

## Myanmar Aircraft Rules 1937

### CHAPTER II.

#### RULES.

#### PART I.-Preliminary

##### 1. Short title and extent.-

- (1) These rules may be called the Union of Myanmar Aircraft Rules, 1937.
- (2) They apply (unless the contrary intention appears) to all aircraft for the time being in or over the Union of Myanmar, provided that in the case of aircraft registered elsewhere than in the Union of Myanmar, for the provisions of Parts IV, V, VI and IX of these rules relating to registration, licensing of personnel, airworthiness and log books there shall be substituted the regulations of the State in which the aircraft is registered.

##### 2. Nationality of aircraft.-An aircraft shall be deemed to possess the nationality of the State on the register of which it is entered.

##### 3. Definitions and Interpretation.-

- (1) In these rules, unless there is anything repugnant in the subject or context-

“**Acrobatics**” means any aerial manoeuvres voluntarily accomplished other than those which are carried out in the course of normal flight ; “**Aerial work aircraft**” means aircraft used for an industrial or commercial purpose or any lucrative purpose other than public transport ;

“**Aerodrome**” means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers and other structures thereon or appertaining thereto ;

“**Aerodrome light**” means any light exhibited at an aerodrome for the purpose of assisting the navigation or manoeuvres of an aircraft or of signalling to or from an aircraft ;

“**Aerodyne**” means an aircraft, whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air, and includes all aeroplanes, helicopters, gyroplanes, gliders and kites ; “**Aeroplane**” means a power-driven heavier than air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given condition of flight ;

“**Aerostat**” means an aircraft supported in the air statically and includes all airships and balloons ;

**“Aircraft”** means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

**“Airship”** means a power-driven lighter-than-air aircraft;

**“Air transport service”** means a service of aircraft for the purpose of effecting public transport of passengers, mails or any other thing, animate or inanimate, for any kind of remuneration whatsoever, whether such service consists of a single flight or series of flight. This expression also include undertakings;

**“Balloon”** means non-power driver lighter than air aircraft;

**“Contracting State”** means any State which is for the time being a party to the Convention relating to the Regulation of Civil Aviation signed at Chicago, December 7, 1944 and any amendment which may be made thereto under the provisions of Article 94 thereof;

**“Course”** means the forward direction of the intersection of the plane of symmetry (supposed vertical) of an aircraft with a horizontal plane. It is defined by the angle which it makes with a meridian of origin. By extension the angle itself;

**“Director General”** means the Director General of Civil Aviation in the Union of Myanmar ;

**“Export”** means taking out of the Union of Myanmar

**“Flying machine”** means a mechanically driven aerodyne, and includes all aeroplanes, helicopters and gyroplanes;

**“Glider”** means non-power driven heavier than air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

**“Government aerodrome”** means an aerodrome which is maintained by or on behalf of the Government ;

**“Import”** means bringing into the Union of Myanmar

**“Landing area”** means that part of an aerodrome reserved for the departure or landing of aircraft ;

**“Making way”**: An aircraft is said to be “making way” when under way in the air or on the surface of the water-; it has a velocity relative to the air or water respectively;

**“Military aircraft”** includes naval, military and, airforce aircraft; and every aircraft commanded by a person in naval, military or airforce service detailed for the purpose shall be deemed to be a military aircraft “Normal flight” means flight comprising climbing, horizontal flight, turning and

descending ; provided, however, that it does not entail abrupt variations in height, or in the attitude of the aircraft ;

**“Operator”** : means a person, organization or enterprises engaged or offering to engage in aircraft operations”

**“On the surface of the water”**: An aircraft is deemed to be” on the surface of the water so long as any portion of it is in contact with the water;

**“Passenger aircraft”**, “mail aircraft” and “goods aircraft” means air- craft which effect public transport of passengers, mails or goods respectively;

**“Personnel”** in relation to any aircraft means the person in charge pilot, navigator, engineer, and all other members of the crew;

**“Petroleum in bulk”** means petroleum contained in a receptacle exceeding two hundred gallons in capacity;

**“Private aircraft”** means all aircraft other than aerial work aircraft or public transport aircraft ;

**“Prohibited area”** means an area over which the navigation of aircraft is prohibited under Rule 12;

**“Public transport”** means all carriage of persons or things effected by aircraft for a remuneration of any nature whatsoever, and all carriage of persons or things effected, by aircraft without such remuneration if the carriage is effected by an air transport undertaking ;

**“Public transport aircraft”** means an aircraft which effects public transport ;

**“Scheduled air transport service”** means an air transport service between the same two or more places and operated according to a published time table or with flights so regular or frequent that they constitute a re- cognizably systematic series, each flight being open to use by members of the public ;

**“State aircraft”** includes military aircraft and aircraft exclusively employed in State service, such as posts, customs, police ;

**“Subsequent aircraft”** means an aircraft which is constructed in accordance with the design and specification of a type of aircraft, which has been approved or accepted by the President of the Union for the issue of a certificate of airworthiness;

**“Take-off”** includes all the successive positions of an aerodyne from the moment it moves from rest until the moment of starting normal flight ; “To land” is the action under normal conditions of

making contact with the ground or a solid platform or water by an aircraft equipped for this purpose ;

**“Under way”:** An aircraft is said to be “under, way” when, being in the air or on the surface of the water, it is not moored to the ground or to any fixed object on land or in the water

**“Under control”:** An aircraft is said to be “under control” when it is able to manoeuvre as required by these Rules :

**“Visible”** as applied to lights means visible on a dark night with a clear atmosphere.

- (2) Any power or duty conferred or imposed by these rules on the President of the Union may be exercised or discharged by the President of the Union or by any person authorized by him in that behalf.
- (3) Any power or duty conferred or imposed by Rule 19 or Part V or Part VI of these Rules on the President of the Union may be exercised or discharged by an authority outside the Union of Myanmar specified by the President of the Union in this behalf, and the exercise of such power or the discharge of such duty shall have effect in the Union of Myanmar as though the power had been exercised or discharged by a person authorized in this behalf under sub-rule (2).

## PART II.-GENERAL CONDITIONS OF FLYING.

4. **Use and Operations of Aircraft.**-No person shall use or operate or assist in using or operating an aircraft save in accordance with these rules.
5. **Registration and Nationality and Registration Marks.**-No person shall fly, or assist in flying any aircraft unless-
  - (a) it has been registered, and
  - (b) it bears its nationality and registration marks and the name and residence of the owner affixed or painted thereon in accordance with Rule 37, or in the case of aircraft registered elsewhere than in the Union of Myanmar in accordance with tire regulations of the State in which it is registered :

Provided that the prohibition imposed by this rule shall not apply to aircraft flown in accordance with the special permission in writing of the President of the Union and subject to any conditions and limitations which may be specified in such permission.
6. **Licensing of Personnel.**-Every aircraft shall carry and be operated by the personnel prescribed in Part V of these rules and, such personnel shall be licensed in the manner prescribed in that Part :

Provided that in the case of aircraft not registered in the Union of Myanmar, such personnel, shall be licensed in accordance with the regulations of the State in which the aircraft is registered ;

Provided further that this rule shall not apply to an aircraft flown by a person under instruction or undergoing tests for the purpose of obtaining or renewing a pilot's licence if-

- (a) the aircraft is flown within three nautical miles of a licensed aerodrome or a Government aerodrome,
- (b) the aircraft carries no passengers, and
- (c) prior notice of the flight and of the purpose of the flight is given to the person in charge of the aerodrome from which the flight is made.

#### **7. Documents to be carried in Aircraft.-**

(1) No person in charge of any public transport aircraft shall allow such aircraft to be flown unless the following documents are carried on board the aircraft, namely-

- (i) the certificate, of registration,
- (ii) the licences of the personnel,
- (iii) the certificate of airworthiness,
- (iv) the journey log book in cases where the keeping of a journey log book is prescribed in Part IX,
- (v) the aircraft technical logbook
- (vi) where communication equipment is carried in the aircraft, the radio station permit or licence issued by the Director General of Post and Telecommunication Department, under which such equipment is carried:

Provided that what where a licence or other document has been submitted to a competent authority under these Rules for renewal or other action that fact shall be deemed a valid excuse for its not being carried on board the aircraft.

(2) No person in charge of any aircraft engaged in international navigation shall allow such aircraft to be flown unless the following documents issued by the State in which the aircraft is registered are carried on board the aircraft, namely-

- (i) the certificate of registration,
- (ii) the licences of the personnel,
- (iii) the certificate of airworthiness,
- (iv) the journey log book,

- (v) the Aircraft Technical Log,
- (vi) where radio communications equipment is carried in the aircraft, the permit or licence for such equipment,
- (vii) where the aircraft carries passengers, a list of their names showing their place of origin and destination,
- (viii) where the aircraft carries goods, air consignment notes and manifests in respect thereof.

**8. Carriage of Explosives and Arms.**-No person in, or in charge, of, an aircraft shall carry or permit to be carried therein, any explosives, articles of a highly inflammable nature, arms, ammunitions or military stores :

Provided that the President of the Union may by order in writing, permit the carriage of such explosives, articles, arms, ammunitions or military stores subject to such terms and conditions as may be deemed necessary.

**Exceptions.**-The provisions of this Rule shall not apply-

- (a) to such explosives or other articles as may be required for, and are not kept for any other purpose than, the working or handling of aircraft; and
- (b) subject to the provisions of the Arms Act and the Rules made there under, and subject to such further restrictions as may be imposed by the owner of the aircraft regarding their carriage, to such arms and ammunition as may reasonably be required for the private use of any person, either as personal luggage or as freight :

Provided that such explosives, articles, arms and ammunitions, when carried in a passenger aircraft, shall be placed in a receptacle or receptacles not accessible to the passengers.

**9. Radio-telegraph Apparatus.**-

- (1) No person shall operate radio-transmitting apparatus in any aircraft registered in the Union of Myanmar, unless he holds a licence of the type required by the provisions of Part V in respect of aircraft required by these rules to carry radio-telegraph or radiotelephone apparatus, as the case may be, and issued in accordance with those provisions.
- (2) Radio-transmitting apparatus carried in aircraft shall be operated under the conditions defined by the International Telecommunication Convention (Madrid, 1932) and the general radio-communication regulations annexed thereto as far as these apply and shall be operated only during the hours in which such operation is permitted by the President of the Union.

(3) Aircraft registered in the Union of Myanmar and required by these rules to carry radio-telegraph apparatus shall be fitted with such apparatus in accordance with the provisions of Part VII.

(4) Nothing in this rule shall exempt any person from those provisions of the Union of Myanmar Telegraph Act, 1885, and the rules made there under which require that radio-telegraph apparatus shall be licensed.

**10. Mails.**-No person shall carry mails or allow mails to be carried in any aircraft except with the consent in writing of the Director of Posts and Telegraphs.

**11. Aerodromes.-**

(1) No pilot or person in charge of any aircraft carrying passengers for hire or reward shall use any place for a series of landings and departures, and no pilot or person in charge of any aircraft employed on a scheduled air transport service shall use any place as a regular place of landing or departure other than an aerodrome licensed or approved for the purpose in accordance with the provisions of Part XI.

(2) No person being the proprietor of an aerodrome other than an aerodrome mentioned in sub-rule (1) shall permit the aerodrome to be used in contravention of that sub-rule.

(3) No person other than the occupant of an aircraft manoeuvring in accordance with these rules may enter upon the landing area of an approved or licensed aerodrome without the consent of the person in charge of the aerodrome.

**12. Prohibited Areas.-**

(1) No person shall fly or assist in flying an aircraft over any of the areas specified in Schedule I save in accordance with the conditions specified in that Schedule.

(2) Every pilot, who, when flying an aircraft, finds himself above a prohibited area in contravention of sub-rule (1) shall, as soon as he is aware of the fact, give the signal of distress specified in sub-rule (2) of Rule 107, and shall land the aircraft as soon as possible outside the prohibited area at one of the nearest aerodromes in the Union of Myanmar:

Provided that he shall not, unless compelled by stress of weather or other unavoidable cause, fly further into the prohibited area nor commence to descend while still above the prohibited area.

(3) When the signals prescribed in Rule III are given, the pilot of the aircraft shall immediately change his course and fly away from the prohibited area.

(4) When the signals prescribed in Rule 110 are given the pilot shall immediately give the signal referred to in sub-rule (2) of this rule and land the aircraft in accordance with that sub-rule.

- 13. Photography from Aircraft.**-No person shall take, or cause or permit to be taken from an aircraft any photograph of a prohibited area or of any part thereof, or of any object therein.
- 14. Aerial work and Public Transport Reserved for certain Aircraft.**-No aircraft registered in accordance with Part IV in Category B shall be used as an aerial work aircraft or as a public transport aircraft :  
Provided that the President of the Union may from time to time permit, and impose restrictions on the performance of aerial work or public transport by aircraft other than those registered in accordance with Part IV in Category A, and such restrictions shall be deemed to have been effectively imposed if they have been notified in writing to the owner or operator of such aircraft or by notification in the Myanmar Gazette.
- 15. Conditions to be complied with by Aircraft in Flight.**-No aircraft engaged in international, navigation, passenger aircraft, goods aircraft or mail aircraft, and no aircraft let out for hire for the purpose of being flown by the hirer, or by any other person shall be flown unless the following conditions are complied with namely-
- (i) the aircraft shall be certified as airworthy and shall be maintained in airworthy condition in accordance with the provisions of Part VI or (in the case of an aircraft not registered in the Union of Myanmar) in accordance with the regulations of the State in which the aircraft is registered ;
  - (ii) all the terms or conditions on which the certificate of airworthiness was granted shall be duly complied with ;
  - (iii) the aircraft shall carry on board its certificate of airworthiness and any other certificates prescribed by Part VI, or by the regulations of the State in which the aircraft is registered which it is required to carry on board. The certificate of airworthiness shall be carried in the pocket of the journey log book ;
  - (iv) the aircraft shall be fitted with and shall have in working order such instruments and equipment as are prescribed in Part VI for an aircraft of that class or description:
- Provided that the President of the Union may, by order in writing and subject to such conditions as may be contained in the order, exempt any aircraft from the operation of this rule.
- Explanation.**-For the purpose of this rule, aircraft let out on payment for instructional or other purposes by a flying club or flying school to a member or pupil thereof shall be deemed to be let out for hire.
- 16. Rules of the Air.**-Every pilot and navigator shall observe, and every person in charge of an aircraft shall cause to be observed, all the rules of the air contained in Part XI I, and shall take all such steps as are



practicable to secure that when the aircraft is in flight or is being manoeuvred on the land or water, the windows, wind screens or side screens of the aircraft through which the pilot obtains his view forward or side ways are maintained in such conditions as not to obscure his view.

**17. Production of licences, etc.-**Any licence (other than a licence issued under Part XIII) certificate, log book or document granted or required to be maintained under these Rules-hall, on demand for the purpose of inspection, by any magistrate, any police officer above the rank of constable, any customs officers, any commissioned officer of the Union of Myanmar naval, military or air forces, any gazetted officer of the Civil Aviation Department, or any other person authorized by the President of the Union by special or general order in writing in this behalf, be produced by the licensee or, in the case of an aircraft or of a licensed aerodrome by the owner, hirer, or person in charge thereof:

Provided that any such licence, certificate, log book, or document relating to an aircraft or its personnel which is not by these Rules required to be carried in the aircraft shall be produced within seven days of the making of the demand.

**18. Prevention of flights in contravention of the rules.-**

(1) An authority authorized under Section 8 of the Union of Myanmar Air-craft Act, 1934, to detain aircraft may do so by the issue of a written direction to the pilot or other person for the time being in charge or the air- craft to be detained, or by taking such other steps as may be necessary to make the detention effective. If an aircraft detained by a person so authorized is housed or kept at a Government aerodrome the housing or picketing charges normally applicable shall be payable in respect of the whole period during which it is detained.

(2) Any person acting in contravention of any direction given under this rule shall without prejudice to any other penalty he may incur, be deemed to have acted in contravention of these Rules.

