeding a total of RM1,000.00.

20. Additional Charge where Functions are Performed Abroad

Where an application is made for the Department of Civil Aviation to perform a function in respect of which a charge is specified in this Schedule as a result of which the Director General deems it necessary for a member or employee of the Department to travel outside Malaysia the applicant shall pay, in addition to any related charge specified in these Regulation, a charge of such amount as may be decided by the Director General having regard to the expense thereby incurred.

21. Airfield Vehicle Permits

(1) Upon making an application for an airfield vehicle permit the applicant shall pay the following fee to the Director General:

<i>Cubic Capacity of Vehicle</i>	<i>Amount per annum</i>
(a) Not exceeding 1,000 cc	RM24.00
(b) Exceeding 1,000 cc but not exceeding 2,000 cc	RM48.00
(c) Exceeding 2,000 cc but not exceeding 3,000 cc	RM72.00
(d) Exceeding 3,000 cc but not exceeding 4,000 cc	RM96.00
(e) Exceeding 4,000 cc but not exceeding 5,000 cc	RM120.00
(f) Exceeding 5,000 cc but not exceeding 6,000 cc	RM144.00
(g) Exceeding 6,000 cc but not exceeding 7,000 cc	RM168.00
(h) Exceeding 7,000 cc but not exceeding 8,000 cc	RM192.00
(i) Exceeding 8,000 cc but not exceeding 9,000 cc	RM216.00
(j) Exceeding 9,000 cc but not exceeding 10,000 cc	RM240.00
(k) Exceeding 10,000 cc but not exceeding 15,000 cc	RM300.00
(l) Exceeding 15,000 cc but not exceeding 16,000 cc	RM384.00
(m) Exceeding 16,000 cc	RM400.00

(2) The Director General may allow a refund of a proportionate amount of the fee paid in respect of any period of not less than three months if it is proved to his satisfaction that the vehicle has not been or will not be used in the movement area during that period.

22. Airfield Driving Permits

Upon application being made for an airfield driving permit the applicant shall pay to the Director General a fee of RM30.00.

23. Airport Passes

(1) Upon application being made for an airport pass the applicant shall pay the following fee to the Director General:

<i>Category of Pass</i>	<i>Charge</i>
Airport Bi-Annual Pass (two years)	RM20.00
Airport Provisional Pass	RM17.00
Airport Visitor's Pass (six months)	RM15.00
Airport Visitor's Pass (one day)	RM1.00

(2) In replacement of any airport pass which has been lost, a charge of RM15.00 shall be payable in addition to the charges specified in subparagraph (1).

24. Security Services

Subject to any agreement on charges and arrangements entered into between a person, air service operator, or an organisation and the Director General for the permission of security services between the time of arrival and the time of departure of an aircraft or in respect of vehicles, buildings, equipment or installations located within the boundaries of an airport, the following charges per hour shall be payable for the assignment of such security personnel as may be considered necessary by the Director General or as may be requested by a person, an air operator, or organisation:

(a) Security Officer	RM25.00
(b) Security Guard	RM20.00

Provided that the minimum period of time applicable for the provision of such services shall be two hours.

25. Flight Calibration Service

Where an application is made for the use of the Department of Civil Aviation aircraft and equipment for inspection and certification of navigational aids, landing aids and other services of its aircraft, personnel and equipment, the charges to be paid to the Director General, by person, organisation, or agencies requiring the use of the Department 'saircraft, equipment, and reimbursement of allowances for its personnel are as follows:

(a) Aircraft

<i>Maximum weight of aircraft</i>	<i>Charge per hour</i>
Not exceeding 750 kilogrammes	RM500.00
751 kilogrammes but not exceeding 5,700 kilogrammes	RM800.00
2,731 kilogrammes but not exceeding 5,700 kilogrammes	RM1,500.00
5,701 kilogrammes but not exceeding 10 tonnes	RM2,500.00
10.1 tonnes but not exceeding 20 tonnes	RM3,500.00
20.1 tonnes but not exceeding 30 tonnes	RM5,000.00
Exceeding 30 tonnes	a charge of RM1,000.00 for every additional of 10 tonnes.
(b) Equipment	
Flight Inspection System	RM1,000.00
Cloud Physics	RM1,000.00
Aerial Photo, without camera	RM600.00
Side Looking Airborne Radar	RM600.00
Aerial Surveillance	RM400.00
Communication	RM400.00
(c) Fuel	

In relation to the charges for aircraft fuel used for the above flight, the applicant shall pay for the amount consumed by the respective aircraft either as invoiced by the fuel supplier, or calculated from the hour flown and the rate of consumption specified in the flight manual of the respective aircraft.

(d) Minimum Charge

In the case of a minimum charge for the use of the aircraft and equipment the applicant shall pay for the equivalent charge for the, use of one hour of the intended aircraft and/or equipment required.

(e) Allowances

In the case of the allowances for crews hotel and meals, the applicant shall pay the charges of the said allowances as follows:

<i>Personnel</i>	<i>Per day or part thereof</i>
Pilot	RM260.00
Engineer	RM260.00
Operator	RM150.00
Technician	RM110.00

(f) Overtime

In the case of allowances for overtime, preflight, after flight and standby duties, the applicant shall pay for the hours spent by the appropriate personnels for the hours outside the normal working time. The rate of the charges shall be equivalent to the charges specified and calculated by the Director General.

26. Copies of documents

The charge to be paid for provision by the Department of Civil Aviation for replacement or a copy of a document issued under these Regulations shall be as follows:

	<i>Document</i>	<i>Charge</i>
(a)	Certificate of Registration, Air Operator's Certificate, Air Service Licence, Air Service Permit, Certificate of Airworthiness, Certificate of Maintenance, Certificate of Compliance, Aircraft Dealer's Certificate, Aerial Application Certificate, Aerodrome Licence, Noise Certificate, Airfield Vehicle Permit, Airfield Driving Permit	RM20.00
(b)	Maintenance Engineer's, Student Pilot's, Private Pilot's,	RM20.00
(c)	Commercial Pilot's or Airline Transport Pilot's licence	RM200 per page
	For any other document, other than an Airport Pass as provided for in subparagraph 23(2) of this Schedule, not being a saleable document for which a cost has been established	

27. Payment of Charges

Unless prior arrangements have been made the Director General or unless otherwise specified in these Regulations or this Schedule, the following conditions shall apply to the payment of charges:

(a) All charges are payable in advance except those which are subject to variables which cannot be calculated in advance;

(b) Air navigation facility charges already due in respect of an aircraft and those applicable in respect of that aircraft which is planning to depart from an airport in Malaysia and land outside Malaysia shall be paid in advance of such flight;

(c) The Director General may refuse to permit an aircraft to depart from an airport until all charges due under these Regulations have been paid;

(d) Air navigation facility charges for a flight which does not land at an airport in Malaysia (on overflight) shall be a debt due to the Government by the owner, the operator or the commander of the aircraft;

(e) Charges payable on demand in writing, either as provided for these Regulations or in accordance with arrangements agreed to by the Director General, shall be made within fourteen days of receipt of the demand following which interest shall accrue at the discretion of the Director General at the rate of 1% per month;

(f) Any demand for payment of charges or any notice in writing which the Director General may desire to make or send in accordance with these conditions may be made or send through the post by prepaid letter addressed to the owner and any demand or notice so made or sent shall be made or sent shall be which the letter containing the same would in ordinary course be delivered at the said address.

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P.U.(A) 139/96
CIVIL AVIATION REGULATIONS 1996

THIRTEENTH SCHEDULE

THIRTEENTH SCHEDULE

(Regulations 49(1) & 51(1))

PUBLIC TRANSPORT

**OPERATOR'S RESPONSIBILITIES
AND AIRCRAFT OPERATING CONDITIONS**

PART A

Load Sheets

1. (1) Every load sheet required by regulation 50(4) shall contain the following particulars:

(a) the nationality mark of the aircraft to which the load sheet relates, and the registration mark assigned to that aircraft by the Director General;

(b) particulars of the flight to which the load sheet relates;

(c) the total weight of the aircraft as loaded for that flight;

(d) the weight of the several items from which the total weight of the aircraft, as so loaded, has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the passengers, crew, baggage and cargo intended to be carried on the flight; and

(e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate signed by the person referred to in regulation 50(1) as being responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to regulation 50(1).

(2) (a) For the purpose of calculating the total weight of the aircraft, the respective total weights

of the passengers and crew entered in the load sheet shall be computed from the actual weight of each person and for that purpose each person shall be separately weighed:

Provided that, in the case of an aircraft of which the authorised maximum total weight exceeds 5700 kilogrammes or which has a total weight exceeds 5700 kilogrammes or which has a total seating capacity authorised by the certificate of airworthiness in force in respect of that aircraft of 12 or more persons, the total weight of the passengers and crew may, subject to the provisions of item (b) and subparagraph (4), be calculated at not less than the appropriate weights shown in Table 1 and the load sheet shall bear a notation to that effect -

TABLE 1

(i) Male	75 kilogrammes
(ii) Female	65 kilogrammes
(iii) Children aged two and above but not exceeding twelve years of age	40 kilogrammes
(iv) Infants under two years of age	10 kilogrammes

(b) The actual weight of any immersion suit worn or carried by a passenger or crew member shall be added to the appropriate weight shown in Table 1 in each such case.

(3) (a) For the purpose of calculating the total weight of the aircraft the representative total weights of the baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and for that purpose each piece or container shall be separately weighed:

Provided that, in the case of an aeroplane of which the authorised maximum total weight exceeds 5,700 kilogrammes or which has a total seating capacity of 12 or more persons, the total weight of the baggage may, subject to subparagraph (4), be calculated at not less than the weights shown in Table 2 and the load sheet shall bear a notation to that effect -

TABLE 2

(1) <i>Journey made by the aeroplane</i>	(2) <i>Cabin baggage per passenger*</i>	(3) <i>Hold baggage per piece</i>
Domestic	3 kilogrammes	10 kilogrammes
International	3 kilogrammes	14 kilogrammes

*Excluding infants under 2 years of age.

(b) If Table 2 has been used, subject to subparagraph (4) for determining the weight of hold baggage, it shall also be used, subject as aforesaid, for determining the weight of the cabin baggage.

(c) For the purposes of this paragraph -

(i) a journey made by an aeroplane shall be treated as domestic if it is confined within Malaysia;

(ii) a journey made by an aeroplane, not being a domestic journey, shall be treated as international.

(4) (a) If it appears to the person supervising the loading of the aircraft that any passenger or baggage to be carried exceeds the weights set out in Table 1 or Table 2 of this paragraph he shall, if he considers it necessary in the interest of the safety of the aircraft, or if the Director General has so directed in the particular case, require any such person or baggage to be weighed for the purpose of the entry to be made in the load sheet.

(b) If any person or baggage has been weighed pursuant to item (a) the weights entered in the load sheet shall take account of the actual weight of that person or baggage, or of the weight determined in accordance with the respective provisions to subparagraph (2) or (3), whichever weight shall be the greater.

Weight and Performance: General Provisions

2. (1) The assessment of the ability of an aeroplane to comply with the requirements of paragraphs 3 to 8 and of a helicopter to comply with the requirements of paragraphs 9 to 11, relating in either case to weight, performance and flights in specified meteorological conditions or at night, shall be based on the specified information as to its performance:

Provided that, in the case of an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness which does not include a performance group classification, the assessment may be based on the best information is not specified.

(2) In assessing the ability of an aeroplane to comply with conditions (7) in Part B hereto, subparagraph 4(4), and (5) and subitem 8(2)(i)(b) and item 8(2)(ii), account may taken of any reduction of the weight of the aeroplane which may be achieved after the failure of a power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual included in the certificate of airworthiness relating to the aircraft.

