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**DIVISION 1 - GENERAL****3.1 FUNCTIONS OF DEPARTMENT OF CIVIL AVIATION**

The principal functions of the Department of Civil Aviation shall be:

- 1) to ensure the safety of air navigation;
- 2) to promote and encourage the orderly and economic development of civil aviation;
- 3) to make regulations on the subjects specified in Law No. 2/2001;
- 4) to ensure the observance of these Regulations;

**DIVISION 2 - ADMINISTRATION****3.2 THE DIRECTOR, DEPARTMENT OF CIVIL AVIATION**

The Director is, charged with the administration and enforcement of these Regulations, save and to extent that aforesaid responsibility has been vested by or under these Regulations in the Department.

**3.3 AUTHORIZED PERSONS**

The Director may by writing under his hand appoint a person to be an authorized person for the purposes of a provision of these Regulations in which “authorized person” occurs and an appointment made under this Regulation may be subject to such conditions as are specified in the instrument of appointment.

**3.4 DELEGATION**

The Director may, by writing under his hand, delegate any of his power and functions under these Regulations.

**3.5 CONDITIONS OF GENERAL APPLICATION**

Whenever under these Regulations the Director may grant an instrument (being a licence, certificate, approval, exemption, authorization, permit, permission or any other document) upon or subject to compliance with conditions, he may notify in Civil Aviation Circulars or any other document any conditions which are to be of general application to a specified class of instruments (which may include instruments granted before the notifications) and any conditions so notified shall be deemed to be conditions of every instrument of that class.

**3.6 LAWS AND STANDARDS INCORPORATED BY REFERENCE**

Whenever under these Regulations the Director may incorporate by reference the law of another country or a standard or recommended practice made under the Convention

he may notify in Civil Aviation Circulars or any other document either by reference to or by publication of the text of, the law or standard or recommended practice, as the case may be and any law or standard or recommended practice so notified shall take effect as if it is a regulation.

### **3.7 CIVIL AVIATION REQUIREMENTS/CIRCULARS**

The Director shall prepare issue and publish requirements, circulars, manuals, instructions, standards, directives, directions, rules, rulings, guidance materials and/or other documentation for the purpose of:

- 1) Implementing and/or interpreting these Regulations which shall nevertheless prevail in case of conflict of interpretation with the newly finished text.
- 2) Disseminating matters which by these Regulations are required to be published and;
- 3) Providing information on Civil Aviation to facilitate the performance of his functions.

### **3.8 EXEMPTIONS**

The Director may exempt from any of the provisions of these Regulations any aircraft or person or class of aircraft or persons either absolutely or subject to such conditions as he thinks fit.

## **DIVISION 3 - ENFORCEMENT**

### **3.9 RIGHT OF ACCESS**

Any authorized person shall at all reasonable times have right of access to:-

- 1) any aircraft, aerodrome, building or place to which access is necessary for the purpose of carrying out his powers and duties under these Regulations;
- 2) any building or place for the purpose of examining any aircraft, or aircraft components being constructed, maintained or held in storage, or any documents relating thereto;

### **3.10 PRODUCTION OF DOCUMENTS AND RECORDS**

- a) Any person who:-
  - i. is required by these Regulations to hold any licence, certificate, permit or other authority in respect of the exercise of any function;
  - ii. is required by these Regulations to maintain, complete or cause to be maintained or completed any document or record;
  - iii. has in his possession any document or record referred to in sub-paragraph (1) or (2),

shall on demand by the Director or an authorized person, produce or cause to be produced such document or record, licence, certificate, permit, or authority as the case may be for the purposes of inspection or investigation.

- b) The pilot in command of an aircraft to which Regulation 10.2 or 10.6 apply shall on demand of the Director or an authorized person produce for inspection the documents therein specified to be carried appropriate to the aircraft and flight in question.

### **3.11 OFFENCES AND OTHER MATTERS RESPECTING DOCUMENTS AND RECORDS**

- a) A person shall not with intent to deceive:-
- i. use any certificate, licence, approval, permission, exemption or other document issued or required by these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled; or
  - ii. lend any certificate, licence, approval, permission, exemption or other document issued or having effect or required by the Regulations to, or allow it to be used by, any other person; or
  - iii. 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 or exemption or other document,

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

- b) A person shall not intentionally damage, alter or render illegible any log book or other record required by 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.
- c) All entries made in writing in any log book or record referred to in paragraph (b) shall be made in ink or indelible pencil.
- d) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.
- e) A person shall not purport to issue any certificate for the purpose of these Regulations made thereunder unless he is authorised to do so under these Regulations.
- f) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.
- g) A person required by these Regulations to preserve any document or record by reason of being the operator of an aircraft shall, if he ceases to be the operator of the aircraft continue to preserve the document or record, and in the event of his death the aforesaid duty shall fall upon his personal representative and should the operator or personal representative transfer the operation of the aircraft to another person who

thereby becomes the operator the first operator or his personal representative shall upon demand transfer the aforesaid documents and records to the second operator and it shall be the duty of the second operator to deal with the documents and records as if he were the first mentioned operator.