**19. Cancellation, suspension or endorsement of licenses and certificates.-**

(1) Where any person is convicted of a contravention of or failure to comply with these Rules in respect of any aircraft the -President of the Union may cancel or suspend any certificate of registration granted under these rules relating to that aircraft.

(2) The President of the Union may cancel or suspend any certificate relating to the airworthiness of an aircraft granted under these Rules if it is satisfied that reasonable doubt exists as to the safety of the aircraft in question or of the type to which the aircraft in question belongs and may vary the

conditions attached to any such certificate if it is satisfied that those conditions may properly be relaxed or that reasonable doubt exists whether those conditions afford a sufficient margin of safety.

- (3) The President of the Union may for reasons which shall be recorded in writing cancel, suspend or endorse any certificate or licence granted under these Rules if it is satisfied that there is sufficient ground for so doing and may suspend any such certificate or licence temporarily during the investigation of any matter forming a ground for action under this sub-rule.
- (4) The President of the Union may cancel or vary any particulars entered by him or under his authority in any licence or certificate granted or in any journey log book issued under these Rules.
- (5) The President of the Union may require the holder of any licence, certificate or other document granted or issued under these rules or any person having possession or custody of such licence, certificate or document to surrender the same to him for cancellation, suspension, endorsement or variation and any person failing to comply with any such requirement within a reasonable time shall be deemed to have acted in contravention of these Rules.

**20. Certain rules not applicable to gliders and kites.**-Rules. 5, 6, 7, 12, 15, 17, 19 and 25 shall not apply to gliders, and Rules 5, 6, 7, 12, 15, 17, 19 and the rules in Part 111, with the exception of Rule 26 in so far as it relates to the dropping of articles from aircraft shall not apply to kites.

### **PART III.-General Safety Conditions.**

**21. Dangerous flying.**-No person shall fly any aircraft in such circumstances as, by reason of low altitude or proximity to persons or dwellings or for any other reason, to cause unnecessary danger to any person or property.

**22. Flying over cities, etc.**-No pilot shall fly any aircraft, and no person in charge of any aircraft shall allow it to be flown over any city, town, village site or other populous area except at such altitude, which in no case shall be less than 1,000 feet, as will enable the aircraft to land outside the city, town, village site or other populous area in the event of an emergency :

Provided that this prohibition shall not apply within a distance of one nautical mile from a licensed aerodrome or a Government aerodrome.

**23. Acrobatics.**-

- (1) No person shall use any aircraft for acrobatics-
  - (a) when flying over any city, town, village site or populous area or

- (b) when flying over any meeting for public games or sports or other public assembly, except where a request for such flying has been made in writing by the promoters of such meeting or assembly.

(2) When on aircraft is used for acrobatics-

- (a) it shall be flown by a licensed pilot, or, if it is flown by a person for the purpose of qualifying for a licence under these Rules, such person shall be accompanied by a licensed pilot instructor ;
- (b) if passengers are carried, whether the carriage is public transport or not, their previous consent to the performance of acrobatics shall be obtained in writing ;
- (c) the pilot or person in charge of the aircraft shall satisfy himself before commencing the flight that every person carried in the air- craft, is properly secured by safety seats ; and
- (d) the acrobatics shall be concluded at a height above the ground not less than 2,000 feet, or such lower altitude as the President of the Union may permit by special order in writing.

**24. Prohibition of intoxicated persons entering aircraft.-** No person acting as, or carried in an aircraft for the purpose of acting as pilot, commander, navigator, engineer or operating member of the crew thereof, shall, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative, narcotic or stimulant drug or preparation, his capacity so to act is impaired ; and no other person while in a state of intoxication shall enter ,or be in any aircraft.

**25. Smoking in aircraft.-**

- (1) The owner of every aircraft registered in the Union of Myanmar which is provided with a certificate of airworthiness shall cause to be exhibited in a prominent place in the aircraft a notice stating where and to what extent smoking is prohibited or permitted therein.
- (2) A notice permitting smoking in such aircraft may be exhibited therein only if smoking in the aircraft is permitted by the certificate of airworthiness of the aircraft or by the direction of the President of the Union of Myanmar and only in accordance with the conditions relating to smoking contained in such certificate or direction.
- (3) No person shall smoke in any aircraft registered in the Union of Myanmar which is provided with a certificate of airworthiness unless a notice per- mitting smoking is exhibited in the aircraft, and any person smoking shall comply with all the terms of such notice.

**25A. Fuelling of aircraft.-**

- (1) No aircraft shall fill or replenish its fuel tanks from vehicles or vessels carrying petroleum in bulk unless -from specially constructed tank vehicles of a type approved by the Chief Inspector of Explosives in Myanmar for this purpose or from barges licensed under the Petroleum Rules.
- (2) Before the commencement of refuelling, the aircraft, its fuel tanks and all metallic parts of the fuel dispensing apparatus shall be electrically connected and efficiently earthed.
- (3) No smoking and no fire or other source of heat or light capable of igniting inflammable vapour shall be permitted within 100 feet of any aircraft while it is begin or is about to be fuelled.
- (4) All aircraft-engines within the distance specified in sub-rule (3) .shall be stopped so long as fuelling is in progress.
- (5) No electric motor shall be used inside an aircraft during refueling.
- (6) During the fuelling of aircraft used for the conveyance of passengers, the passengers may be permitted to remain in the cabin of the machine provided that-
  - (i) there is no smoking in the aircraft
  - (ii) an employee of the operator is stationed in the entrance to the passenger cabin and remains alert for any emergency until refueling is completed ; and
  - (iii) in the case of seaplanes a suitable boat is kept alongside to disembark the passengers in an emergency.
- (7) Fuel tanks shall not be allowed to over-flow except through special pipes incorporated in the system, which will prevent the fuel from running on to the aircraft surface, the ground or the water.
- (8) All engine fuel cocks shall be closed while refueling.
- (9) Except as provided in this sub-rule all electric switches in the aircraft shall remain in the " off " position during the operation of refueling and all electric circuits other than those required or permitted to be in operation by this sub-rule shall be controlled by a master switch or switches which shall be in the " off " position. The following electric switches may be operated or left in the " on " position as the case may requite provided that the electric circuits involved are separate from all other electric circuits in the aircraft and that the switches and lights in operation are en- closed in gas proof covers :-
  - (i) Electric switches controlling the riding lights of seaplanes or any other lights required by law to be exhibited on the aircraft while on the surface of the water, shall be left in the "on" position.

- (ii) Electric switches controlling interior lights in the aircraft which are necessary for safety may be left in the "on" position.
- (iii) Electric switches controlling petrol gauges which it is essential to operate may be operated or left in the " on " position as may be required by the particular installation.

**25B. Housing of aircraft.-**

- (1) No aircraft containing dangerous petroleum in bulk in any of its tanks may be housed in a hangar unless such hangar is constructed of unin-flammable material and is effectively and safely ventilated to the open air.
- (2) Every such hangar shall be in charge of a competent person who shall be responsible for taking all proper precautions against fire and shall prevent unauthorized persons from having access to the building.

**26. Parachute descents and dropping of articles.-** No person shall, except in a case of emergency, descend by means of a parachute from an aircraft and no person shall drop or cause or permit to be dropped from an aircraft any article, whether attached to a parachute or not, unless the descent is made or the article is dropped in accordance with and subject to any conditions or limitations contained in a general or special order of the President of the Union in writing in that behalf:

Provided that nothing in this rule shall be deemed to prevent the dropping of-

- (a) ballast which is not prohibited by the provisions of Rule 130
- (b) message bags, smoke producing or other apparatus or materials dropped for the purpose of navigating an aircraft or communicating messages from an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons or property on the ground ;
- (c) separate sheets of paper containing printed matter in any place if the written permission of the Government of the Union of Myanmar in the Ministry of Home Affairs is first obtained.

**27. Carriage of persons in unauthorised parts of aircraft.-**No, person shall at any time be carried on the wings or undercarriage of the aircraft, or on or in any other part thereof which is not designed for the accommodation of the personnel or passengers, or on or in anything attached externally to the aircraft  
Provided that-

- (a) nothing in this rule shall prevent a person having temporary access-

- (i) to any part of the aircraft for the purpose of executing repairs to the aircraft or adjusting the machinery, or equipment thereof or for the purpose of doing anything which may be necessary for the safety of the aircraft or persons or goods carried therein ; or
- (ii) to any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided and
- (b) a person may be carried on or in any part of the aircraft, or anything attached thereto, with the permission in writing of the President of the Union and subject to any conditions which may be specified in such permission.

**28. Prohibition on persons under seventeen having sole control of aircraft.**-No person, being under seventeen years of age, shall have sole control of an aircraft in motion, and no person shall cause or permit any other person to have sole control of an aircraft in motion, unless he knows or has reasonable cause to believe such other person to have attained the age of seventeen years.

**29. Acts likely to imperil the safety of aircraft.**-No person shall interfere with the pilot or with a member of the operating crew of an aircraft, or tamper with the aircraft or its equipment or conduct himself in a disorderly manner in an aircraft or commit any act likely to imperil the safety of an aircraft or its passengers or crew.

#### **PART IV.-REGISTRATION AND MARKING OF AIRCRAFT.**

**30. Certificate of Registration.-**

- (1) The authority empowered to register aircraft and to grant certificates of registration in the Union of Myanmar shall be the President of the Union.
- (2) An aircraft may be registered in the Union of Myanmar in one or other of the following categories, namely :-
  - (a) Category A.-If the aircraft is wholly owned either-
    - (i) by organizations controlled by the Union or by a State or by local authorities, or
    - (ii) by citizens of the Union, or
    - (iii) by companies or other associations organized under the laws in force in the Union, not less than sixty per cent of whose capital is owned by the Union or by any State or by any local authority or by citizens of the Union, and
  - (b) Category B.-If the aircraft is wholly owned either-
    - (i) by persons, resident in or carrying on business in the Union, who are not citizens of the Union, or

(ii) by companies or other associations which do not qualify for Category A but are carrying on business in the Union.

(iii) No aircraft in respect of which the condition required in Sub Rule (2) are not satisfied, and no aircraft which is validly registered in another country shall be registered in the Union of Myanmar.

### 31. Nature of application.-

(1) Every application for a certificate of registration shall be accompanied by-

- (a) such particulars relating to the aircraft as may be required ;
- (b) the fee prescribed in Rule 35, which fee shall. be returned if the application is not granted ;
- (c) in the case of aircraft imported by air, a certificate signed by a Chief Customs Officer or Customs Collector that the customs duty leviable in respect of it has been paid. Such certificate shall state the type and manufacturer's number of the aircraft and engine, and if the aircraft has been registered elsewhere, its registration marking.

(2) An applicant for a certificate of registration may be required to produce proof of the truth of the statements contained in his application.

**32. Aircraft imported by air.-**When an application is made for the registration of an aircraft before its import into the Union of Myanmar for the purpose of the import of the aircraft by air, a temporary certificate of registration will subject to the conditions of sub-rule (3) of Rule 30, be granted by the President of the Union on the owner of the aircraft complying with clauses (a) and (b), of sub-rule (1) of Rule 3 1. Such temporary certificate shall be valid only until the first landing of the aircraft at a customs aerodrome in the Union of Myanmar when the certificate shall be delivered by the pilot or other person in charge to the local Aerodrome Officer. Thereafter, on production by or on behalf of the owner of the aircraft of the certificate mentioned in clause (c) of sub-rule (1) of Rule 3 1, the certificate of registration shall be granted by the President of the Union :

Provided that, if an aircraft in respect of which a temporary certificate of registration has been issued is imported otherwise, than by air, such temporary certificate shall cease to be valid on the date of import of the aircraft, and the temporary certificate shall forthwith be delivered by the owner to the Director of Civil Aviation, Myanmar and thereafter the certificate of registration shall be granted by the President of the Union.

### 33. Change in Ownership.-

- (1) In the event of any change in the ownership of a registered aircraft, or if a registered aircraft ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in Rule 30, then-
- (2) the registered owner of the aircraft shall forthwith notify the Director of Civil Aviation, Myanmar of such change of the ownership or, as the case may be, that the aircraft has ceased to be so owned as aforesaid ; and
- (3) the registration and the certificate thereof shall lapse as from the date of such change of ownership, of the date on which the aircraft ceased to be so owned.

**34. Aircraft destroyed or withdrawn from use.**-When a registered aircraft has been destroyed or permanently withdrawn from use, the registered owner shall as soon as possible notify the Director of Civil Aviation, Myanmar, accordingly, and the registration and the certificate thereof shall not lapse, as from the date of such notification.

**35. Registration Fees.**-A fee of twenty Kyats shall be payable in respect of a certificate of registration :

Provided that where the aircraft has been previously registered in the Union of Myanmar and the President of the Union is satisfied-

- (a) that the certificate of registration last issued in respect of the aircraft has lapsed by reason of the sale of the aircraft by the registered owner ;and
- (b) that the registered owner of the aircraft immediately before the sale was the constructor thereof or a dealer in aircraft and
- (c) that the aircraft has not been flown since a certificate of registration was last issued in respect thereof, except for the purpose of-
  - (i) an experiment or test carried out in the ordinary course of construction or in order to obtain a certificate of airworthiness ; or
  - (ii) a demonstration to a prospective purchaser ; or
  - (iii) delivering the aircraft to a purchaser a fee of four Kyats only shall be payable.

**36. Register of Aircraft.**-The register of aircraft registered in the Union of Myanmar shall be open to inspection by members of the public at such times and subject to such conditions as may be specified by 'the Director of Civil Aviation, Myanmar.

**37. Nationality and Registration Marks, how to be affixed.-**



- (1) The nationality mark of an aircraft registered in the Union of Myanmar shall be the capital letters " XY " in Roman characters and the registration mark shall be a group of three capital letters in Roman characters assigned by the President of the Union.
- (2) The nationality and registration marks shall be painted on the aircraft in the following manner:-
  - (a) **Aerostats.**-In the case of airships the marks shall be painted near the maximum cross-section so as to appear on both sides and on the upper surface equidistant from the letters on the sides.  
In the case of balloons the marks shall appear twice near the maximum horizontal circumference of a spherical balloon and shall be placed as far as possible from one another and on a non-spherical balloon, near the maximum cross-section on both sides immediately above the rigging band on the points of attachment of the basket suspension cables.  
In the case of all aerostats, the side marks shall be visible both from the sides and from the ground.
  - (b) **Aeroplanes.**-The marks shall be painted once on the lower surface of the main plane structure and once on the upper surface of the main plane structure, the top of the letters to be towards the leading edge. They shall also be painted along each side of the fuselage or of the body between the main planes and the tail planes.
  - (c) **Other Aerodynes.**-The provisions of clause (b) shall be applicable to other aerodynes in so far as the latter comprise corresponding elements on which marks could be placed.
- (3) The marks shall be of such a colour in relation to the colour of the background on which they are painted as will tender them clearly legible at a distance of not less than 250 yards in a clear atmosphere,
- (4) The height of the letters of the nationality and registration mark need not exceed eight feet. Subject as aforesaid, the height of the marks shall be as follows:-
  - (a) **Aerostats.**-In the case of airships the height of the marks shall be equal to at least one-twelfth of the perimeter of the airship at the maximum cross-section.  
In the case of balloons the height of the marks shall be equal to at least one-fifteenth of the maximum horizontal circumference of a spherical balloon and to at least One-twelfth of the perimeter of a non-spherical balloon at the maximum cross-section.
  - (b) **Aeroplanes.**-The marks to be borne on the wings and the fuselage or body shall, as regards each group of marks, be formed of letters of equal height, as large as possible without however touching the visible outline of the wings, fuselage or body.

(c) **Gyroplanes.**-The marks to be borne on the fuselage or body shall, as regards each group of marks, be formed of letters of equal height, as large as possible without however touching the visible outline of the fuselage or body.

(d) **Other Aerodynes.**-The provision of clause (b) shall be applicable to other aerodynes in so far as the latter comprise corresponding elements on which marks could be placed.