(3) In paragraph 2 to 11, and in Part B, unless the context otherwise requires -

"specified" means, in relation to an aircraft, specified in, or ascertainable by the reference to -

(a) the certificate of airworthiness in force under these Regulations in respect of that aircraft; or

(b) the flight manual or performance schedule included in that certificate or under document, whatever its title, incorporated by reference in that certificate;

"the emergency distance available" means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the aeroplane cannot roll over the surface to the aerodrome and be brought to rest in an emergency without risk of accident;

"landing distance available" means the distance from the point on the surface of the aerodrome above which the aeroplane can commence its landing, having regard to the obstruction in its which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aeroplane;

"the take-off distance available" means either the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aeroplane or one and one half times the take-off run available, whichever is the less;

"take-off run available" means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions.

(4) For the purposes of paragraph 2 to 8 of Part B -

(a) the weight of the aeroplane at the commencement of the take-off run shall be taken to be its gross weight including everything and everyone carried in or on it at the commencement of the take-off run;

(b) the landing weight of the aeroplane shall be taken to be the weight of the aeroplane at the estimated time of landing allowing for the weight of the fuel and oil expected to be used on the flight on the flight to the aerodrome at which it is intended to land or alternate aerodrome, as the case may be;

(c) where any distance referred to in sub-paragraph (3) has been declared in respect of any aerodrome by the authority responsible for regulating air navigation over the territory of the Contracting State in which the aerodrome is situated, and in the case of an aerodrome in Malaysia, notified that distance shall be deemed to be the relevant distance.

(5) Nothing in paragraph 2 to 11 shall apply to any aircraft flying solely for the purpose of training persons to perform duties in an aircraft.

Weight and Performance of Public Transport Aeroplane having no Performance Group Classification in their Certificates of Airworthiness

3. With reference to regulation 51(1) an aeroplane registered in Malaysia in respect of which there is in force under these Regulations a certificate of airworthiness which does not include a performance group classification shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that such of the conditions in Part B as applicable to that aircraft are satisfied.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplane of Performance Group A in their Certificates of Airworthiness

4. With reference to regulation 51(1) an aeroplane registered in Malaysia in respect of which there is in force under these Regulations a certificate of airworthiness in which the aeroplane is designated as being as performance Group A shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied:

(a) That weight does not exceed the maximum take-off weight for altitude and temperature specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(b) The take-off run, take-off distance and the emergency distance respectively required for the take-off, specified as being appropriate to -

(i) the weight of the aeroplane at the commencement of the take-off run;

(ii) the altitude at the aerodrome;

(iii) the air temperature at the aerodrome;

(iv) in the condition of the surface of the runway from which the take-off will be made;

(v) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available, the take-off distance available and the emergency distance available, respectively; and

(vi) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off, do not exceed the take-off run, the take-off distance and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made; in ascertaining the emergency distance required, the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-

off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.

(c) (i) The net take-off flight path with one power unit inoperative, specified as being appropriate to -

(aa) the weight of the aeroplane at the commencement of the take-off run;

(bb) the altitude at the aerodrome;

(cc) the air temperature at the aerodrome; and

(dd) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 35 feet or 50 feet, as appropriate, above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, show that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet; and if it is intended that the aeroplane shall change its direction of flight by more than 15° the vertical interval shall not be less than 50 feet during the change of direction.

(ii) For the purpose of sub-item (i) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the intended line of flight of the aeroplane does not exceed -

(aa) a distance of 60 metres plus half the wing span of the aeroplane plus one eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane; or

(bb) 900 metres,

whichever is the lesser.

(iii) In assessing the ability of the aeroplane to satisfy this conditions, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(d) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power conditions specified, be capable of continuing the flight, clearing by a vertical interval of at least 2,000 feet obstacles within 10 nautical miles either side of the intended track, to an aerodrome at which it can comply with item (g) relating to an

alternate aerodrome, and on arrival over such aerodrome the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome; and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting:

Provided that where the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this subparagraph shall have effect as if 5 nautical miles were substituted for 10 nautical miles.

(e) (i) In the case of an aeroplane having three or more power units, it will, in the meteorological conditions expected for the flight, in the event of any two power units becoming inoperative at any point along the route or on any planned diversion therefrom more than 90 minutes flying time in still air at the all power units operating economical cruising speed from the nearest aerodrome at which it can comply with item (g), relating to an alternate aerodrome, be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions clearing by a vertical interval of at least 2,000 feet obstacle within 10 nautical miles either side of the intended track to such an aerodrome, and on arrival over such an aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome; and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting:

Provided that where the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this item shall have effect as if 5 nautical miles were substituted for 10 nautical miles;

(ii) In the case of an aeroplane having two power units and an authorised maximum total weight which exceeds 5,700 kilogrammes and which is not limited by its certificate of airworthiness to the carriage of less than 20 passengers, it will not, in the meteorological conditions expected for the flight, at any point along the route or on any planned diversion therefrom, be more than 60 minutes flying time at the normal one engine inoperative cruise speed in still air from the nearest aerodrome at which it can comply with item (g) relating to an alternate aerodrome, unless it is flying under and in accordance with the terms of any written permission granted by the Director General to the operator under this paragraph; or

(iii) In the case of an aeroplane having two power units and an authorised maximum total weight of 5,700 kilogrammes or less or in the case of an aeroplane having two power units and an authorised maximum total weight of more than 5,700 kilogrammes but which is limited by its certificate of airworthiness to the carriage of less than 20 passengers the aeroplane will not, in the meteorological conditions expected for the flight, be more than 90 minutes flying time in still air at the all power units operating economical cruising speed from the nearest aerodrome at which it can comply with item (g) relating to an alternate aerodrome.

(f) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(g) (i) (aa) In the case of a turbine-jet powered aeroplane, the landing distance required does not exceed, at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on -

(aaa) the most suitable runway for a landing in still air conditions; and

(bbb) the runway that may be required for landing because of the forecast wind conditions.

(bb) In the case of an aeroplane powered by turbine propeller or piston engines, the landing distances required, respectively specified as being appropriate to aerodromes of destination and alternate aerodromes, do not exceed, at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on -

(aaa) the most suitable runway for a landing in still air conditions; and

(bbb) the runway that may be required for landing because of the forecast wind conditions:

Provided that if an alternate aerodrome is designated in the flight plan, the specified landing distance required may be that appropriate to an alternate aerodrome when assessing the ability of the aeroplane to satisfy this condition at the aerodrome of destination.

(ii) For the purpose of sub-item (i) the landing distance required shall be that specified as being appropriate to -

(aa) the landing weight;

(bb) the altitude at the aerodrome;

(cc) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(dd) (aaa) a level surface in the case of runways usable in both directions; and

(bbb) the average slope of the runway in the case of runways usable in only one direction; and

(ee) (aaa) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(*bbb*) not more than 50 per centum of the forecast wind component opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group C in their Certificates of Airworthiness.

5. With reference to regulation 51(1) an aeroplane registered in Malaysia in respect of which there is in which the aeroplane is designated as being of Performance Group C shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied:

(*a*) That weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(*b*) The take-off run required and the take-off distance required, specified as being appropriate to -

(i) the weight of the aeroplane at the commencement of the take-off run;

(ii) the altitude at the aerodrome;

(iii) the air temperature at the aerodrome;

(iv) the average slope of the surface of the aerodrome in the direction of take-off over the emergency distance available; and

(v) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off, do not exceed the take-off run available, respectively at the aerodrome at which the takeoff is to be made.

(*c*) (i) Subject to the item (*d*), the net take-off flight path with all power units operating specified as being appropriate to -

(*aa*) the weight of the aeroplane at the commencement of the take-off run;

(*bb*) the altitude at the aerodrome;

(*cc*) the air temperature at the aerodrome; and

(*dd*) not more than 50 per centum of the reported wind component opposite to the

direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome shows that the aeroplane will clear obstacle in its path by a vertical interval of not less than 35 feet; and if it is intended that the aeroplane shall change its direction of flight by more than 15° before reaching 1,500 feet, the vertical interval shall be not less than 50 feet while the aircraft is changing direction.

(ii) For the purpose of sub-item (i) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.

(iii) In assessing the ability of the aeroplane to satisfy the requirements of this subparagraph, it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(d) (i) In the case of an aeroplane which is intended to be flown for any period before reaching a height of 1,500 feet above the aerodrome from which the take-off is to be made in conditions which will not ensure that any obstacle can be located by means of visual observation, the net take-off flight path with one power unit inoperative specified as being appropriate to the factors contained in sub-item (c)(i), and plotted from the point on the net take-off flight path with all power units operating specified as being appropriate to those factors at which in the meteorological conditions expected for the flight the loss of visual reference would occur, shows that the aeroplane will clear by a vertical interval of not less than 35 feet any obstacle in its path; and if it is intended that the aeroplane shall change its direction of flight by more than 15° , the vertical interval shall not be less than 50 feet during the change of direction.

(ii) For the purpose of sub-item (i) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed -

(aa) 75 metres plus one eighth of the distance from such point to the end of the emergency distance available measured along the intended line of flight of the aeroplane; or

(bb) 900 metres,

whichever is the lesser.

(iii) In assessing the ability of the aeroplane to satisfy this item it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(e) The aeroplane at any time after it reaches a height of 1,500 feet above the aerodrome from

which the take-off is made will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or any planned diversion therefrom, and with the other power unit or power units operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitude for safe flight stated in, or calculated from the information contained in, the operations manual relating to the aeroplane to a point 1,500 feet above an aerodrome at which a safe landing can be made and after arrival at that point be capable of maintaining that height:

Provided that in assessing the ability of the aeroplane to satisfy this item it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling, with all power units operating, specified as being appropriate to its estimated weight at that point.

(f) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(g) Subject to item (h) the distance required by the aeroplane to land from a height of 50 feet otherwise than that in accordance with specified data for short field landing does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per centum of the landing distance available on the most suitable runway for a landing in still air conditions, and on the runway that may be required for landing because of the forecast wind conditions; and for the purposes of this condition the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to -

(i) the landing weight;

(ii) the altitude at the aerodrome;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(iv) (aa) a level surface in the case of runways usable in both directions; and

(bb) the average slope of the runway in the case of runways usable in only one direction; and

(v) (aa) still air conditions in the case of the most suitable runway for landing in still air conditions; and

(bb) not more than 50 per centum of the forecast wind component opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

(h) As an alternative to item (g), the distance required by the aeroplane, with all power units operating and with one power unit inoperative, to land accordance with a specified data for short field landing, does not at the aerodrome of intended destination and at any alternate aerodrome exceed the landing distance available on the most suitable runway for a landing in still air conditions and on the runway that may be required for landing because of the forecast wind conditions; and for the purpose of this condition the distance required to land from the appropriate heights shall be taken to be that specified as being appropriate height shall be -

(i) for a landing with all power units operating - any height between 30 and 50 feet in Malaysia, and 50 feet elsewhere; and

(ii) for a landing with one power unit inoperative - 50 feet in Malaysia and elsewhere:

Provided that -

(aa) if the specified distance required to land with one power unit inoperative from a height of 5 feet at the aerodrome of intended destination exceeds the landing distance available, it shall be sufficient compliance with sub-item (ii) if an alternate aerodrome which has available the specified landing distance required to land with one power until inoperative from such height, is designated in the flight plan;

(bb) the distance required by the aeroplane to land shall be determined in accordance with item (g) and not in accordance with this item if it is intended to land at night, or when the cloud ceiling or ground visibility forecast for the estimated time of landing at the aerodrome of intended destination and at any alternate aerodrome at which it is intended to land in accordance with specified for short field landing with all power units operating , are less than 500 feet and one nautical mile respectively.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group D in their Certificates of Airworthiness

6. With reference to regulation 51(1) an aeroplane registered in Malaysia in respect of which there is in force under these Regulations a certificate of airworthiness in which the aeroplane is designated as being of Performance Group D shall not fly for the purpose of prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively and shall not fly for the purpose of public transport at any other time unless the weight of the aeroplane at the commencement of the takeoff run is such that the following conditions are satisfied:

(a) That weight does not exceed the maximum take-off weight specified for the altitude and air temperature at the aerodrome at which the take-off is to be made.