### **3.12 OBSTRUCTION OF PERSONS**

A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

### **3.13 ENFORCEMENT OF DIRECTIONS AND CONDITIONS**

- a) Any person who without reasonable excuse fails to comply with any direction given to him under provision of these Regulations shall be deemed to have contravened that provision.
- b) Any person who fails to comply with any condition imposed upon him under any provision of these Regulations shall be deemed to have contravened that provision.

### **3.14 REVOCATION, VARIATION AND SUSPENSION OF CERTIFICATES, LICENCES AND OTHER DOCUMENTS**

- a) Subject to paragraph (d) the Director may, if he thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under these Regulations pending inquiry into or consideration of the case. The Director may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.
- b) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption, or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Director within a reasonable time after being required to do so by the Director.
- c) The breach of any condition subject to which any certificate, licence, approval, permission exemption or other document, 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 provision to the contrary in the document, render the document invalid during the continuance of the breach.
- d) The provisions of Regulation 10.14 shall have effect, in place of the provisions of this Regulation in relation to permits to which that Regulation applies.
- e) Notwithstanding paragraph (a) a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Director, whether or not after due inquiry.

### 3.15 POWER TO PREVENT AIRCRAFT FLYING

- a) Where it appears to the Director or an authorized person that any aircraft is intended or likely to be flown:-
- i. in circumstances that would be in contravention of any provision of these Regulations;
  - ii. while in a condition unfit for flight whether or not the flight would otherwise be in contravention of any provision of these Regulations; or
  - iii. in circumstances that would be a cause of danger to any person or property whether or not in the aircraft.

The Director or that authorized person may direct the operator or the pilot in command that he is not to permit the aircraft to make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director or the authorized person and the Director or that authorized person may take such steps as necessary to detain the aircraft.

- b) For the purposes of paragraph (a) the Director or an authorized person may enter upon any aerodrome and inspect any aircraft.

### 3.16 OFFENCES IN GENERAL

- a) A person who contravenes or fails to comply with a provision of these Regulations is guilty of an offence.
- b) The owner, the operator and the pilot in command and any other pilot, of an aircraft that flies in contravention of, or fails to comply with, a provision of these Regulations is guilty of an offence.
- c) A person who attempts to commit an offence against these Regulations is guilty of an offence and is punishable as if the attempted offence has been committed.

### 3.17 DEFENCES

- a) It shall be a defence for a person against whom charge is brought for contravention of any provision of these Regulations:-
  - i. if he proves the contravention occurred without his consent, connivance and fault; or
  - ii. if he proves that an act or omission which would have otherwise been a contravention of these Regulations was due to any cause not avoidable by the exercise of reasonable care.
- b) It is a defence for a person who is charged with contravening a provision of these Regulations by reason of him having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work if he proves that he neither knew nor suspected that the flight was for that purpose and accordingly the

flight shall be treated (without prejudice to the liability of any other person) as not being for that purpose.

### **3.18 PENALTY**

If any person contravenes any provision of these Regulations, the Director shall have the right to impose a fine not exceeding MRf 100,000.00 (Maldivian Rufiyaa One Hundred Thousand).

## **DIVISION 4-APPEAL**

### **3.19 APPEAL**

- a) There shall be an Appeal Board established by the Ministry of Transport and Civil Aviation for the purpose of deciding appeals from parties (individual or corporate) for the following decisions made by the Department. The Appeal Board, which shall be chaired by the Minister of Transport and Civil Aviation, shall consist of 3 other members appointed by the Minister of Transport and Civil Aviation. The 3 members appointed by the Minister shall be conservant in Aviation and shall not be associated with the Ministry of Transport and Civil Aviation or any other aviation related entity in Maldives.
- b) 1) Subject to sub-articles (d) and (e), an appeal shall lie from any decision of the Department that:
  - i. a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of flight crew of an aircraft, air traffic controller or assistant air traffic controller; and
  - ii. a party is not satisfied to the amount of fine imposed by the Department under Part 3.18 of the CAR, due to a breach of Civil Aviation Regulation.
- c) 1) If the Appeal Board referred to in section (a) is satisfied that on the evidence submitted to the Department it is wrong in so deciding, the Appeal Board may reserve the Department's decision and the Department shall give effect to the Appeal Board's determination.  
  
(2)The appeal must be made within 30 days from the decision by filling the appropriate form at the Ministry of Transport and Civil Aviation.
- d) An appeal shall not lie from the decision of the Department that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skills, physical or mental fitness.
- e) The Department shall be a respondent to any appeal under this article.
- f) The purpose of any provision relating to the time within which an appeal may be brought, the Department's decision shall be deemed to have been taken on the date on



which the Department furnished a statement of its reason for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it or the party on whom the penalty was imposed.