(5) As nearly as the constructional features of the aircraft admit-

(a) the width of the letters shall be two-thirds of their height;

(b) the thickness of the letters shall be one-sixth of their height; and

(c) except as provided in sub-rule (6) a space equal to one half the width of the letters shall be left between the letters.

The letters shall be painted in plain block type and shall be uniform in shape and size.

(6) A hyphen of a length equal to the width of one of the letters shall be painted between the nationality mark and the registration mark.

(7) The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks shall always be kept clean and visible.

(8) The aircraft shall carry affixed to the car or basket or to the fuselage, in a prominent position, a metal plate which shall be of stainless steel and shall be inscribed with the names and residence of the owner and the marks of nationality and registration.

#### **PART V.-Personnel of Aircraft.**

38. **Personnel to be carried in Flying Machines.**-Subject to, the provisions of Rule 6, every flying machine registered in the Union of Myanmar shall comply with such of the following requirements in respect of the personnel which it carries and by which it is operated as are applicable to the class of flying machine to which it belongs:-

(1) **Private Pilot.**-Every private flying machine shall be flown by a person holding a Private Pilot's licence ("A" licence) or a Public Transport Pilot's licence ("B" licence) issued in accordance with sub- rules (1) and (3) respectively of Rule 41;

Provided that a flying machine, which is carrying a passenger or- passengers other than a person licensed to give instruction in flying in accordance with sub-rule (3) of this rule, may not be flown by a person holding only a private Pilot's licence ("A" licence) unless he has had- not less than 25 hours solo flying

experience, has a certificate from a. licensed pilot instructor that he is considered sufficiently qualified for the purpose and has previously flown a flying machine of the same type and has satisfactorily completed three landings and three take-offs therein.

- (2) **Public Transport or Aerial Work Pilot.-** Every public transport. or aerial work flying machine shall be flown by a person holding a Public Transport Pilot's licence ("B" licence) issued in accordance with sub-rule (3) of Rule 41:

Provided that within the Union of Myanmar such flying machine, when flying by day and when not employed on a scheduled air transport service, may be flown by a person holding an " A " licence which has been specially endorsed in accordance with sub- rule (2) of Rule 41 ("A-1" licence).

- (3) **Pilot Instructor.-** Every flying machine, which is being used. for the purpose of giving instruction in piloting shall carry, except, when flown solo by a pupil under instruction, a person holding a " B " licence, which has been specially endorsed for instructional purposes in accordance with sub-rule (4) of Rule 41, and no other person, may impart, for a remuneration of any nature whatsoever, instruction in piloting -lying machines:

Provided that the holder of a " B " licence which has not beer,- so endorsed may, when acting as assistant to a licensed pilot instructor, impart such instruction but shall in no case authorise a person under instruction to perform his first solo flight nor give instruction in any form of acrobatics.

**Explanation-** A person acting as assistant to a licensed pilot instructor shall not be deemed to have ceased to be so acting by reason only of the absence of the pilot instructor, if such absence does not exceed seven consecutive days, but where such absence exceeds seven consecutive days, he shall not continue so to act without a written authorisation from the President of the Union.

- (4) **Second Class Navigator.-**Every flying machine used for international public transport and having to fly without landing-

(i) by day, more than 100 nautical miles over inhabited regions, or more than 100 nautical miles but not more than 600 nautical miles, entirely over the high seas or uninhabited regions, or

(ii) by night, more than 15 nautical miles but not more than 600 nautical miles, shall have on board a navigator, holding a second or first class navigator's licence.

- (5) **First Class Navigator.-**Every flying machine used for international public transport and having to fly without landing-

(i) by day, more than 600 nautical miles entirely over the high seas or uninhabited regions, or

- (ii) by night, more than 600 nautical miles, shall have on board a navigator holding a first class navigator's licence.

**(6) Pilot or other Member of Crew as Navigator.-**

- (a) In either of the following cases, namely-

- (i) When the pilot of a flying machine, required by sub-rule (4) or sub-rule (5) of this rule to carry a navigator, himself holds a navigator's licence of the required class and there is on board a second pilot capable of flying the machine in case of need.
- (ii) When there is on board such flying machine a member of the crew additional to the pilot who holds such navigator's licence, a navigator shall not be required to be carried in addition to such pilot or member of the crew.

- (b) When the pilot of a flying machine, required by sub-rule (4) or sub-rule (5) of this rule to carry a navigator, himself holds a navigator's licence of the required class but there is on board no second pilot capable of flying machine in case of need, a navigator's licence of the required class shall be carried in addition to the pilot except in the case of-

- (i) night flights over routes suitably marked and recognised as such by the competent authority,
- (ii) day flights over inhibited regions,
- (iii) day flights of not more than 600 nautical miles over the high seas or uninhabited regions.

**(7) In sub-rules (4), (5) and (6) of this rule-**

- (i) " uninhabited region " means a region where in consequence of the sparsity of the population, and of the absence of natural landmarks or of the insufficiency of the maps, the difficulties of navigation are similar to those met with over the high seas;
- (ii) " night " means the period commencing one hour after sun-set and terminating one hour before sunrise;
- (iii) " flight over the high seas " means a flight in the course of which an aircraft finds itself over the sea at a distance of more than 50 nautical miles from the nearest point of the coast.

- (8) Radio-telegraph Operator's Licence.-** An aircraft which is -required by these rules to carry radio-telegraph apparatus shall carry, in addition to the pilot and whether or not it participates in the international service of public correspondence, a person holding either a first class or a second class radio-telegraph operator's licence issued in accordance with this Part to operate radio-telegraph apparatus on aircraft.

(9) **Radio-telephone Operator.**-An aircraft which is required by these rules to carry radio-telegraph apparatus and which communicates by radiotelephony, shall carry a person holding a first class radio-telegraph operator's licence

Provided that an aircraft carrying radio-telephone apparatus and which communicates solely by radiotelephony, may carry, instead of a person holding a first class radio-telegraph operator's licence, a radio-telephone operator licensed in accordance with this Part to operate radio-telephone apparatus on aircraft.

39. **Licensing Authority.**-The authority by which the licences referred to in Rule 38 may be granted, renewed or varied shall be the President of the Union who may withhold the grant or renewal of a licence if for any reason he considers it desirable to do so.

40. **Signature of Licence Holder.**-On the issue of a licence to an applicant he shall forthwith sign his name on the licence as the holder thereof with his ordinary signature.

41. **Proofs of Competency.**-Applicants for licences shall be required to produce proofs of having the following practical experience and of having passed satisfactorily the following tests and examinations;-

(1) Private Pilot's Licence ("A" Licence) .-Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section A of the Schedule II :

Provided that for the purpose of the grant of such licence-

- (a) a person who is qualified as Royal Air Force Pilot may be exempted from the flying tests and may be exempted from the medical examination on production of a certificate from a Royal Air Force Medical Officer that he is fit for flying duties and is up to the standard required for an "A" Licence ;
- (b) a person to whom a licence of a corresponding or higher class has been granted by the competent authority in a Contracting State may be exempted from all or any of the flying tests and from subjects (a) and (b) of the technical examination, and may, if he is the holder of a Currents licence, be exempted from the medical examination;
- (c) a licence may be issued for all types of flying machines or endorsed for one or more types only.

(2) **Pilot's Licence Endorsed for Limited Transport of Goods and Passengers within the Union of Myanmar ("A-I" Licence)** .-Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section B of Schedule II :

Provided that for the purpose of the grant of such licence-

- (a) a person who is qualified as a Royal Air Force Pilot may be exempted from the flying tests and from the technical examination on flying machines, engines, instruments and elementary navigation, specified in Section B of Schedule if; and an examination by an authorized Medical Officer at which the candidate was passed fit for full flying duties may be accepted in lieu of the medical examination
- (b) the requirements in respect of flying experience may be varied by the President of the Union in a case where the flying experience of the applicant is in the opinion of the President of the Union substantially the equivalent of the flying experience specified in Section B of Schedule II.
- (c) such licence shall be endorsed for such types of flying machine only as the candidate has produced proof of his competence to fly.

**(3) Public Transport Pilot's Licence (" B " Licence) .-**Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section C of Schedule II :

Provided that for the purpose of the grant of such licence-

- (a) a person who is qualified as a Royal Air Force Pilot may be exempted from the flying tests (but not from any of the required flying experience) and from the technical examination on flying machines, engines and instruments specified in Section C of Schedule II ; and an examination by a Royal Air Force Medical Officer at which the candidate was passed fit for full flying duties may be accepted in lieu of the medical examination ;
- (b) a person to whom a licence of a corresponding class has been granted by the competent authority in any one of the contracting State may be exempted from all or any of the flying tests, and from subjects (a) to (e) and (g) of the technical examination, and may, if he is the holder of a current licence, be exempted from the medical examination;
- (c) the requirements in respect of flying experience may be varied by the President of the Union in a case where in his opinion the flying experience of the applicant is substantially the equivalent of that specified in Section C of Schedule II ;
- (d) such licence shall be issued for such types of flying machine only as the candidate has produced proof of his competence to fly, provided that for industrial purposes, other than public transport, a licence may be issued for any or all types of flying machines.

**(4) Public Transport Pilot's Licences, Endorsed for Instructional Purposes (Pilot Instructor's Licence) .-**

Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section D of Schedule II.

**(5) Navigator's Licence, 1st Class and 2nd Class.-**Flying Experience, Technical Examination and Medical Examination as laid down in Section E of Schedule II:

Provided that, -for the purpose of the grant of such licences, a person to whom a licence of a corresponding class has been granted by the competent authority in any one of the Contracting States, may be exempted from the technical examination and may, if he is the holder of a current licence, be exempted from the medical examination.

**(6) Radio-Telegraph Operator's Licences.-**

**(a) First Class Licence.-**

**Flying Experience and Medical Examination.-** As laid down in Section F of Schedule II.

**Technical Qualifications.-** The candidate must be the holder of a first class certificate of competency as a wireless operator issued by the Director. Telecommunications, Myanmar, or of such other certificate of proficiency as a wireless operator as may be accepted by the Director of Telecommunications, Myanmar, in lieu thereof.

**(b) Second Class Licence.-**

**Flying Experience and Medical Examination.-**As laid down in Section F of Schedule II.

**Technical Qualifications.-**The candidate must be the holder of a second class certificate of competency as a wireless operator issued by the Director of Telecommunications Myanmar, or of such other certificate of proficiency as a wireless operator as may be accepted by the Director of Telecommunications, Burma, in lieu thereof.

**(c) Radio-Telephone Operator's Licence.-**

**Flying Experience and Medical Examination.-** As laid down in Section F of Schedule II.

**Technical Qualifications.-**The candidate must be the holder of a certificate of proficiency as radio-telephone operator issued by the Director of Telecommunications, Myanmar, which has been specially endorsed for air operations, or of such other certificate of proficiency as a radio-telephone operator as may be accepted by the Director of Telecommunications, Myanmar, in lieu thereof;

Provided that a candidate for a radio-telegraph operator's licence who has not had the required -air experience may be granted a provisional licence for a period not exceeding one year in order to enable him to acquire the necessary air experience.

#### 42. Periods of Validity of Licences.-

(1) The licences may be granted, and on each occasion on renewal may be renewed, for any period not exceeding the periods shown below:-

- |   |   |
|---|---|
| (a) Pilot's "A" Licence.-Twelve months.                     | } -Six months in the case of a licence granted to a male. Four months in the case of a licence granted to a female. |
| (b) Pilot's "A-1" Licence.                                  |   |
| (c) Pilot's "B" Licence.                                    |   |
| (d) Pilot Instructor's Licence.                             |   |
| (e) Navigator's Licence. - Twelve months.                   |   |
| (f) Radio-Telegraph Operator's Licence.-Twenty-four months. |   |

(2) The holder of a licence shall, in any one of the following circumstances, be required to undergo a fresh medical examination, wholly or in part, and to produce a certificate of medical fitness as a condition of the licence remaining valid namely:-

- (i) in the event of sickness involving incapacity for a period of twenty days or more for the work for which he is licenced; or
- (ii) in the event of an accident occurring otherwise than during the performance of such work and involving the same incapacity; or
- (iii) in the event of an accident occurring during the performance of such work and involving injury; or
- (iv) if the holder of a licence has performed a total of 125 hours' flying in the capacity of pilot of a flying machine within any period of thirty consecutive days since his last medical examination under these rules.

43. **Renewal of Licence.**- Licences may be renewed for the periods specified in Rule 42 on production of proof of recent flying experience and after the passing of the medical examination as laid down in Schedule II: Provided that in the case of a member of the operating crew of an aircraft engaged in public transport or aerial work, who is on duty in a region distant from official medical centres, the medical examination



may exceptionally at the discretion of the President of the Union be deferred for two consecutive periods of three months each on condition that such member obtains locally in each case and forwards to the Director of Civil Aviation, Myanmar, a favourable medical certificate furnished by a medical practitioner who possesses qualifications entitling him to inclusion in the Medical Register of Myanmar:

Provided further that the holder of any licence may be required before the renewal of the licence to satisfy all or any of the requirements which are applicable -on the first grant of a licence of the same class:

Provided further that in the case of a pilot's licence the President of the Union may, when. renewing the licence, restrict the types of aircraft for which the licence is endorsed to those on which it is satisfied that the holder of the licence has had recent reasonable flying experience.

**44. Aircraft not Registered in the Union of Myanmar.-** An aircraft not registered in the Union of Myanmar shall carry the personnel prescribed by the laws of the State in which it is registered and such personnel shall be licensed in accordance with the laws of that State.

**45. Validation of Foreign Licences.-**When a licence has been granted by the duly competent authority in any of the Contracting State or foreign State and is for the time being in force the President of the Union may, subject to such conditions and limitations and for such periods as he shall think fit, confer on such licence the same validity for the purpose of flying aircraft registered in the Union of Myanmar as if it had been granted under these rules and a licence so validated shall be subject to the provisions of Rule 19.

**46. Deleted.**

**47. Age of Applicants.-** Licences shall not be granted to applicants who at the time of qualification do not comply with the following conditions:-

- (a) An applicant for a Pilot's "A" Licence shall have attained the age of 17 years.
- (b) An applicant for a Pilot's "A-I" Licence or for a Pilot's " B " Licence shall have attained the age of 19 years and shall not be more than 45 years of age.
- (c) An applicant for a Navigator's Licence shall have attained the age of 19 years and shall not be more than 50 years of age.
- (d) An applicant for a Radio-telegraph Operator's Licence shall have attained the age of 19 years:

Provided that, at the discretion of the President of the Union a relaxation may be made as regards the upper age-limit-

- (i) in the case of an applicant for a Pilot's "A-I" Licence or for a Pilot's "B" Licence, if before the date of his application he has been in service as pilot of a State flying machine, or
- (ii) in the case of an applicant for a navigator's licence, if up to the date of his application he has been in service as an operative member of the crew of an aircraft.

#### 48. Fees.-

- (1) The following fees shall be payable in respect of the issue, validation or renewal of licences or the issue of duplicate licences and the tests and examinations laid down in Rules 41 to 43:-

|                                   | Flying<br>Test | Official Technical<br>Examination (if required). | OFFICIAL MEDICAL EXAMINATION   |    | Licence |
|-----------------------------------|----------------|--|--|----|---------|
|                                   |                |  | For renewal of licence or if required<br>under sub-rule (2) of Rule 42 |    |         |
|                                   |                | K  | K  | K  | K       |
| Pilot's "A" Licence               | *              | 10   | 16   | 16 | 10      |
| Pilot's "A.I" Licence             | *              | 25   | 32   | 32 | 10      |
| Pilot's "B" Licence               | *              | 45   | 32   | 32 | 10      |
| Pilot Instructor's<br>Licence     | *              | 15   | 32   | 32 | 10      |
| Navigator's Licence,<br>1st Class | ...            | 100  | 32   | 32 | 10      |
| Navigator's Licence,<br>2nd Class | ...            | 50   | 32   | 32 | 10      |
| Wireless Operator's<br>Licence    | ...            | .....  | 16   | 16 | 10      |
|                                   |                |  |  |    |         |

\* For all flying tests the candidate shall be required to provide the aircraft and pay all charges incurred thereby, and in addition he shall pay, when an official examiner is carried on board during the flying test., a fee at the rate of K 15 for each hour or part of an hour so flown:

Provided that an applicant for the issue or renewal of a Pilot's "A-I" or Pilot's "B" Licence who is required to undergo some part only of the technical examination shall pay a fee of K 15 in respect of each group of subjects as shown in Schedule II in which he is examined, and an applicant for the variation of such a licence by the addition of a type of aircraft not already endorsed on the licence shall, if required to be examined on that type of aircraft, pay a fee of K 10:

Provided further that in any other case when an applicant is required to undergo some part only of the technical examination, the fee may be reduced by such amounts as the President of the Union may think proper in the circumstances of the case.