(b) The take-off run required and take-off distance required specified as being appropriate to -

- (i) the weight of the aeroplane at the commencement of the take-off run;
- (ii) the altitude at the aerodrome;
- (iii) the air temperature at the aerodrome;
- (iv) the average slope of the surface of the aerodrome in the direction of take-off over the emergency distance available; and
- (v) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

do not exceed the take-off run available and the emergency distance available, respectively, at the aerodrome at which the take-off is to be made.

(c) (i) The net take-off flight path with all power units operating, specified as being appropriate to -

- (aa) the weight of the aeroplane at the commencement of the take-off run;
- (bb) the altitude at the aerodrome;
- (cc) the air temperature at the aerodrome; and
- (dd) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to the point at which the aeroplane reaches a height of 1,000 feet above the aerodrome shows that the aeroplane will clear any obstacle in its path by a vertical interval of not less than 35 feet, except that if it is intended that the aeroplane shall change its direction of flight by more than 15⁰ before reaching 1,000 feet, the vertical interval shall be not less than 50 feet while the aircraft is changing direction.

(ii) For the purpose of sub-item (i) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 75 metres.

(iii) In assessing the ability of the aeroplane to satisfy this item it shall be not assumed to make a change of direction of a radius less than the specified radius of steady turn.

(d) The aeroplane, at any time after it reaches a height of 1,000 feet above the aerodrome from which take off is to be made will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or power units, if any, operating within the maximum specified continuous power conditions, be capable of continuing the flight at altitudes not less than the relevant minimum altitudes for safe flight stated in, the operations manual relating to the aeroplane to a point 1,000 feet above a place at which a safe landing can be made:

Provided that in assessing the ability of the aeroplane to satisfy this paragraph it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling with all power units operating specified as being appropriate to its estimated weight at that point.

(e) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(f) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per centum of the landing distance available on the most suitable runway for a landing in still air conditions, and on the runway that may be required for landing because of the forecast wind conditions; and for the purpose of the runway that may be required for this condition the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to -

(i) the landing weight;

(ii) the altitude at the aerodrome;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(iv) (aa) a level surface in the case of runways usable in only one direction; and

(bb) the average slope of the runway in the case of runways usable in only one direction; and

(v) (aa) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(bb) not more than 50 per centum of the forecast wind component opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group E in either Certificates of Airworthiness

7.(1) With reference to regulation 51(1) an aeroplane registered in Malaysia in respect of which there is in force under these Regulations a certificate of Performance Group E shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied:

(a) That weight for the altitude and the air temperature at the aerodrome at which the take-off is to be made does not exceed the maximum take-off weight specified as being appropriate to -

(i) the weight at which the aeroplane is capable in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and

(ii) the weight at which the aeroplane is capable in en route configuration and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, stated in, the operations manual relating to the aeroplane and, with one power unit inoperative, of a rate of climb of 150 feet per minute.

(b) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the aerodrome at which the take-off is to be made. The distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to -

(i) the weight of the aeroplane at the commencement of the take-off run;

(ii) the altitude at the aerodrome;

(iii) the air temperature at the aerodrome; and

(iv) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off.

(c) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power unit or units, if any, operating within the specified maximum continuous power conditions, be capable of continuing the flight at altitude for safe flight stated in, or calculated from the information contained in, the operations manual to a point 1,000 feet above a place at which a safe landing can be made:

Provided that in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at any point on its route or on any planned diversion therefrom at an altitude exceeding that at which it is capable of a rate of climb with all power conditions specified of 150 feet per minute and if it is necessary for it to be flown solely by reference to instruments, be capable, with one power unit inoperative, of a rate of climb of 100 feet per minute.

(d) The landing weight of the aeroplane for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome will not exceed the maximum landing weight specified -

(i) at which the aeroplane is capable, in the en route configuration and with all power units operating within the specified maximum continuous power conditions, of a rate of climb of 700 feet per minute if it has retractable landing gear and of 500 feet per minute if it has fixed landing gear; and

(ii) at which the aeroplane is capable in the en route configuration and if it necessary for it to be flown solely by reference to instruments for any period after leaving the minimum altitude for safe flight on the last stage of the route to be flown, stated in, or calculated from the information contained in, the operations manual relating to the aeroplane and with one power unit inoperative, of a rate of climb of 150 feet per minute.

(e) The landing distance required does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per centum of the landing in still air conditions, and for the purposes herein the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to -

(i) the landing weight;

(ii) the altitude at the aerodrome; and

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome.

(2) An aeroplane designated as aforesaid as an aeroplane of Performance Group E shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and more nautical mile respectively:

Provided that the foregoing prohibition shall not apply if the aeroplane is capable, in the en route configuration and with one power unit inoperative, of a rate of climb of 150 feet per minute.

Weight and Performance of Public Transport Aeroplanes Classified as Aeroplanes of Performance Group X in their Certificates of Airworthiness

8. With reference to regulation 51(1) an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplanes as being of Performance Group X shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied:

(1) (a) That weight does not exceed the maximum take-off weight specified for the altitude at the aerodrome at which the take-off is to be made, or for the altitude and the air temperature at such aerodrome, as the case may be.

(b) The minimum effective take-off runway length required, specified as being appropriate to -

(i) the weight of the aeroplane at the commencement of the take-off run;

(ii) the altitude at the aerodrome;

(iii) the air temperature at the time of take-off;

(iv) the condition of the surface of the runway from which the take-off will be made;

(v) the overall slope of the take-off run available;

(vi) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off.

does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(c) (i) The take-off flight path with one power until inoperative, specified as being appropriate to -

(aa) the weight of the aeroplane at the commencement of the take-off run;

(bb) the altitude at the aerodrome ; and

(cc) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the minimum effective take-off runway length required at the aerodrome at which the take-off is to be made, shows that the aeroplane will thereafter clear any obstacle in its path by a vertical interval of not less than the greater of 50 feet or 35 feet plus one-hundredth of the distance from the point on the ground below the intended line of flight of the aeroplane nearest to the obstacle to the end of the take-off distance available, measured along the intended line of flight of the aeroplane.

(d) For the purpose of item (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of

flight does not exceed -

- (i) a distance of 60 metres plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight; or
- (ii) 900 metres.

whichever is the lesser.

(e) In assessing the ability of the aeroplane to satisfy this subparagraph, insofar as it relates to flight path, it shall not be assumed to make a change of direction of a radius less than the radius of steady turn corresponding to an angle of bank of 15° .

(2) (a) (i) Subject to item (b), the weight of the aeroplane at any point on the route or any planned diversion therefrom, having regard to the fuel and oil expected to be consumed up to that point, shall be such that the aeroplane, with one power unit inoperative and other power unit or units operating within the maximum continuous power conditions specified, will be capable of a rate of climb of at least $K(V_{so}/100)^2$ feet per minute at an altitude not less than the minimum altitude for safe flight stated in or calculated from the information contained in the operations manual, where V_{so} is in knots and K has the value of $797-1060/N$, N being the number of power units installed.

(ii) As an alternative to sub-item (i), the aeroplane may be flown at an altitude from which, in the event of failure of one power unit, it is capable of reaching an aerodrome where a landing can be made in accordance with sub-item (3)(a)(ii) relating to an alternate aerodrome. In that case the weight of the aeroplane shall be such that, with the remaining power unit or units operating within the maximum continuous power conditions specified, it is capable of maintaining a minimum altitude on the route to such aerodrome of 2,000 feet above all obstacles within 10 nautical miles on either side of the intended track:

Provided that where the operator of the aeroplane is satisfied, taking into account the navigation aids which can be made use of by the aeroplane on the route, that the commander of the aeroplane will be able to maintain his intended track on that route within a margin of 5 nautical miles, the foregoing provisions of this item shall have effect as if 5 nautical miles were substituted therein for 10 nautical miles and -

(aa) the rate of climb, specified for the appropriate weight and altitude, used in calculating the flight path shall be reduced by an amount equal to $K(V_{so}/100)^2$ feet per minute;

(bb) the aeroplane shall comply with the climb requirements of sub-item (2)(a)(i)

at 1,000 feet above the chosen aerodrome;

(cc) account shall be taken of the effect of wind and temperature on the flight path; and

(dd) the weight of the aeroplane may be assumed to be progressively reduced by normal consumption of fuel and oil.

(b) An aeroplane having four power units shall, if any two power units become inoperative at any point of along the route or any planned diversion therefrom, being a point more than 90 minutes flying time, assuming all power units to be operating from the nearest aerodrome at which a landing can be made in compliance with sub-item (3)(a)(ii) relating to an alternate aerodrome, be capable of continuing the flight at an altitude of not less than 1,000 feet above ground level to a point above that aerodrome. In assessing the ability of the aeroplane to satisfy this condition, it shall be assumed that the remaining power units will operate within the specified maximum continuous power conditions, and account shall be taken of the temperature and wind conditions expected for the flight.

(3) (a) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude at the aerodrome at which it is intended to land and at any alternate aerodrome.

(b) The required landing runway lengths respectively specified as being appropriate to the aerodromes of intended destination and the alternate aerodromes of intended destination and the alternate aerodromes do not exceed at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on -

(i) the most suitable runway for landing in still air conditions; and

(ii) the runway that may be required for landing because of the forecast wind conditions,

the required landing runway lengths being taken to be those specified as being appropriate to -

(aa) the landing weight;

(bb) the altitude at the aerodrome;

(cc) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(dd) not more than 50 per centum of the forecast wind component opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be

required for landing because of the forecast wind conditions.

Weight and Performance of Public Transport Helicopters Classified as Helicopters of Performance Group A in their Certificates of Airworthiness.

9. With reference to regulation 51(1) a helicopter registered in Malaysia in respect of which there is in force under these Regulations a certificate of airworthiness in which the helicopter is designated as being of performance Group A shall not fly for the purpose of public transport unless the weight of the helicopter at the commencement of take-off is such that the following conditions are satisfied:

(a) The weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made.

(b) The landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site at which it is intended to land and at any alternate site.

Weight and Performance of Public Transport Helicopters Classified as Helicopters of Performance Group A (Restricted) in their Certificates of Airworthiness

10. With reference to regulation 51(1) a helicopter registered in Malaysia in respect of which is in force under these Regulations a certificate of airworthiness in which the helicopter is designated as being of Performance Group A (Restricted) shall not fly for the purpose of public transport when the cloud ceiling or visibility prevailing at the departure site and forecast for the estimated time of landing at the site at which it is intended to land and at any time of landing at the site at which it is intended to land at any alternate site are less than 500 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless the weight of the helicopter at the commencement of take-off is such that the following conditions are satisfied:

(a) The weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site from which the take-off is to be made.

(b) The landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the site at which it is intended to land at any alternate site.

Weight and Performance of Public Transport Helicopter Classified as Helicopters of Performance Group B in their Certificates of Airworthiness

11. With reference to regulation 51(1) a helicopter registered in Malaysia in respect of which there is in force under these Regulations a certificate of airworthiness in which the helicopter is designated as

being of Performance Group B shall not fly for the purpose of public transport at night or out of sight of the surface or when the cloud ceiling or visibility prevailing at the departure site or forecast for the estimated time of landing at the site at which it is intended to land are less than 600 feet and 1,000 metres respectively and shall not fly for the purpose of public transport at any other time unless the weight of the helicopter at the commencement of take-off is such that the following conditions are satisfied:

(a) The weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the site at which the take-off is to be made.

(b) The landing weight of the helicopter will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time and at any alternate site.

Aeroplanes Flying for the Purpose of Public Transport of Passengers - Aerodrome Facilities for Approach to Landing and Landing

12. (1) This paragraph shall apply to every aeroplane registered in Malaysia engaging on a flight for the purpose of public transport of passengers on a scheduled journey and to every aeroplane so registered whose authorised maximum total weight exceeds 5,700 kilogrammes engaging on such a flight others wise than on a schedule journey.

(2) For the purpose of regulation 49(1)(c), the following manning and equipment are prescribed in relation to aerodromes intended to be used for landing or as an alternate aerodrome by an aircraft to which this paragraph applies:

(a) air traffic control service or aerodrome flight information service, including the reporting to the aircraft of the current meteorological conditions at the aerodrome;

(b) very high frequency radiotelephony;

(c) at least one of the following radio navigation aids, either at the aerodrome or elsewhere, and in either case for the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there:

(i) radio direction finding equipment utilising emissions in the very high frequency bands;

(ii) a non-directional radio beacon transmitting signals in the low or medium frequency bands;

(iii) very high frequency omni-directional radio range;

(iv) radio navigation land stations forming part of the Decca radio navigation system;

(v) radar equipment.

It shall be sufficient if the equipment specified in item (c) is provided, even if for the time being it is not in operation.

(3) An aircraft to which this paragraph applies shall not land or make an approach to landing at any aerodrome unless services and equipment according to subparagraph (2) are provided and are in operation at that aerodrome, and can be made use of by that aircraft, and, in the case of the navigation aids specified in sub-items (2)(c)(i) to (iv), instructions and procedures for the use of the aid are included in the operations manual. A person shall be deemed not to have contravened the provisions of this subparagraph if he proves that -

(a) for the time being used could not be made of the radio navigation aids provided under item (2)(c) whether by reason of those aids not being in operation or of the unserviceability the aircraft itself; and

(b) the approach to landing was made in accordance with instructions and procedures appropriate to that circumstances and included in the operations manual.

(4) An aircraft to which this paragraph applies shall be equipped with the equipment necessary to enable use to be made of at least one of the navigation aids specified in item (2)(c) and in use for landing at the aerodrome, and in particular the equipment for use with the radio navigation land stations referred to in sub-items (2)(c)(iv) shall include a flight log designed to operate with that equipment and to display on a chart to the pilot at the controls of the aircraft a continuous and instantaneous pictorial plot of the path of the aircraft. Nothing in this subparagraph shall require the duplication of any equipment carried in pursuance of any other provision of these Regulations or of any requirements made thereunder.

Mandatory Reporting - Prescribed Reportable Occurrences, Time and manner of Reporting and Information to be Reported

13. (1) With reference to regulation 195(1), the following reportable occurrences are hereby prescribed, that is to say those -

(a) involving damage to an aircraft;

(b) involving injury to a person;

(c) involving the impairment during a flight of the capacity of a member of the flight crew of an aircraft to undertake the functions to which his licence relates;

(d) involving the use in flight of any procedures taken for the purpose of overcoming an emergency;

(e) involving the failure of an aircraft system or of any equipment of an aircraft;

(f) arising from the control of an aircraft in flight by its flight crew;

(g) arising from failure or inadequacy of facilities or services on the ground used or intended to be used for purposes of or in connection with the operation of the aircraft;

(h) arising from the loading or the carriage of passengers, cargo including mail, or fuel;

and those which are not referred to in this subparagraph but which, in the opinion of a person referred to in regulation 195 (1) (a) to (d), constitute an occurrence endangering, or which if not corrected would endanger, the safety of an aircraft, its occupants or any other person.

(2) For the purpose of this paragraph, an aircraft system includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and any other system of the aircraft.

(3) With reference to regulation 195(1), it is hereby prescribed that a report containing the information referred to in subparagraph (4) shall be despatched in writing and by the quickest available means to the Director General within 48 hours of the reportable occurrence coming to the knowledge of the person making the report:

Provided that if at that time any of the said information is not in the possession of that person, he shall despatch that information to the Director General in writing and by the quickest available means within 96 hours of its coming into his possession.

(4) With reference to regulation 195(1), a report shall, as far as possible, contain the following information:

(a) the type, series and registration marks of the aircraft concerned ;

(b) the name of the operator of the aircraft;

(c) the date of the reportable occurrence;

(d) if the person making the report has instituted an investigation into the reportable occurrence, whether or not this has been completed;

(e) a description of the reportable occurrence, including its effects and any other relevant information;

(f) in the case of a reportable occurrence which occurs during flight -

(i) the Co-ordinated Universal Time of the occurrence;

(ii) the last point of departure and the next point of intended landing of the aircraft at that time;

(iii) the geographical position of the aircraft at that time;

(g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;

(h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for the employer; and

(i) in the case of a report made by the commander of an aircraft or a person referred to in regulation 195(1)(c) the address or telephone number at which communications should be made to him, if different from that of his place of employment.

PART B

Weight And Performance Of Public Transport Aeroplanes Having No Performance Group Classification In Their Certificates Of Airworthiness

Conditions in paragraphs 1 and 2 apply to all aeroplanes to which paragraph 3 of Part A applies;

Conditions in paragraphs 3 to 10 apply to all aeroplanes to which paragraph 3 of Part A applies -

(a) of which the specified authorised maximum total weight exceeds 5,700 kilogrammes; or

(b) of which the specified authorised maximum total weight does not exceed 5,700 kilogrammes and which comply with neither condition in item 1(a) nor (b);

Conditions in paragraphs 11 to 18 apply to all aeroplanes to which paragraph 3 of Part A applies of which the specified authorised maximum total weight does not exceed 5,700 kilogramme, and which comply condition in item 1(a) or (b) nor both.

All aeroplanes

1. Either -

(a) the wing loading of the aeroplanes does not exceed 20 pounds per square foot;

(b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots; or

(c) the aeroplane, with any one of its power units inoperative and the remaining power units or units operating within the maximum continuous power conditions specified, is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international

standard atmosphere.

2. The weight of the aeroplane at the commencement of the take-off run does not exceed the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

Aeroplanes of a Specified Authorised Maximum Total Weight exceeding 5,700 kilogrammes and Aeroplanes of a Specified Authorised Maximum Total Weight not exceeding 5,700 kilogrammes which comply with neither Condition in item 1(a) nor (b)

3. (1) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(2) The distance required by the aeroplane to attain a height of 50 feet with all units operating within the maximum take-off power conditions specified, when multiplied by a factor of either 1.33 for an aeroplane having two power units or by factor of 1.18 for aeroplanes having four power units, does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(3) For the purposes of subparagraphs (1) and (2) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to-

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) the conditions of the surface of the runway from which the take-off will be made;

(e) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the emergency distance available, respectively; and

(f) not more than 50 per centum of the reported wind component opposite of the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off.

4. (1) The take-off flight path with one power unit inoperative and the remaining power unit or units operating within the maximum take-off power conditions specified, appropriate to -

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the air temperature at the aerodrome;

(d) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the appropriate factored distance required for take-off under the condition of the subparagraph 3(2) at the aerodrome at which the take-off is to be made, shows that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet except that if it is intended that an aeroplane shall change its direction by more than 15° the vertical interval shall not be less than 50 feet during the change of direction.

(2) For the purpose of subparagraph (1) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed -

(a) a distance of 60 metres plus half the wing span of the aeroplane, plus one-eighth of the distance from such point to the end of take-off distance available, measured along the intended line of flight; or

(b) 900 metres

whichever is the lesser.

(3) In assessing the ability of the aeroplane to satisfy this conditions, it shall not be assumed to make a change of direction of radius less than a radius of steady turn corresponding to an angle of bank of 15° .

5. The aeroplane will, in the meteorological conditions expected for the flight, in the event of any power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of continuing the flight clearing obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least -

(a) 1,000 feet when the gradient of the flight path is not less than zero; or

(b) 2,000 feet when the gradient of the flight path is less than zero.

to an aerodrome at which it can comply with condition in paragraph 9, and on arrival over such aerodrome the flight path shall have a gradient of not less than zero at 1,500 feet above the aerodrome. For the purpose of the condition in this paragraph the gradient of climb of the aeroplane shall be taken to be one per centum less than that specified.

6. The aeroplane will, in the meteorological conditions expected for flight, at any point on its route or on

any planned diversion therefrom be capable of climbing at a gradient of at least in 1 in 50, with all power units operating within the maximum continuous power conditions, specified at the following altitudes:

(a) the minimum altitudes for safe flight on each stage of the route to be flown or of any planned diversion therefrom specified in, or calculated from the information contained in, the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with conditions in paragraphs 5 and 7, as appropriate.

7. If on the route to be flown or any planned diversion therefrom, the aeroplane will be engaged in a flight over water during which at any point it may be more than 90 minutes flying time in still air from the nearest shore, it will in the event of two power units becoming inoperative during such time and with the other power unit or units operating within the maximum continuous power conditions specified be capable of continuing the flight having regard to the meteorological conditions expected for the flight, clearing all obstacles within 20 nautical miles either side of the intended track by a vertical interval of at least 1,000 feet, to an aerodrome at which a safe landing can be made.

8. The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

9. The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land, exceed 60 per centum of the landing distance available on -

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions provided that if an alternative aerodrome is designated in the flight plan the landing distance required at the aerodrome at which it is intended to land shall not exceed 70 per centum of that available on the runway.

The distance required to land from a height of 50 feet shall be taken to be that appropriate to -

(i) the landing weight;

(ii) the altitude at the aerodrome;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(iv) (aa) a level surface in the case of runway usable in both directions; and

(bb) the average slope of the runway in the case of runway for a landing in still air conditions; and

(v) (aa) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(bb) not more than 50 per centum of the forecast wind components opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

10. The distance required by the aeroplane to land from a height of 50 feet does not, at any alternate aerodrome, exceed 70 per centum of the landing distance available on -

(a) the most suitable runway for landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

For the purpose of this condition the distance required to land from a height of 50 feet shall be determined in the manner provided in condition in paragraph 9.

Aeroplanes of a Specified Authorised Maximum Total Weight not exceeding 5,700 kilogrammes and which comply with either with Condition in item 1(a) or (b), or both

11. If the aeroplane is engaged in a flight at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome of destination or at any alternate aerodrome are less than 1,000 feet and one nautical mile respectively, it will, with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified, be capable of climbing at a gradient of at least 1 in 200 at an altitude of 2,500 feet in the specified international standard atmosphere.

12. (1) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the maximum take-off power conditions specified, does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(2) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(3) For the purpose of subparagraphs (1) and (2) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to -

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome or if greater, the air temperature at the aerodrome less 15⁰ centigrade;

(d) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available respectively; and

(e) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off.