- (2) An application for any licence or for the renewal or validation of any licence shall be accompanied by a Treasury receipt for the sum necessary to cover all the fees payable, except the fees for the official medical examination and the fees for the official examiner for a flying test if not a Government servant which shall be payable direct to the examiner.
- (3) When in any case the licence is not issued or renewed or validated the President of the Union may refund to the applicant such proportion of the sum paid as represents the cost of any examination not carried out or any licence not issued.

#### **PART VI. - Airworthiness.**

**49. Standard of Airworthiness.-** A certificate of airworthiness may be issued by the President of the Union in respect of any flying machine which complies with minimum standards of airworthiness prescribed in the United Kingdom in respect of design, materials, methods of construction and equipment, and the owner of a flying machine in respect of which a certificate of airworthiness is required by these rules, or is applied for or issued, shall submit such evidence relating thereto and shall submit to such inspection and tests of the flying machine as may be required by the President of the Union :

Provided that the President of the Union may, in respect of any flying machine or class of flying machines, from time to time prescribe modifications of the standard and such modified standard shall be complied with as a condition of the issue of remaining in force of a certificate of airworthiness in respect of the flying machine or class of flying machines.

- 50. Acceptance of Foreign Standards.-** The President of the Union may, in respect of any flying machine, accept as evidence of compliance with the conditions of Rule 49 a valid certificate of airworthiness issued by the competent authorities in any foreign country, provided it is shown to his satisfaction that the conditions on which such certificate of airworthiness was granted are substantially equivalent to the conditions on which a certificate of airworthiness is granted by the President of the Union of Myanmar.
- 51. Categories and Subdivisions.-** A certificate of airworthiness may be issued in respect of one or more of the categories and sub-divisions of flying machines specified in Section A of Schedule III and the operations of the flying machine shall be restricted to those authorized for the categories to which the certificate of airworthiness extends.
- 52. Instruments and Equipment- Minimum.-**A certificate of airworthiness shall not be granted in respect of any flying machine which is not equipped with the following instruments and equipments, which shall be in working order, namely
- Air speed indicator.
  - Altimeter.
  - Revolution indicator.
  - Such gauges as may be considered necessary by the President of the Union for the particular installation.
  - Safety harness for the pilot and for each person carried in an open cockpit.
  - In amphibian flying machine and in flying machines fitted with a retractable undercarriage, indicator of position of landing wheels.
- 53. Instruments and Equipment for Flight.-** Every flying machine which is required by these rules to be provided with a certificate of airworthiness shall, when flying, be fitted or equipped with the instruments and equipment specified in Section B of Schedule III according to the circumstances of the flight. The instruments and equipment shall be of types approved by the President of the Union, they shall be installed in a manner approved by him and shall be maintained in working order.
- 54. Weight.-**Every flying machine which is required by these rules to be certified as airworthy shall be weighed and marked in accordance with the provisions of Section C of Schedule III.
- 55. Period of Validity of Certificates of Airworthiness.-**A certificate of airworthiness shall be valid for a period of one year from the date on which the flying machine was passed for the issue of the certificate :
- Provided that, in the case of damage to the flying machine such as renders it unsafe for flight, or of failure to carry out the inspection prescribed in these rules, or of failure to carry out any compulsory

modification directed by the President of the Union or of incorporation of any modification which has not been approved by the President of the Union, the certificate shall cease to be valid until the flying machine has been repaired or modified as the case may be and inspected and certified as required by these rules.

**56. Renewal of Certificates of Airworthiness.**-The President of the Union may renew any certificate of airworthiness for such further period (not exceeding one year at a time) as he may think fit, and may for this purpose require the flying machine to be overhauled, inspected and certified in accordance with Rule 57, and in addition may require the flying machine to be inspected by a person authorised in this behalf by the President of the Union or tested in flight, or to be so inspected and so tested, and the owner of the aircraft shall give all necessary facilities for such inspection. and test.

**57. Periodical Overhaul.**- Every flying machine required by these rules to be provided with a certificate of airworthiness, and every engine of such flying machine shall be periodically overhauled 2nd after every such overhaul, and after the completion of any repairs to or modification of the flying machine or engine, the flying machine shall be inspected and certified in accordance with the provisions of Section E of Schedule III by the appropriate person licensed under Rule 61.

**58. Modifications.**-

- (1) If at any time the President of the Union considers modifications to a flying machine, in respect of which certificate of airworthiness is in force, to be necessary for safety it may require such modifications to be carried out as a condition of the certificate of airworthiness remaining in force. Such modifications may be notified in a general notice to aircraft owners and ground engineers or in a special notice to the owner of a particular aircraft.
- (2) If modifications (including changes of equipment or its installation), which effect the safety of the flying machine are carried out in a flying machine in respect of which a certificate of airworthiness is in force, then, until the modifications have been approved by the President of the Union, the flying machine shall not fly except in so far as under these rules it might fly if it had no certificate of airworthiness.
- (3) Any such modifications shall be carried out by methods approved by the President of the Union and shall be inspected by the appropriate person licensed under Rule 61, who shall certify the modification in the form and manner laid down in Section E of Schedule III.

**59. Maintenance Standards and Accessories.**-The President of the Union may in respect of any aircraft or class of aircraft which is certified as airworthy under these rules and in respect of any technical accessories or equipment used in connection with the operation of such aircraft, prescribe conditions for the technical operation, maintenance and use of such aircraft, accessories or equipment.

**60. Daily Inspection.-**

- (1) A public transport flying machine effecting public transport shall not commence any flight unless it has, within the preceding 24 hours, been inspected and certified as safe for flight in accordance with these rules by the appropriate person licensed under Rule 61.

Provided that if any, such flying machine not carrying passengers for remuneration on a regular scheduled air service is absent from its usual station, whether by reason of delay or otherwise, for a longer period than 24 hours, it may proceed on its journey if, at the time of commencement of a flight, it has not performed more than 12 hours flying and a period of more than four days has not intervened, since it was last so inspected and certified:

Provided further that no such flying machine shall commence any flight if, since such inspection, it has suffered any damage or revealed any defect which would render the machine unsafe for flight and which could not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew.

- (2) The certificate required by sub-rule (1) shall be given in the form and manner specified in Section D of Schedule III.
- (3) The pilot or commander of every flying machine shall before commencing any flight satisfy himself that-
- (a) having regard to the performance of the aircraft, the extent to which it is loaded, and the prevailing conditions, sufficient length of run is available to effect a safe take-off and the line of flight in the take-off direction is not obstructed, and that
  - (b) the flying machine is safe for flight according to the circumstances of the flight as laid down in Section D of Schedule III.

**61. Licensing of Ground Engineers.-**

- (1) For the purpose of Rules 57, 58 and 60 the President of the Union may grant licences as Ground Engineers in the following categories to persons who satisfy the requirements as to practical experience, examination and tests laid down in Section F of Schedule III, namely:-

**Category A.-** Inspection of aircraft before flight.

**Category B.-** Inspection of aircraft during construction or overhaul.

**Category C.-** Inspection of aero-engines before flight.

**Category D.-** Inspection of aero-engines during construction to overhaul.

**Category X.-** Inspection construction, installation and repair of aircraft instruments, accessories and equipment; special duties as may be specified in the licence.

(1-A) For those engineers who maintain aerial work or public transport aircraft under Approved Maintenance organization, Department of Civil Aviation may grant Licences Without Type Rating as Ground Engineers in the following categories to persons who satisfy the requirements as to practical experience, examination and test laid down in current European Aviation Safety Agency Part 66, namely-

**Category A.-** Line Maintenance Certifying Mechanic.

**Category B1.-** Maintenance Certifying Technician Mechanical.

**Category B2.-** Maintenance Certifying Technician Avionic.

**Category C.-** Base Maintenance Certifying Engineer.

**Ground Engineers.-** Holding above categories shall exercise their licenses privileges endorsed on their Company Authorisations.

- (2) A Ground Engineer's licence shall not be granted to a person who has not attained the age of 21 years.
- (3) Licences shall remain valid unless cancelled or suspended, for the periods specified therein, subject to a maximum period of twelve months in each case, and may thereafter be renewed by the President of the Union. A candidate for the renewal of a licence may be required to undergo further examinations and tests as a condition of the renewal of the licence.
- (4) A Ground Engineer licensed in a particular category shall be competent to deal only with the matters specified in sub-rule(l) against the category in which he is licensed.
- (5) A licence granted under this rule shall specify the type or types of aircraft aeroengines, instruments, accessories or equipment which the licensee is competent to deal with and may contain restrictions limiting his competence to deal with any particular class of work, and the President of the Union may at any time vary such specifications or restrictions.
- (6) Any licence granted under this rule may be cancelled, suspended or endorsed by the President of the Union after investigation where it appears to him that-

- (a) the holder of such licence has performed work, or granted a certificate in respect of work, which has not been performed in a careful and competent manner, or
- (b) the holder of such licence has granted a certificate in respect of any matter which he is not licenced to deal with, or
- (c) it is undesirable for any other reason that the holder of such licence should continue to exercise the functions of a Ground Engineer.

(7) The President of the Union may withhold the grant or renewal of a licence if for any reason he considers it desirable to do so.

#### 62. Fees.-

- (1) The Director General may, from time to time publish in notice the fees payable for the issue, validation or renewal of certificates, licences and approval or the issue of duplicate certificates, licences and approval of the tests and examinations for the aircraft, aircraft maintenance, engineers licences and approval of major and minor repairs mentioned in this part:
- (2) When, in view of the candidate's experience and competence it is decided to dispense with the whole or a part of the technical examination, the fee may be waived or reduced by such amount as the President thinks fit.
- (3) An application for a licence or certificate or for the renewal or extension of a licence or certificate shall be accompanied by a Treasury Receipt for the sum necessary to cover all the fees payable but when, in any case, the licence or certificate is not issued renewed or extended, the President may refund to the applicant such proportion of the sum paid as represents the cost of any examination or inspection not carried out or any licence or certificate not issued.

#### **PART VII.-Radio-telegraph Apparatus and Atmospheric Pressure Indicator.**

63. **Aircraft for which apparatus is obligatory.**-Every public transport aircraft registered in the Union of Myanmar, which is capable, according to its certificate of airworthiness of carrying ten or more persons including the crew, shall, when used in international air navigation or on a regular air transport service operating in the Union of Myanmar, be equipped with radiotelegraph apparatus of a type approved by the President of the Union capable of sending and receiving communications by radio-telegraphy or radio-telephony, and installed, bonded and screened in a manner approved by the President of the Union. Such aircraft shall, also, be equipped with an instrument of a type approved by the President of the Union which gives a direct indication of absolute atmospheric pressure.



64. **Suspension of rules.**-The application of the rules in this Part may be suspended when owing to the lack of radio-telegraph organizations available for air traffic in a particular region the employment of radio-telegraph apparatus on board aircraft would serve no useful purpose.

**PART VIII.-Air-route Beacons, Aerodrome Lights and False Lights.**

65. **Air-route beacons and aerodrome lights.**-

- (1) No air-route beacon or aerodrome light shall be established or maintained within the Union of Myanmar nor shall the character of the light exhibited there from be altered, except with the approval in writing of the President of the Union, and subject to such condition as it may prescribe.
- (2) No person shall willfully or negligently injure or interfere with any air-route beacon or aerodrome light, established or maintained with the approval of the President of the Union, or any light exhibited there from.

66. **False lights.**-

- (1) Whenever in the Union of Myanmar any light is exhibited-
  - (a) in the neighbourhood of an aerodrome or an air-route beacon so as to be liable to be mistaken for an aerodrome light or an air-route beacon ; or
  - (b) which by reason of its liability to be mistaken for an aerodrome light or an air-route beacon is calculated to endanger the safety of aircraft ; or
  - (c) which, being in the neighbourhood of an aerodrome, is liable by reason of his glare to endanger the safety of aircraft arriving at or departing from the aerodrome, the President of the Union may serve a notice upon the owner or person in possession of the place where the light is exhibited or upon the person having charge of the light, directing that owner or person within a reasonable time to be specified in the notice, to take effectual means for extinguishing or for effectually screening the light and for preventing for the future the exhibition of any similar light.
- (2) The notice may be served either personally or by post, or by affixing the same in some conspicuous place near to the light to which the notice relates.
- (3) An owner or person on whom a notice under sub-rule (1) has been served shall, in the absence of reasonable cause, the burden of proving which shall be upon him, comply with the directions contained in the, notice.
- (4) If any owner or person on whom a notice under this rule is served, neglects for a period of seven days to extinguish or effectually to screen the light mentioned in the notice, the President of the Union may

enter upon the place where the light is and forthwith extinguish the same, doing no unnecessary damage.

#### **PART IX.-Log Books.**

67. (1) The following log books shall be kept in respect of aircraft registered in the Union of Myanmar, namely-

- (a) for every aircraft an aircraft log book and an engine log book and where more than one engine is fitted, a separate log book for each engine;
- (b) in addition, for every public transport aircraft (except where such aircraft does not leave the vicinity of its starting place and returns without landing elsewhere to its starting place) and for every air-craft engaged in international navigation, a journey log book.

(2) The log books shall be kept up-to-date in such manner as the President of the Union may direct.

(3) The journey log book shall be issued by the President of the Union; other log books shall be in the form required by the President of the Union.

(4) The log books shall be preserved for two years from the date of the last entry therein.

(5) No person shall destroy, mutilate, alter or render illegible any log book or any entry made therein, or willfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

#### **PART X.-Investigation of Accidents.**

68. In this Part the expression "serious structural damage" in -relation to an aircraft means-

- (i) the telescoping or breaking apart of the fuselage ; or
- (ii) the breaking of a main spar ; or
- (iii) the breaking of any part of the controls ; or
- (iv) damage by fire to any part of the aircraft.

69. **Notification of Accidents.-**

- (1) When an accident, in which any aircraft is involved, occurs in or over the Union of Myanmar, and such accident involves, death or personal injury to any person, whether carried in the aircraft or not, or serious structural damage to the aircraft, or is suspected to have been caused or contributed to by the failure in the air of any part of the aircraft, the pilot, or, if the pilot is incapacitated by injury, the owner or, if the owner is not present or is incapacitated by injury, the hirer of the aircraft shall-
  - (a) send notice thereof by telegram to the Director of Civil Aviation, Myanmar, and

(b) give information to the District Magistrate and the Officer in charge of the nearest Police Station.

(2) The notice and information shall be sent as soon as possible and by the best available means and in any case within twenty-four hours after the occurrence of the accident.

(3) The notice to the Director of Civil Aviation, Myanmar, shall contain the following information-

- (i) the nationality and the registration marks of the aircraft
- (ii) the name of the owner and hirer (if any) of the aircraft
- (iii) the name of the pilot of the aircraft ;
- (iv) the place where the accident occurred
- (v) the date and time when the accident occurred
- (vi) the nature of the accident ;
- (vii) a brief statement of the extent of damage to the aircraft, and
- (viii) whether death or personal injury was caused by the accident, and, if so, to whom.