13. The take-off flight path, with all power units operating within the maximum take-off power conditions specified, appropriate to -

(a) the weight of the aeroplane at the commencement of the take-off run;

(b) the altitude in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15⁰ centigrade; and

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15⁰ centigrade; and

(d) not more than 50 per centum of the reported wind component opposite to the direction of take-off or not less than 150 per centum of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the factored distance required for take-off under condition in subparagraph 12(2), at the aerodrome at which the take-off is to be made, shows half the aeroplane will clear any obstacle lying within 60 metres plus half the wing span of the aeroplane on either side of its path by a vertical interval of at least 35 feet. In assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15⁰.

14. The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its power unit or units, if any, operating within the maximum continuous the flight so as to reach a point above a place at which a safe landing can be made at a suitable height for such landing.

15. The aeroplane will, in the meteorological conditions expected for the flight, at any point on its route or any planned diversion therefrom, be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified at the following altitudes:

(a) the minimum altitudes for safe flight on each stage of the route to be flown or on any planned diversion therefrom specified in, or calculated from, the information contained in the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with condition in paragraph 14.

16. If on the route to be flown or any planned diversion therefrom the aeroplane will be engaged in a flight over water during which at any point it may be more than 30 minutes flying time in still air from the nearest shore, it will, in the event of one power unit becoming inoperative during such time and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of climbing at a gradient of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

17. The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

18. The distance required by the aeroplane to land from a height of 50 feet does not at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per centum, or, if a visual approach and landing will be possible in the meteorological conditions forecast for the estimated time of landing, 80 per centum, of the landing distance available on -

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions, the distance required to land from a height of 50 feet being taken to be that appropriate to -

(i) the landing weight;

(ii) the altitude at the aerodrome;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(iv) (aa) a level surface in the case of runway usable in both directions; and

(bb) the average slope of the runway in the case of runways usable in only one direction; and

(v) (aa) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(bb) not more than 50 per centum of the forecast wind component opposite to the direction of landing or not less than 150 per centum of the forecast wind component in the direction of landing in the case of the runway that may be

required for landing because of the forecast wind conditions.

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FOURTEENTH SCHEDULE

(Regulation 41)

MEDICAL REQUIREMENTS

1. Medical requirements for the grant and renewal of licences to members of flight crew.

The following are the medical requirements necessary for the grant and renewal of licences to members of flight crew:

A person applying for the grant or renewal of a licence to act as a member of the operating crew of an aircraft shall be required to undergo a medical examination to ascertain whether his physical, visual, colour perception and hearing, applicable to the case, as specified in paragraph 7. The examination will be based upon the requirements specified in paragraphs 9 to 21:

Provided that -

(a) an applicant who does not satisfy the appropriate medical requirements may, at the discretion of the Director General, be accepted as eligible for the grant or renewed in accordance with this proviso may be made subject to such conditions and restrictions as the Director General may consider appropriate in the particular case;

(b) if an applicant for the renewal of a licence is for the time being on duty as a member of the operating crew of an aircraft in a region distant from official medical centres the medical examination which he should normally to pass the obtain renewal of the licence may exceptionally, at the discretion of the Director General -

(i) be deferred once for e period 6 months in the case of a member of the operating crew of a private aircraft; or

(ii) be deferred for two consecutive periods 3 months each in the case of a member of the operating crew of a public transport or aerial work aircraft, on condition that the applicant obtains locally on each occasion a satisfactory medical certificate after having been examined by a qualified medical officer.

2. The medical examinations, excepting, however, the examination referred to in item (b) to the proviso of paragraph 1 shall be carried out as follows:

(a) in the case of Student Pilot's Licence, a Private Pilot's Licence (Aeroplanes), a Private Pilot's Licence (Helicopters and Gyroplanes) and a Private Pilot's Licence (Balloons and Airships), the examination shall be carried out by an authorised medical examiner appointed by or acting under the authority of the Director General; and

(b) in the case of a Commercial Pilot's Licence (Aeroplanes), a Commercial Pilot's Licence (Helicopters and Gyroplanes), a Commercial Pilot's Licence (Balloons), a Commercial Pilot's Licence (Airships), an Airline Transport Pilot's Licence (Aeroplanes), an Airline Transport Pilot's Licence (Helicopters and Gyroplanes), a Flight Engineer's Licence, the medical examiners appointed by or acting under the authority of the Director General.

3. Every applicant who presents himself for medical examination for the grant or renewal of a licence shall be required to furnish to the medical examiner a declaration signed by him stating whether he has previously undergone such medical examination, and if so, where, when and with what result. A false declaration may entail the cancellation of any licence granted or renewed as a result of the examination.

4. If the holder of a licence is aware, or has reasonable grounds to suspect, that his physical, aural or eye condition has deteriorated in any respect, even if only temporarily as the result of a common minor ailment, so that it may be below the standard of medical fitness required for the grant of such a licence, he shall not act in any capacity for which he is so licensed until he is satisfied that his condition has been restored to the required standard.

5. (1) If the holder of a licence -

(a) suffers any personal injury as the result of an accident occurring while he is acting in any capacity for which he is licensed;

(b) suffers any personal injury involving incapacity for work as the result of an accident occurring otherwise than while he is acting in any capacity for which he is licensed; or

(c) suffers from any illness involving incapacity for work during 20 days or more;

he shall send a notification of the occurrence, in writing to the Director General, as soon as possible in the case of accident and, in the case of an illness, as soon as the period of 20 days has elapsed.

(2) The holder of a licence may after suffering any such personal injury or illness, be required to undergo a full or partial medical examination. He shall not, therefore, resume acting in any capacity for which he is licensed until he has arranged for a medical report, detailing the nature of the injury or illness, the treatment received, the progress made whilst under treatment and his present condition, to be forwarded to the Director General and has, in the light of such report either been examined and pronounced fit or has been informed by the Director General that an examination is not required.

(3) Pregnancy shall be regarded as incapacitating the holder of a licence from carrying out flying

duties. As soon as the condition has been diagnosed the holder of a licence shall cease flying and shall not again fly until she has in due course, been examined and pronounced fit:

Provided that, in exceptional circumstances, relaxations of the requirements of this subparagraph may be made at the direction of the Director General.

6. The medical examinations required for the purpose of paragraph 5 shall conform with the same conditions and standards as for the grant or renewal of a licence except, however, as provided in item (b) to the proviso of paragraph 1.

7. The standard of medical fitness appropriate to the various classes of licences are set out below:

(a) Student Pilot's Licence	.
Physical and Mental Standard	No. 3
Visual Standard	No. 2
Colour Perception Requirement	-
Hearing Standard	No. 2
(b) Private Pilot's Licence (Balloon and Airships)	.
Physical and Mental Standard	No. 3
Visual Standard	No. 2
Colour Perception Requirement	-
Hearing Standard	No. 2
(c) Private Pilot's Licence (Helicopters and Gyroplanes)	.
Physical and Mental Standard	No. 3
Visual Standard	No. 2
Colour Perception Requirement	-
Hearing Standard	No. 2
(d) Private Pilot's Licence (Aeroplanes)	.
Physical and Mental Standard	No. 3

Visual Standard	No. 2
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Colour Perception Requirement	-
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Hearing Standard	No. 2
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(e) Commercial Pilot's Licence (Gliders) Physical and Mental Standard	No. 1
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Visual Standard	No. 1
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Colour Perception Requirement	-
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Hearing Standard	No. 1
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(f) Commercial Pilot's Licence (Balloons and Airships) Physical and Mental Standard	No. 1
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Visual Standard	No. 1
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Colour Perception Requirement	-
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Hearing Standard	No. 1
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(g) Commercial Pilot's Licence (Helicopters and Gyroplanes) Physical and Mental Standard	No. 1
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Visual Standard	No. 1
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Colour Perception Requirement	-
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Hearing Standard	No. 1
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(h) Commercial Pilot's Licence (Aeroplanes) Physical and Mental Standard	
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Visual Standard	
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Colour Perception Requirement	
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Hearing Standard

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▪ (i) Airline Transport Pilot's Licence
 (Helicopters and Gyroplanes)

▪

Physical and Mental Standard

No. 1

Visual Standard

No. 1

Colour Perception Requirement

-

Hearing Standard

No. 1

▪ (j) Airline Transport Pilot's Licence (Aeroplanes)

▪

Physical and Mental Standard

No. 1

Visual Standard

No. 1

Colour Perception Requirement

-

Hearing Standard

No. 1

▪ (k) Flight Engineer's Licence

▪

Physical and Mental Standard

No. 2

Visual Standard

No. 2

Colour Perception Requirement

-

Hearing Standard

No. 1

8. A person who is the holder of a Private Pilot's Licence (Aeroplanes) and who has been granted or makes an application for an instrument rating shall be required to satisfy Hearing Standard No. 1.

Physical and Mental Requirements

9. Physical and Mental Standard No.1 - The medical examination and assessment will be based on the following requirements of physical and mental fitness:

(a) The applicant shall be required to be free from -

(i) any abnormality, congenial or acquired;

(ii) any active, latent, acute or chronic disability; or

(iii) any wound, injury or sequelae from operation, such

as would entail a degree of functional incapacity which is likely to interfere with the safe handling of an aircraft at any altitude throughout a prolonged or difficult flight.

(b) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(c) The applicant shall not suffer from any disease or disability which renders him liable suddenly to become unable to handle an aircraft safely.

(d) The applicant shall have no established medical history or clinical diagnosis, which according to accredited medical conclusion would render the applicant unable to safely exercise the privileges of the licence or rating applied for or held, as follows:

(i) a psychosis;

(ii) alcoholism;

(iii) drug dependence;

(iv) any personality disorder, particularly if severe enough to have repeatedly resulted in overt acts;

(v) a mental abnormality, or neurosis.

The applicant shall have no established medical history or clinical diagnosis of any mental abnormality, personality disorder or neurosis which, according to accredited medical conclusion, make it likely that within 2 years of the examination the applicant will be unable to safely exercise the privileges of the licence or rating applied for the held. A history of acute toxic psychosis need not be regarded as disqualifying, provided that the applicant has suffered no permanent impairment.

(e) The applicant shall have no established medical history or clinical diagnosis of any of the following:

(i) a progressive or non-progressive disease of nervous system, the effects of which, accordingly to accredited medical conclusion, are likely to interfere with the safe operation of an aircraft;

(ii) epilepsy;

(iii) any disturbance of consciousness without satisfactory medical explanation of cause.

(f) Cases of head injury, the effects of which, according to accredited medical conclusion, are likely to interfere with the safe operation of an aircraft shall be assessed as unfit.

(g) The applicant shall not possess any abnormality of the heart, congenital or acquired, which is likely to interfere with the safe operation of an aircraft. A history of proven myocardial infarction shall be disqualifying. Such commonly occurring conditions as respiratory arrhythmia, occasional pulse rate from excitement or exercise, or a slow pulse not associated with auriculoventricular dissociation may be regarded as being within "normal" limits.

(h) Electrocardiography shall form part of the heart examination for the first issue of a licence and shall be included in re-examination of applicants no less frequently than every 5 years up to the age of 30, between the ages of 30 and 40 no less frequently than annually. The purpose of routine electrocardiography is case finding. It does not provide sufficient evidence to justify disqualification without further through cardiovascular investigation.

(i) The systolic and diastolic blood pressures shall be within normal limits. The use of drugs for control of high blood pressure is disqualifying. There shall be no significant functional nor structural abnormality of the circulatory tree.

(j) There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In the case of an examination for the first issue of a licence, radiography shall form a part of the chest examination and shall be repeated periodically thereafter. Radiographic examinations shall be carried out in all doubtful clinical cases.

(k) Any extensive mutilation of the chest wall with collapse of the thoracic cage and sequelae of surgical procedures resulting in decreased respiratory efficiency at altitude shall be assessed as unfit. Cases pulmonary emphysema will be assessed as unfit if the condition is causing symptoms.

(l) Cases of active pulmonary tuberculosis, duly diagnosed, shall be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably doubt about the activity of a lesion, where symptoms of activity of the disease are lacking, clinically, be assessed as temporarily unfit for a period of not less than 3 months from the date of the medical examination. At the end of the 3 months' period, a further radiographic record shall be made and compared carefully with the original. If there is no sign of extension of the disease and there are no applicant may be assessed as fit for 3 months. Thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each 3 months' period, the validity of the licence will be restricted to consecutive periods of 3 months. When the applicant has been under observation under this scheme for a total period of at least 2 years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or healed".

(m) Cases of disabling disease with important impairment of functions of the gastro-intestinal tract and its adnexae shall be assessed as unfit.

(n) The applicant shall be required to be completely free from hernia.

(o) Any sequelae of disease or surgical intervention on any part of the digestive tract and its adnexae, liable to cause sudden incapacity in flight, in particular any obstructions due to stricture or compression, shall be assessed as unfit. An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract or its adnexae, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit until such time as the medical examiner having access to the details of the operation concerned considers that the effects of the operation are not liable to cause sudden incapacity in the air.

(p) Cases of metabolic, nutritional or endocrine disorders likely to interfere with the safe operation of an aircraft shall be assessed as unfit.

(q) Proven cases of diabetes mellitus shown to be controllable, without the use of any antidiabetic drug, shall be assessed as fit.

(r) Cases of severe and moderate enlargement of the spleen persistently below the costal margin shall be assessed as unfit.

(s) Cases of significant localised and generalised enlargement of the lymphatic glands and disease of the blood shall be assessed as unfit. Cases due to a transient condition will be assessed as only temporarily unfit.

(t) Cases presenting any signs or organic disease of the kidney shall be assessed as unfit; those due to transient condition may be assessed as temporarily unfit. The urine shall contain no abnormal element considered by the medical examiner to be pathological. Cases of affections of the urinary passages and of the genital organs shall be assessed as unfit; those due to a transient condition may be assessed as temporarily unfit.

(u) Any sequelae of disease or surgical procedures on the kidneys and the urinary tract liable to cause sudden incapacity, in particular any obstructions due to stricture or compression, shall be assessed as unfit. Compensated nephrectomy without hypertension or uraemia may be assessed as fit. An applicant who has undergone a major surgical operation of the urinary system, which has involved a total or partial excision or a diversion of any of its organs will be assessed as unfit, until such time as the medical examiner having access to the details of the operation concerned consider that the effects of the operation are not liable to cause sudden incapacity in the air.

(v) An applicant for the first issue of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment.

(w) An applicants who has a history of severe menstrual disturbances that have proven unamenable to treatment and that are likely to interfere with the safe handling of an aircraft shall be assessed an unfit. In the event of presumed pregnancy the applicant shall be assessed as temporarily unfit. After confinement or miscarriage the applicant shall not be permitted to exercise the privileges of her licence until she has undergone re-examination and has been

assessed as fit. Any case of a female sex who have undergone gynaecological operation will be considered individually.

(x) Any active disease of the bones, joints, muscles or tendons and all serious functional sequelae of congenital or acquired disease shall be assessed as unfit. Functional after-effects of lesion affecting the bones, joints, muscles or tendons and certain anatomical defects compatible with the safe handling of an aircraft at any altitude and throughout a prolonged or difficult flight may be assessed as fit.

(y) There shall be -

(i) no active pathological process, acute or chronic, of the internal ear or of the middle ear;

(ii) no unhealed (unclosed) perforation of the tympanic membranes except that a single dry perforation of non- infections origin, need not render the applicant unfit, and licences shall not be issued or renewed in these circumstances unless the appropriate hearing requirements in paragraphs 18 to 21 are complied with;

(iii) no permanent obstruction of the Eustachian tubes; and

(iv) no permanent disturbances of the vestibular apparatus; and transient conditions may be assessed as temporary unfit.

Note: The details of the hearing requirements are set out in paragraphs 18 to 21.

(z) There shall be free nasal air entry on both sides. There shall be no serious malformation nor serious, acute or chronic affection of the buccal cavity or upper respiratory tract. Cases of speech defects and stuttering shall be assessed as unfit.

10. Physical and Mental Standard No. 2 - The medical examination and assessment shall be based on the following requirements of physical and mental fitness:

(a) The applicant shall be required to be free from -

(i) any abnormality, congenital or acquired;

(ii) any active, latent acute or chronic disability; or

(iii) any wound, injury or sequelae from operation, such as would entail a degree of functional incapacity which is likely to interfere with the safe performance of his duties at any altitude throughout a prolonged or difficult flight.

(b) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(c) The applicant shall not suffer from any disease or disability which renders him liable suddenly to become unable to perform his duties safely.

(d) The applicant shall have no established medical history or clinical diagnosis, which according to accredited medical conclusion, would render the applicant unable to safely exercise the privileges of the licence or rating applied for or held, as follows:

(i) a psychosis;

(ii) alcoholism;

(iii) drug dependence;

(iv) any personality disorder, particularly if severe enough to have repeatedly resulted in overt acts;

(v) a mental abnormality, or neurosis.

The applicant shall have no established medical history or clinical diagnosis of any mental abnormality, personality disorder or neurosis which, according to accredited medical conclusion, makes it likely that within 2 years of the examination the applicant will be unable to safely exercise the privileges of the licence or rating applied for or held. A history of acute toxic psychosis need not be regarded as disqualifying, provided that the applicant has suffered no permanent impairment.

(e) The applicant shall have no established medical history or clinical diagnosis of any of the following:

(i) a progressive or non-progressive disease of the nervous system, the effects of which, according to accredited system, the effects of which, according to accredited medical conclusion, are likely to interfere with the safe performance of the applicant's duties;

(ii) epilepsy;

(iii) any disturbance of consciousness without satisfactory medical explanation of cause.

(f) Cases of head injury, the effects of which, according to accredited medical conclusion, are likely to interfere with the safe operation of an aircraft, shall be assessed as unfit.

(g) The applicant shall not possess any abnormality of the heart, congenital or acquired, which is likely to interfere with the safe operation of an aircraft. A history of proven myocardial

infarction shall be disqualifying. Such commonly occurring conditions as respiratory arrhythmia, occasional pulse rate from excitement or exercise, or a slow pulse not associated with auriculoventricular dissociation may be regarded as being within "normal" limits.

(h) Electrocardiography shall form part of the heart examination for the first issue of a licence and shall be included in re-examination of applicants no less frequently than every 5 years up to the age of 30, between the ages of 30 and 40 no less frequently than annually. The purpose of routine electrocardiography is case finding. It does not provide sufficient evidence to justify disqualification without further through cardiovascular investigation.

(i) The systolic and diastolic blood pressures shall be within normal limits. The use of drugs for control of high blood pressure is disqualifying. There shall be no significant functional nor structural abnormality of the circulatory tree.

(j) There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In the case of an examination for the first issue of a licence, radiography shall form a part of the chest examination and shall be repeated periodically thereafter. Radiographic examinations shall be carried out in all doubtful clinical cases.

(k) Any extensive mutilation of the chest wall with collapse of the thoracic cage and sequelae of surgical procedures resulting in decreased respiratory efficiency at altitude shall be assessed as unfit. Cases pulmonary emphysema will be assessed as unfit if the condition is causing symptoms.

(l) Cases of active pulmonary tuberculosis, duly diagnosed, shall be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably doubt about the activity of a lesion, where symptoms of activity of the disease are lacking, clinically, be assessed as temporarily unfit for a period of not less than 3 months from the date of the medical examination. At the end of the 3 months' period, a further radiographic record shall be made and compared carefully with the original. If there is no sign of extension of the disease and there are no applicant may be assessed as fit for 3 months. Thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each 3 months' period, the validity of the licence will be restricted to consecutive periods of 3 months. When the applicant has been under observation under this scheme for a total period of at least 2 years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or healed".

(m) Cases of disabling disease with important impairment of functions of the gastro-intestinal tract and its adnexae shall be assessed as unfit.

(n) The applicant shall be required to be completely free from hernia.

(o) Any sequelae of disease or surgical intervention on any part of the digestive tract and its adnexae, liable to cause sudden incapacity in flight, in particular any obstructions due to stricture or compression, shall be assessed as unfit. An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract or its adnexae, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit until such time as the medical examiner having access to the details of the operation concerned

considers that the effects of the operation concerned considers that the effects of the operation are not liable to cause sudden incapacity in the air.

(p) Cases of metabolic, nutritional or endocrine disorders likely to interfere with the safe operation of an aircraft shall be assessed as unfit.

(q) Proven cases of diabetes mellitus shown to be controllable, without the use of any antidiabetic drug, shall be assessed as unfit.

(r) Cases of severe and moderate enlargement of the spleen persistently below the costal margin shall be assessed as unfit.

(s) Cases of significant localised and generalised enlargement of the lymphatic glands and disease of the blood shall be assessed as unfit. Cases due to a transient condition will be assessed as only temporarily unfit.

(t) Cases presenting any signs or organic disease of the kidney shall be assessed as unfit; those due to transient condition may be assessed as temporarily unfit. The urine shall contain no abnormal element considered by the medical examiner to be pathological. Cases of affections of the urinary passages and of the genital organs shall be assessed as unfit; those due to a transient condition may be assessed as temporarily unfit.

(u) Any sequelae of disease or surgical procedures on the kidneys and the urinary tract liable to cause sudden incapacity, in particular any obstructions due to stricture or compression, shall be assessed as unfit. Compensated nephrectomy without hypertension or uraemia may be assessed as fit. An applicant who has undergone a major surgical operation of the urinary system, which has involved a total or partial excision or a diversion of any of its organs will be assessed as unfit, until such time as the medical examiner having access to the details of the operation concerned consider that the effects of the operation are not liable to cause sudden incapacity in the air.

(v) An applicant for the first issue of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment.

(w) An applicants who has a history of severe menstrual disturbances that have proven unamenable to treatment and that are likely to interfere with the safe handling of an aircraft shall be assessed an unfit. In the event of presumed pregnancy the applicant shall be assessed as temporarily unfit. After confinement or miscarriage the applicant shall not be permitted to exercise the privileges of her licence until she has undergone re-examination and has been assessed as fit. Any case of a female sex who have undergone gynaecological operation will be considered individually.

(x) Any active disease of the bones, joints, muscles or tendons and all serious functional sequelae of congenital or acquired disease shall be assessed as unfit. Functional after-effects of lesion affecting the bones, joints, muscles or tendons and certain anatomical defects compatible with the safe handling of an aircraft at any altitude and throughout a prolonged or

difficult flight may be assessed as fit.

(y) There shall be -

(i) no active pathological process, acute or chronic, of the internal ear or of the middle ear;

(ii) no unhealed (unclosed) perforation of the tympanic membranes except that a single dry perforation of non- infections origin, need not render the applicant unfit, and licences shall not be issued or renewed in these circumstances unless the appropriate hearing requirements in paragraphs 18 to 21 are complied with;

(iii) no pementant obstruction of the Eustachian tubes; and

(iv) no pementant disturbances of the vestibular apparatus; and transient conditions may be assessed as temporary unfit.

Note: The details of the hearing requirements are set out in paragraphs 18 to 21.

(z) There shall be free nasal air entry on both sides. There shall be no serious malformation nor serous, acute or chronic affection of the buccal cavity or upper respiratory tract. Cases of speech defects and stuttering shall be assessed as unfit.