**70. Report on Accidents.-**The pilot or owner of an aircraft -which has been involved in an accident, whether notifiable under Rule 69 or not, shall, if required by the Director of Civil Aviation, Myanmar, submit to the Director, a written report on such accident in such form as he may prescribe.

**71. Removal of Wreckage.-**

- (1) In the case of an accident which is notifiable under Rule 69 and which involves serious structural damage, or in any other case in which the Director of Civil Aviation, Myanmar, gives notice to the owner or other person in charge of the aircraft to this effect, the aircraft shall not, except under the authority of the Director of Civil Aviation, Myanmar, be removed or otherwise, interfered with:

Provided that, subject to compliance with the provisions of Rule 61 of the Myanmar Aircraft Rules, 1920, in so far as they may be applicable-

- (i) if the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.
- (ii) the aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals preventing the destruction of the aircraft or its contents by fire or other cause or preventing any danger or obstruction to the public ;  
and
- (iii) goods, mails or passengers' baggage may be removed from the air-craft under the supervision of the pilot, a member of the. crew, an official of the operating company, an officer of police, a

Magistrate, or an officer of the Civil Aviation Directorate, and, in the absence of any such person, mails may be removed under the supervision of an officer of the Posts and Telegraphs Department, and passengers baggage by the owner or owners thereof.

- (2) The Director of Civil Aviation, Myanmar, may authorize any person, so far as may be necessary for the purposes of any investigation under these rules, to take measures for the preservation of any aircraft involved in an accident, and such person may thereupon, have access to, examine, or otherwise deal with the aircraft.
- (3) The owner of the aircraft or his nominated representative shall have the right to be present during any examination or other action taken, under sub-rules (1) and (2) provided that the Director of Civil Aviation'. Myanmar shall not be bound to postpone any action which he may consider necessary under this rule by reason of the absence of the owner or his representative.

#### **72. Inspector's Investigation.-**

- (1) Director of Civil Aviation, Myanmar, may order the investigation of any accident, whether notifiable under Rule 69 or not and may by general or special order appoint an person (hereinafter referred to as an Inspector of Accidents) for the purpose of carrying out such investigation.
- (2) The investigation shall be conducted in such manner that if a charge is made or is likely to be made against any person, that person shall have an opportunity of being present and of making any statement, or giving any evidence and producing witnesses on his behalf.
- (3) The Inspector of Accidents shall make a report to the Director of Civil Aviation, Myanmar, stating all relevant facts with regard to the accident and his findings with regard to the causes of the accident and adding any recommendations which he may think fit to make with a view to the avoidance of similar accidents in future.

#### **73. Powers of Inspector.-**For the purpose of such investigation an Inspector of Accidents shall have power-

- (a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make ;
- (b) to require any such person to make and sign a declaration of the truth of the statements made by him in his examination ;
- (c) to require and enforce the production of all books, papers, documents and material objects which he considers important for such purpose ;

(d) to have access to and examine any aircraft concerned in the accident, the place where the accident occurred, or any other place the entry upon and examination of which appears to the Inspector requisite for the purposes of the investigation.

**74. Inspector's Fee.**-When a person other than an officer of Government is appointed to investigate an accident, he may be granted such fee and expenses as may be determined by the President of the Union.

**75. Formal Investigation.**-Where it appears to the President of the Union that it is expedient to hold a formal investigation of an accident, it may whether an investigation has been made under Rule 72 or not, by order direct a formal investigation to be held; and with respect to any such formal investigation the following provisions shall have effect:-

- (1) The President of the Union shall appoint a competent person, in these rules referred to as " the Court " to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, and may direct that the Court and the assessors shall receive such remuneration as it may determine.
- (2) The Court shall hold the investigation in open Court in such manner and under such conditions as the Court may think most effectual for ascertaining causes and circumstances of the accident and enabling the Court to make the report hereinafter mentioned.
- (3) (i) The Court shall have, for the purpose of the investigation, all the powers of a Civil Court under the Code of Civil Procedure, 1908, and, without prejudice to those powers the Court may-
  - (a) enter and inspect, or authorize any person to enter and inspect, and place or building, the entry or inspection where of appears to the Court requisite for the purposes of the investigation, and
  - (b) enforce the attendance of witnesses and compel the production, of documents and material objects; and every person required by the Court to furnish any information shall be deemed to be legally bound to do so within the meaning of Section 176 of the Indian Penal Code.
- (ii) The assessors shall have the same powers of entry and inspection as the Court.
- (4) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf.
- (5) Every person attending as a witness before the Court shall be allowed such expenses as the Court may consider reasonable:

Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment or of any other person concerned in the accident, any such expenses may be disallowed if the Court, in its discretion, so directs.

(6) The Court shall make a report to the President of the Union stating its findings as to the causes of the accident and the circumstances thereof, and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence or certificate issued under these Rules.

(7) The assessors (if any) shall either sign the report, with or without reservations or state in writing their dissent there from and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the President of the Union with the report. The President of the Union may cause any such report and reservations of dissent and reasons (if any) to be made public wholly or in part, in such manner as he thinks fit.

#### **76. Obstruction of Proceedings.-**

(1) A person shall not obstruct or impede the Court or an Inspector of Accidents or an assessor or any person acting in the exercise of any powers or duties under the rules in this Part.

(2) A person shall not without reasonable excuse (the burden of proving which shall lie on him) fail to comply with any summons or requisition of a Court or an Inspector of Accidents holding an investigation under the rules in this Part.

**77. Saving.-**Nothing in this Part shall limit the power of the President of the Union with regard to the cancellation, suspension or endorsement of any licence or certificate issued under these Rules.

### **PART XI.-Aerodromes.**

**78. Government Aerodromes.-**A Government aerodrome shall not be open to use by any member of the public save to such extent, if any, and subject to such conditions as the President of the Union may determine.

**79. Places other than Government Aerodromes.-**A place in the Union of Myanmar other than a Government aerodrome shall not be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers for hire or reward unless it has been licensed for the purpose, or save in accordance with the conditions, if any, of such licence.

80. **Licensed Aerodromes.**-An aerodrome shall be licensed by .the President of the Union in one of the following categories, namely
- (a) for public use ;
  - (b) for private use ; that is to say, for use by the licensee and by individuals specifically authorized by the licensee.
81. **Public Aerodromes.**-Every aerodrome which is licensed for public use or which is open to public use by aircraft registered in the Union of Myanmar upon payment of charges shall to the same extent -and upon the same conditions be open to use by aircraft possessing the nationality of a Contracting State. Every such aerodrome shall at all reasonable times be open to use by any aircraft in the service of the Union Government.
82. **Tariff Charges.-**
- (1) The President of the Union may
    - (a) Prescribe-
      - (i) a scale of fees to be charged at any aerodrome licensed for public use in respect of any services to aircraft which may be specified in such scale and
      - (ii) conditions to be observed in relation to the charging of such fees, or the rendering of such services ;
    - (b) modify from time to time as he thinks fit, any scale of conditions so prescribed ; and
    - (c) classify, if he shall think fit, aerodromes licensed for the purpose of prescribing any such scale or conditions with reference to a particular class of such aerodromes.
  - (2) At every aerodrome referred to in Rule 81 there shall be exhibited in a conspicuous place a single tariff charge, including charges for landing and length of stay, which shall not exceed the charges specified in, and shall be leviable in accordance with the provisions contained in, Section B of Schedule V and such tariff shall be applicable alike to all aircraft whether registered in the Union of Myanmar or in any other Contracting State.
83. **Qualifications, of Licensee.**-A licence for an aerodrome shall not be granted to any person or corporation other than-
- (a) a citizen of the Union, or
  - (b) a company or corporation registered and having its principal place of business in the Union of Myanmar.

84. **Period of Validity of Licence.**-An aerodrome licence may be granted for any period not exceeding twelve months, and on each occasion of renewal may be renewed for any period not exceeding twelve months.

85. **Classification of Aerodromes.**-An aerodrome may be licensed for all types of aircraft or for certain specified types or classes of aircraft and the licence may specify the conditions on which the aerodrome may be used.

86. **Conditions governing the grant of Licence.**-

- (1) A licence shall not be granted in respect of any place which does not satisfy the requirements specified in Part A of Schedule V.
- (2) While a licence is in force no alterations to the landing area or to the buildings or other structures on the aerodrome which may affect the safety of aircraft shall be undertaken save with the previous approval of the President of the Union. Application for such approval shall be addressed to the Director of Civil Aviation, Myanmar, and shall be accompanied by full particulars with plans of any such alterations including alterations to surrounding obstructions which may affect the safety of aircraft.
- (3) The necessary approval may be granted or withheld and if granted may be granted subject to such conditions (including conditions involving a revision of the original conditions of licence) as the President of the Union may think fit.
- (4) If any alteration of the nature referred to in sub-rule (2) is under-taken without the previous approval of the President of the Union the licence may be cancelled.
- (5) The licensee shall maintain the aerodrome in a fit state for use by aircraft and adequately marked to the satisfaction of the President of the Union during the whole period of the currency of the licence where this exceeds a period of three months and shall, if the aerodrome becomes unserviceable, immediately notify the Director of Civil Aviation, Myanmar, by tele-graph.

87. **Fees.**-The fees chargeable for the grant or renewal of a licence for an aerodrome shall be-

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1. When the licence is granted or renewed for a period not exceeding three months..... 15
2. When the licence is granted or renewed for a period exceeding three months but not exceeding six 20



months.....

3. When the licence is granted or renewed for a period exceeding six months but not exceeding twelve months..... 30

Provided that if, in the opinion of the President of the Union, it is necessary or expedient before the grant or renewal of the licence, for the aerodrome in question to be inspected by an officer of the Government or other person authorized by the Director of Civil Aviation, Myanmar, an additional fee of K 30 shall be chargeable for the inspection and the applicant shall also be required to pay the traveling expenses of the inspecting officer.

## PART XII.-Rules of the Air.

### SECTION I.

#### LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT AND SOUND SIGNAL.

##### A.-GENERAL.

88. **Obligation to display the required lights.**-The rules concerning lights to be displayed by aircraft shall be complied within all weathers from sunset to sunrise, and during such time on other lights which may be mistaken for the prescribed lights shall be exhibited. The said lights shall not be dazzling.
89. **Angular limits of lights.**-The angular limits of the lights referred to in this Part shall be determined when the aircraft is in its normal position for flying on a rectilinear horizontal course and as shown diagrammatically in Figure I in Schedule IV.
90. **Failure of lights, etc.**-
- (1) In the event of the failure of any, light which is required by these Rules to be displayed by aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired or replaced in flight, land as soon as it can do so without danger.
  - (2) Where, owing to the difficulty of producing lamps to meet the requirements of these books as regards sector lights, an overlap of those lights is unavoidable, the overlap shall be as small as possible ; there shall be no sector in which no light is visible.
91. **Savings.**-Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any State with respect to the additional signal or station lights for military aircraft, aircraft exclusively -employed in State service or for aircraft in group, formation, or with the exhibition of

recognition signals adopted by owners of aircraft which have been authorized by their respective Governments and duly published.

## **B.-LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT.**

### **Flying Machines.**

**92. In the air or on land aerodromes.**-Every flying machine in the air or on the landing area of a land aerodrome shall display the following lights, that is to say:-

- (a) on the right side, a green light, fixed so as to show an unbroken light, visible at a distance of at least 5 nautical miles, throughout a dihedral angle of 110° formed by two vertical planes of which one is parallel to the plane of symmetry and directed dead ahead and the other is directed to the right;
- (b) on the left side, a red light, fixed so as to show an unbroken light, visible at a distance of at least 5 nautical miles, throughout a dihedral angle of 110° formed by two vertical planes of which one is parallel to the plane of symmetry and directed dead ahead, and the other is directed to the left;
- (c) at the rear, a white light, fixed so as to show astern an unbroken light visible at a distance of at least 3 nautical miles, throughout a dihedral angle of 140° formed by two vertical planes bisected by the plane of symmetry.

(2) In a case where, in order to comply with the provisions of sub-rule (1), a single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

(3) In the case of a flying machine with a maximum span of less than 65 feet, the lights required by this rule may be combined in one or more, placed centrally provided that the requirements of sub-rules (1) and (2) as to colour and visibility are complied with.

**93. Under way on the surface of the water.**-Every flying machine under way on the surface of the water shall display lights in accordance with the following provisions :-

- (1) If it is under control and is not being towed, it shall display the lights required by Rule 92, and in addition, forward, a white light fixed so as to show forward an unbroken light visible at a distance of at least 3 nautical miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry.
- (2) If it is being towed, it shall display the lights required by Rule 92.

- (3) If it is not under control, it shall display two red lights placed where they can best be seen, one vertically over the other, not less than 3 feet apart, and both being visible, so far as practicable, all round the horizon at a distance of at least 2 nautical miles, and in addition-
- (a) if making way, it shall display the light required by Rule 92 ; or
  - (b) if not making way, it shall display the lights required by clause (c) of sub-rule (1) of Rule 92.
- (4) If it is towing another aerodyne, it shall display the lights specified in clause (1) and in addition, forward, two white lights placed where they can best be seen, one vertically over the other, not less than 6 feet apart and visible at a distance of at least 3 nautical miles in a dihedral angle of 220' formed by two vertical planes and bisected by the plane of symmetry.

**94. At anchor or moored on the surface of the water.**-Every flying machine whether at anchor or moored on the surface of the water shall display lights in accordance with the following provisions, namely :-

- (1) In every case, it shall display forward centrally where it can best be seen, a white light, visible all round the horizon at a distance of at least one nautical mile.
- (2) In a case where the length of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this rule, a white light at or near its stern at a lower height than the forward light mentioned in clause (1), and visible all round the horizon at a distance of at least one nautical mile.
- (3) In a case where the maximum span of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this rule, a white light on each side placed in such a manner as to demarcate the maximum lateral dimension of the flying machine and visible, so far as practicable, all round the horizon at a distance of at least one nautical mile.

#### **Gliders.**

**95.** In all cases in which flying machines are required by these rules to display lights, a glider shall display a red light visible, so far as practicable in all directions.

#### **Balloons and Kites.**

**96. Free Balloons.**-A free balloon shall display a red light placed not less than 15 or more than 30 feet below the nacelle and visible so far as practicable, in all directions at a distance of at least 2 nautical miles.

**97. Captive Balloons and kites.**-In the case of a captive balloon or kite, lights shall be displayed in accordance with the following provisions, namely:-

- (1) when flown at an altitude exceeding 180 feet above the ground, or at any altitude if it is less than 3 nautical miles from an aerodrome or from a recognized air-route the balloon or kite shall display white light placed 12 feet vertically above a red light, these lights being visible so far as practicable in all directions at a distance of at least 2 nautical miles, the upper white light being placed not less than 15 or more than 30 feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite ;
- (2) in addition, from the mooring cable of the balloon or kite there shall be displayed at intervals of 1,000 feet measured from the said group of two lights, similar groups of two lights, one white and one red, and if the lowest group of light is obscured by clouds, an additional group shall be displayed below the cloud base ;
- (3) in addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights, arranged on a horizontal plane at the apex of a triangle approximately equilateral and measuring at least 75 feet on each side; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights, the third light shall be a green light placed opposite the direction of the cable.

98. **Day Markings for Captive Balloons.**-By day, the-mooring cable of a captive balloon shall have attached to it at intervals of not more than 600 feet measured from the basket (or, if there is no basket, from the lowest part of the balloon) tubular streamers, not less than 8 inches in diameter and 6 feet in length, and marked with alternate bands of white and red 18 inches in width.

99. **Day Markings for Kites.**-By day, the mooring cable of a kite shall be marked, either in the manner required by Rule 98 in the case of a captive balloon, or by streamers of stout paper attached to the cable at intervals of 300 feet measured from the lowest part of the kite, such streamers being not less than 30 inches ii) length and one foot in width in their widest part and marked with alternate bands of white and red 4 inches wide.