11. Physical and Mental Standard No. 3 - The medical examination and assessment shall be based on the following requirements of physical and mental fitness:

(a) The applicant shall be required to be free from -

(i) any abnormality, congenial or acquired;

(ii) any active, latent, acute or chronic disability; or

(iii) any wound, injury or sequelae from operation, such as would entail a degree of functional incapacity which is likely to interfere with the safe handling of an aircraft at any altitude throughout a prolonged or difficult flight.

(b) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(c) The applicant shall not suffer from any disease or disability which renders him liable suddenly to become unable to handle an aircraft safely.

(d) The applicant shall have no established medical history or clinical diagnosis, which

according to accredited medical conclusion would render the applicant unable to safely exercise the privileges of the licence or rating applied for or held, as follows:

- (i) a psychosis;
- (ii) alcoholism;
- (iii) drug dependence;
- (iv) any personality disorder, particularly if severe enough to have repeatedly resulted in overt acts;
- (v) a mental abnormality, or neurosis.

The applicant shall have no established medical history or clinical diagnosis of any mental abnormality, personality disorder or neurosis which, according to accredited medical conclusion, make it likely that within 2 years of the examination the applicant will be unable to safely exercise the privileges of the licence or rating applied for the held. A history of acute toxic psychosis need not be regarded as disqualifying, provided that the applicant has suffered no permanent impairment.

(e) The applicant shall have no established medical history or clinical diagnosis of any of the following:

- (i) a progressive or non-progressive disease of nervous system, the effects of which, accordingly to accredited medical conclusion, are likely to interfere with the safe operation of an aircraft;
- (ii) epilepsy;
- (iii) any disturbance of consciousness without satisfactory medical explanation of cause.

(f) Cases of head injury, the effects of which, according to accredited medical conclusion, are likely to interfere with the safe operation of an aircraft shall be assessed as unfit.

(g) The applicant shall not possess any abnormality of the heart, congenital or acquired, which is likely to interfere with the safe operation of an aircraft. A history of proven myocardial infarction shall be disqualifying. Such commonly occurring conditions as respiratory arrhythmia, occasional pulse rate from excitement or exercise, or a slow pulse not associated with auriculoventricular dissociation may be regarded as being within "normal" limits.

(h) Electrocardiography shall form part of the heart examination for the first of a licence and shall be included in re- examination of applicants no less frequently than every 5 years up to the age of 30 and thereafter no less than frequently than every 2 years. The purpose of routine electrocardiography is case finding. It does not provide sufficient evidence to justify

disqualification without further through cardiovascular investigation.

(i) The systolic and diastolic blood pressures shall be within normal limits. The use of drugs for control of high blood pressure is disqualifying. There shall be no significant functional nor structural abnormality of the circulatory tree. The presence of varicosities does not necessarily entail unfitness.

(j) There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In the case of an examination for the first grant of a licence, radiography shall form a part of the chest examination and shall be repeated periodically thereafter Radiographic examinations shall be carried out in all doubtful clinical cases.

(k) Any extensive mutilation of the chest wall with collapse of the thoracic cage and sequelae of surgical procedures resulting in decreased respiratory efficiency at altitude shall be assessed as unfit. Cases pulmonary emphysema will be assessed as unfit only if the condition is causing symptoms.

(l) Cases of active pulmonary tuberculosis, duly diagnosed, shall be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably doubt about the activity of a lesion, where symptoms of activity of the disease are lacking, clinically, be assessed as temporarily unfit for a period of not less than 3 months from the date of the medical examination. At the end of the 3 months' period, a further radiographic record shall be made and compared carefully with the original. If there is no sign of extension of the disease and there are no applicant may be assessed as fit for 3 months. Thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each 3 months' period, the validity of the licence will be restricted to consecutive periods of 3 months. When the applicant has been under observation under this scheme for a total period of at least 2 years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or healed".

(m) Cases of disabling disease with important impairment of function of the gastro-intestinal tract and its adnexae shall be assessed as unfit.

(n) The applicant shall be required to be completely free from hernia. Cases in which the medical examiner is satisfied that a well-fitted truss will be worn may be assessed as fit.

(o) Any sequelae of disease or surgical intervention on any part of the digestive tract and its adnexae, liable to cause sudden incapacity in flight, in particular any obstructions due to stricture or compression, shall be assessed as unfit. An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract or its adnexae, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit until such time as the medical examiner having access to the details of the operation concerned considers that the effects of the operation concerned considers that the effects of the operation are not liable to cause sudden incapacity in the air.

(p) Cases of metabolic, nutritional or endocrine disorders likely to interfere with the safe operation of an aircraft shall be assessed as unfit.

(q) Proven cases of diabetes mellitus shown to be controllable, without the use of any antidiabetic drug, shall be assessed as fit. The use of antidiabetic drugs for the control of diabetes mellitus is disqualifying.

(r) Cases of significant localised and generalised enlargement of the lymphatic glands and of disease of the blood shall be assessed as unfit. Cases due to a transient condition will be assessed as only temporarily unfit.

(s) Cases presenting any signs of organic disease of the kidney shall be assessed as unfit; those due to a transplant condition may be assessed as temporarily unfit. The urine shall contain no abnormal element considered by the medical examiner to be pathological. Cases of affections of the urinary passages and of the genital organs shall be assessed as unfit; those due to a transient condition may be assessed as temporarily unfit.

(t) Any sequelae of disease or surgical procedures on the kidneys and the urinary tract liable to cause sudden incapacity, in particular any obstructions due to stricture or compression, shall be assessed as unfit. Compensated nephrectomy without hypertension or uraemia may be assessed as fit. An applicant who has undergone a major surgical operation on the urinary system, which has involved a total or partial excision or a diversion of any of its organs will be assessed as unfit until such time as the medical examiner having access to the details of the operation concerned considers that the effects of the operation are not liable to cause sudden incapacity in the air.

(u) An applicant for the first issue of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactorily to the medical examiner, that he has undergone adequate treatment.

(v) In the event of presumed pregnancy the applicant will be assessed as temporarily unfit.

(w) Any active disease of the bones, joints, muscles or tendons and all serious functional sequelae of congenital or acquired disease shall be assessed as unfit. Certain qualifying functional after-effects of lesion affecting the bones, joints, functional after-effects of lesion affecting the bones, joints, muscles or tendons and certain anatomical defects compatible with the safe handling of an aircraft in flight may be assessed as fit.

(x) There shall be -

(i) no active pathological process, acute or chronic, of the internal ear or of the middle ear; and

(ii) no permanent disturbances of the vestibular apparatus; and transient conditions may be assessed as temporary unfit.

Note: The details of the hearing requirements are set out in paragraphs 18 to 21.

(y) There shall be no serious malformation nor serious, acute or chronic affection of the buccal cavity or upper respiratory tract.

Visual Requirements

12. Visual acuity for distance shall be measured by means of a series of optotypes of Snellen or Landolt, illuminated at not less than 10 nor more than 15 foot candles and placed at a distance of 6 metres from the applicant.

13. (1) Each eye of the applicant shall be tested separately. The use of contact lenses shall not be permitted during the test, and the expression "correcting glasses" shall not for the purpose of paragraphs 14 to 17 include contact lenses.

(2) Applicants shall not be permitted during the test to attempt to improve visual acuity by partially closing the eyelids so as to produce a stenopaeic effect.

Visual Standard No. 1

14. (1) The function of the eye and their adnexae shall be normal. There shall be no active pathological condition, acute or chronic, of either eye or adnexae which is likely to interfere with its proper function to an extent that would jeopardize safety in flight or safe performance of duties.

(2) The applicant shall be required to have normal fields of vision.

(3) The applicant shall be required to have a distant visual acuity of not less than 6/9 in each eye separately, with or without the use of correcting lenses. Where this standard of visual acuity can be obtained only with correcting lenses the applicant may be assessed as fit provided that -

(a) such correcting lenses are worn when exercising the privileges of the licence or rating applied for or held;

(b) the applicant has to least a distant visual acuity in one eye of not than 6/18 without correction and in the other eye of not less than 6/60 without correction;

(c) the refractive error falls within the range of +3 diopters (equivalent spherical error); and

(d) he has a spare set of suitable correcting lenses readily available when exercising the privileges of a flight crew member's licence.

Note: An applicant accepted as meeting the provision of item (c) is deemed to continue to do so unless there is reason to suspect otherwise, in which case refraction is repeated at the discretion of the Medical Board. The uncorrected visual acuity is measured and recorded at each re-examination. Conditions which indicate a need to re-determine the refractive error include a refractive state close to the limit of acceptability, a substantial decrease in the uncorrected visual acuity, and the occurrence of eye disease, eye injury or eye surgery.

(4) The applicant shall be required to have the ability to read the N5 chart or its equivalent at a distance selected by him in the range of 30 to 50 centimetres and the ability to read the N14 chart or its equivalent at a distance of 100 centimetres. If this requirement is met only by the use of correcting lenses, the applicant may be assessed as fit provided that such lenses are available for immediate use when exercising the privileges of the license. no more than one pair of correcting lenses shall be used in demonstrating compliance with Visual Standard No. 1. Single- vision near correction shall not be acceptable.

Note 1 : N5 and N14 refer to " Times Roman " typeface.

Note 2 : An applicant who needs correction to meet this requirement will require "lookover", bifocal or trifocal lenses to enable him to read the instruments and a chart or manual held in hand, also to make use of distant vision through the windscreen without removing his lenses. Single- vision near correction (full lenses of one power only, appropriate to reading) significantly reduces distant visual acuity. Whenever there is a requirement to obtain or renew correcting lenses, an applicant is expected to advise the refractionist of reading distances for the visual flight deck tasks relevant to the types of aircraft in which he is likely to function or to other aviation tasks.

(5) An applicant shall have a near point of accommodation of 30 centimetres while wearing the correcting lenses.

Visual Standard no. 2

15. (1) There shall be no active pathological condition, acute or chronic, of either eye or adnexae which is likely to interfere with its proper function to an extent that would jeopardize safety in flight.

(2) The applicant shall be required to have normal fields of vision.

(3) The applicant shall be required to have a distant visual acuity of not less than 6/12 in each eye separately, with or without the use of correcting lenses. where this standard or visual acuity can be obtained only with correcting lenses, the applicant may be assessed as fit provided that-

(a) such correcting lenses are worn when exercising the privileges of the licence or rating applied for or held; and

(b) he has a spare set of suitable correcting lenses readily available when exercising the privileges of a flight crew member's licence.

(4) If the visual acuity required by subparagraph (3) is obtained by the use of correcting lenses and the uncorrected visual acuity in either eye is less than 6/60, applicants whose refractive error in each eye falls within the range of +15 diopters (equivalent spherical error) may be assessed as fit.

Note : An applicant accepted as meeting this subparagraph is deemed to continue to do so unless there is reason to suspect otherwise, in which case refraction is repeated at the discretion of the Medical Board. The uncorrected visual acuity is measured and recorded at each re-examination. Conditions which indicate a need to re-determine the refractive error include a refractive state to the limit of acceptability, a substantial decrease in the uncorrected visual acuity, and the occurrence of eye disease, eye injury or eye surgery.

(5) The applicant shall have the ability to read the N5 chart or its equivalent at a distance selected by him in the range 30 to 50 centimetres. An applicant meeting this provision only by the use of correcting lenses may be assessed as fit provided that such correction is available for immediate use when exercising the privileges of the licence. Not more than one pair of correcting lenses shall be used in demonstrating compliance with the requirements of subparagraph (3). Single-vision near correction shall not be acceptable.