### **Airships.**

100. **Under way.**-

- (1) Except as provided in Rule 101, an airship, when under way shall display the following lights, namely:-
  - (a) forward, a white light fixed so as to show forward an unbroken light visible at a distance of at least 5 nautical miles and throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry ;

- (b) on the right side, a green light fixed so as to show an unbroken light visible at a distance of at least 5 nautical miles and throughout a dihedral angle of  $110^\circ$  formed by two vertical planes, of which one is parallel to the plane of symmetry and directed dead ahead, and the other is directed to the right;
  - (c) on the left side a red light fixed so as to show an unbroken light visible at a distance of at least 5 nautical miles and throughout a dihedral angle of  $110^\circ$  formed by two vertical planes, of which one is parallel to the plane of symmetry and directed dead ahead and the other is directed to the left ;
  - (d) at the rear, a white light fixed so as to show astern an unbroken light visible at a distance of at least 3 nautical miles and throughout a dihedral angle of  $140^\circ$  formed by two vertical planes and bisected by the plane of symmetry.
- (2) In a case where, in order to comply with the provisions of sub- rule (1) a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one can be seen at a time.

#### 101. Not under Control.-

- (1) An airship which. is under way and which is not under control, or which has voluntarily stopped its engines, ,or which is being towed, shall display the following lights, namely,-
  - (a) the forward and rear lights required by clauses (a) and (b) of sub- rule (1) of Rule 100
  - (b) in addition, below the airship, two red lights, one placed vertically below the other 12 feet apart, the upper light being 25 feet below the control car, and both being visible so far as practicable in all directions at a distance of not less than 2 nautical miles ;
  - (c) in addition, if making way but not otherwise the side lights required by clauses (b) and (e) of sub-rule, (1) of Rule 100.
- (2) By day, an airship in the circumstances mentioned in sub-rule (1) of this rule shall display two black balls or shapes each at least 2 feet in diameter, one placed vertically below the other 12 feet apart, the upper one being 24 feet below the control car, and both being visible so far as practicable in all directions.

Where necessary in order to comply with this requirement, the said group of two black balls or shapes may be duplicated.

#### 102. Moored.-

- (1) An airship, when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable, in all directions at a distance of at least 3 nautical miles.
- (2) An airship, when moored to the ground or the surface of the water by a cable, shall display, forward, the white light required by clause (a) of sub- rule (1) of Rule 100, and at the rear, the white light required by clause (d) of that sub-rule, and in addition the airship and its mooring cable shall be lighted or marked in accordance with such of the provisions of Rules 97 and 98 as are applicable in the case of a captive balloon.
- (3) An airship while picking up its moorings, although considered as being under way and not being under control, shall however display only the lights specified in Rule 100 until it is finally made fast.

### **C.-SOUND SIGNALS.**

**103. Fog, Mist, etc.**-In fog, mist, falling snow or heavy rainstorm whether by day or night an aircraft on the water shall make the following sound signals, namely: -

- (a) if not anchored or moored, a sound at intervals of not more than two minutes, consisting of two blasts of about five seconds duration with an interval of about one second between them
- (b) if at anchor or moored, the rapid ringing of an efficient bell or gong for about five seconds at intervals of not more than one minute.

## **SECTION II.**

### **GROUND MARKINGS AND SIGNALING.**

#### **A .-GROUND MARKINGS, LIGHTS AND SIGNALS ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE.**

**104. Ground Markings.**- At every land aerodrome open to public use, the boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area. In addition, a circle marking may be placed on the landing area. All obstructions existing on a landing area shall be clearly marked. In case part of the marked landing area should become unfit for use, this part shall be delimited by clearly visible markings or flags, and may, in addition, be indicated by one or more clearly visible crosses.

**105. Ground Signals.**-

- (1) At every aerodrome open to public use-
  - (a) the direction of the wind at the landing area shall be clearly- indicated by one or more of the recognised methods, e.g.,, conical streamers, smudge fire, etc. ;

- (b) if there is a landing T, it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind. Normally, the T shall be so placed that the long arm lies along the direction of the wind, with the cross arm set at that end of the long arm from which the wind is blowing. In the event of there being no wind or a light irregular wind, the T shall be fixed in the, direction in which the landing or departure is to be made, and the fact that it is fixed shall be signaled by the presence of a ball, mounted on a mast on the signal area and clearly visible both to aircraft in flight and to those manoeuvring on the landing area.
- (2) When, by way of exception, at certain aerodromes, the landing area is regarded as divided into two approximately equal zones, one for departure and the other for landing, as provided for in Rule 126, this special arrangement must be indicated by a full star of five points (constituted by a regular non-convex pentagon which could be inscribed in a circle of not less than 45 feet diameter) as shown in figure 2 in Schedule IV.
- (3) When under Rule II 8 the special rules for air traffic prescribed in Section V are temporarily suspended, wholly, or partially, in respect of a specified aerodrome such suspension shall be indicated by a red square panel, each side of which measures at least 10 feet, placed horizontally as shown in figure 3 in Schedule IV.
- (4) If an order issued under Rule 118 prescribes among other thing that circuits outside the landing area and those for taking off and landing, which are referred to in clause (b) of Rule 120 and Rule 124, are to be right- handed, the red square panel, prescribed in sub-rule (3) of this rule, shall, along two of its sides, be bordered by a red rectangular penal at least 3 feet in width, separated from the central panel by at least 3 feet. At the extremity of one of the rectangular panels shall be placed a red triangle so as to indicate that the direction of the circuit is right-handed as shown in figure 4 in Schedule IV. If however, the only object of the order is that circuits should be right-handed, the red square panel shall not be displayed.
- (5) When special circumstances call for a prohibition to land liable to be prolonged, use shall be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and the diagonals of which ate covered by yellow strips at least 2 feet in width, arranged in the form of an X as shown in figure 5 in Schedule IV.

- (6) When the bad state of the landing area or any other reason calls for the observance of certain precautions in landing, use may be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and of the diagonals of which is covered by a yellow strip least 2 feet in width as shown in figure 6 in Schedule IV.
- (7) When a landing by means of a radio-electric guide is taking place the fact may be signaled by hoisting on a mast a yellow triangular equilateral pyramid, each side of which measures at least 6 feet as shown in figure 7 in Schedule IV.
- (8) The signals referred to in the foregoing sub-rule shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area; by way of exception, the wind indicators and the landing T referred to in sub-rule (1) of this rule may be located elsewhere.
- (9) During periods of poor visibility, the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

#### 106. Ground Lights.-

- (1) Lighting of public airports and landing areas shall be accomplished as per ICAO Annex 14. Vol 1 Chapter 5, para 5.1 guideline :
- (2) At every land aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service, namely:-
  - (a) **Lighting of Obstructions.**-Fixed red lights shall be exhibited-
    - (i) on all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area;
    - (ii) as far as possible, on all obstructions within 1,000 yards of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, their horizontal projection and the centre of the obstructions shall, as far as possible, be clearly indicated by synchronised red flashing or occulting lights, placed on a level with or near to the ground.
  - (b) **Lighting of Landing T and of Wind Indicators.**-The landing T, if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.
  - (c) **Lighting of Signals.**-The signals displayed in the signal area shall be suitably illuminated.
  - (d) **Lighting of Landing Area-**



- (i) The landing area or the part thereof on which landings should be made shall be illuminated by a floodlight or floodlight system during landing manoeuvres;
- (ii) in default, one of the following methods may be used:-

First method: a line of lights spaced 150 feet apart shall be laid out on the ground, consisting of a central section of 6 white lights to indicate that landings should be made on the adjacent portion of the landing area and on either side of this line, with at least 2 green lights at one end and at least 2 red lights at the other end to indicate that landings should be made from the direction of the green lights towards the red lights;

Second method: lights shall be laid out on the ground in the form of a T, the long arm of which shall be composed of at least 4 lights in a line not less than 250 yards in length. The light at the foot of the T shall indicate the place where the aerodyne should first make contact with the ground and the cross arm of the T shall indicate the place where it should finish its run. Landings may be made on either side of the long arm of the T but always parallel to that arm; in the event, however, of the area situated on either side of the long arm becoming obstructed, the light indicating the cross arm on that side shall be removed and landing shall be effected on the opposite side.

The direction of landing and take-off will be given by the two, alternative methods referred to above; the landing T shall not, therefore, be used.

- (e) Approach Lighting.-The most favourable sections of approach to the landing area may be indicated by green lights.
- (f) Boundary Lighting.-The boundary of the landing area shall be marked by fixed yellow-orange lights, normally laid out 300 feet apart

Provided that-

- (i) when there are obstructions on the boundary of the landing area, the lights serving to mark such obstructions may take the place of boundary lights;
- (ii) when the boundary lights are in the form of strips their colour may be red;
- (iii) when local conditions render unavoidable the use of gas. boundary lights; they may be given an intermittent character;
- (iv) when the boundary of the landing area cannot be marked, only the extremities of such landing area between which aircraft may move without danger shall be indicated by fixed yellow-orange lights.

- (3) At every water aerodrome open to public use and used for night flying the provisions of sub- rule (2) shall equally apply, except in cases of obvious impossibility.

### **B.-DISTRESS, URGENCY AND SAFETY SIGNALS.**

#### **107. General.-**

- (1) The following general provisions shall apply to all distress, urgency, and safety signals, namely-
- (a) the signals referred to in this rule may be transmitted only with the authorization of the commander or person responsible for the aircraft;
  - (b) when these signals are sent by radio-telegraphy or radio- telephony, the group or spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the station which sends it. In the case of " safety " messages, the frequency to be employed is that for " distress " messages.
- (2) Distress Signals.-When an aircraft is threatened by grave and imminent danger and requests immediate assistance, the following signals shall be used or displayed, either together or separately, before ,the sending of a message, namely:-
- (a) by radio-telegraphy-  
the signals.....-- [See Note (1)]
  - (b) by radio-telephony-  
the spoken expression " MAYDAY " (corresponding to the French pronunciation of the expression " m' aider ");
  - (c) by visual signaling-
    - (i) the signal ( ...---... ) with signaling apparatus;
    - (ii) a succession of red pyrotechnical lights fired at short intervals;
    - (iii) the two-flag signal corresponding to the letter NC of the International Code of Signals [See Note (2)];
    - (iv) the distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball [See Note (2)];
  - (d) by sound signaling-
    - (i) the signal ( ...---... ) with any sound apparatus;
    - (ii) a continuous sounding with any sound apparatus [See Note (2)].
- (3) Urgency Signals.-

(a) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used, either together or separately, before the sending of a message, namely:-

(i) by radio-telegraphy-

the group PAN, the letters of which must be well separated. so that the signals AN may not be transformed into one signal P;

(ii) by radio-telephony-

the spoken expression PAN (corresponding to the French pronunciation of the word " panne ");

in cases where, owing to the rapidity of the manoeuvres. to be executed, the aircraft is unable to transmit the intended message by radio-telegraphy or radio- telephony, the signal PAN not followed by a message retains this. meaning;

(iii) by visual signaling-

by day : a succession of white pyrotechnical lights;

by night : a succession of white pyrotechnical lights, or- a succession of short and intermittent flashes with the navigation lights.

(b) When an aircraft has a very urgent message to transmit concerning its own safety, or that of an aircraft, ship or other vehicle, or the safety of any person on board or within sight, the following signals shall be used, either together or separately, before the sending of the message. As a general rule they are addressed to specific authority-

(i) by radio-telegraphy- the group XXX;

the letters of each group and the successive groups shall be clearly separated from each other

(ii) by visual signaling-

either a succession of green pyrotechnical lights;

or a succession of green flashes with signaling apparatus.

**Note (1).**-When the signal specified in clause (a) above is sent by radio-telegraphy on 500 kc/s 600 m., it shall, when possible, in order to be received by automatic maritime apparatus, be followed by the automatic alarm signal consisting of a series of twelve dashes of four seconds each, separated by an interval of one second.

**Note (2).**-The signals specified in (iii) and (iv) of clause (c) and in (ii) of clause (d) above are normally for use by seaplanes on the surface of the water but they may also be used by aircraft in the air.

(4) **Safety Signals.**-When an aircraft is about to transmit a. message concerning the safety of navigation or giving important meteorological warnings, the following signals shall be used, either- together or separately, before the sending of a message, namely:-

(a) by radio-telegraphy-

the group T T T ;

the letters of each group and the successive groups shall be clearly separated from each other;

(b) by radio-telephony-the French word " SECURITE " (to which corresponds in English pronunciation the syllabus SAY-CUR- E-TY);

(c) by visual signaling-

International visual signaling procedure, by signaling, apparatus or flags.

#### C.-OTHER SIGNALS TO OR FROM AIRCRAFTS.

#### 108. At Aerodromes open to Public Use.-

(1) By day and by night when there is an officer controlling the traffic, he shall, except as permitted by sub-rule (2) of this rule, use the following visual signals, namely:-

- (a) to authorize movement on the landing area, but excluding. authorisation to take off, he shall direct at the aircraft an-intermittent white luminous beam;
- (b) to authorize taking-off, he shall direct at the aircraft a continuous white luminous beam;
- (c) to prohibit taking-off or any movement on the landing area,. he shall direct at the aircraft in intermittent red luminous beam.

The signals in this sub-rule may be preceded by the last three letters. of the registration group of the aircraft to which the signal is addressed;. these three letters shall be sent in the International Morse Code, by using a luminous beam of the same colour as the signal which is to. be sent.,

(2) By day, when there is on the landing area an officer controlling the traffic, he may use the following signals, namely:-

- (a) to authorize movement on the landing area, but excluding authorisation to take-off, he shall wave a small white flag in the direction to be followed;
- (b) to authorize taking-off, he shall lower a small white flag in the direction of taking-off;
- (c) to prohibit taking-off or movement towards the taking-off point, he shall raise a small red flag;
- (d) to prohibit landing, he shall wave a small red flag vertically above his head.

- (3) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radio-telegraphy or radio-telephony or by means of a lamp or a projector, the use of the navigation lights for this purpose not being permissible.

The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft; this signal shall be repeated for as long as may be necessary.

The reply will be given from the ground to the aircraft either, by radio-telegraphy or radio-telephony or by visual signal, it being understood that when permission has been asked by visual signal the reply shall always be by visual signal. The visual signal shall consist of a repetition of the same three letter sign made with the signaling lights of the aerodrome.

These signaling lights shall be constituted either by a group of lights arranged on a horizontal plane at the apexes of an equilateral triangle, each side of which measures from 1 to 3 yards, or by a luminous beam directed at the aircraft.

The colour green shall be used to give permission to land and the colour red to prohibit landing.

#### 109. Signals for aircraft not to land.-

- (1) At every aerodrome, the firing of a red pyrotechnical light or the display of a red flare from the ground whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to aircraft in flight that they are not to land for the moment and to aircraft manoeuvring on the landing area that they are to stop moving.
- (2) At aerodromes provided with the triangular device provided for in sub-rule (3) of Rule 108, the emission by such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, instruct aircraft in flight that they are not to land for the moment.

#### 110. Signals for aircraft to land.-To require an aircraft to land the following signals shall be used:-

- (a) By day : a series of projectiles discharged at intervals of ten seconds, each showing on bursting black smoke;
- (b) By night : a series of projectiles discharged at intervals of ten seconds, showing on bursting white lights or stars.

In addition, if it is necessary to distinguish amongst several the aircraft which is to land, a continuous white luminous beam shall be directed at that aircraft:

Provided that when the authority who desires to give the order to land is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

**111. Warning signals for prohibited areas.**-To warn an aircraft that it is in the vicinity of a prohibited area and should change its course, the following signals shall be used:-

- (a) By day : a series of projectiles discharged at intervals of ten seconds, each showing on bursting orange smoke;
- (b) By night : a series of projectiles discharged at intervals of ten seconds, showing on bursting orange lights or stars:

Provided that, when the authority who desires to prescribe the change of course referred to in this rule is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

### SECTION III.

#### GENERAL RULES FOR AIR TRAFFIC.

**112. General.-**

- (1) Subject to the provisions of sub-rule (6) of this rule and clause (1) of Rule 116, mechanically driven aerodynes shall always give way to non-mechanically-driven aerodynes and to aerostats, and mechanically-driven aerostats to non-mechanically driven aerostats and aerodynes.
- (2) An airship which is under way and which is not under control (or which has voluntarily stopped its engines) shall, for the application of the rules in Section III be classed as a free balloon.

**113. Risk of collision.-**

- (1) When circumstances permit, an aircraft can ascertain risk or collision with another aircraft by carefully watching the successive compass beatings and angles of elevation of the latter. It shall consider that risk of collision with this other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

The term "risk of collision" includes all risk of accident due to undue proximity of other aircraft.

- (2) Every aircraft which is required by these Rules to give way to another to avoid collision, shall keep a safe distance, having regard to the circumstances of the case.

- (3) While observing the provisions relative to risk of collision contained in sub-rules (1) and (2), a mechanically-driven aircraft must always manoeuvre according to the provisions of sub-rules (4) and (8), as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.
- (4) When two mechanically-driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of sub-rule (1), alter its course to the right.
- (5) Subject to the application of the provisions of sub-rule (1) of this Rule and sub-rule (3) of Rule 116, when two mechanically-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.
- (6) An aircraft overtaking any other shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110 degrees from ahead of the latter, i.e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that an aircraft's side lights, shall be deemed to be an overtaking aircraft, and DO subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaken aircraft until it is finally past and clear.

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

- (7) Every aircraft which is obliged by the rules in Part XII to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other, or crossing ahead of it.
- (8) Where, by any of the rules in the Part XII, one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.
- (9) Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with caution, having careful regard to the existing circumstances.
- (10) Every aircraft flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

**114. Risk of collision on air traffic routes.**-In order to obviate the increased risk of collision which exists on air traffic routes the following provisions shall be observed by aerodynes and airships when flying on or in the vicinity of such routes, namely:-

- (1) An aircraft flying by compass along the straight line (rhumb line) joining, two points on an air traffic route in common use, shall keep such line at least 1,000 yards on its left.
- (2) An aircraft following, either an officially recognized air traffic route or a route frequented by aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal, coastline, etc., shall keep such route at least 300 yards. on its left.
- (3) An aircraft shall not fly keeping on its right any of the lines or- routes referred to in Rule 114, except at a distance, there- from sufficient to avoid aircraft following such lines or routes in accordance with the said rule.
- (4) An aircraft crossing one of the lines or routes referred to in Rule 114 shall cross it at right angles as rapidly as possible.
- (5) In the case of pre-arranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every air- craft in the group can comply with Rule 114.

**115. Position of Pilot.**-To facilitate the application of the rules, for air traffic Contained in this Part, the pilot of a mechanically- driven aerodyne shall save in exceptional circumstances, be placed either in the plane of symmetry of the aerodyne or on the left-hand. side of such plan.

#### SECTION IV.

##### SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF ALL AERODROMES.

**116. Special Rules.**-The following provisions shall apply on and in the vicinity of all aerodromes, namely:-

- (1) Aircraft about to land on an aerodrome shall be given free way.
- (2) An aircraft about to take off shall not attempt to do so until there is not risk of collision with another aircraft.
- (3) In the case of two mechanically-driven aerodynes approaching an aerodrome for the purpose of landing, the aerodyne flying at the greater altitude shall be responsible for avoiding the aerodyne at the lower height, but the latter shall, if the contingency arises, comply with the provisions of sub-rule (6) of Rule 113.

#### SECTION V.

##### SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE.



**A.-GENERAL.****117. Extent of application.-**

- (1) The provisions of Section V shall apply on and in the vicinity of aerodromes open to public use. They concern only land and water aerodromes for mechanically-driven aerodynes, which are designated in the present Section by the single word "aerodynes."
- (2) Non-mechanically-driven aerodynes on and in the vicinity of aerodromes open to public use shall comply with the provisions of Section V as far as possible.

**118. Exemptions.-**The President of the Union may by special order in writing in this behalf temporarily suspend the application of all or any or the provisions of Section V with reference to any aerodromes in the Union of Myanmar which is open to public use. Where any such order is for the time being in force with respect to any aerodrome the suspension shall be indicated by the appropriate signals provided for in sub- rule (3) of Rule 105.

**119. Neutral zones.-**At land aerodromes, a neutral zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for aerodynes manoeuvring on the ground.

**B .-FLIGHT OVER OR IN THE VICINITY OF THE LANDING AREA.**

**120. Minimum Flying altitude.-**Subject to any special local regulations which may exist-

- (a) flight over a landing area at a lower altitude than 2,000 feet is prohibited for aerodynes, save in the case of a departure or landing;
- (b) every aerodyne flying outside landing area at a distance of less than 2,000 yards from the nearest point of such area shall unless it is flying at a greater altitude than 2,000 feet, keep the landing area on its left.

**121. Aerial acrobatics.-**Aerodynes are prohibited from engaging in aerial acrobatics in the vicinity of aerodromes, at a distance of less than 2 nautical miles from the nearest point of the perimeter of the aerodrome unless they are flying at a greater altitude than 6,000 feet.

**122. Landing by radio-electric guide.-**When an aerodyne is, about to land by means of a radio-electric guide, other aerodynes, in order to avoid collision, must conform, to any local rules in force which may be applicable or, in default of such rules, fly as low as possible below the clouds.

**123. Fixed balloons and kites.-**No fixed balloon or kite shall be elevated in the vicinity of an aerodrome without a special authorization.

**C .-RULES TO BE OBSERVED FOR THE DEPARTURES AND LANDINGS.**

**124. Circuits.**-An aerodyne starting from or about to land on an aerodrome shall make a circuit or partial circuit and the turning shall be made clear of the landing area and shall be left-handed (anti-clockwise), so that during such circuit the landing area shall always be on its left.

As an exception, the turning shall be right handed when the signal indicated in sub-rule (4) of Rule 105 is displayed.

**125. Direction of Take-off or Landing.-**

- (1) Every aerodyne taking off from or landing at an aerodrome shall do so upwind, except when the natural conditions on the aerodrome do not permit. If, however, there is a landing T as provided for in clause (b) of sub- rule of Rule 105, or a line Of lights as provided for in sub-clause (ii) of clause (d) of sub-rule (2) of Rule 106, the aerodyne shall take off or land in the direction indicated by this T (i.e., by following the direction of the long arm of the T towards the cross arm of that T) or by the line ,of lights.
- (2) Landings shall be preceded by a descent in a straight line, commencing at least 300 yards outside the perimeter of the landing area.
- (3) Every aerodyne landing at an aerodrome shall leave clear on its left any aerodyne which has already landed or is already landing or which is taking off or about to take off.
- (4) Every aerodyne taking off from an aerodrome shall leave clear on its left any aerodyne which is already taking off.
- (5) In observing the provisions of Rule 125, every aerodyne, when landing or taking off shall leave a reasonable space on its right for other aerodynes to land or take off.
- (6) At an aerodrome, taking off or landing simultaneously by two or more aerodynes, unless pre-arranged, is prohibited.
- (7) For the purposes of Rule 125, two or more aerodynes taking off or landing simultaneously by pre-arrangement shall be regarded as a single aerodyne.

**126. Zones for Landings and Departures.-**

- (1) By way of exception, at certain aerodromes the landing area may be regarded as divided into two approximately equal zones, by a vertical plane bearing in the direction of departure and landing defined in sub-rule (1) of Rule 125. For an observer facing in the direction towards which departures and landing& are to be made, the zone on the right will be the one reserved for landings and the zone

on the left the one reserved for departures. This special arrangement must be indicated by the signal provided for in sub-rule (2) of Rule 105.

- (2) Every aerodyne landing at one of these aerodromes shall do so in conformity with the provisions of sub-rules (1) and (2) of Rule 125, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodyne which has already landed or which is landing
- (3) Every aerodyne taking off from one of these aerodromes shall do so in conformity with the provisions of sub-rule (1) of Rule 125 as far as possible to the left in the zone reserved for that purpose but leaving clear on its left any other aerodynes which are already taking off.

127. **Take-offs.**-On land aerodromes having a ground control, no aerodyne having proceeded on to the landing area with the intention of taking off shall take off until it has received permission to do so the signals prescribed in clause (b) of sub- rule (1) and clause (b) of sub-rule (2) of Rule 108.

#### **D .-RULES TO BE OBSERVED FOR MANOEUVRES ON THE GROUND.**

128. (1) **Land Aerodromes.**-Every aerodyne moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its take- off point or the boundary, provided that in the course of such movement, turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the provisions of sub-rules (4) and (8) of Rule 113.
- (2) **Water Aerodromes.**-The rules for land aerodromes contained in sub-rule (1) of this Rule apply equally to water aerodromes, subject however to the provisions contained in Rule 129.
- (3) On aerodromes having a ground control, in addition to the observance of the provisions of sub-rules (1) and (2) of this Rule, no aerodyne shall proceed on to the landing area until it has received permission to do so by the signal prescribed in clause (a) of sub-rule (1), -or clause (a) of sub- rule (2), of Rule 108.

### **SECTION VI.**

#### **RULES RELATING TO AIRCRAFT ON THE SURFACE OF THE WATER.**

129. **Regulations for Preventing collisions at Sea.**-Every aircraft manoeuvring under its own power on the water shall conform to the regulations for preventing collisions at sea and for the purposes of these regulations shall be deemed to be a steam-vessel
- Provided that-

- (a) in conforming with the above-mentioned regulations, it shall be borne in mind that steam-vessels in narrow channels are not able to manoeuvre so as to avoid collision with aircraft ;
- (b) the aircraft shall carry only the lights specified in Section 1 of this Part, and not those prescribed for steam-vessels in the regulation for preventing collisions at sea ; it shall use the sound signals specified in the above-mentioned regulations only as specified in Rule 103 and clause (d) of sub-rule (2) of Rule 107 and it shall not be deemed to hear any sound signals.

## SECTION VII.

### MISCELLANEOUS PROVISIONS.

- 130. **Ballast.**-The dropping of ballast other than fine sand or- water from aircraft in the air is prohibited.
- 131. **Observance of general and Special rules for Air Traffic.**-In conforming with the provisions of Sections 111, IV and V of this Part, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from these rules necessary in order to avoid immediate danger.
- 132. **Neglect on the Use of Lights for Signals, etc.**-Nothing in this Part shall exonerate any aircraft, or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.
- 133. **Special orders relative to Navigation of Aircraft in the immediate Vicinity of an Aerodrome.**-Nothing in this Part shall interfere with the operation of any special rule or rules approved by the President of the Union and published relative to navigation of aircraft in the immediate vicinity of any aerodrome or other place, and it shall be obligatory on all owners, pilots, or crew, of aircraft to obey such Rules.

### PART XII-A.-Emergency Provisions.

- 133-A. The Flying Control Regulations and Communications Procedures as may from time to time be prescribed by the Director of Civil Aviation, Myanmar, and promulgated by the said Director of Civil Aviation, in Notices to Airmen, shall apply to a civil aircraft being in or over the Union of Myanmar and shall have effect notwithstanding anything inconsistent therewith contained in the preceding Parts of these Rules.
- 133-B. **Recall of Aircraft in Flight.**-

- (1) If and when circumstances arise which make the recall of an aircraft already in flight and still within the boundaries of the Union of Myanmar absolutely imperative, any authority authorized under section 8 of the Myanmar Aircraft Act, may recall it by any means available at the time.
- (2) Any person acting in contravention of any direction given to him under this Rule, shall be deemed to have acted in contravention of these Rules and shall be punishable to the extent laid down in Schedule VI of these Rules.

### **PART XIII.-Licensing of Air Transport Services**

**134. Air Transport Services to be Licensed.**-No air transport service shall be established or shall operate within the Union of Myanmar ,except under the authority of, and in accordance with, a licence issued under this Part :

Provided that the President may permit the operation of air transport services to or across the Union of Myanmar from and to places outside the Union of Myanmar by persons not domiciled in the Union of Myanmar or by Companies registered elsewhere than in the Union of Myanmar with aircraft registered elsewhere than in the Union of Myanmar on such terms and conditions as he may, think fit :

Provided further -that the President may, subject to such conditions as he may think fit to impose permit the operation of air transport services which are not scheduled air transport services for the carriage of passengers, mails or goods without any licence.

**135. Air Transport Licensing Authority.**-The authority charged with the duty of examining applications for licences to operate air transport services and of issuing, amending, suspending or revoking such licences shall be the President.

**136. Powers of the Licensing Authority.-**

- (1) The President shall have power, subject to the provisions of these Rules, to decide whether a service of aircraft constitutes a scheduled air transport service within the meaning of these Rules, to grant a licence for the operation of a scheduled air transport service wholly within the Union of Myanmar or from the Union of Myanmar to a place or places outside the Union of Myanmar on such conditions as he may think fit, to refuse to grant a licence applied for, and to amend, suspend or revoke a licence.
- (2) The President shall have power to require the declaration of the truth of any statements submitted to him, to inspect or cause to be inspected any premises, aircraft or other things which appear to him to be necessary, to require the submission of additional information by an applicant for a licence, to require the applicant to attend before the President for the purpose of giving evidence in support of

his application, to receive and consider the representations of any third party whom he considers to have an interest in regard to any application for a licence and to publish such particulars regarding an application for a licence as he considers necessary for the purpose of these Rules

Provided that the President shall not disclose or require the applicant to disclose to any third party information concerning the financial resources of the applicant, or any financial or technical data concerning his application.

**137. Applications.-**

(1) Applications for a licence to operate an air transport Service shall be made to the Director of Civil Aviation, Myanmar, not less than three months before the date on which it is desired to commence the service unless the President has appointed a last date for the receipt of applications in which case the applications shall be made on or before that date. Applications for a temporary licence, i.e., a licence to operate an air transport service for a period not exceeding 60 days, shall be made to the Director of Civil Aviation, Myanmar, not less than 15 days before the date on which it is desired to commence the service, provided that the President may relax this requirement in any case of emergency.

(2) The application shall be made on a form which will be supplied by the Director of Civil Aviation, Myanmar, on request, shall be signed by the person applying for the licence and if made by any corporate body, shall be signed by a person duly authorized in that behalf by such body and shall be accompanied by such information as may be required for the purposes of these Rules.

**138. Publication of Applications.-**The President shall, except in the case of applications for a temporary licence, cause to be published in the Myanmar Gazette and in not less than two daily newspapers, particulars regarding each application for a licence as set out in Section A of Schedule VII to these Rules and a statement of the date, not being less than 30 days after the date of publication, on which the application will be taken into consideration.

**139. Representations.-** Any person may, not less than 15 days before the date specified for the consideration of the application by the President, make a representation to the President in writing, accompanied by the appropriate fee, through the Director of Civil Aviation, Myanmar, setting out the specific grounds on which the representation is made. A copy of every such representation shall be sent by the person making it to the applicant for the licence at the same time as it is sent to the President and a certificate to that effect shall be attached to the representation. The President may, at his discretion, give an opportunity to the person making the representation to state his views in the presence of the applicant for the licence.

The President may require any person making a representation under this Rule to produce evidence of the truth of any statement he may make.