Note 1: Single-vision near correction (full lenses of one power only, appropriate to reading) significantly reduces distant visual acuity.

Note 2 : Whenever there is a requirement to obtain or renew correcting lenses, an applicant is expected to advise the refractionist of the reading distance for visual flight deck tasks relevant to the types of aircraft in which he is likely to function.

Colour Perception Requirement

16. Colour perception sense shall be measured either by means of pseudoisochromatic plates or of a suitable colour perception lantern. tests by the latter method shall be carried out in a completely darkened room.

17. The applicant must be able readily and accurately either to read the pseudoisochromatic plates or to identify the colours signal red, signal green, and white, when displayed by means of the colour perception lantern.

Hearing Requirement

18. The applicant must be free from any hearing defect likely to interfere with the efficient exercise by him of the privileges of the licence for which he is being examined.

19. Auditory acuity shall be measured by the following methods, either or both which shall be employed according to the requirement of the relevant hearing standard :

(a) by means of standard pure tone audiometer in a room in which the intensity of the background noise does not exceed 50dB; and

(b) by a test of the applicant's ability to hear normal speech.

Hearing Standard No. 1

20. At the first issue of a licence, not less than once every years up to the age of 40 years, and thereafter not less than once every 3 years, the applicant shall not have a hearing loss, when measured in the manner specified in item 19 (a), in either ear separately, of more than 35dB at any of the frequencies 500,1000 or 2000 Hz, or more than 50dB at 3000 Hz. However, an applicant with a hearing loss greater than the above may be declared fit provided that-

(a) the applicant has a hearing performance in each ear separately equivalent to that of a normal person, against a background noise that will simulate the masking properties of flight deck noise upon speech and beacon signals; and

(b) the applicant has an ability to hear average conversational voice in a quiet room, using both ears, at a distance of 2 metres from the examiner, with the back turned to the examiner.

Hearing Standard No. 2

21. The applicant shall be able to hear an average conversational voice in a quiet room, using both ears, at a distance of 2 metres from the examiner, with the back turned to the examiner.

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FIFTEENTH SCHEDULE

FIFTEENTH SCHEDULE

(Regulation 105)

VEHICLE IN MOVEMENT AREA

PART A

**REQUIREMENT FOR A VEHICLE OPERATING
WITHIN FIFTEEN METRE OF AN AIRCRAFT**

Petrol engines

1. The petrol engine of the vehicle shall be effectively flameproofed as follows:

- (a) The mixture adjustment for the induction system shall be such that exhaust pipe explosions cannot occur when the throttle is suddenly closed.
- (b) The carburettor air intake shall be fitted with a flame trap or arrestor. A standard automotive-type oil-bath-cleaner complies with this requirement. Alternative types of flame traps or air filters must be approved by the Director General.
- (c) The gasket between the induction manifold and the cylinder block shall be such as to ensure an efficient gas-tight seal.

Exhaust system

2. The exhaust system of the vehicle shall comply with the following requirements:

- (a) The exhaust manifold and the section of the exhaust pipe adjacent to the manifold shall be shrouded with a metal cover to prevent petrol, oil or other combustible material from coming into contact with the hot metal. If the manifold cannot be affectively protected in such a manner, a drip trap shall be provided under the carburettor with drain pipe to direct waste petrol away from the manifold and exhaust pipe.
- (b) The tail pipe of the exhaust system shall be fitted with an approved type of spark arrestor.

Because of the rapid ease with which screen-type arrestors can collect carbon, they shall be serviced regularly to ensure that they remain in an efficient condition.

(c) The entire exhaust system from the exhaust manifold to the tail pipe should be checked regularly to ensure that there are no gas leaks.

Fuel system

3. The fuel system of the vehicle, including the petrol tank, pipe lines, fuel pump, fuel filters and carburettors, shall be free of leaks. Any leakage shall be immediately rectified.

Electrical system

4. The electrical system of the vehicle shall comply with the following requirements:

(a) Spark plugs shall be of an approved type.

(b) The distributor cover shall be free of cracks or mechanical defects and shall fit tightly on the housing.

(c) All high tension cables shall be fastened by means of screwed connection or its equivalent.

(d) The voltage regulator and cut-out shall be enclosed by a close-fitting cover.

(e) Fuses shall be of the glass-enclosed type and shall be protected from breakage by a cover.

(f) The battery shall be suitably covered to avoid accidental shorting of the cells and shall be provided with adequate means of natural ventilation.

(g) All switches shall be of the enclosed type.

(h) Openings in the casing of the generator and starter motor shall be covered by a fine wire screen having not less than 30 wire-meshes of size not less than 30 S.W.G.

(i) Spark suppression shall be used where possible to reduce the intensity of sparking at switch and relay contacts and at the commutators of generators and starter motors.

Diesel system

5. The diesel engine of the vehicle shall comply with the following requirements :

(a) The fuel system of the engine shall be free of leaks. Any leakage shall be immediately

rectified.

(b) The electrical equipment associated with diesel engines shall conform where applicable to the requirements for electrical equipment associated with petrol engines specified in paragraph 4

(c) The air intake to the air blower shall be with a flame trap or arrestor. A standard automotive-type oil-bath air-cleaner complies with this requirement. Alternative types of flame traps or air filters must be approved by the Director General.

Markings of the vehicles

6. (1) The vehicle shall be painted with a distinguishing roundel comprising a 152 millimetres diameter green circle surrounded by a 25 millimetres white band.

(2) The roundel shall be painted clearly discernible positions on the front and rear of the vehicle and in an appropriate position on other items of equipment.

PART B

REQUIREMENTS FOR A VEHICLE OPERATING IN THE MOVEMENT AREA

Marking

1. The vehicle, unless it is a vehicle belonging to the Airport Emergency Service or Airport Police, shall be adequately marked as an obstruction and such marking shall take the following form:

- (a) the entire body of the vehicle down to the waist shall be painted yellow or white; and
- (b) the vertical yellow or white surface may, if required, contain the owner's insignia or logo.

Red light

2. During the hours of darkness the vehicle belonging to the Airport Emergency Service or Airport Police, shall display at its highest point a single fixed red light of a type approved by the Director General.

Lights

3. The front and tail lights of the vehicle shall be switched on when the vehicle is used during the hours of darkness and the front lights shall be dipped when approaching of the oncoming traffic.

Electrical equipment

4. The electrical and ignition equipment of the vehicle shall be suppressed to the satisfaction of the Director General.

Fire extinguisher

5. The vehicle shall be equipped with a fire extinguisher (1 kilogramme - B.C.F. or CO securely mounted on suitable brackets affixed to a readily accessible position.

Tyres

6. The wheels of the vehicle shall be fitted with rubber tyres.

" No Smoking " Sign

7. A vehicle used for the transport of passengers and crew shall display a " No Smoking " sign inside the vehicle to all the occupants of the vehicle. During the hours of darkness this sign shall be illuminated.

Airport Emergency Service vehicle

8. Every vehicle belonging to the Airport Emergency Service shall-

(a) be marked with the service's distinctive colour; and

(b) display an occulting red light when in operation.

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SIXTEENTH SCHEDULE

SIXTEENTH SCHEDULE

(Regulation 188)

PENALTIES

PART A

PROVISION REFERRED TO IN SUB REGULATION 188(6)

<i>Regulation</i>	<i>Subject Matter</i>	
3	Aircraft flying unregistered	
6	Aircraft flying with false or incorrect markings	
28 (1)(a)	Flight without appropriate maintenance	
28 (1)(b)	Flight without a certificate of maintenance	<i>[Subs. P.U.(A) 217/2003]</i>
29	Failure to keep technical log	<i>[Subs. P.U.(A) 217/2003]</i>
30	Flight without a certificate of release to service	
32	Flight without required radio equipment	
33	Flight without required radio equipment	
35	Failure to keep log books	
36	Requirement to weight aircraft and keep weight schedule	

39	Crew requirement
40	Requirement for appropriate licence
41	Requirement for appropriate certificates
41	Prohibition of flight after failure of test
41	Flight without valid medical certificate
41	Flight in unfit condition
44	Instruction in flying without appropriate licence an rating
45	Conducting a flying school without certificate of approval and authorisation
47	Operations manual requirement
48	Training manual requirement
49	Operator's responsibilities in connection with crew
50	Requirement for loading aircraft
51	Operational restrictions on aircraft
52	Aerodrome operating minima-Malaysian aircraft
53	Aerodrome operating minima-foreign registered aircraft
55	Pre-flight action by commander of aircraft
56	Requirement for pilot to remain at controls
57	Duties of commander on flight for public transport of passengers
58	Requirement for radio station in aircraft to be licensed and for operation of same
59	Requirement for minimum navigation performance system
60	Use of light recorders and preservation of records
61	Towing of gliders
62	Towing, picking-up and raising of persons and articles by aircraft

63 and 64	Dropping of persons, animals or articles from aircraft
65	Requirement for aerial application certificate
68	Carriage of persons in or on any part of an aircraft not designed for that purpose
69	Requirement for exits and break-in markings
73	Prohibition of smoking in aircraft
74	Requirement to obey lawful commands of aircraft commander
75	Prohibition of stowaways
89	Breach of the Rules of the Air and Air Traffic Control
90	Flight in contravention of restriction of flying regulations
91	Flight by balloons, kites and airships
93	Requirement for licensing of air traffic controllers and aerodrome flight information service offices
99	Requirement for licensed aerodrome
99(3)	Contravention of conditions of aerodrome licence
103	Management of aviation fuel at aerodromes
105	Requirement of airfield vehicle permit in the movement area
106	Requirement of airfield driving permit in the movement area
107	Use of the movement area
108	Failure to follow traffic signs
109	Breach of the parking rules
110	Requirement of a motor vehicle licence
111	Duty to obey traffic directions
112	Duty to obey lawful directions
113	Duty in the event of accidents in aerodrome
114	Requirement of airport pass
117	Use of aeronautical ground lights
118(1)	Prohibition of dangerous lights
118(2)	Failure to extinguish or screen dangerous lights
119	Use of aeronautical radio station records
120	Requirement to keep aeronautical radio station records
183	Obstruction of persons performing duties under these Regulation
195	Requirement to report occurrences

PART B

PROVISIONS REFERRED TO IN SUBREGULATION 188(7)

Regulation	Subject Matter
10	<i>[Deleted by P.U.(A) 217/2003]</i>
17	<i>[Deleted by P.U.(A) 217/2003]</i>
24	<i>[Deleted by P.U.(A) 217/2003]</i>
26	Flight without a certificate of airworthiness
66	Prohibition of carriage of weapons and ammunitions of war

67	Prohibition of carriage of dangerous goods
70	Endangering safety of aircraft
71	Endangering safety of persons or property
72	Prohibition of drunkenness in aircraft
88	Use of false or unauthorised documents and records
103	Use of aviation fuel which is unfit for use in aircraft
154	Dismantling etc. aircraft under lien.
179	Restriction of flights for valuable consideration in aircraft
180	Flight in contravention of direction not to fly
181	Restriction of flights for aerial photography and survey by aircraft
184	False statement and forgery
196	Operator's or commanders' obligations in respect of flights over any foreign State

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DATO' SERI LING LIONG SIK,
Minister of Transport

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LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
P.U.(A) 169/2002	Civil Aviation (Amendment) Regulations 2002	1-5-2002
P.U.(A) 427/2002	Civil Aviation (Amendment) Regulations 2002	24-10-2002
P.U.(A) 217/2003	Civil Aviation (Amendment) Regulations 2003	1-7-2003
P.U.(A) 322/2004	Civil Aviation (Amendment) Regulations 2004	20-9-2004

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