**140. Conditions to be fulfilled.**- In exercising his discretion, to grant or refuse a licence or to attach Conditions to a licence, the President shall have regard to the co-ordination and development of air transport generally in the interests of the public as well as those of persons providing air transport facilities and shall satisfy himself in regard to, the following matters namely:-

- (1) **General.**-The need for air transport in the area concerned, potential traffic on the route, existing air services serving, the area, other proposals for air transport services in the area and the capacity of the applicant as an air transport operator.
- (2) **Economic strength.**-That the applicant commands financial resources and organization sufficient to establish his presumptive ability to maintain the , operation of the air transport service proposed for a period of at least three years and for this purpose he shall present to the President details of his capital organization, particulars of his managerial and administrative organization, a copy of the Memorandum and Articles of Association of the Company (if the applicant- is an incorporated body) and estimates in such details as may be required of the cost of operation of the service and of the revenue expected.
- (3) **Route.**-That the air route over which the service is proposed to be operated complies with the minimum conditions set out in Section A of Schedule VIII to these Rules ; and in general that the route is or will be adequately- organized with terminal and intermediate aerodromes, emergency landing grounds, passenger facilities and radio, meteorological and other ground aids to navigation appropriate to the nature of the air transport service it is proposed to operate.
- (4) **Aircraft.**-That the aircraft to be used comply with the minimum conditions prescribed in Section B of Schedule VIII to these Rules and in general that aircraft will be provided for the air service of a number and type adequate for safe and efficient operation of the air service in accordance with the approved timetable, having regard to the nature of the terrain to be flown over and the nature of the organization on the route, and for this purpose the applicant shall produce all necessary technical data concerning the aircraft and engines to be used. He shall also show that such aircraft are or will be adequately equipped with radio communication, radio, lighting and other aids to navigation and passenger equipment and conveniences in accordance with the nature of the air transport service to be operated.

- (5) **Technical Personnel.**-That technical personnel (including pilots, radio operators, engineers and mechanics) will be employed in adequate numbers, with appropriate licences issued under these Rules and with other qualifications and experience in particular satisfying the requirements of Section C of Schedule VIII to these Rules and in general adequate for safe operation as related to the service proposed, the route to be traversed, the aircraft to be used and the operation and maintenance procedure to be adopted.
- (6) **Operations Manual.**-That an operations manual has been prepared for the use of the aircrews and other technical personnel, which adequately details the organization of the route to be traversed and the operational and communications system procedure and technique to be adopted, and that proper provision is made for maintaining the operations manual up- to-date and for introducing progressive amendments.
- (7) **Maintenance and Overhaul.**-That adequate hangars, workshops and aerodrome's equipment, tools and aircraft and aeroengine spares have been or will be provided for the proper maintenance and overhaul of the aircraft and their engines, that a maintenance manual has been prepared for the use of personnel which adequately details the maintenance and overhaul system to be adopted and that proper provision is made for maintaining the maintenance manual up-to-date and introducing progressive amendments.
- (8) **Schedules, Fares, Freight Rates, etc.**-That the time-table of the service proposed satisfies, to the greatest practical extent) the convenience of transport of passengers and mails, that, having regard to prevailing winds and scheduled refueling stops, it does not involve the operation of the air-craft at a cruising speed in excess of that obtainable at the continuous cruising power output of the engines specified by the makers for like conditions of operation or prescribed by the President and that the passenger fares and freight rates proposed, including any concessional fares and rates, are reasonable in relation to the cost of the service and prevailing fares and rates on other air and surface transport services. For these purposes the applicant shall produce a timetable of the service proposed, and a schedule of such fares and rates.

**141. Grant of Licence subject to Conditions.**-The President may grant a licence subject to such conditions as he may think fit, with the object of securing the safe and efficient operation of air trans- port. The licence shall provide, among others, for the following matters, namely:-

- (1) The places at which aircraft may or shall land for traffic or other purposes.



- (2) The conditions (diurnal, seasonal, or meteorological) in which the service may be operated.
- (3) The aircraft to be used.
- (4) The observance of a schedule of air services approved from time to time by the President.
- (5) The maximum and minimum fares and freight rates to be charged to passengers and consignees of goods and mails.

**142. Obligation to comply with the Myanmar Aircraft Act, 1934 and Rules.**-The grant of a licence shall not be construed as in any way absolving any person from the obligation of complying with the Myanmar Aircraft Act, 1934, the Myanmar Carriage by Air Act, or with the Rules made there under or with any other statutory provision governing aviation for the time in force.

**143. Period of validity of Licences.**-A licence shall, subject to the provisions of Rule 148, be valid for such period not exceeding 60 days in the case of a temporary licence, and not exceeding ten years in any other case, as may be fixed by the President and noted in the licence.

**144. Refusal of Licence.**-In any case in which the President refuses to grant a licence, or grants a licence subject to conditions to which the applicant objects, the President shall record in writing the reasons for his decision, and the applicant shall be entitled to a copy thereof.

**145. Amendment of terms of Licence.**-

- (1) The President, so far as appears to him to be necessary for securing the more effective development of air transport or otherwise in the public interest, may, at any time amend the terms of a licence after giving the holder a reasonable opportunity of representing his views.
- (2) The President may, on the application of the holder of a licence made in the manner prescribed in Rule 137, make such amendment in the licence as appears to the President to be unobjectionable.

**146. Provisional Licences.**-The President may grant a provisional licence for such period and on such conditions as he thinks fit-

- (i) where an application for a licence other than a temporary licence has been made under Rule 137 and the President considers it desirable that the applicant should have a provisional licence pending the final disposal of the application, or
- (ii) where the President considers that although all the requirements of this part cannot be immediately satisfied an air transport service may be permitted to operate for a limited period without detriment to public safety.

**147. Revocation and Suspension of Licences.**-

- (1) The President may revoke, or suspend for such period as he thinks fit, a licence if he is satisfied that any of the conditions of the licence has not been complied with and that the failure is due to any wilful act or omission on the part of the holder of the licence, or has been so frequent, or is due to such negligence on his part, that the licence should in the public interest be revoked or as the case may be, suspended.
  - (2) Before any action is taken under sub-rule (1) the President shall give to the holder of the licence not less than thirty days' notice in writing specifying the grounds upon which it is proposed to revoke or, as the case may be, suspend the licence and shall give him an opportunity of showing cause against the proposed action in writing through the Director of Civil Aviation, Myanmar, to the President.
  - (3) Where a licence is revoked or suspended under sub-rule (1) the President shall record in writing the reasons for his decision and the holder of the licence shall be entitled to a copy thereof.
  - (4) Where a licence is suspended under sub-rule (1) the holder of the licence shall submit it to the Director of Civil Aviation, Myanmar, who shall make an endorsement thereon showing the period of, and the reasons in brief for, the suspension.
  - (5) Notwithstanding anything contained in sub-rule (1) or sub-rule (2) the President may, if he has reason to believe on information in his possession that it is expedient in the interests of public safety so to do, summarily suspend a licence with a view to further enquiry and action in accordance with sub-rule (1).
- 148. Publication of decisions.**-The President shall cause to be published in the Myanmar Gazette and in not less than two daily newspapers the particulars prescribed in Section 13 of Schedule, VII to these Rules concerning his decision on any application for a licence and the particulars prescribed in Section C of Schedule VII to these Rules concerning any decision to revoke, suspend or amend a licence.
- 149. Transfer of Licence.**- A licence issued under this Part shall not be capable of being transferred or assigned except with the specific permission of the President in writing in this behalf:  
Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of the licence, or of the appointment of a receiver, or manager or trustee, in relation to the business of the holder, the person for the time being carrying on that business shall, if within fourteen days application is made to the President for a new licence, be entitled to continue the operation of the licensed air transport service until the application is disposed of.
- 150. Continuance of Rights.**- Nothing in this Part shall be construed as conferring upon the holder of a licence on its expiry any right to the issue of a new licence for the operation of a service on the same route or to

the continuance of any other benefits arising from the provisions of this Part or any licence granted there under:

Provided, however, that if the holder of a licence applies for a new licence to continue the operation for a further period of an air transport service which has been licensed under this Part, and if the President is satisfied that the air transport service has been operated efficiently and in the best interests of the public, other things being equal, the President shall give preference to the application from the holder of the licence.

**151. Custody, production and Surrender of Licences.-**

- (1) A licence issued under this Part shall be kept at the principal office of the holder thereof and shall be produced for inspection on demand by any Magistrate, any Police Officer not below the rank of Deputy Superintendent, any Customs Officer, any Gazetted Officer of the Civil Aviation Department, or any other person authorized by the President by special or general order in writing in this behalf.
- (2) An extract from the licence giving the particulars set out in Section D of Schedule VII to these Rules shall be displayed in a position accessible to the public in the principal traffic office of the holder of the licence.
- (3) On the expiration of the currency of a licence, whether by efflux of time or in consequence of a decision of the President under these Rules, or when a licence is suspended by the President, the holder shall surrender the licence to the Director of Civil Aviation, Myanmar, for endorsement or cancellation as the case may require.

**152. Carriage of Mails.-**A licence-holder shall perform all such reasonable services in regard to the conveyance of mails (with or without officers of the post office in charge thereof) on a licensed air transport service as the Director of Posts may from time to time require. The remuneration for any services performed in pursuance of such requirement shall be such as may be determined from time to time by the President.

**153. Fees.-** The Director General may from time to time publish in notice the fees payable for the application, issue, amendment, representation or renewal of the air transport licences or the issue of temporary licences mentioned in this part.

**154. Periodical Returns.-**

- (1) Every person to whom a licence has been granted under this Part shall submit to the Director of Civil Aviation, Myanmar, in such form as may be prescribed -by him-

- (a) monthly returns regarding the operation of the licensed air transport services and other air transport operations of the licence holders so as to reach the Director of Civil Aviation, Myanmar, not later than 45 days after the expiry of the month to which the return relates ; and
  - (b) annual returns regarding the financial results of the undertaking during each calendar year so as to reach the Director of Civil Aviation, Myanmar, not later than three months after the expiry of the year to which the return relates.
- (2) Subject to such additions and alterations, if any, as may be indicated in the forms prescribed by the Director of Civil Aviation, Myanmar, the particulars of information to be furnished in the monthly and annual returns under sub-rule (1) shall be those set out in Section A and Section B, respectively, of Schedule IX to these Rules.
- (3) No information furnished in the annual return under paragraph (b) of sub- rule (1) shall be published or disclosed in respect of any individual air transport service or licensee without the consent of the licensee, and if any person publishes or discloses any such information without such consent, he shall be guilty of an offence punishable under these Rules :

Provided that nothing in this sub-rule shall apply to the publication or disclosure by any authorized person of collective information relating to licensed air transport services nor to the publication or disclosure of any information for the purposes of any legal proceedings which may be taken in pursuance of this Part or for the purpose of any report of such proceedings.

## [CHAPTER II] THE UNION OF MYANMAR AIRCRAFT RULES, 1937

### PART XIV.-Air Operators' Certificates.

#### 155. Granting of Air Operators' Certificates.-

- (1) An aircraft shall not fly in the Union of Myanmar 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 sub-rule (2) of this Rule certifying that the holder of the Certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.
- (2) The Ministry of Transport shall grant to any person applying therefore an Air Operator's Certificate if it is satisfied that the 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 aircraft of the types specified in the Certificate on flights of the description and for

the purposes so specified. The Certificate may be granted on such conditions as the Ministry of Transport thinks fit subject to Rule 19 of these Rules and shall remain in force for the period specified in the Certificate

#### **PART XV.-General.**

**156. Inspection.**-Any person authorized by the President of Union by special or general order in writing in this behalf may-

- (a) at all reasonable times enter any place to which access is necessary for the purpose of exercising his powers or carrying out his duties under these Rules
- (b) at all times during working hour enter that portion of any factory or place in which aircraft or parts of aircraft or aero-engines or parts of aero-engines are being manufactured, overhauled, repaired or assembled and inspect any such factory or place, aircraft, aero- engines or parts and any drawings relating to such aircraft, aero- engines or parts;
- (c) at any time inspect any flying machines which is required by these Rules to be certified as airworthy or in respect of which a certificate of airworthiness is in force ;
- (d) enter, inspect and search any aircraft for the purpose of securing compliance with any of these Rules.

**157. Forgery, etc., of documents.**-No person shall fraudulently lend any licence or certificate issued under these Rules or allow it to be used by any other person.

**158. Foreign Military Aircraft.**-No person shall fly or land, or assist in flying or landing, any foreign military aircraft over or in the Union of Myanmar except on or with the invitation or permission in writing of the President of the Union and on such condition as may be specified in the invitation or permission.

**159. Obstruction of authorized persons.**-No person shall voluntarily obstruct any person acting in the exercise of his powers or in discharge of his duties under these Rules.

**160. General power to exempt.**-The President of the Union may by general or special order in writing exempt any aircraft or class aircraft or any person or class of persons from the operation of these Rules, either wholly or partially, subject to such conditions, if any, as may be specified in such order.

**161. Penalties.-**

- (1) Any person contravening any of these Rules shall where no punishment is provided for such contravention in the Myanmar Aircraft Act, 1934 (XXII of 1934), be punishable to the extent laid down in Schedule VI to these Rules.

(2) It shall be a defence to any proceedings for contravention of or failure to comply with, these Rules if the contravention or failure, is proved to have been due to accident, stress of weather or other unavoidable cause ; and it shall be a defence to any proceedings under these Rules against the owner, hirer, operator, pilot or commander of an aircraft that the alleged contravention took place without his actual fault or privity.

----- Footnote -----

[ပင်ရင်း- Ministry of Transport and Communication Website မှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ ATTACH LIST 1 ] 01 SCHEDULE I. (see Rule 12.) AREAS OVER WHICH FLIGHT BY AIRCRAFT IS PROHIBITED.

[ ATTACH LIST 2 ] 02 SCHEDULE II. (See Rule 41.) PROOFS OF COMPETENCY TESTS AND EXAMINATIONS FOR THE ISSUE AND RENEWAL OF LICENCES TO AIRCRAFT PERSONNEL.

[ ATTACH LIST 3 ] 03 SCHEDULE III. (See Part VI.)

[ ATTACH LIST 4 ] 04 SCHEDULE IV. DIAGRAMS.

[ ATTACH LIST 5 ] 05 SCHEDULE V. AERODROMES. SECTION A.- REQUISITES TO GRANT OF LICENCE. (See Rule 86.)

[ ATTACH LIST 6 ] 06 SCHEDULE VI. PENALTIES. (See Rule 161.)

[ ATTACH LIST 7 ] 07 SCHEDULE VII. LICENSING OF AIR TRANSPORT. SECTION A.

[ ATTACH LIST 8 ] 08 SCHEDULE VIII. LICENSING OF AIR TRANSPORT. MINIMUM CONDITIONS TO BE FULFILLED. (See Rule 40.)

[ ATTACH LIST 9 ] 09 SCHEDULE IX. LICENSING OF AIR TRANSPORT. (See Rule 154.)

[ ATTACH LIST 10 ] 10 CHAPTER III RULES AS TO AIRCRAFT ARRIVING IN OR DEPARTING FROM THE UNION OF MYANMAR

[ ATTACH LIST 11 ] 11 CHAPTER IV ACT No. XX OF 1934

[ ATTACH LIST 12 ] 12 CHAPTER V THE UNION OF MYANMAR AIRCRAFT (PUBLIC HEALTH) RULES.

[ ATTACH LIST 13 ] 13 SCHEDULE I (See Rule 7) PERSONAL DECLARATION OF ORIGIN AND HEALTHY (For Passengers on aircraft) Port of arrival

[ ATTACH LIST 14 ] 14 SCHEDULE II (See Rule 7) AIRCRAFT DECLARATION OF HEALTH

[ ATTACH LIST 15 ] 15 SCHEDULE III (See Rules 3 and 10) CERTIFICATE OF INOCULATION AGAINST YELLOW FEVER

[ ATTACH LIST 16 ] 16 SCHEDULE IV (See Rule 3 and 10) CERTIFICATE OF IMMUNITY AGAINST YELLOW FEVER

[ ATTACH LIST 17 ] 17 SHCEDULE V (See Rule 3, 21 and 22) CERTIFICATE OF INOCULATION AGAINST CHOLERA

[ ATTACH LIST 18 ] 18 SHCEDULE VI (See Rule 3 and 24) CERTIFICATE OF INOCULATION AGAINST TYPHUS FEVER

[ ATTACH LIST 19 ] 19 SHCEDULE VII (See Rule 3 and 27) CERTIFICATE OF VACCINATION AGAINST SMALL-POX

[ ATTACH LIST 20 ] 20 SHCEDULE VIII (See Rule 10) PROCEDURE FOR DISINSECTISATION OF AIRCRAFT

Myanmar Law Information System (MLIS)